



City of Portland, Oregon
Bureau of Development Services
Land Use Services

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MEMORANDUM

Date: February 16, 2018
To: Mayor Ted Wheeler
Commissioner Chloe Eudaly
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Dan Saltzman
From: Benjamin Nielsen, City Planner
503-823-7812, Benjamin.Nielsen@portlandoregon.gov
Re: February 21, 2018 – City Council Appeal
LU 16-278621 DZM GW – Fremont Apartments

Honorable Mayor and Commissioners:

Staff would like to submit for consideration during the Fremont Apartments Design Review Appeal – case number LU 16-278621 DZM GW – a correction to the Final Findings and Decision, which was issued on December 22, 2017.

Staff discovered an error in the Final Findings for the Greenway Review portion of the case, under Findings for Greenway Review Approval Criteria 33.440.350.E, which can be found on page 49 of the Final Findings and Decision. The first sentence, which reads, “Proposed development within the Greenway setback includes stormwater planters and, potentially, building, retaining wall, and planter footings,” should have been deleted, as this Finding referenced a previous proposed design. The applicants have addressed this issue, as verified by Exhibits C.02, C.03, C.05, C.18, C.20, and C.24.

With this sentence removed, and two other typos corrected, the rest of the original Findings for this approval criterion can remain and will accurately represent the Design Commission approval. With this correction, the Findings should read:

“Reconstruction of the Greenway trail is proposed. No Rank I or Rank II habitat areas are identified on the subject site in the Lower Willamette River Wildlife Habitat Inventory.
Therefore, this criterion does not apply.”

The applicants have also provided an additional study, at staff’s request, showing close-up sections of the proposed development’s interface with the Greenway setback. Staff respectfully submits this as additional evidence in this evidentiary/*de novo* appeal hearing.

Sincerely,
Benjamin Nielsen, City Planner

Attachments: Final Findings and Decision, p. 49, dated 12/22/2017
Exhibits C.02, C.03, C.05, C.18, C.20, & C.24

New Evidence: Greenway Detail Plan & Sections

Links:

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

River Natural. The criteria applies to the construction and long-range impacts of the proposal, and to any proposed mitigation measures. Excavations and fills are prohibited except in conjunction with approved development or for the purpose of wildlife habitat enhancement, riverbank enhancement, or mitigating significant riverbank erosion.

Findings: The subject site is not located in the River Natural overlay zone.

Therefore, this criterion does not apply.

D. Development on land within 50 feet of the River Natural zone. The applicant must show that the proposed development or fill on land within 50 feet of the River Natural zone will not have a significant detrimental environmental impact on the land in the River Natural zone.

Findings: The subject site is not located within 50 feet of the River Natural Overlay zone.

Therefore, this criterion does 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: Proposed development within the Greenway setback includes stormwater planters and, potentially, building, retaining wall, and planter footings. Reconstruction of the Greenway trail is also proposed. No Rank I or Rank II wildlife habitat areas are identified on the subject site in the Lower Willamette River Wildlife Habitat Inventory.

Therefore, 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 for 1, 2, 3, & 4: The proposal does not include any development or fill riverward of the Greenway setback.

Therefore, these criteria do not apply.

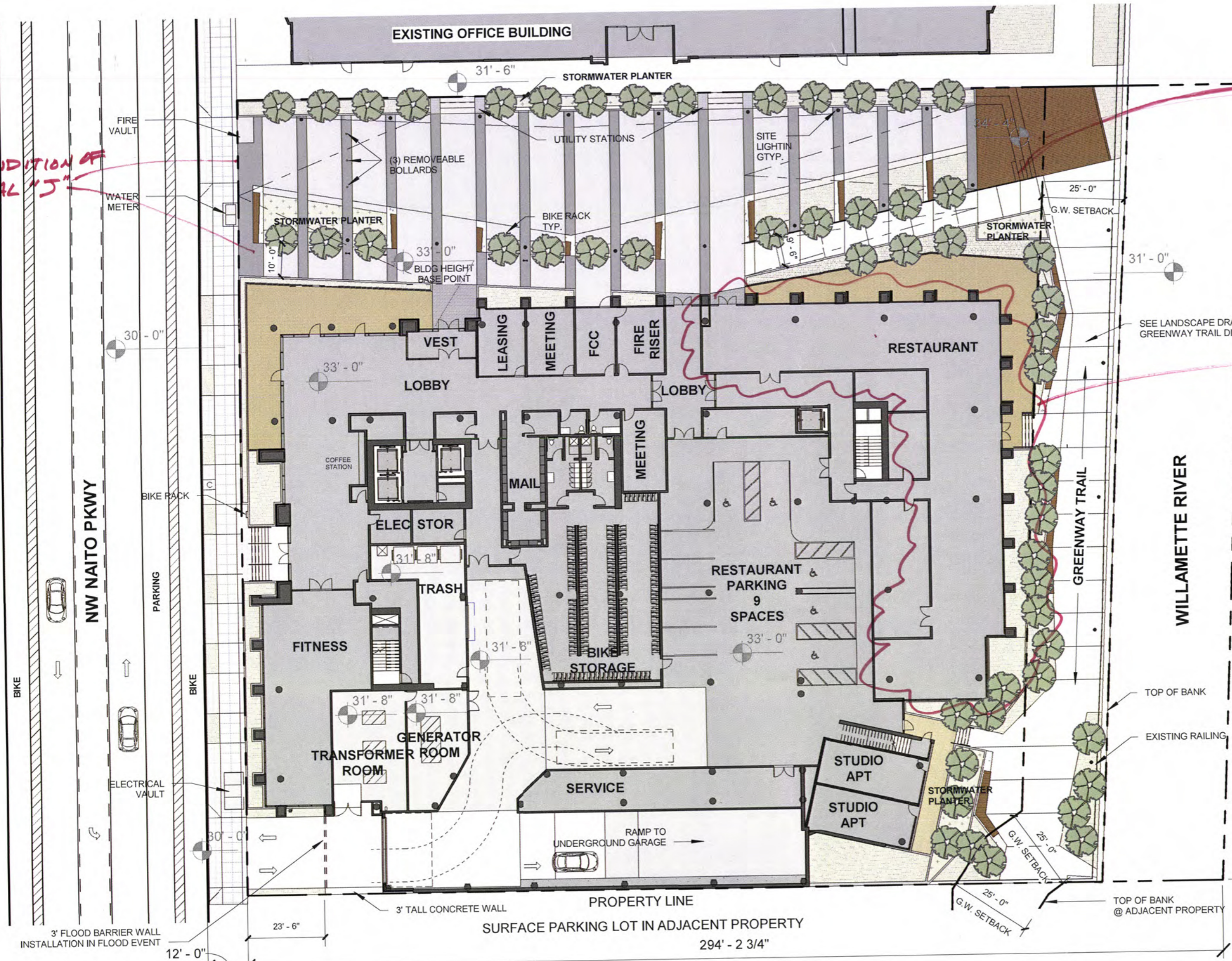
G. Development within the River Water Quality overlay zone setback. If the proposal includes development, exterior alterations, excavations, or fills in the River Water Quality overlay zone setback the approval criteria below must be met. River-dependent development, exterior alterations, excavations,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

Findings: The proposal is not located in the River Quality overlay zone.

SEE CONDITION OF APPROVAL "J"

SEE CONDITION OF APPROVAL "J"

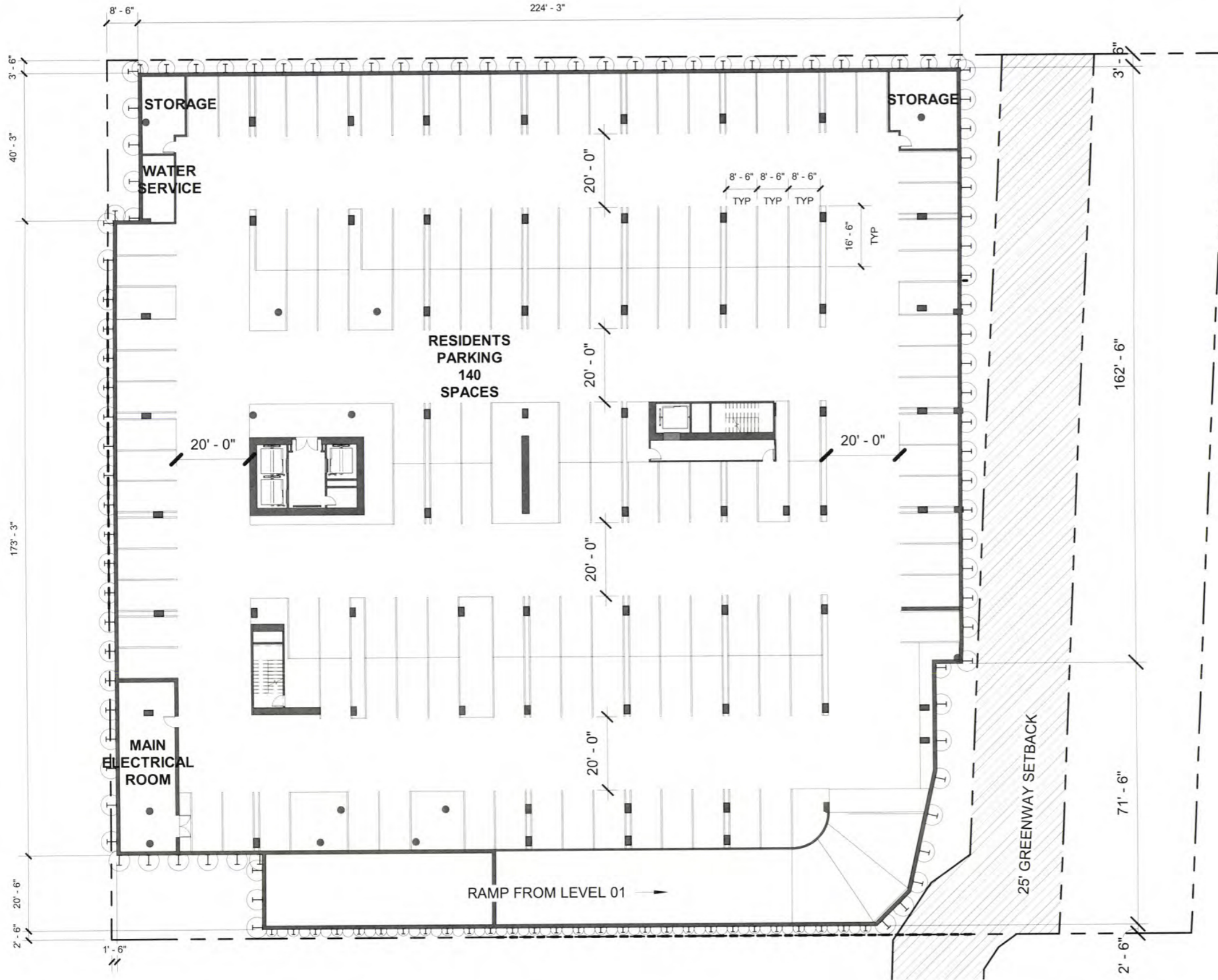
SEE CONDITION OF APPROVAL "I"



Approved
 City of Portland
 Bureau of Development Services
 Planner *Benjamin S. [Signature]*
 Date *12/22/2017*
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



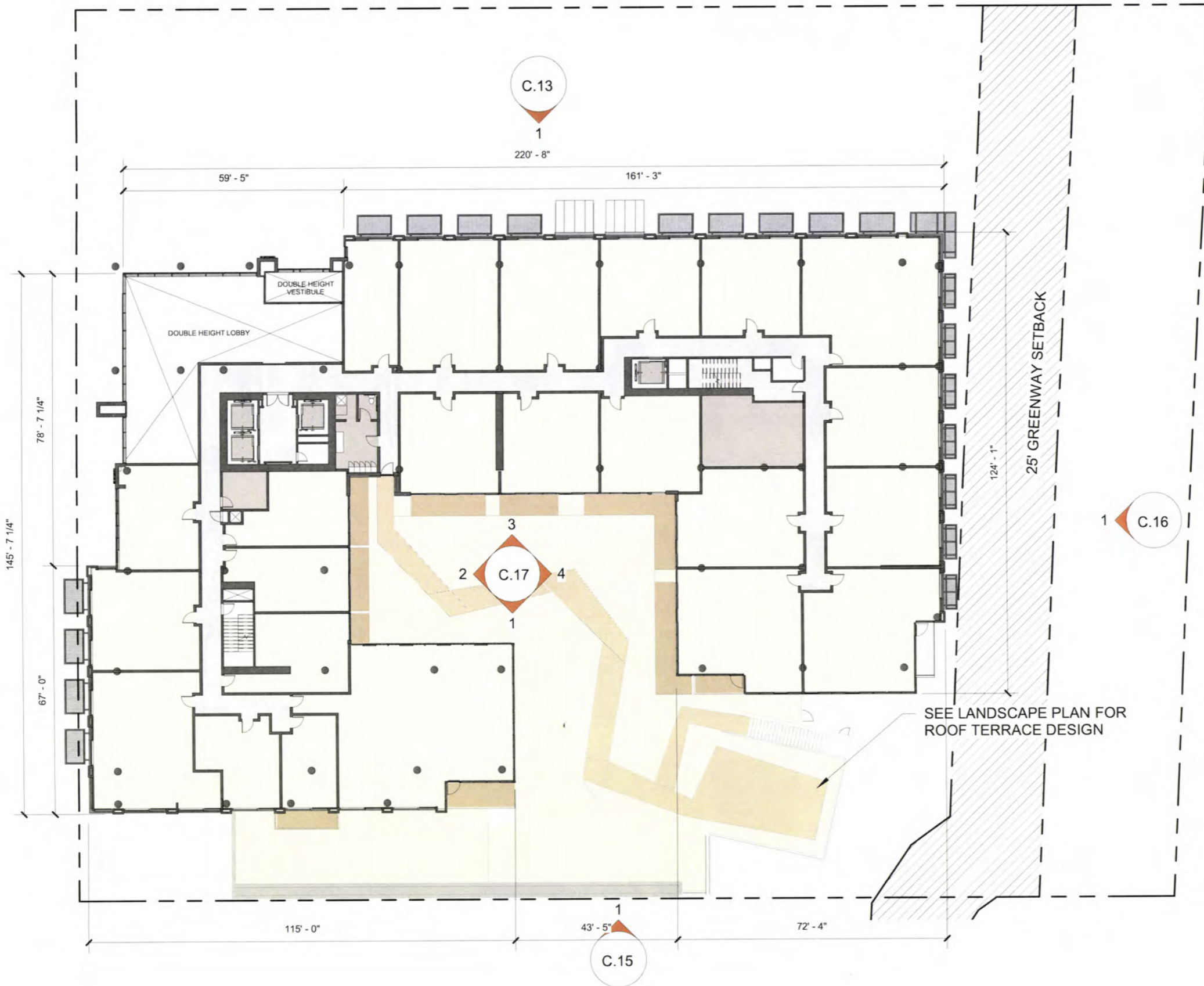
C.02 SITE PLAN



Approved
City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 10/22/2017

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

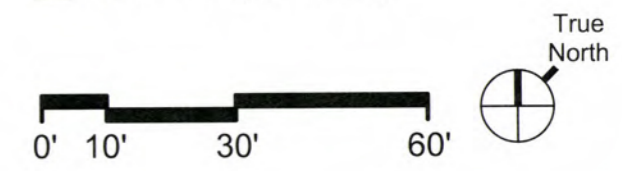




Approved
 City of Portland
 Bureau of Development Services
 Planner *Benjamin E. N.*
 Date *12/02/2017*

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

- Circulation
- Service
- Units
- Eco Roof (6,572 SF)

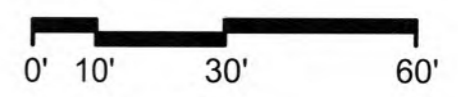




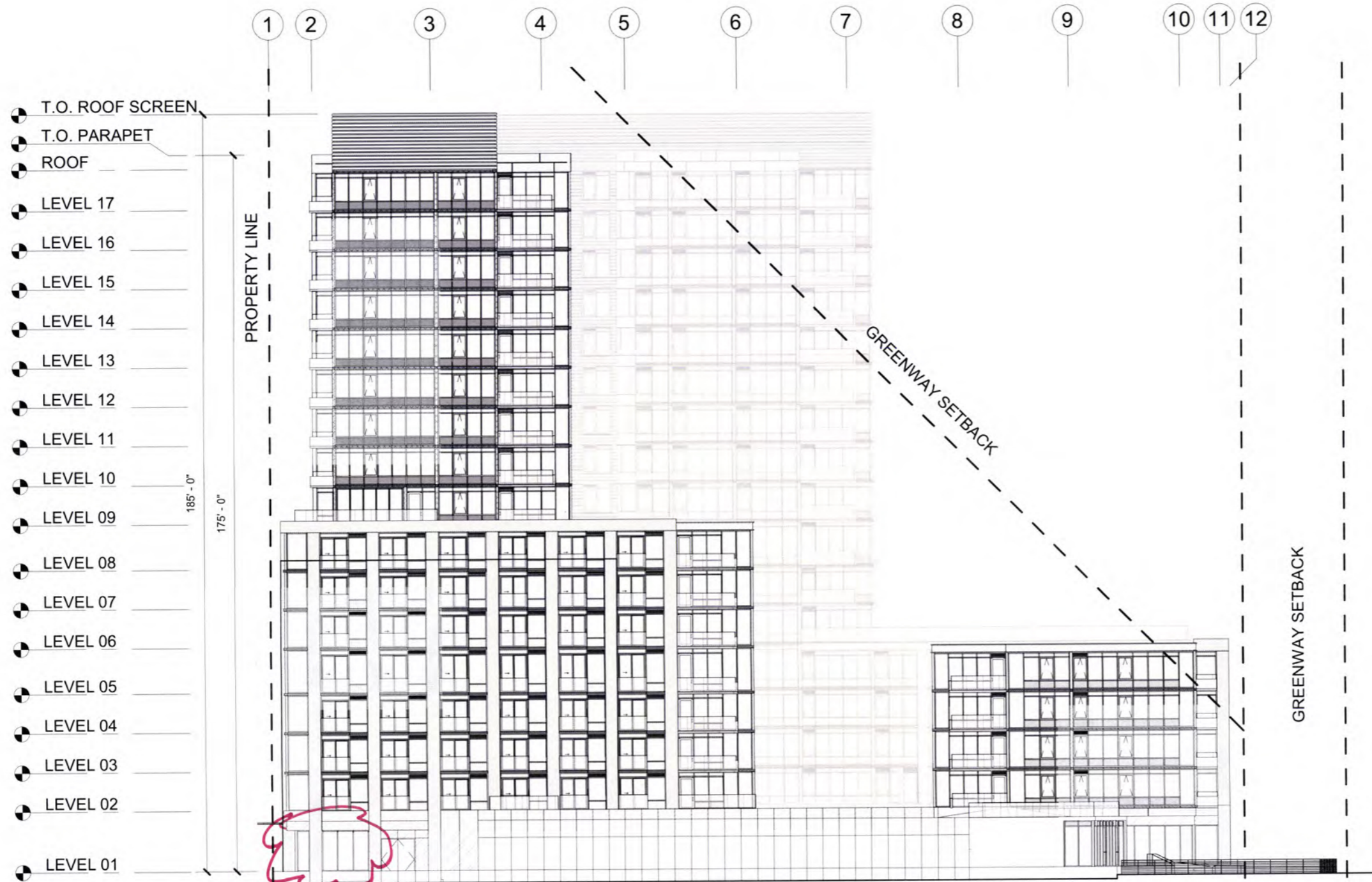
- MATERIALS LEGEND - B/W
- GLASS - CLEAR
 - GLASS - SPANDREL - LIGHT
 - GLASS - SPANDREL - DARK
 - FLAT METAL PANEL - LIGHT
 - FLAT METAL PANEL - DARK
 - RIBBED METAL PANEL
 - FIBER CEMENT PANEL - LIGHT
 - FIBER CEMENT PANEL - DARK
 - BRICK
 - BOARD-FORMED CONCRETE

Approved
 City of Portland
 Bureau of Development Services
 Planner *Bedya...*
 Date 12/22/2017

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



1 NORTH ELEVATION
 1" = 30'-0"

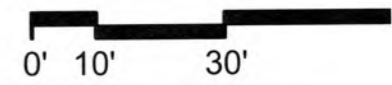


- MATERIALS LEGEND - B/W
- GLASS - CLEAR
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 - FLAT METAL PANEL - LIGHT
 - FLAT METAL PANEL - DARK
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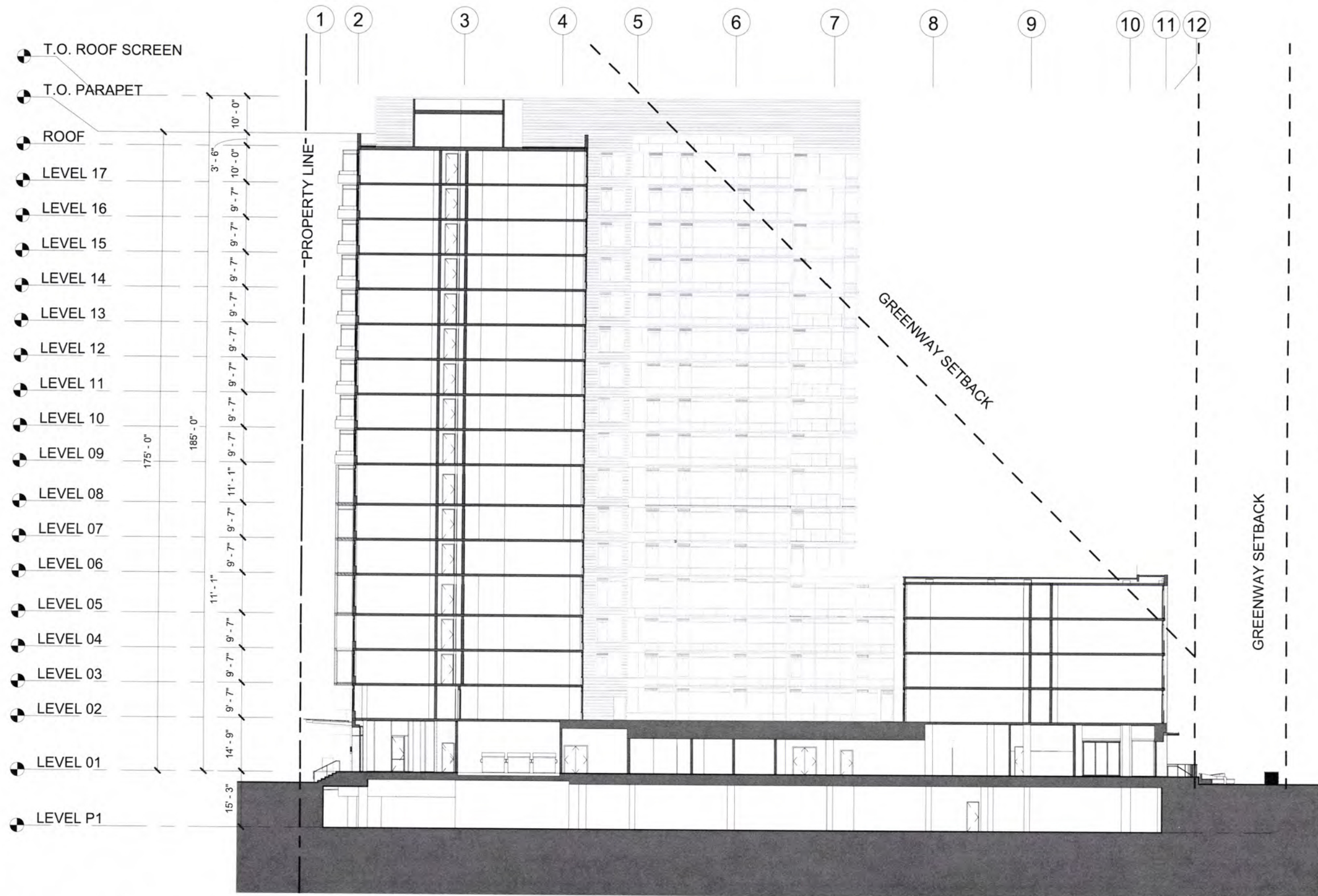
Approved
 City of Portland
 Bureau of Development Services
 Planner *Benjamin E. [Signature]*
 Date 12/22/2017

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

1 SOUTH ELEVATION
 1" = 30'-0"



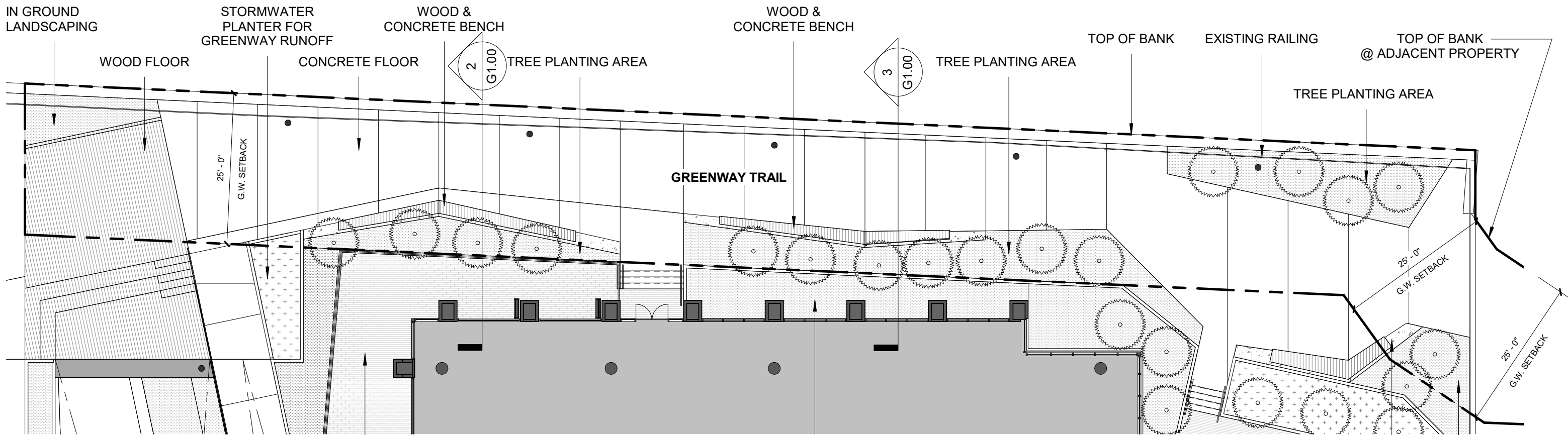
SEE CONDITION OF APPROVAL "D"



Approved
 City of Portland
 Bureau of Development Services
 Planner *Barbara E. M.*
 Date 12/22/2017
 * This approval applies only to the reviews requested and is subject to all conditions of approval.
 Additional zoning requirements may apply.

1 BUILDING SECTION - E/W
 1" = 30'-0"

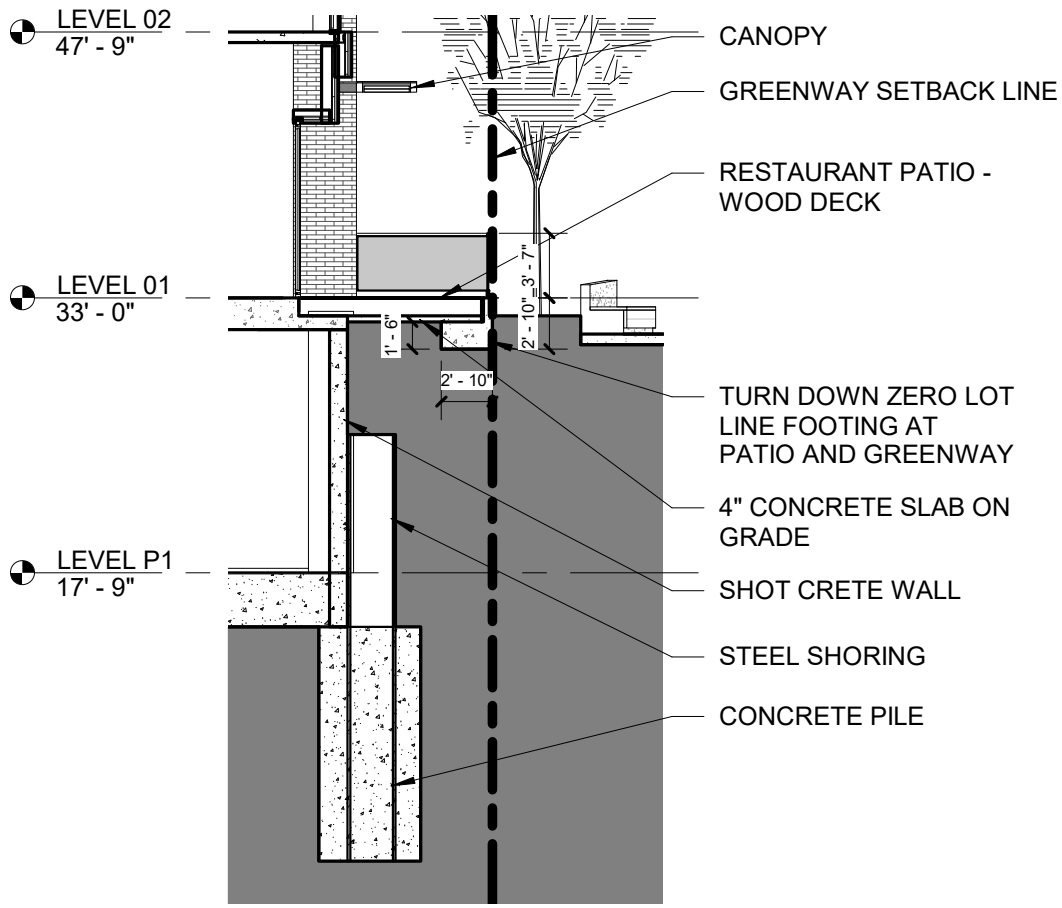




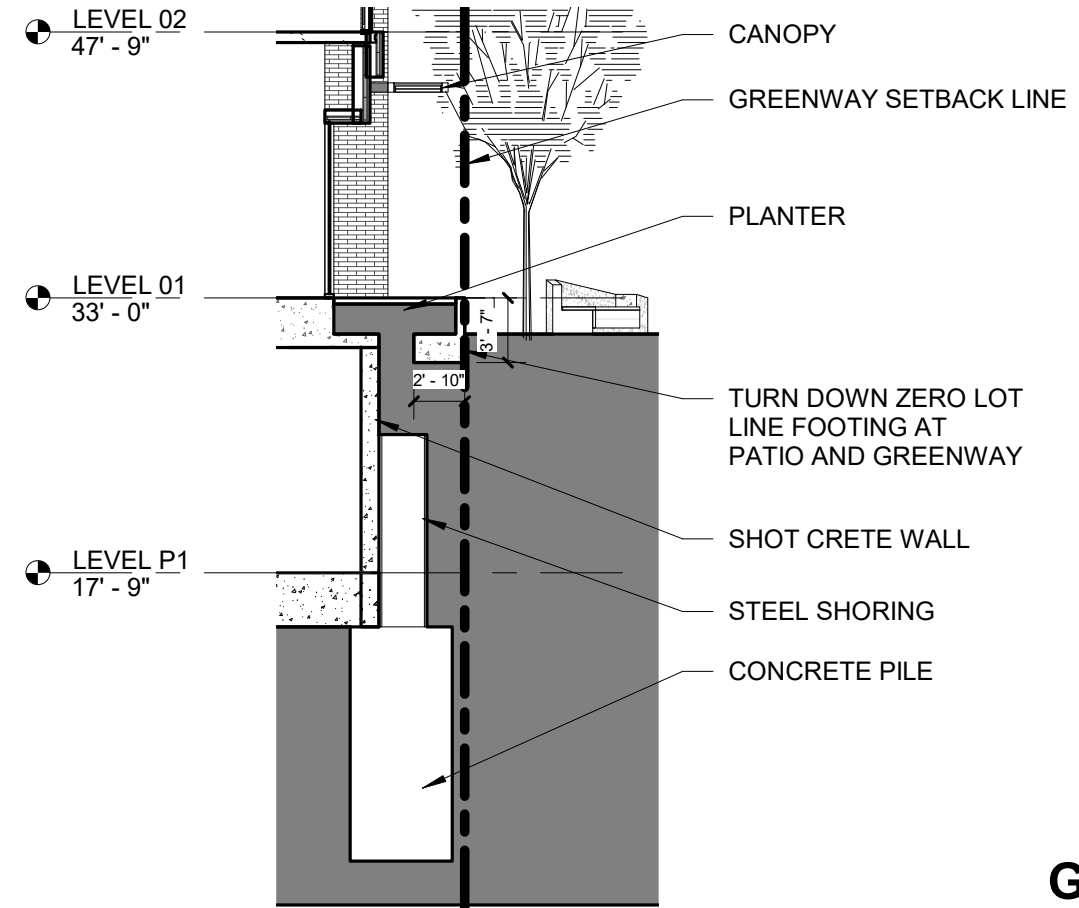
RESTAURANT PATIO

RAISED PLANTER

WOOD & CONCRETE BENCH



2 PATIO SECTION AT GREENWAY
3/32" = 1'-0"



3 PLANTER SECTION AT GREENWAY
3/32" = 1'-0"

1 GREENWAY PLAN
1/16" = 1'-0"

GREENWAY DETAIL PLAN & SECTIONS

LU 16-278621 DZ GW FREMONT APARTMENTS



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Chloe Eudaly, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

FINAL FINDINGS AND DECISION BY THE DESIGN COMMISSION RENDERED ON December 21, 2017

CASE FILE NUMBER: LU 16-278621 DZM GW
PC # 16-262122
Fremont Apartments

The Design Commission has **approved** a proposal in your neighborhood. This document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

BUREAU OF DEVELOPMENT SERVICES STAFF: Benjamin Nielsen 503-823-7812 / Benjamin.Nielsen@portlandoregon.gov

GENERAL INFORMATION

Applicants/Rep:

Tim Wybenga, TVA Architects
503-220-0668
Timw@tvaarchitects.com
920 SW 6th Ave #1500
Portland, OR 97204

Bonnie Chiu, TVA Architects
971-998-9321
Bonniec@tvaarchitects.com

Owner:

Patrick Gilligan, Lincoln Property Company LLC | Fremont Place LP
55 San Francisco St #450
San Francisco, CA 94133
415-981-7878 | Pgilligan@Lpc.Com

Site Address:

1650 NW NAITO PKWY 304

Legal Description:

LOT 1-10 TL 400, WATSONS ADD

Tax Account No.:

R883803450

State ID No.:

1N1E28DD 00400

Quarter Section:

2828,2829

Neighborhood:

Pearl District, contact planning@pearldistrict.org.

Business District:

Pearl District Business Association, contact Carolyn Ciolkosz at 503-227-8519.

District Coalition:

Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District:

Central City - River District – North Pearl Subarea

Zoning:

EXdg – Central Employment with Design and Greenway (River General)
Overlays

Case Type: DZM GW – Design Review with Modifications and concurrent Greenway Review
Procedure: Type III – with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

Proposal:

The applicants request **Design Review** and a **concurrent Greenway Review** for a proposed 17-story, approximately 305,538 square foot mixed-use building with a retail/restaurant space on the ground floor and residential on the upper stories in the North Pearl Subarea of the River District Subdistrict of the Central City Plan District. The site is adjacent to the Willamette River and is currently occupied by a surface parking lot adjacent to a three-story office building. A new plaza and open space area is proposed to be created between the new residential tower and the existing office building at the northwest edge of the site. This plaza and open space area will allow for public access to the Willamette Greenway trail from NW Naito Pkwy.

The proposed building includes several massing components: along the Willamette Greenway trail, the building is massed at five stories with a height of approximately 54'-0'. A roof deck will sit atop this massing and face the river. The five-story massing continues along the new plaza and open space area at the northwest side of the site and transitions into the 17-story tower as it approaches NW Naito Pkwy. This tower component, with a height of 175'-0" to the top of the parapet and 185'-0" to the top of a mechanical screen (please note, heights shown in the drawing package submitted to the Design Commission have since been revised slightly downward based on drawings submitted in Exhibit A-13, which will be provided to the Design Commission at the hearing), forms an "L" with its legs running along the new plaza and NW Naito Pkwy. At the southern corner of the site, the tower steps down to an 8-story mass, with a height of approximately 86'-0". At the eastern corner of the site and along the southeast property line, the building is massed as a single-story with a roof deck and eco-roof on top with a height of approximately 15'-0". Structured parking is proposed for the site on both the ground floor (9 spaces) and underground (140 spaces).

The proposed total floor area will exceed the base zone Floor Area Ratio (FAR) of 2:1 for this 72,080 SF site; with a proposed floor area of 305,538 SF, the proposed FAR would be approximately 4.24:1. The applicants propose to earn bonus FAR through a combination of the residential bonus option, locker room bonus option, and eco-roof bonus option.

- The residential bonus option in zoning code section 33.510.210.C.1.a.(2) allows for 1 additional square foot of floor area for each square foot of floor area developed and committed as housing, for a total possible bonus FAR of up to 2:1. The full bonus will be earned, as more than 144,160 SF of residential floor area is proposed.
- The locker room bonus option in zoning code section 33.510.210.C.8 allows for an additional 40 square feet of floor area for each square foot of floor area developed and committed to locker room facilities to encourage biking. The applicants propose to earn this bonus by providing a 380 SF locker room area on the ground floor of the building, connected to the long-term bicycle parking room. The applicants propose to provide 481 long-term bicycle parking spaces, with 206 in the bicycle parking room and an additional 275 in residential units.
- The eco-roof bonus option in zoning code section 33.510.210.C.10 allows for an additional two square feet of floor area for each square foot of eco-roof where the total area of eco-roof covers at least 30%, but less than 60%, of the building's footprint. The applicants propose to earn this bonus by providing a total of 18,217 SF of eco-roof out of a total of 56,231 SF of roof area (32.4% of total roof area).

Proposed cladding materials include clear glass, spandrel glass, flat metal panel, ribbed metal panel, fiber cement panel, brick, and concrete.

Seven (7) **Modifications** to zoning code development standards are requested:

- 1) 33.140.210.B.2 – Height: To allow rooftop mechanical equipment and screening to extend above the height limit of 175' (per the North Pearl Subarea height opportunity area standards), to be located closer than 15' to the roof edges on street-facing facades and to cover more than 10% of the roof area. The proposed mechanical screen will enclose 73% of the tower roof area and will extend up to the parapet of the tower in some locations.
- 2) 33.266.220.C.3.b – Standards for all bicycle parking, Bicycle racks: To allow vertically-hung long-term bicycle racks to be spaced at 1'-4" x 6' rather than the required 2' x 6'.
- 3) 33.510.205.H.2.c – North Pearl Subarea height opportunity area:
 - To allow the height of the building to be 175'-0", exceeding the maximum allowed base height of 100'-0"; and,
 - To allow the length of facades above 100' to exceed 120' in length. Proposed façade length on the east and west facades of the building is 125'-2". Proposed façade length on the north and south facades of the building is 142'-8".
- 4) 33.510.251.C.3 – Required open area development standards, Shadow standard: To allow more than 50% of the plaza area on the north side of the site to be covered by shadows at noon on April 21st of any year, not including shadows from trees. Approximately 84% of the plaza will be in shadow at noon.
- 5) 33.510.251.D.3.b & c – North Pearl Subarea waterfront development standards:
 - b. Setbacks for all development from the Willamette River: To allow portions of the building over 35' in height to extend into the setback area, which requires the building to be set back from the Greenway setback line by 1' for every 1' of height above 35'. (These portions of the building are not yet clearly identified on the plan drawings.)
 - c. Maximum building dimension: To allow the building dimension to be 230'-9" in the east-west direction, i.e., perpendicular to the river, rather than the maximum allowed 200' dimension.
- 6) 33.140.240.B.4 – Pedestrian Standards, EG1 and EX zones: To allow landscaping between the sidewalk and the building along NW Naito Parkway to be planted with groundcover and other low plants, which is less than the required L1 landscaping standard that requires trees to be planted in addition to groundcover.
- 7) 33.266.130.G.2.c – [Parking Area] Setbacks: To allow required landscaping between the south lot line and the driveway leading from NW Naito Pkwy to the structured parking garage to be screened with 3-foot tall evergreen shrubs for a portion of its length and with a 3-foot tall concrete wall for the rest of its length instead of the required L2 landscaping (which consists of trees, shrubs, and ground cover). The proposed planted area will be 2 feet in width instead of the required 5-foot width.

In addition to the reviews described above, concurrent, but separate, Property Line Adjustment (PR 17-113983) and Lot Consolidation (LU 17-169109 LC) procedures are currently under review to separate the proposed development site from the rest of the larger parcel.

Please note, this proposal has changed since the public notice was mailed to include Modification numbers six (6) and seven (7), to revise the proposed height of mechanical screening from 187'-0" to 185'-0", to revise the proposed width of long-term bicycle parking spaces from 1'-6" to 1'-4", and to revise the proposed length of facades above 100' in height. The revised proposal statement also corrects two errors in Modification request #3; the first identified that a modification was requested to allow building floor area above 100' in height to exceed 12,500 SF. Modifications and Adjustments to this standard are prohibited by zoning code section 33.510.205.H.2. The second misstated the allowed façade length above 100' as 100' rather than the allowed 120'. The building's gross floor area has also decreased slightly, from 307,342 square feet to 305,538 square feet.

The proposal has also been altered slightly from the Design Commission hearing held on November 30, 2017, to slightly increase the width of the proposed Greenway trail along the east end of the site.

A Type III Design Review is required for proposed new development valued over \$2,223,650 in the “d” Design Overlay Zone of the River District Subdistrict of the Central City Plan District and for requested Modifications to zoning code development standards. Greenway Review is required for proposed new development in the “g” Greenway – River General Overlay Zone.

Approval Criteria:

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

- Central City Fundamental Design Guidelines
- River District Design Guidelines
- Willamette Greenway Design Guidelines
- 33.820.040, Modifications That Will Better Meet Design Review Requirements
- 33.440.350, Approval Criteria

ANALYSIS

Site and Vicinity: The subject site is located in the North Pearl Subarea of the River District Subdistrict of the Central City Plan District. It lies on the northeast side of NW Naito Parkway [*Traffic Access Street, Community Main Street, Transit Access Street, City Walkway/Northwest Triangle Pedestrian District, City Bikeway, Major Emergency Response Street*] and is bound on its eastern side by the Willamette River. The proposed building site is currently a parking lot which serves a three-story concrete office building—part of a two-building complex that lies between the Fremont Bridge on the site’s northwest edge and a single-story warehouse on its southeastern edge.

A segment of the Willamette Greenway trail runs along the northeastern edge of the site along the seawall which forms the top of the bank of the Willamette River. The seawall and Greenway trail end at the southeast corner of the site; the natural bank cuts back in slightly on the property immediately to the southeast. As such, there is currently no Greenway trail connection between this property and the Greenway trail that begins again south of the Centennial Mills site and runs all the way to Riverplace at the south end of Downtown. The Greenway trail does, however, continue to the northwest from the subject site, under the Fremont Bridge, which looms over the entire area and is the dominant visual element, up to the old Terminal 1 South pier, where the trail turns towards NW Front Ave at a small cove and terminates again.

Multi-dwelling residential development comprises the built environment between NW Front Ave and the Willamette River on the northwest side of the Fremont Bridge. A couple small retail spaces are provided along the NW Front Ave frontage in that area. Across NW Front Ave, a new office complex, the Field Office, is currently under construction, and older industrial buildings still remain. Unlike in that area, the BNSF railroad runs immediately next to NW Naito Pkwy across from the subject site, leaving no opportunity for development on the southwest side of NW Naito Pkwy. Therefore, views to and from development and Fields Park at the north end of the Pearl District and the subject site are unobstructed by intervening buildings. The railroad also obstructs potential pedestrian and vehicular crossings—the only two lie at the intersections of NW Naito & 9th Ave and NW Naito & 15th Ave. Due to the paucity of connections and the height of the Fremont Bridge, which enables easy northwest-southeast connections, the subject site and other development on the northeast side of NW Naito Pkwy/Front Ave (and the railroad tracks) feels like an individual, developing neighborhood, somewhat separate from the neighborhoods (Pearl District and Northwest District) to the southwest.

Zoning: The Central Employment (EX) zone allows mixed uses and is intended for areas in the center of the City that have predominantly industrial-type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

The “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The Greenway Overlay Zones, designated as “g”, “i”, “n”, “q” or “r” are intended to protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland's rivers; establish criteria, standards, and procedures for the development of land, change of uses, and the intensification of uses within the greenway; increase public access to and along the Willamette River for the purpose of increasing recreational opportunities, providing emergency vehicle access, assisting in flood protection and control, providing connections to other transportation systems, and helping to create a pleasant, aesthetically pleasing urban environment; implement the City's Willamette Greenway responsibilities as required by ORS 390.310 to 390.368; and implement the water quality performance standards of Metro's Title 3.

- The River General “g” allows for uses and development which are consistent with the base zoning, which allow for public use and enjoyment of the waterfront, and which enhance the river's natural and scenic qualities.
- The River Industrial “i” overlay encourages and promotes the development of river-dependent and river-related industries which strengthen the economic vitality of Portland as a marine shipping and industrial harbor, while preserving and enhancing the riparian habitat and providing public access where practical.
- The River Natural “n” overlay protects, conserves, and enhances land of scenic quality or of significant importance as wildlife habitat.
- The River Water Quality “q” overlay is designed to protect the functional values of water quality resources by limiting or mitigating the impact of development in the setback.
- The River Recreational “r” overlay encourages river-dependent and river-related recreational uses which provide a variety of types of public access to and along the river, 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 which address special circumstances existing in the Central City area. The site is within the River District Subdistrict of this plan district.

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

- CU 066-78 (LU 78-002635 CU) – Conditional Use Review approval to construct a 111,930 SF warehouse within the Willamette Greenway.
- CU 020-83 (LU 83-001098, LU 83-001099) – Conditional Use Review approval for excavation and fill and Willamette Greenway permit in an M1SW1 zone.
- ZC 4684 – Area-wide rezone.
- CU 091-85 (LU 85-003378 CU) – Approval of a 1985 conditional use for Phase I of Fremont Place only, for an approximately 56,000 square foot (office) building with a

ratio of 3.5 parking spaces per 1,000 feet of building floor area, or 195 spaces. This included approval of a Type III review for compliance with Northwest Triangle District. Approval of a Conditional Use for fill exceeding 1,000 cubic yards in volume. Approval also of a Willamette River Greenway review and conditional use approval for a fill to implement the Greenway Trail.

- DZ 160-85 (LU 85-004430) – Design Review approval for new office construction.
- DZ 61-86 (LU 86-004949) – Design Review denial for proposed sidewalk design.
- ADA 4-87 (LU 87-000346) – Approval to allow parking in view corridor.
- GP 012-87 (LU 87-005410) – Greenway Permit with conditions of approval for phase II of Fremont Place.
- CU 026-87 (LU 87-100067 CU) – Conditional Use Review approval for a three-story office/flex building in the Northwest Triangle Plan District.
- MP 13-87 (LU 87-100068 MP) – A Minor Partition Review. No description is available.
- DZ 21-87 – Design Review approval for the second phase of Fremont Place – a three story office building with 210 parking spaces.
- GP 005-89 (LU 89-005572) – Greenway Permit approval to eliminate condition of approval requiring floating dock.
- CU 18-89 (LU 89-033897 CU) – Conditional Use Review approval to eliminate conditions of approval from GP 12-87.
- GP 237-90 – Greenway Permit approval to upgrade an existing facility.
- LUR 94-00107 DZ GW (LU 94-011009 DZ GW) – Design Review and Greenway Review approval, with conditions, to construct a 253’ retaining seawall and relocation of the stairway from the north to the south side of the platform.
- LUR 98-01026 DZ (LU 98-016332 DZ) – Design Review with Modification approval to reduce the front street landscaping setback along the entire street frontage of NW Front Ave from 5’-0” to 3’-6”.
- LUR 00-00592 DZ (LU 00-007147 DZ) – Design Review approval to add antennas and radio equipment to the roof of an existing office building.
- LUR 01-00521 GW (LU 01-007918 GW) – Greenway Review approval for construction of CSO tunnel, pipelines at or below grade within the Greenway Overlay zones. Also, construction of one maintenance building at the confluent shaft on Swan Island in the EG2g zone.
- LU 17-113453 DZM – A pending Design Review for a parking reconfiguration project. Due to development on the south parking area [the Fremont Apartments proposal], parking will be relocated to the north parking area. This review is in response to and in conjunction with LU 16-278621 DZM GW.
- LU 17-169109 LC – A pending Lot Consolidation Review to combine multiple lots into two lots in preparation for a future property line adjustment.

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed on September 6, 2017.

- The Bureau of Environmental Services (BES) responded with a comment stating that information required to certify the eco-roof bonus had not yet been submitted. BES also stated that a Special Circumstance review would be necessary to address stormwater runoff not handled on-site. BES was not able to recommend approval. Please see Exhibit E-1 for additional details.

The Bureau of Environmental Services sent a formal response on September 28, 2017. BES stated that the submitted stormwater management and utility plans are acceptable for the purpose of reviewing the submitted design and greenway review and had no recommended conditions of approval. However, BES stated that the requested eco-roof certification for FAR bonus could not be granted at this time, and additional material that meets the BES eco-roof criteria need to be submitted for certification to be granted. Please see Exhibit E-6 for additional details.

On November 9, 2017, BES issued a Letter of Certification for the proposed eco-roof bonus, stating that the proposal satisfied the requirements to receive a 2:1 square-foot bonus for 18,089 SF of proposed eco-roof, resulting in 36,178 SF of bonus FAR. Please see Exhibit H-23 for additional details.

Revised roof plans were submitted to BDS and BES on November 28, 2017, and BES concluded that the plans still meet the eco-roof certification. The proposal satisfies the requirements to receive a 2:1 square-foot bonus for 18,217 SF of proposed eco-roof, resulting in 36,434 SF of bonus FAR. Please see Exhibit H-39 for additional details.

- The Fire Bureau responded with a comment stating that all applicable Fire Code requirements shall apply at the time of permit review and development. Please see Exhibit E-2 for additional details.
- The Bureau of Parks—Urban Forestry Division responded with no objections to the proposal and with information about street tree removal and planting. Please see Exhibit E-3 for additional details.
- The Life Safety Review Section of BDS responded with no objections to the proposal and with information about potential important life safety issues. Please see Exhibit E-4 for additional details.
- The Bureau of Transportation Engineering (PBOT) initially responded with comments stating that it could not recommend support for the project, due to lack of Exclusive Utility Vault (UVE) in the right-of-way information. Please see Exhibit E-5 for additional details.

The applicants submitted the required UVE information, and the issue was resolved as of November 28, 2017, with a UVE approval. PBOT now has no objections to the proposal. Please see Exhibit H-43 for additional details.

- The Site Development Section of BDS submitted initial comments stating that it would not be able to support approval of the land use review as proposed due to Flood Hazard Area issues around the at-grade garage door entry on the southwest corner of the site. Please see Exhibit H-15 for additional details.

The applicants revised their proposal to include a 3-foot tall removable flood barrier wall that could be installed between the building and a low, 3-foot tall concrete wall along the south elevation during a flood event to block water from entering the garage. This will meet the primary objection outlined in the Site Development Section's initial response, but they still strongly recommend that the design team specify a flood shield that does not rely on human intervention to deploy. Please see Exhibit H-20 for additional details and additional comments.

- The Water Bureau responded with no objections and comments about available water service to the site. Please see Exhibit E-7.
- Portland Parks and Recreation (PPR) did not respond to the original Notice of Proposal or to repeated staff requests before the September 28, 2017 Design Commission hearing. Following the November 30, 2017 Design Commission hearing, PPR staff met with Design Review staff and the applicants to discuss the Greenway trail proposal. The outcome of that meeting resulted in the applicants revising their design of the Greenway trail; see Exhibits H-74 and H-75 for additional details. PPR staff then responded to these design revisions on 12/14/2017 with a recommendation of support for the

revised Greenway trail design, which they saw as “a substantial improvement over the existing Greenway on the site”. PPR staff also requested and “strongly encourage[d]” that the applicants remove the existing seawall guardrail and install a new guardrail closer to the river on the seawall to add additional space on the Greenway trail. Please see Exhibit H-79 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on September 6, 2017.

A total of 41 written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- 1) Theodore Zava, 08/23/2017, email expressing concerns about the proposed development blocking views of the Fremont Bridge from The Fields Park. Please see Exhibit F-1 for additional details.

Staff responded to Theodore with thanks for the comments and stated that staff will forward a copy to the Design Commission. Staff also clarified some zoning code development standards and invited Theodore to testify at the Design Commission hearing on September 28, 2017. Staff forwarded a copy of Theodore’s letter to the applicants for reference and potential response.

Regarding Theodore’s concerns about the proposed building blocking views of the Fremont Bridge from The Fields Park: the applicants have demonstrated how they propose to address views to the bridge on sheets App.16 and 17. Staff also discusses this issue in Findings for A2, Findings for Modification #2, and Findings for Modification #5. Zoning code height restrictions also prevent the building from exceeding 175’, so it is not possible to shift any additional building floor area into the tower or to narrow the tower and make it taller.

- 2) Suzanne Gaudina, 08/24/2017, email expressing disappointment that the city might allow the view of the Fremont Bridge from The Fields Park to be obstructed by the proposed development. Please see Exhibit F-2 for additional details.

Staff responded to Suzanne with thanks for the comments and stated that staff will forward a copy to the Design Commission. Staff also invited Suzanne to testify at the Design Commission hearing on September 28, 2017. Finally, staff forwarded a copy of Suzanne’s letter to the applicants for reference and potential response.

Regarding Suzanne’s concerns about the view of the Fremont Bridge being lost from the Fields Park, the applicants have demonstrated how they propose to address views to the bridge on sheets App.16 and 17. Staff also discusses this issue in Findings for A2, Findings for Modification #2, and Findings for Modification #5. Additionally, staff notes that the city has not adopted the view of the bridge from The Fields Park as a formal viewpoint or view corridor. Since the proposed building will be very prominent from that vantage point, staff has recommended that the massing and material expression of the building need to be improved in Findings for C2 and Findings for C5, below.

- 3) Glenn Traeger, 08/31/2017, email asking for copy of narrative, inquiring about Adjustment and Modification approval criteria, and asking about potential pedestrian bridge alignments. Please see Exhibit F-3 for additional details.

Staff sent Glenn a copy of the applicants’ most-current narrative, noted that no Adjustment were requested, and sent a code citation with the Modification approval criteria. Staff also notes that the proposed pedestrian bridge at NW 13th Ave would more-likely align with the parking lot between the two existing office buildings on the site than with any part of the new development

- 4) Glenn Traeger, 09/10/2017, email discussing past land use plans and recommendations for the North Pearl Subarea waterfront and Willamette Greenway and concerns about requested Modifications to development standards adopted as part of these planning efforts. Please see Exhibit F-4 for additional details.

Staff responded to Glenn with thanks for the comments and stated that staff will forward a copy to the Design Commission. Staff also forwarded a copy of Glenn's email to the applicants for reference and potential response.

In response to Glenn's concerns, staff notes how the proposed building creates an active urban edge in Findings for various guidelines, below, including A1, A1-1, A5, A5-1, A5-1-1, A5-1-5, A8, B5, C4, C7, and C9. Staff has also addressed issues related to visual and physical access to the riverfront and Greenway, impacts on views, and building massing throughout the Findings, below.

- 5) Tiffany Sweitzer, 09/12/2017, email asking staff to clarify why the development would be able to be as tall as proposed. Please see Exhibit F-5 for additional details.

Staff responded to Tiffany with explanations on the zoning code development standards that allow the building to be built up to 175' tall and explaining some of the potential modifications.

- 6) David Dysert, 09/18/2017, email informing staff that the applicants would be presenting their proposal to the Pearl District Neighborhood Association the following day and asking for clarifications on two of the requested Modifications to development standards. Please see Exhibit F-6 for additional details.

Staff responded to David with citations and explanations of relevant zoning code development standards regarding several of the requested Modifications. David followed-up with comments about the awkwardness of the proposed building and asked if an argument could be made for a height Modification. Staff responded again, stating that Modifications to the height of the building, except for specific mechanical equipment and other similar exceptions, are prohibited.

The applicants submitted narrative responses to the emails which were forwarded to them. Please see Exhibit A-14 for details.

- 7) David Dysert, 09/21/2017, email asking for clarification of bonus height standards. Please see Exhibit F-7 for additional details.

Staff responded with email explaining what the development standards in zoning code section 33.510.205.H.2.c allow.

- 8) David Dysert, 09/25/2017, email asking for additional clarification about the North Pearl height bonus and FAR bonuses. Please see Exhibit F-8 for additional details.

Staff responded with email explaining the standard and stating that staff would rewrite Findings for Modification #3 in a revised staff report, since a portion of the Modification had been missed in the original staff report. At the September 28, 2017 hearing, the Design Commission disagreed with staff's findings and found that the requested Modification would be approvable with additional revisions to increase overall building and massing coherency.

- 9) David Dysert, on behalf of the Pearl District Neighborhood Association (PDNA) Planning and Transportation Committee, 09/25/2017. Letter stating that PDNA is not yet ready to offer support or opposition to the proposal, and that the PDNA would like to see additional refinement to meet the “special level of care and detail” that the prominent site needs. Please see Exhibit F-9 for additional details.

Staff forwarded the letter to the Design Commission and to the applicants. Though sent after publication of the original staff report, many of the points included in the PDNA’s letter are were represented in the original staff report.

- 10) Yoshio Kurosaki, President & CEO of Summit Properties, Inc., 4380 SW Macadam Ave, Suite 330, Portland, OR 97239, received 09/27/2017. Letter stating that Summit Properties owns the property immediately to the south (1462 NW Naito Parkway). The letter raised concerns with placement of the building up to the south property line, relationship of the building to existing waterfront context, location of the mechanical room, and bonus floor area. Please see Exhibit F-10 for additional details.

Staff gave a copy of the letter to the applicants and will hand-deliver a copy to the Design Commission at the hearing on September 28, 2017. Yoshio’s letter elaborated on concerns expressed by staff in the original staff report.

Written responses received after the first hearing held on September 28, 2017:

- 11) David Dysert, 10/04/2017, series of emails between staff and David discussing design revisions to be presented at the second hearing and the possibility of staff recommending approval of the land use review at that hearing. Please see Exhibit H-7 for additional details.
- 12) Glenn Traeger, 11/12/2017, email comments regarding the proposed design. Please see Exhibit H-25 for additional details.

Staff forwarded the letter to the Design Commission. Staff also notes that the Design Commission has twice expressed support—at the September 28, 2017 and November 16, 2017 hearings—for the requested Modifications to development standards 33.510.251.D.3.b & c, pending either removal or better integration of the “upper mass” appendage from the northeastern podium. This mass has since been removed.

- 13) David Dysert, 11/15/2017, email describing discussions of the Pearl District Neighborhood Association Planning & Transportation Committee. Please see Exhibit H-26 for additional details.
- 14) David Dysert, 11/17 – 11/20/2017, email chain between staff and David asking for clarification of code section 33.510.205.H and with background about the North Pearl waterfront planning process. Also, discussion about Design Commission procedure for the November 30, 2017 hearing. Please see Exhibit H-32 for additional details.
- 15) Kurt Sorensen, 1310 NW Naito Pkwy #507, 11/26/2017, email in opposition to the proposal, raising issue with the lack of adequate notice regarding the proposal, and opposition to the proposed Modifications—particularly with regard for Modification requests to building height and building length *vis a vis* the Greenway and views of the Fremont Bridge. The testifier also writes that the proposal needs to respond to the guidance found in the North Pearl District Plan in addition to the River District Design Guidelines. Please see Exhibit H-36 for additional details.

Staff forwarded the letter to the applicants and to the Design Commission. Staff also notes that the Design Commission, overall, has expressed support for the first six proposed Modifications at the September 28, 2017 and November 16, 2017 hearings and has had several discussions pertaining to the requested height modifications and the building length. With some revisions, the Commission has indicated that a majority will likely support these Modification requests, and Findings reflecting these discussions can be found below.

The applicants also submitted a written response to staff addressing the contents of the letter and contesting objections to the proposed Modifications. Specifically, the applicants note that the proposal does not max out their potential total FAR, which could be up to 5:1, for “reasons that have to do with the scale of the building” and to “minimize the impacts even on non-protected views”, among other reasons. The applicants also argue that the building avoids “what could be more substantial impacts to views” of the Fremont Bridge. Please see Exhibit H-37 for additional details.

- 16) Sharon Ruhwedel, 1310 NW Naito Pkwy #803, 11/28/2017, email in opposition to the proposal and requested Modifications, specifically relating to issues of size and height of the building. Please see Exhibit H-45 for additional details.
- 17) Jane Pedrick, 1260 NW Naito Pkwy, Unit 706, 11/28/2017, email in opposition to the proposal, specifically regarding the proposed height and size of the building and its impact on views to the river and Fremont Bridge and impacts on the Greenway, and objection to requested Modifications. Please see Exhibit H-46 for additional details.
- 18) Christoph & Lori Lebl, 1260 NW Naito Pkwy, Unit 308, 11/28/2017, email in opposition to the proposal, specifically regarding proposed height and scale of the building and its impact on views of the Fremont Bridge and the width of the Greenway, and objection to requested Modifications. Please see Exhibit H-47 for additional details.
- 19) Jenni Leasia, 3339 SE Division St, Suite C, 11/28/2017, email in opposition to the proposal and its impact on views of the Fremont Bridge from the Pearl District and the Fields Park. Please see Exhibit H-48 for additional details.
- 20) Lloyd Taylor, 1260 NW Naito Pkwy, Unit 402, 11/29/2017, email in opposition to the proposal and requested Modifications. Please see Exhibit H-50 for additional details.
- 21) Lianne Bannow, 1260 NW Naito Pkwy, #806, 11/29/2017, email in opposition to the proposal regarding its height and footprint and impact of the character of the waterfront, and objections to requested Modifications. Please see Exhibit H-51 for additional details.
- 22) M. David Green & Julie Howell Green, 1260 NW Naito Pkwy, 11/29/2017, email in opposition to the proposal regarding its height, size, and impact on the riverfront. Please see Exhibit H-52 for additional details.
- 23) Diana Hiros, 11/29/2017, email in opposition to the proposal—its size and height and its impact on views of the Fremont Bridge. Please see Exhibit H-53 for additional details.
- 24) Harry and Lynn Kingston, 11/29/2017, email in opposition to the proposal—concerns about building size and impact on views and concerns about infrastructure capacity and traffic. Please see Exhibit H-54 for additional details.

Staff forwarded the previous nine letters to the applicants and to the Design Commission. Staff also notes that the Design Commission, overall, has expressed support for the first six proposed Modifications at the September 28, 2017 and November 16, 2017 hearings. Findings reflecting these discussions can be found below.

- 25) Jim Motroni, Waterfront Pearl Mistral 701, 11/29/2017, email in opposition to the proposal and its impact on views of the river and bridge. Please see Exhibit H-55 for additional details.
- 26) Richard M. Rogers and Tricia Vakknen-Rogers, 1310 NW Naito Pkwy, Unit 401, 11/29/2017, email in opposition to the proposal. Opposition is focused around lack of “appropriate and proper notice to the public of all the variances requested” and objection to the requested Modifications which “violate the letter and spirit of several provisions of the NPDP [North Pearl District Plan]”, and stating that the Commission has no legal authority to grant these Modifications. Please see Exhibit H-56 for additional details.
- 27) Dan McNair, 1260 NW Naito Pkwy, Unit 206, 11/29/2017, email in opposition to the proposal, including design of the Greenway trail, lack of connectivity across the railroad tracks, impact on views of the Fremont Bridge, and traffic impacts to NW Naito Pkwy. Please see Exhibit H-57 for additional details.
- 28) Pat Roberts, 1310 NW Naito Pkwy, #501, 11/30/2017, email in opposition to the proposal and concern about the proposal’s impact on the Fields Park. Please see Exhibit H-58 for additional details.
- 29) David Dysert, 11/30/2017, email clarifying that the PDNA has taken no official position on the project other than a previous letter describing their “thoughts and concerns”. Please see Exhibit H-59 for additional details.
- 30) Richard M. Rogers and Tricia Vakknen-Rogers, 1310 NW Naito Pkwy, Unit 401, 11/30/2017, email in opposition to the proposal and specifically to Modifications 2, 3, 4, 5, and 6. Please see Exhibit H-60 for additional details.
- 31) Geri Marz, 1310 NW Naito Pkwy, 106, 11/30/2017, email in opposition to the proposal and effects of its construction on views of the Fremont Bridge from the Fields Park and the Pearl Neighborhood and concerns about precedent for development at Centennial Mills. Please see Exhibit H-61 for additional details.

Staff Response to comments received after the first hearing: The issue of lack of adequate public notice was raised several times in letters submitted between 11/28/2017 and 11/30/2017. In response, staff notes that signs were required to be posted at the site in accordance with the provisions in zoning code section 33.730.030.D.2 and 33.730.080, and that staff further requested that additional, non-required signs be placed along the Greenway trail adjacent to the site to provide additional notice. See Exhibits D-2 and D-3 for additional details. The applicants certified that they posted these signs on August 28, 2017—see Exhibit D-4 for additional details. Mailed notices were also sent to all property owners within 400 feet of the site per zoning code section 33.730.030.D.1, and that additional notices were mailed to non-owner residents on file, as well, in excess of the requirement. Notice was also sent to all recognized organizations within 1,000 feet of the lot, including the Pearl District Neighborhood Association. Please see Exhibits D-5 and D-6 for additional details.

Modifications numbered 6 and 7 were added to the proposal request after the initial public notice was mailed. Modification 6 was identified in the staff report prepared for the

September 28, 2017 Design Commission hearing. The design of the proposed building and its surrounding site, however, had not changed from the initial public notice to require this additional Modification. Modification 7 was not identified until the current staff report. In both instances, neither the applicants nor staff had previously identified the necessity for either the redesign of the building to meet the standards in Modifications 6 and 7 or for a Modification to be requested to each to address the proposed design.

The issue of the applicants' lack of response to, or requested exceptions to, standards described in the North Pearl District Plan document, or staff's and the Design Commission's lack of adherence to this document, was also raised in several letters. The North Pearl District Plan (referred to hereafter as NPDP) is not part of the applicable approval criteria for Design Review, for requested Modifications through Design Review, or for Greenway Review. Rather, the document served to guide the development of standards for the North Pearl Subarea which were adopted into Chapter 33.510 of the zoning code through Ordinance No. 182319. This Ordinance did not add the entire NPDP itself into Title 33 or establish the NPDP as additional land use review approval criteria, but rather amended zoning code chapter 33.510 and the River District Design Guidelines, among other documents, with specific development standards and revised design guidelines, respectively. The adopting Ordinance and respective amendments to Title 33 and the River District Design Guidelines may be reviewed in more detail here: <http://efiles.portlandoregon.gov/Record/3458846/>.

Regarding concerns about infrastructure capacity and traffic, no responses from PBOT indicated any concern about street capacity on NW Naito Pkwy, and none of the other service bureaus responded with concerns about the viability of existing infrastructure.

Written testimony received after the publication of the staff report for the November 30, 2017 Design Commission hearing and submitted to the Design Commission for the same hearing:

- 32) Luanne Zoller, 1310 NW Naito Pkwy #106, Portland, OR 97209, 11/30/2017, email in opposition to the proposal due to loss of views of the Fremont Bridge from The Fields Park and lack of sufficient green space and access to the river. Please see Exhibit H-62 for additional details.

Written testimony received during the November 30, 2017 Design Commission hearing:

- 33) Richard M. Rogers and Tricia Vakknen-Rogers, 1310 NW Naito Pkwy, Unit 401, Portland, OR 97209, 11/30/2017, testimony in opposition to the proposal and specifically to Modifications 2, 3, 4, 5, and 6. Please see Exhibit H-67 for additional details.
- 34) Lawrence F. Mazer, 1310 NW Naito Pkwy #905, Portland, OR 97209, 11/30/2017, testimony in opposition to the proposal and specifically addressing the proposed width of the Greenway trail. Visual aids accompany the testimony. Please see Exhibit H-68 for additional details.
- 35) Kurt Sorensen, 1310 NW Naito Pkwy #507, Portland, OR 97209, testimony in opposition to the proposal, raising issue with the lack of adequate notice regarding the proposal, and opposition to the proposed Modifications—particularly with regard for Modification requests to building height and building length *vis a vis* the Greenway and views of the Fremont Bridge. The testifier also writes that the proposal needs to respond to the guidance found in the North Pearl District Plan in addition to the River District Design Guidelines. Please see Exhibit H-69 for additional details.

Written testimony received during the initial, 7-day period for submission of new evidence following the November 30, 2017 Design Commission hearing:

- 36) Laurence F. Mazer, 1310 NW Naito Pkwy #905, Portland, OR 97209, 12/04 & 12/05/2017, emails in opposition to the proposal (12/05 email is a minor formatting revision to the 12/04 email). Opposition is to lack of enforcement mechanism to ensure continuation of restaurant space, to proposal of Greenway trail that meets only minimum width of Portland Parks & Recreation's requirements, and use of locker room FAR bonus. Please see Exhibit H-70 for additional details.

In response to Laurence Mazer's issue with lack of enforcement to ensure continuation of the restaurant use, staff notes that the Site Development Section of BDS states that, "[i]n order to allow an underground basement parking garage, the structure must include a non-residential-use component to create a mixed-use building" which "would need to be permanently dedicated to a non-residential-use through a restrictive covenant." See Exhibit H-20 for additional details. Staff has also proposed a condition of approval tied to the Findings for Modification #3 that would require the Retail Sales & Service Use to remain for the life of the building, and which the applicants verbally accepted at the November 30, 2017 hearing.

Regarding the proposed Greenway trail width, the applicants have since revised their proposed Greenway trail design, and Portland Parks and Recreation staff have submitted a letter of support for the revised proposal. Please see Exhibits H-74 and H-79 for additional details, respectively.

Regarding the locker room FAR bonus request, the zoning code states that the "bonus options are only allowed in situations where stated... Exceptions to the requirements and the amount of bonus floor area or height earned are prohibited" (33.510.210.B.1). The locker room bonus option language states plainly that "projects in the CX and EX zones outside of the South Waterfront Subdistrict that provide locker room facilities and extra long-term bicycle parking receive bonus floor area" (33.510.210.C.8). There is no statement addressing who the users of the required facilities must be except for 33.510.210.C.8.b, which reads: "All tenants of the building must be able to use the locker room facility".

- 37) Ellen Drumheller, 1260 NW Naito Pkwy, Unit 606, Portland, OR 97209, 12/05/2017, email in opposition to the proposal due to lack of conformance to the North Pearl Subarea development standards and constriction of the Greenway trail. Please see Exhibit H-71 for additional details.

- 38) David Dysert, Planning & Transportation Committee Co-Chair, Pearl District Neighborhood Association, 12/06/2017, letter in support of the proposal with conditions to reduce the 230'-9" length of the building in the east-west direction (perpendicular to the river) "by a meaningful amount" to allow for enlargement of the Greenway without further limiting views of the Fremont Bridge. Support is also contingent upon adhering to the 45-degree Greenway setback standard. Please see Exhibit H-72 for additional details.

Staff notes that the Design Commission has expressed support—though not necessarily unanimous—for Modifications to both parts of the standard at multiple Design Review hearings. This majority support is reflected in the Findings for Modification #5, below.

- 39) Larry Mazer, 1310 NW Naito Pkwy #905, Portland, OR 97209, 12/07/2017, email in response to staff meeting with Portland Parks & Recreation and statement that PPR

should not be constrained by the current proposed building design. Please see Exhibit H-73 for additional details.

The applicants submitted responses to testimony received during the initial 7-day period for new evidence that included Greenway section studies and written responses to the letters received. Please see Exhibits H-77 and H-78 for additional details.

Written testimony responses to new evidence received during the second, 7-day period following the November 30, 2017 Design Commission hearing.

40) George C. Galster, 1130 NW 12th Ave #520, Portland, OR 97209, 12/11/2017, email in opposition to the proposal due to impacts to views to the Fremont Bridge from The Fields Park. Please see Exhibit H-76 for additional details.

41) Stanley Penkin, President, Pearl District Neighborhood Association, 12/15/2017, letter on behalf of the PDNA Board amending the letter from the PDNA Planning & Transportation Committee sent on 12/06/2017, and opposing the proposal due to its 230'-9" length and protrusion into the 45-degree angle setback from the Greenway. Please see Exhibit H-80 for additional details.

See staff comments to testimony number 38 in this section, above.

The applicants sent a final rebuttal to all new testimony and responses to new testimony to staff on 12/18/2017. Please see Exhibit H-81 for additional details.

Procedural History:

- The application was submitted on November 28, 2016.
- The applicants signed a waiver of their rights to a 120-day review period and requested a *de novo*/evidentiary hearing upon appeal on December 13, 2016.
- The applicants requested to deem the application complete on May 25, 2017 and requested to place the review on hold pending the completion of a Design Advice Request hearing. Please see Exhibit A-3 for details.
- Design Advice Request hearing EA 17-148879 DA was held on June 1, 2017.
- The applicants submitted revised drawings on July 21, 2017, responding to comments from the Design Advice Request hearing, and requested to schedule a Design Commission hearing date.
 - A hearing was scheduled for September 21, 2017.
 - Due to a large number of previously-scheduled cases and continued cases from earlier hearing dates, the hearing was then rescheduled to September 28, 2017.
- The staff report for the September 28, 2017 Design Commission hearing recommended denial. The applicants requested a continued hearing to be held on November 16, 2017.
- The staff report was not revised for the November 16, 2017 Design Commission hearing, and staff continued recommending denial based on outstanding interagency bureau coordination issues and lack of response to Guideline A5-4. The applicants requested a continued hearing to be held on November 30, 2017, to address massing issues raised by the Design Commission.
- A staff report recommending approval was published on November 30, 2017, and was be presented to the Design Commission on November 30, 2017.
- At the November 30, 2017 Design Commission hearing, two testifiers requested to hold the record open to allow for the submission of new evidence. The Commission agreed to hold the record open to allow for the submission of new evidence until Noon on December 8, 2017. Responses to this new evidence were to be received no later than Noon on December 15, 2017, at which point the record was closed to new evidence. The applicants were allowed to submit a final rebuttal before 5:00pm on December 18, 2017, and a closed record hearing was scheduled to be held on December 21, 2017.

ZONING CODE APPROVAL CRITERIA

(1) DESIGN REVIEW (33.825)

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

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

Section 33.825.055 Design Review Approval Criteria

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

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

River District Design Guidelines and Central City Fundamental Design Guidelines

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

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

River District Design Goals

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

Central City Plan Design Goals

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;

7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

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

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 proposal includes several architectural and landscape elements and design choices that help to integrate the river into the development and that help to link the river to the community. These include:

- Balconies and Juliette balconies face the river on both lower and upper stories. Both types of balconies use glass guardrails, which increases views to and from the river.
- Roof decks on levels 2, 6, and 9 are oriented towards the river, with opportunity for river views.
- A retail/restaurant space is proposed along the Greenway trail, facing the river. This space includes large areas of glazed storefront, an entry directly off the Greenway trail, and outdoor seating on a deck, overlooking the trail and the river.
- A large plaza and open space along the north side of the site provides a pedestrian and bicycle connection to the Willamette River and Greenway trail from NW Naito Parkway. This space also provides opportunities for views from NW Naito Parkway and parts of the Pearl District towards the river, and vice versa.
- The proposed Greenway trail includes seating elements and planters that help to articulate the trail.

Therefore, these guidelines are met.

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

Findings: Two Portland themes unique to the North Pearl waterfront area are integrated into the overall design concept of the proposed development:

- The Willamette River is one of the major focal-points in the North Pearl waterfront. The proposed development helps to support the Greenway trail by locating an active retail/restaurant use along it with an outdoor seating deck facing the river. Upper stories, with large windows, balconies, and roof decks also orient towards the river on the building's east faced, further embracing the river and supporting the Greenway trail. The large plaza/open space area on the north side of the building further

supports the river by creating a public space and pedestrian connection from NW Naito Parkway to the Greenway trail.

- The Fremont Bridge is the other major focal-point of the North Pearl waterfront and of the North Pearl Subarea in general. The applicants have shown through massing studies that the building could be constructed up to its base 100-foot height limit and nearly-completely block the view of the Fremont Bridge from The Fields Park, and likely from much of the rest of the North Pearl, as well. The building's massing concept takes the bridge view from the park into account, and shifts much of the mass to the north, opening the bridge view back up to The Fields Park.

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

- The new building is shifted towards the south side of the site, leaving space between the existing three-story office building immediately to the north of the site for a new plaza, open space, and pedestrian connection between NW Naito Parkway and the Greenway trail.
- Cobblestones are proposed in a portion of the plaza and open space area, helping to identify major building entries off of the plaza.
- Building entries are located on all public-facing ground level facades—the west, north, and east. These entries provide access to active spaces on the ground floor and provide visual and physical cues in the building that express connections to the river, the Greenway, and the Pearl District.
- The placement of the building up to the southern property line was one area of concern in the initial proposal, relative to respecting the typical Portland block pattern. Since the building is built up to the property line, it sets up future development on the adjacent parcel to be built either immediately next to the proposed building, or the open area between the proposed building and new development on the adjacent site will face a blank wall.

The applicants responded to staff's original concerns and to Design Commission comments regarding this south wall by pulling the garage and loading entry back from the sidewalk edge and by pulling the south wall and mechanical space to the west, away from the Greenway setback and trail. These two moves result in a much

shorter end-wall condition on the south property line, increasing flexibility on the adjacent parcel for pedestrian connections and development to maintain a roughly 200-foot block pattern.

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 following elements and features help to unify and connect individual buildings in the North Pearl Subarea and North Pearl waterfront areas:

- THE proposed building includes a series of storefront windows along NW Naito Parkway, a new plaza/open space/pedestrian connection, and along the Greenway trail that follow a form found throughout the North Pearl Subarea, and, to a lesser extent, the waterfront area.
- Standard improvements are proposed in the NW Naito Parkway right-of-way, including a 7-foot property dedication to meet the sidewalk standards for this area.
- The plaza/open space/pedestrian connection between NW Naito Parkway and the Greenway trail includes landscaping elements and light fixtures like those that are used on other similar connections along the riverfront in the North Pearl.
- Light fixtures are proposed in the plaza/open space area on the north side of the property and along the Greenway trail. These are a simple, modern column-type fixture, which are similar (or perhaps identical) to those found along the Greenway trail and in similar plazas north of the Fremont Bridge.
- The design of the Greenway trail has been revised since the initial proposal presented to the Design Commission on September 28, 2017. The trail itself has been shifted towards the edge of the seawall with planters located primarily on the landward (west) side of the trail. This both increases access to river views from the trail and reflects the design of the trail north of the Fremont Bridge. Revisions following the September 28, 2017 hearing, and additional revisions following the November 30, 2017 hearing, resulted in a Greenway trail that is 12'-9" wide at its narrowest point at one of the proposed lampposts. Though the proposed trail will be wider, in general, than the existing trail (which remains on the adjacent site immediately to the north and which narrows down to approximately 12 feet at its intermittent planters), the proposed Greenway trail will continue the general established pattern of the Greenway trail along this reach of the Willamette River south of the Fremont Bridge.

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).

A5-1-1. Reinforce the Identity of the Pearl District Neighborhood. This guideline may be accomplished by:

- 1) Recognizing the urban warehouse character of the Pearl District when altering existing buildings and when designing new ones.
- 2) Recognizing the urban warehouse character of the Pearl District within the design of the

site and open spaces.

- 3) Designing buildings which provide a unified, monolithic tripartite composition (base/middle/top), with distinct cornice lines to acknowledge the historic building fabric.
- 4) Adding buildings which diversify the architectural language and palette of materials.
- 5) Celebrating and encouraging the concentration of art and art galleries and studios with design features that contribute to the Pearl District’s “arts” ambiance. Consider features that provide connectivity and continuity such as awnings, street banners, special graphics, and streetscape color coordination, which link shops, galleries, entrances, display windows and buildings. Active ground level retail that opens onto and/or uses the sidewalk can contribute to the attraction of the “arts” concentration.

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.

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

Findings for A5, A5-1, A5-1-1, A5-1-5, & C4: The proposed building complements the context its area and reflects the local character of the Pearl District and the waterfront area by incorporating the following features:

- The proposed building continues the scale and massing pattern established by other tall buildings in the North Pearl Subarea. Some of the tower structures in this area, such as The Wyatt and The Asa, incorporate a similar podium base and “L”-shaped tower massing.
- The podium massing of the proposed building references the massing of historic buildings along the waterfront and in the Pearl District, such as Albers Mill, portions of Centennial Mill, and recent five- and six-story residential development southwest of the railroad tracks. The use of brick on portions of the podium also references this historic brick warehouse context and newer residential building context in the district.
- The proposed building also incorporates large areas of glazing all around its facades, balconies, roof decks, and active ground floor spaces—all of which are common features on taller buildings in the North Pearl. The proposed development also incorporates significant areas of open space around the building, which is a common feature of development in the North Pearl and the waterfront area, especially.
- The proposed building is oriented towards the river, with many of its balconies, roof decks, and ground floor retail space and outdoor deck facing the river.
- The composition of the proposed building’s façade incorporates a large material palette, consisting of glass, two colors of spandrel glass, two colors of composite metal panels, two colors of fiber cement panels, ribbed metal panel, brick, and board-formed concrete. Staff had initially stated that similar tall buildings in the North Pearl and waterfront area, such as the Waterfront Pearl, the Encore, the Pinnacle, the Cosmopolitan, and Block 17 use a much simpler palette of materials, and that the palette should be simplified. The Design Commission discussed this issue at the September 28, 2017 hearing and found that the material palette was well-integrated, utilizing similar colors and textures, despite the physical differences among the

materials, and that it, therefore, complements other well-composed buildings in the district.

- Private open areas along the Greenway trail are limited at the ground level of the proposed development and take the form of a long wrap-around deck at the restaurant/retail space, planters, and patio space in front of the two ground-level residential units at the southeast corner of the site. These open areas follow the general pattern established at developments along the Greenway trail north of the Fremont Bridge and help to reinforce the identity of the North Pearl Waterfront. The planter, patio space, and trail “bulb-out” in front of the two residential units help to resolve previous issues with the lack of connection between the Greenway trail and the second level roof terrace above them, creating more of a place there as opposed to a decorated back-of-house condition.
- The proposal has also been revised to include a shorter end-wall condition at the south end of the site. This allows for increased flexibility on the adjacent parcel to locate pedestrian connections and future development while maintaining a pattern of disconnected buildings along the North Pearl Waterfront.

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

Therefore, this guideline is met.

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

- 1) Integrating art into open spaces or along pathways.
- 2) Incorporating art within the structure of the building.
- 3) Using “found objects” that are remnants from the area’s history.

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

Therefore, this guideline is 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: The proposed building is built up to the street edge along NW Naito Parkway. It is also engages the proposed plaza/open space on its north side and creates a sense of enclosure along the Greenway trail, as well. The ground floor includes pedestrian-scale storefront windows and canopies on all three frontages, helping to articulate the sense of urban enclosure.

Therefore, this guideline is met.

A8. Contribute to a Vibrant Streetscape. Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

Findings: The proposal includes large glazed areas around its three public-facing frontages, and each frontage is programmed primarily with active ground floor spaces that help contribute to the vibrancy of the sidewalk along NW Naito Parkway, the plaza/open space at the north side of the property, and the Greenway trail along the east side of the property.

The glazing proposed at the fitness room on the west elevation, and most-likely the south elevation, however, is proposed to be “fritted gradient” storefront glazing, which will limit views into and from this space, reducing vibrancy on the adjacent sidewalk along NW Naito Parkway. This glazing should be clear like the rest of the storefront glazing.

With the condition of approval that the glazing at the ground floor of the west and south elevations shall be clear glass rather than fritted glazing, this guideline will be met.

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: The site is generally quite open at the ground level, with no fences or walls blocking views. Building entries along NW Naito Pkwy and the Greenway trail are elevated slightly from the ground level, but still allow views from both the sidewalk and trail to the spaces inside. Semi-private outdoor spaces along the Greenway trail are also raised up slightly and set behind planters along the trail.

Therefore, this guideline is 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 proposed development includes several features which help to reinforce and enhance the pedestrian system and which provide human scale along its adjacent walkways:

- The sidewalk along NW Naito Parkway will be improved to city standards, which includes defined building frontage, movement, and furnishing zones. A property dedication of 7 feet along NW Naito will allow this sidewalk to be brought up to city standards. Planters, street trees, ground floor windows, and canopies will help to provide a human scale to the sidewalk.
- The proposed plaza/open space area on the north side of the site serves as a new pedestrianway that will connect NW Naito Parkway to the Greenway trail along the river on the east side of the site. This connection will, therefore, enhance the pedestrian system in this area. Planters, trees, paving materials, benches, and pedestrian-scaled lighting will help to provide a human scale to this space, along with ground floor storefront windows, multiple building entries, and canopies.
- Outdoor deck areas are proposed at the northwest and northeast corners of the building. These are slightly raised from the grade of the sidewalk along NW Naito Parkway and from the Greenway trail. Both deck areas are large enough to accommodate multiple tables and chairs, and these spaces will help to provide additional human scale to all three frontages.
- The Greenway trail segment will be retained along the eastern side of the site. Planters and landscaping, benches, ground floor storefront windows, and canopies will help to provide a human scale along this trail.
- No lighting along the trail segment is proposed, however. Lighting should be added, both to continue the pattern on other portions of the trail and to provide additional human scale along the trail. Absent any other proposal, the same light standards used along the Greenway trail segment between this development site and the Fremont Bridge should be used.

With the condition of approval that pedestrian lighting in the form of light standards that match those used on the Greenway trail segment between the subject site and the Fremont Bridge shall be added to the Greenway trail, these guidelines will be 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: Several features of the proposed development work to protect the pedestrian:

- Vehicular entry into the parking garage and loading space are accommodated through one door serving both uses at the southwest corner of the site. This door, which faces NW Naito Parkway, is small in scale to the overall development and takes up a relatively little portion of the ground floor on this façade, reserving the rest of the ground-floor for pedestrian-supporting uses and open space.
- Canopies are provided along the ground floor on all three frontages with pedestrian spaces and sidewalks. These canopies, however, do not provide much in the way of protection from the weather, since they typically extend over planters or deck areas and not pedestrian movement zones.
- Each storefront bay along the west, north, and east elevations includes a recessed linear light fixture, which helps to provide additional nighttime lighting in the

pedestrian realm.

- Small, pedestrian-scaled step light fixtures are proposed in the planter walls along the sidewalk on NW Naito Parkway. Pedestrian-scaled light standards are proposed across the large plaza/open space at the north end of the site. With the condition of approval cited above in Findings for B1 & B1-1, pedestrian-scaled light standards will also provide lighting along the Greenway trail.
- Most of the building's mechanical systems are proposed to be located on the roof of the building. Large mechanical units are placed on the roof of the tower component. Other smaller exhaust vents are placed on lower roofs.
- Two studio apartment units are proposed at the southeast corner of the site, facing the Greenway trail. These units will provide additional eyes on the trail, helping to improve overall safety at what is currently a dead-end in the trail.

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: The large plaza/open space at the north side of the site provides a pathway for pedestrians to move between NW Naito Parkway and the Greenway trail, enhancing connections within the larger pedestrian system.

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 following components of the proposed development help to establish stopping and viewing places:

- Benches, seating platforms, and lawn panels are proposed in the plaza/open space at the north side of the site. The plaza area itself is quite expansive, providing ample opportunity for informal stopping and viewing.
- Benches and seating platforms are also proposed off the Greenway trail, providing additional stopping and viewing places along the trail and seawall.
- Outdoor deck areas are proposed at the northwest and northeast corners of the building. Both deck areas are large enough to accommodate multiple tables and chairs, providing additional stopping places on the site.

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: The following building elements and design features help to make the proposed plaza/open space and the Greenway trail successful:

- The residential lobby and retail/restaurant space both face the proposed plaza/open space, with entry doors into each space opening onto the plaza. Large areas of windows along the ground floor on the north side allow for visual connections between the plaza and the building. Decks outside of each space face the plaza and

provide outdoor seating areas that further help to support and activate the plaza space.

- Balconies and Juliette balconies in each residential unit on the north and east facades of the building help to support the plaza and Greenway trail, respectively.
- The roof terrace on the 6th floor of the proposed building faces the Greenway trail, helping to support the Greenway trail.
- The proposed plaza/open space is designed in such a way that it can support flexible uses in addition to serving as a connection point between NW Naito Parkway and the Greenway trail.
- Two studio apartment units are proposed at the southeast corner of the site, facing the Greenway trail, in contrast to the mechanical room which was originally proposed in this location. These units will provide additional eyes on the trail, helping to improve overall safety at what is currently a dead-end in the trail and will help to make the trail more-successful overall than inactive mechanical space.
- The proposed plaza/open space originally had minimal engagement with the existing three-story office building immediately to the north of the site. A long stormwater planter and grade change between the plaza and the existing sidewalk adjacent to the office building generally separate the plaza from the existing office building; however, two short stairways cut through the planters, open the plaza to the existing office building, and provide a direct connection between the two sites.

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.

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

Findings for B6 & C10: Encroachments into the public right-of-way are very limited. Five canopies are proposed to project over a portion of the sidewalk along NW Naito Pkwy (though only three are indicated in the plan view). These provide a measure of weather protection along the sidewalk.

- Four of the proposed canopies are constructed out of steel C-channels to form a simple structural frame. No finish is indicated. Within the frame, a sloped corrugated metal roof provides drainage towards the street. The soffit is composed of wood, though the species, type of board, and finish are not defined.
- A steel and glass canopy is proposed over the street-facing lobby entry door. The structural members of this canopy are composed of double steel plate outriggers that project outward from the building face. A steel tee is sandwiched between each of the two plates. Glass sits atop these steel tees and slopes back towards the building, draining into a sheet metal gutter. No finishes are indicated.
- Additional canopies project from the north elevation. These are identical in design to those on the west elevation and comprise ten steel frame canopies and two glass and steel canopies. Several of these canopies provide protection over planter areas that are not accessible by pedestrians. Others provide protection over the retail/restaurant outdoor seating area. The two glass and steel canopies provide protection over two of the entry doors.

- The same steel frame canopies, again, are proposed on the east, river-facing elevation. Like many of the canopies on the north elevation, these provide protection over the outdoor seating area for the retail/restaurant space.
- Although information about proposed finishes is not provided, these canopies will be well integrated with the overall building design.

Therefore, these guidelines are met.

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

Findings: The proposal includes the following integrated systems that allow for barrier-free access:

- Although the ground floor of the building is elevated from the sidewalk and Greenway trail levels, a sloped pathway and plaza area provide connections between each to main entry doors on the north elevation for both the residential lobby and for the retail/restaurant space.

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 proposed building includes several elements that serve to enhance view opportunities and increase river view opportunities:

- Balconies and Juliette balconies are proposed on all four frontages of the building. These help to increase view opportunities from each residential unit.
- Roof decks are proposed on levels 2, 6, and 8. These all allow for river view opportunities. The deck on level 8 also allows for views back towards the Pearl District.
- Large windows in the residential units, in the residential lobby, and in the retail/restaurant space allow for views into and from the building to the surrounding district and, on the east side of the building, to the river.
- Clear-glazed storefront windows are also currently shown on the north elevation, looking into the lobby and retail/restaurant space from the plaza.
- The proposed deck at the retail/restaurant space is slightly elevated above the Greenway trail. It faces the river, as well as the proposed plaza/open space, and allows views to both.
- Benches and seating platforms are proposed along the Greenway trail. Access to the seawall edge is also retained along portions of the Greenway trail. These allow additional opportunities for river views.
- The large plaza/open space on the north side of the site allows for views to the river

from NW Naito Parkway and from portions of the Pearl District.

- The glazing proposed at the fitness room on the west elevation, and most-likely the south elevation, however, is proposed to be “fritted gradient” storefront glazing, which will limit views into and from this space, reducing vibrancy on the adjacent sidewalk along NW Naito Parkway. This glazing should be clear like the rest of the storefront glazing.
- Conversely, two storefront bays on the north elevation open into back-of-house uses—specifically the FCC room and the fire riser room. Views into these spaces will not help to create visual connections to the adjacent plaza or support the public space. The glazing here should be translucent.

With the condition of approval that the glazing at the ground floor of the west and south elevations shall be clear glass rather than fritted glazing; and,

With the condition of approval that the storefront glazing at the FCC room and fire riser room on the north elevation shall be composed of translucent glass, these guidelines will be met.

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

Findings: The proposed development includes proposed materials and detailing that promotes quality and permanence:

- The podium levels of the proposed building are partially-clad in dark, rusticated brick—a high-quality and durable material. Detailing proposed at the brick piers shows that the overall system will demonstrate permanence.
- Composite metal panels are proposed to be used in various places around the building. Composite metal panels are typically of very high-quality and not prone to oil-canning or pillowing, due to their rigidity.
 - The details provided show that the metal panels will be attached from behind, which furthers the high-quality of this material.
 - Kynar 500 finish is proposed for these panels, which is a resilient finish that will help to ensure permanence of the color and protect the material from weathering.
- A deeply-ribbed metal panel is proposed at the mechanical screen atop the tower roof. This material will also extend down the length of the tower on the south courtyard elevation.
 - The metal is proposed to be 24-gauge, which, with the proposed profile of 2-1/4” wide ribs with the 4-1/2” depth of each rib, should be sufficient to resist oil-canning and pillowing.
 - The panels will be attached with exposed fasteners. These will be located in the recessed portions of the panel, so they should be very difficult to see, due to their size. No information is provided about the finish or color of the proposed fasteners, however. They should be finished to match the ribbed metal panels.
 - A PVDF finish (of which Kynar 500 is a type) is also proposed for the ribbed metal panel, which will help to ensure permanence of the color and protect the material from weathering.
- Equitone fiber cement panels are also proposed on the building. The color of the fiber cement is intrinsic to the Equitone material, meaning that scrapes or dents won’t result in raw fiber cement being visible. This helps to ensure a higher quality in the

system than systems which do not have through-coloration.

- The Equitone panels are proposed to be fastened to a rainscreen system from the exterior; the fasteners will, therefore, be visible, except at the lower two floors, where the drawings indicate they will be concealed (Exhibit C.34).
- For the exposed fasteners, no indication of fastener type or color is proposed. Prefinished fasteners that match the color of the panels are available from the manufacturer, however, and these should be used.
- For the concealed fasteners, no method of attachment is shown in the drawings. These attachments should be located entirely behind the panel, via a clip system, or similar system, for higher quality and permanence. Nail or screwed and patched fasteners should not be used, as these weather more-easily and require paint-matching an integral-color material.
- A structurally-glazed curtain wall system is proposed at the northwest corner of the building and at the main building entries. This is another high-quality cladding system, and proposed details support the permanence of the system. The glazing color is proposed to be clear, with Solarban 72 proposed as the basis of design.
- Aluminum storefront systems are proposed across much of the ground floor. The same clear glazing proposed in the curtain wall is also proposed in the storefront systems, with the exception of glazing on the west and south elevations at the fitness room, which is shown with fritted gradient glazing. This has already been conditioned in Findings for A8 to be the same clear glazing, rather than the proposed fritted glazing. The aluminum storefront frames and mullions will be colored either a light or dark metal to match the proposed metal panel colors and the materials that the windows will be next to.
- A glazed window wall system is proposed on the residential-level stories of the building. Window walls are typically very durable building components, and proposed detailing supports this.
 - An integrated sliding glass door system is proposed at many of the residential units. These will use similar detailing, glazing color, and framing color, helping them integrate into the overall system.
 - Clear glazing is proposed, though the glass will have reduced transmissivity compared to the storefront and curtain wall glazing.
 - Two colors of spandrel glass are also proposed, and the color will be painted on the fourth (interior-most) surface of the glazing, ensuring its durability as well as ensuring its integration with the rest of the glazing system.

With the condition of approval that exposed metal panel attachments shall be finished to be the same color as the metal panel; and,

With the condition of approval that exposed fasteners used with the fiber cement panel system shall be prefinished by the manufacturer to match the color of the panels, and the concealed fasteners used with the fiber cement panel system shall be attached entirely from the back side of the panel via a clip or similar system, this guideline will be 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.

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 C3-1 & C9-1: Parking is enclosed within the building on all sides. Only a single garage door is proposed along NW Naito Parkway to provide access to both the ground level parking garage and the basement-level parking garage. Access is kept separate from the pedestrian-oriented plaza/open space at the north end of the site.

Therefore, these guidelines are 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: Massing of the proposed building can be divided into three primary components.

- An eight-story podium mass lies along part of the west and south sides of the site.
- A five-story podium mass lies along much of the proposed plaza area at the north end of the site and continues to the east along much of the Greenway trail.
- Between these two podium masses, an “L”-shaped tower extends up to the full 17-story height. This “L” is slightly longer in the east-west direction than in the north-south direction, matching the overall proportions at the base of the building.

Articulation and fenestration of the three primary masses follows fairly consistent rules.

- Street, plaza, and Greenway trail-facing podium masses—perhaps more-appropriately referred to as “side-cars” to the primary “L”-shaped massing—are articulated with brick and deep-set, vertically-oriented bays of windows and doors and a flat brick cornice band/parapet. The brick expression dissolves at both podiums’ interior courtyard-facing ends, which are clad in metal and glazed window walls and articulated with balconies. This metal and glazing system has a more horizontally-oriented expression, like the tower mass described below, and wraps around to the interior courtyard elevations of the building, reflecting the different character of this space.
- The “L”-shaped tower mass has a generally-flatter material composition, incorporating composite metal panels and fiber cement panels in addition to the proposed window wall system. The mass is divided up on each floor level into horizontally-oriented bays of window walls composed of clear and spandrel glazing.
 - Though the window bays have a horizontal orientation on the tower, they are arranged into vertical bays that extend from the parapet to the ground floor base. Where proposed, the consistency and alignment of these bays helps to unify the tower and podium masses and give the building a greater sense of verticality.
 - At either end of the tower “L”, the mass narrows, subtly articulating this large mass and helping to reinforce its vertical character.
 - The tower mass is subdivided into a distinct, outwardly protruding mass at its northwest corner, which helps to identify the main entrance to the site and the building at the intersection of the proposed plaza and NW Naito Parkway.

- The composition of the north elevation of the tower, which, as originally-proposed, was composed with a much more-vertical orientation has since been revised to continue the horizontal bay expression found around the rest of the tower.
- The north elevation also retains a massing protrusion, which staff had originally recommended be pulled back into the main mass of the tower to help to better define the difference between the tower mass and the podium mass below. The Design Commission mostly-disagreed with staff's original assessment at the September 28, 2017 hearing, and the development team, since then, has worked to further integrate the protrusion into the rest of the tower by extending balconies eastward from the mass towards the river.
- A four-story tall massing "appendage" also originally protruded eastward from the primary "L" tower mass onto the five-story northern podium. This mass formed a complicating step in the north and south elevations and was referred to as a "ziggurat" by the Design Commission at the Design Advice Hearing held for this proposal on June 1, 2017. Commissioners repeatedly pushed for either its removal or further integration into the rest of the building's composition. The revised drawing set presented to the Design Commission at the November 30, 2017 hearing shows that this massing element has been removed, and its dwelling units have been reallocated to the western and southern podium mass. This move helps to increase the overall coherency of the building's massing and articulation.

Finally, although the building incorporates a large palette of materials, the Design Commission found at the September 28, 2017 hearing the material palette was well-integrated, utilizing similar colors and textures, despite the physical differences among the materials, and formed a cohesive façade expression overall.

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:

- Transition space is provided between the plaza/open space at the north end of the site and building entries on the north elevation. Doors are recessed into the building face, and the large plaza area is separated from the building entries by landscaping.
- The residential lobby entry facing NW Naito Parkway is setback from the sidewalk, up a short flight of stairs. This stairway provides a distinct transition space between the building and the public realm.
- Decks proposed at the northwest and northeast corners of the building also provide transition space from the pedestrian realm along NW Naito, the plaza, and the Greenway trail.

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: Design elements that help to build active intersections include:

- The northeast and northwest corners of the building are programmed with active ground floor uses—a retail/restaurant space and large residential lobby, respectively. These spaces can be accessed from either the plaza/open space on the north side of the site, or from the sidewalk along NW Naito for the lobby and from the Greenway trail for the retail/restaurant space.
- The southwest corner of the building is currently programmed with a fitness room and proposed to be glazed with gradient-fritted glazing on the west elevation and likely on the south elevation as well. The glass here should be clear, like the other storefronts, to increase the flexibility of this space at the southwest corner.
- Stairs and elevators to the upper stories are located deeper inside the building away from the corners of the building.
- Bays of large storefront windows and canopies are proposed at both corners of the building.
- The northwest corner is identified by a two-story, structurally-glazed curtain wall which looks into the double-height lobby space.
- The largest building signs are proposed to be located at the northwest corner of the building, as well, near the two-story curtain wall.

With the condition of approval that the glazing at the ground floor of the west and south elevations shall be clear glass rather than fritted glazing, this guideline will be 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 sidewalk level is defined by large bays of storefront windows and canopies on the north, east, and west facades of the building.
- A raised dock and planter system on the west elevation, facing NW Naito Parkway, also helps to differentiate the ground level.

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.

Findings:

- A flexible retail/restaurant space is proposed at the northeast corner of the building, facing both the plaza/open space and the Greenway trail and providing access to the space from both. This space is augmented by an outdoor deck with room for outdoor seating.
- The large residential lobby is located at the northwest corner of the building, facing both the plaza/open space and NW Naito Parkway. Access to the lobby is provided from both the plaza and NW Naito Parkway. The space is large enough to accommodate significant residential amenities and potentially a future small retail use. This space is also augmented by an outdoor deck with room for outdoor seating.
- A large fitness room space is located along the southern half of the west elevation. The space could conceivably be reprogrammed in the future to accommodate other uses, and with the condition of approval recommended in Findings for A8, Findings for C1 & C1-1, and Findings for C7, the exterior will include the same clear glazing

storefront found elsewhere along the ground floor.

Therefore, this guideline is 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:

- Large mechanical units are proposed to be located on the roof of the tower mass. These will be screened with architectural screening that is integrated into the overall design of the building. This screening is composed of a dark, deeply ribbed metal panel that is also proposed to clad a portion of the south elevation. The color of the metal will also match the dark-colored composite metal panel proposed that is incorporated into the building massing which extends down from the screen on the south and east elevations. This integrated screen, which extends around all four sides of the building's roof, will help these systems to fit into the skyline and views from The Fields Park and the Fremont Bridge, especially.
- Eco-roofs composed of sedum mats and trees in planters are proposed on roof surfaces that are not otherwise occupied by residential rooftop amenity uses on levels 6 and 9. The eco-roofs are a very low impact building component when viewed from ground level, and views from above, such as fleeting views from the Fremont Bridge, should appear similarly well-integrated. Planters on both levels contain small trees that should also have minimal impact on the skyline.
- Levels 6 and 9 also contain roof decks with low built-in furnishings on both. These decks are unlikely to have a significant impact on the city's skyline.
- The roof terrace on level 2 originally included a paved deck surrounding a pool and hot tub for residents' use. This has since been removed, and the proposed terrace now contains planters and eco-roof components, which are low in scale relative to the tower which surrounds two sides of this terrace space, as well as a deck space with low furnishings like those found on levels 6 and 9. Dogwood trees are proposed in planters around the south and north edges of this terrace. These are also small relative to the scale of the adjacent tower. Three larger *Stewartia* trees are proposed, and these are located towards the alcove created by the two podium wings and will be visually encapsulated by the building. These elements all, therefore, appear to be well-integrated on the rooftop and compatible with the rest of the building. Their low height relative to the tower also limits any impact on the city's skyline.

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: Four different types of light fixtures are proposed around the exterior of the building:

- Columnar light standards are proposed around the periphery of the plaza/open space on the north side of the site. These are similar in design to light standards used along the Greenway trail north of the Fremont Bridge and through the Riverplace development. They should integrate well with the proposed design of the plaza, as

well, and will have little impact on the skyline due to their location on the ground.

- Small architectural step light fixtures are proposed in the cast-in-place concrete dock wall along the sidewalk on NW Naito Parkway. These are simple in design and will essentially disappear during the daytime.
- Recessed linear fixtures are proposed in soffits above each of the ground floor storefront bays around the west, north, and east facades of the building, except for the bays with glass canopies. These fixtures should integrate well with the proposed composite metal panel soffits and will have little to no impact on the skyline.
- The fourth light fixture type is a linear “edge” light. These are proposed to be located at each of the buildings glass canopies, which are located over main entries to the lobby and the retail/restaurant space and are well-integrated into the overall canopy design.

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: Proposed building signage is primarily located near the northwest corner of the building and at lobby entry doors. These signs are all smaller than 32 square feet in size, and are therefore not subject to Design Review, per zoning code section 33.420.041.F. If signs exceeding this threshold are proposed in the future, another Design Review will be required.

Therefore, this guideline does not apply.

(2) MODIFICATION REQUESTS (33.825)

33.825.040 Modifications That Will Better Meet Design Review Requirements:

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

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

Modification #1: 33.140.210.B.2 – Height. To allow rooftop mechanical equipment and screening to extend above the height limit of 175’ (per the North Pearl Subarea height opportunity area standards), to be located closer than 15’ to the roof edges on street-facing facades and to cover more than 10% of the roof area. The proposed mechanical screen will enclose 73% of the tower roof area and will extend up to the parapet of the tower in some locations.

Purpose Statement: The height standards work with the FAR, building setback, and building coverage standards to control the overall bulk and intensity of an area. The EG1

zone height limit is the same as the General Commercial zone because the EG1 zone often functions as a transition zone between industrial and residential or commercial zones. The EX zone height limit reflects its use in intense urban areas and the range of uses that are allowed. The other zones do not have height limits because tall buildings in these areas have traditionally not been a problem.

Standard: 33.140.210.B.2. Rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades:

- a. Elevator mechanical equipment may extend up to 16 feet above the height limit; and
- b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limit.

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

Findings: The proposed mechanical screening is composed of a dark, deeply ribbed metal panel that is also proposed to clad a portion of the south elevation. The color of the metal will also match the dark-colored composite metal panel proposed that is incorporated into the building massing which extends down from the screen on the south and east elevations. This integrated screen, which extends around all four sides of the building's roof, will help these systems to fit into the skyline and views from The Fields Park and the Fremont Bridge, especially.

Allowing this screening to cover more than 10% of the roof area will therefore enable Guidelines C5 – Design for Coherency and C11 – Integrate Roofs and Use Rooftops to be better met, as a more-distinct, separated screening element would not meet those standards as well. Additionally, were the large mechanical units placed on lower elevations, or the ground level, Guidelines A8 – Contribute to a Vibrant Streetscape, B2 – Protect the Pedestrian, and C9-Develop Flexible Sidewalk-Level Spaces might not be as well met.

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: Height limits work with the FAR, building setback, and building coverage standards to control the overall bulk and intensity of development. In the EX zone, specifically, the standard reflects its use in intense urban areas. The portion of the building to which the requested modification applies is relatively small in overall area compared to the total building footprint. This is consistent with the overall limitation on bulk which the standard is working to achieve.

Therefore, this Modification merits approval.

Modification #2: 33.266.220.C.3.b – Standards for all bicycle parking, Bicycle racks: To allow long-term bicycle racks to be spaced at 1'-4" x 6' rather than the required 2' x 6'.

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

Standard: 33.266.220.C.3.b: A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame

supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components. See Figure 266-11.

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

Findings: The proposal states that a total of 481 long-term bicycle parking spaces are proposed. Of these, 206 are proposed to be located in a common bike storage room on the ground floor. These will be hung vertically on walls in the bike room. The narrower spacing will allow for more bikes to be placed in smaller amount of space on the ground floor, ensuring that there remains plenty of room for active uses along the street- and walkway-facing edges of the building—a development pattern which also fits in well with nearby development—better meeting Guidelines A1 – Integrate the River, A5 – Enhance, Embellish, and Identify Areas, A5-1-1 – Reinforce the Identity of the Pearl District Neighborhood, A5-1-5 – Reinforce the Identity of the Waterfront Area, A8 – Contribute to a Vibrant Streetscape, B5 – Make Plazas, Parks, and Open Space Successful, C4 – Complement the Context of Existing Buildings, and C9 – Develop Flexible Sidewalk-Level Spaces. Bike racks provided within the residential units show that the full-sized 2’ x 6’ space will be provided.

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: As stated above, the proposed racks will be hung vertically on walls in the bike room. The proposed product information sheet shows that these racks are also staggered vertically on the wall, providing room for handlebars and peddles to overlap without snagging or interfering with one another. The proposal does not specify whether the racks are proposed to be staggered, therefore, a minimum 6” stagger will be required through a condition of approval. This will allow the purpose statement to be met, which states that the standards ensure that bikes can be locked without undue inconvenience and are reasonably safeguarded from damage.

With the condition of approval that the proposed wall-mounted bike racks shall be staggered vertically by a minimum of 6”, this Modification will merit approval.

Modification #3: 33.510.205.H.2 – North Pearl Subarea height opportunity area.

- To allow the height of the building to be 175’-0”, exceeding the maximum allowed base height of 100’-0”; and,
- To allow the length of facades above 100’ to exceed 120’ in length. Proposed façade length on the southwest and northeast facades of the building is 125’-2”. Proposed façade length on the southeast and northwest facades of the building is 142’-8”.

Purpose Statement:

In the North Pearl Subarea, additional building height may be appropriate to support the goals of the North Pearl Plan. The regulations of this subsection:

- Promote the use of development bonus and transfer provisions to create and support a range of community amenities to serve the diversity of residents and employees in the Central City;
- Create a skyline and urban form that is visually permeable by providing visual access to locations within and beyond the subarea;
- Encourage the development of taller buildings that may accommodate a range and diversity of land uses;

- Result in a dynamic and varied skyline and urban form that contributes to the health, vibrancy, and livability of urban living;
- Shape building massings that allow light and air to penetrate to the street level, enhance pedestrian scale, and create a pleasant, versatile, and active public realm; and
- Provide flexibility to allow a range of uses and building types to be developed in a manner that fulfills the design objectives of this purpose statement.

Additionally, along the waterfront of the North Pearl Subarea the regulations of this subsection also:

- Increase access to sunlight along the greenway and within public and private open space areas developed along the waterfront;
- Develop a dense, active urban waterfront with a vibrant public realm;
- Work with the open area and waterfront development provisions of the North Pearl Subarea in the creation of well designed public and private urban open space amenities;
- Facilitate visual and physical access to and along the riverfront for all members of the public;
- Create expanded opportunities for views of the river as viewed from Naito Parkway and Front Avenue, landward portions of the subarea, and locations west of the subdistrict; and
- Ensure bonus height granted to sites adjacent to the Fremont Bridge does not significantly affect views of or diminish the aesthetic qualities of the bridge or its iconic stature in the Portland skyline.

Standard: 33.510.205.H.2 through 2.c. Additional building height above the maximum height limits shown on Map 510-3 may be approved as a modification through design review if H.2.a and b are met, and either H.2.c or d. Except as specifically allowed, adjustments and modifications to this paragraph are prohibited.

- a. The site must be in the height opportunity area shown on Map 510-16.
- b. The floor area of the building above the maximum height limit shown on Map 510-3 must be:
 - (1) Earned through bonus FAR provisions;
 - (2) Transferred by a Central City Master Plan; or
 - (3) Transferred from an Historic Resource in conformance with 33.510.200.H, Transfer of floor area from Historic Resources in specified areas.
- c. The regulations of this subparagraph apply to sites northeast of SW Naito Parkway. Building heights may be increased to 175 feet in the height opportunity area if the following are met:
 - (1) The floors of the building above 100 feet are limited to 12,500 square feet in area or less; and

The length of any façade above 100 feet may not exceed 120 feet. However, a dimension of up to 150 feet may be requested as a modification through design review.

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

Findings: The first portion of the Modification request—to exceed the maximum height limit of 100 feet by an additional 75 feet—begins to address a potential problem with any development of significant size on this site, which is the obstruction of views of the Fremont Bridge from the Pearl District at large and from The Fields Park, in particular.

The applicants have demonstrated this on sheets App.24 and App.25 in the drawing package sent to the Design Commission for the November 30, 2017 hearing (Exhibit H-42), as well as in older drawing packages sent to the Design Commission for hearings in September and November, that development up to 100-feet in height will block much of the view of the Fremont Bridge from The Fields Park, and that adding bonus floor area on top of that will further block the view. They demonstrate that shifting the mass of the building podium to one side by increasing the height of that side can help to restore a portion of the view of the bridge, which begins to better meet Guideline A2 – Emphasize Portland Themes. Shifting building program and mass from the podium level to the tower level will also allow for additional light and air to penetrate to the Greenway trail and Willamette River behind the site over the lower parts of the building, helping the proposal to better meet Guideline C5-1-5 – Reinforce the Identity of the Waterfront Area.

The proposed low podium and tower building typology is also used elsewhere in the North Pearl Subarea. Shortening the height of the podium and emphasizing the tower helps to reinforce this pattern, which begins to better meet Guidelines A5 – Enhance, Embellish, and Identify Areas, A5-1-1 – Reinforce the Identity of the Pearl District, and Neighborhood C4 – Complement the Context of Existing Buildings. Further, although the “L”-shaped tower may appear more massive from vantage points other than The Fields Park, Design Commissioners, overall, have found at the September 28, 2017 and November 16, 2017 hearings that the massing composition achieves its goals and meets these guidelines well and will be a well-composed building, consistent with the character of other buildings in the Pearl District.

The second portion of the Modification request, which is to allow the length of the building façades above 100-feet in height to exceed 120-feet in length, helps to accommodate shifting building mass from the podium into the tower component. This helps the proposal begin to better meet Guideline A2 – Emphasize Portland Themes, by retaining larger portions of the view to the Fremont Bridge from The Fields Park than shifting floor area to the podiums.

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 purpose of the standard aims to achieve numerous goals in the North Pearl Subarea and along the North Pearl waterfront. Several parts of the purpose statement aim to increase visual permeability, preserve visual and physical access to the river, allow for light and air to penetrate to the public realm, and to ensure that bonus height on sites adjacent to the Fremont Bridge does not significantly affect views of the bridge.

The applicants have provided massing studies on sheets App.24 and App.25 in the drawing package presented to the Design Commission on November 30, 2017 (Exhibit H-42) which show that a building occupying the majority of the site and built up to the 100-foot height limit would severely impact views of the Fremont Bridge from The Fields Park. Shifting some of that building mass and program from the podium to a tower helps to lower the height of the podium, which allows for some of the existing view to be retained. Allowing the length of the building above 100-feet in height and running parallel to NW Naito Parkway to exceed the length limit by 5'-2" will have a negligible additional impact on the view. The façade length running perpendicular to the river and NW Naito Parkway, though, will block some additional view of the bridge with the additional 22'-8" length requested. Although the full extent of the impact is not clear on the diagrams, the Design Commission has found at hearings on September 28, 2017 and November 16, 2017 that allowing an extension here is preferable to placing

additional stories on the podium and helps to balance competing purposes of the standard which looks to “develop a dense, active urban waterfront” while at the same time retaining the “iconic stature” of the Fremont Bridge in the Portland skyline.

The purpose of the standard in allowing for buildings taller than the base 100-foot height limit also aims to achieve a range and diversity of land uses as well as a range of community amenities to serve residents and employees in the Central City. The standard also exists to develop a dense and active urban waterfront with a vibrant public realm. The applicants have proposed a retail/restaurant ground floor use at the northeast corner of the building, facing the proposed plaza/open space and the Greenway trail and river. This use is critical to have a vibrant waterfront and public realm, and a condition of approval requiring this use should be included that requires this use to be maintained for the building additional height to be granted.

On balance, the Design Commission has found that the purpose of the standard will be met.

With the condition of approval that the proposed retail/restaurant space at the northeast corner of the ground floor of the building shall remain in a Retail Sales & Services use for the life of the building, this Modification merits approval.

Modification #4: 33.510.251.C.3 – Required open area development standards, Shadow standard. To allow more than 50% of the plaza area on the north side of the site to be covered by shadows at noon on April 21st of any year, not including shadows from trees. Approximately 84% of the plaza will be in shadow at noon.

Purpose Statement: The open area requirement promotes adequate amounts of light and air, year-round opportunities for outdoor active and passive recreation, visual relief from the built environment, and facilitates circulation for pedestrians to and throughout the North Pearl Subarea. The open area requirement is intended to produce open areas at a scale comparable to what large sites would have if divided by the 200-foot street grid pattern.

Standard: 33.510.251.C.3, Shadow standard. Parks and plazas must be sited so that shadows from buildings cover no more than 50 percent of a park or plaza at noon and 75% at 3:00 PM on April 21 of any year. Trees are not to be included in consideration of the limitation on shadows.

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

Findings: The modification to allow the proposed plaza area on the north side of the site to be in more than 50% shadow at noon on April 21st allows the proposed development to accommodate a wide and generous open space area between the existing office building to the site’s immediate north and the new 17-story tower. This wide space approximates a standard right-of-way in the Pearl District and reflects the emerging pattern of development in the North Pearl waterfront area, better meeting Guidelines A5 – Enhance, Embellish, and Identify Areas, A5-1-1 – Reinforce the Identity of the Pearl District Neighborhood, A5-1-5 – Reinforce the Identity of the Waterfront Area. The wide open space also helps to preserve views to the river from NW Naito Parkway and portions of the North Pearl, such as from the future intersection of NW 12th & Raleigh, better meeting Guidelines A1-1 – Link the River to the Community, C1 – Enhance View Opportunities, C1-1 – Increase River View Opportunities.

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 North Pearl Subarea open area shadow standard is intended to allow for adequate amounts of light and air in addition to providing opportunities for active and passive recreation, visual relief, and increasing options for pedestrian circulation. The amount of shaded area on the plaza at noon is significant, and the remaining with sun is centered around a shared loading and pedestrian area along NW Naito Parkway. However, as demonstrated in diagrams on Sheet App.42 in Exhibit H-42 (Exhibit C-106), by 1:00pm the area of the plaza in the sun will have increased by a little over 5,000 square feet, leaving only 26.5% of the plaza in the shade. Additionally, the entire north side of the plaza will be in sun. On balance, therefore, the purpose of the standard will be met, as the plaza will still be able to provide an adequate amount of light and air as well as opportunities for visual relief and outdoor recreation.

Therefore, this Modification merits approval.

Modification #5: 33.510.251.D.3.b & c – North Pearl Subarea waterfront development standards:

- b. Setbacks for all development from the Willamette River: To allow portions of the building over 35' in height to extend into the setback area, which requires the building to be set back from the Greenway setback line by 1' for every 1' of height above 35'. (These portions of the building are not yet clearly identified on the plan drawings.)
- c. Maximum building dimension: To allow the building dimension to be 230'-9" in the northeast-southwest direction, i.e., perpendicular to the river, rather than the maximum allowed 200' dimension.

Purpose Statement: These standards are intended to assure both frequent views of the river and physical connections to the river and its activities.

Standard: 33.510.251.D.3.b, Setbacks for all development from the Willamette River. The minimum setback for all development from the Willamette River is regulated by the Greenway Overlay zones; see Chapter 33.440. In addition, buildings or portions of buildings over 35 feet in height must be set back from the Greenway setback line 1 foot for every 1 foot of height above 35 feet.

Standard: 33.510.251.D.3.c, Maximum building dimension. The maximum building dimension is 200 feet. This standard applies to both length and depth.

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

Findings for subparagraph b: The modification request to allow portions of the building to extend into the setback area allows for building program and mass to be shifted off of the building podium and onto the tower portion of the building. The lower height of the podium will allow for better views towards the Fremont Bridge from the Pearl District and The Fields Park than if building massing were more-evenly distributed, better meeting Guidelines A2 – Emphasize Portland Themes, A5 – Enhance, Embellish, and Identify Areas, and A5-1-1 – Reinforce the Identity of the Pearl District Neighborhood.

In addition to lower the height of the podiums, shifting mass to the building's tower also allows for larger areas of rooftop, which will be planted and programmed with amenities for residents of the building, to be located closer to the Greenway trail and river. This will help the proposal better meet Guidelines A5-1-5 – Reinforce the Identity of the Waterfront Area and C11 – Integrate Roofs and Use Rooftops

The original staff report responded that Guidelines C11 and C5 were not better met due to an additional building mass originally proposed as an “appendage” to the north leg of the “L”-shaped tower. Staff stated that this mass should be shifted out of the setback area and added as an extension of the podium. The Design Commission agreed that the mass was not well-integrated with the overall building design at both the September 28, 2017 and November 16, 2017 hearings and stated that the units should be moved elsewhere. The applicants responded by moving the units, and the “appendage”, out of the setback and onto the western podium, adding a 10th story and extending it an extra half bay to the east. The end result of this shift better meets Guideline C5 – Design for Coherency, creating a more-coherent building massing, and also continues to meet Guidelines A5 and A5-1-1 by maintaining a comparable amount of view of the Fremont Bridge from The Fields Park as the original proposal.

Findings for subparagraph c: The modification request to allow the building dimension in the east-west direction to be up to 230'-9" in length, rather than the allowed 200' in length allows the building to provide a wider open space connection between NW Naito Parkway and the Greenway trail/Willamette River and allows the building to be narrower in the north-south direction, at approximately 180'. By narrowing the building in the north-south direction, parallel to NW Naito Pkwy, the proposal better meets guidelines that aim for better connections to the river and Greenway trail, such as A1-1 – Link the River to the Community, A2 – Emphasize Portland Themes, A5-1-5 – Reinforce the Identity of the Waterfront Area, B5 – Make Plazas, Parks, and Open Space Successful, C1 – Enhance View Opportunities, and C1-1 – Increase River View Opportunities.

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 North Pearl Subarea waterfront standards are intended to assure both frequent views of the river and physical connections to the river and its activities. The encroachment of the building into the 1-foot setback per 1-foot in height above 35 feet from the Greenway setback will not negate this purpose. The proposed increase in the maximum building dimension from 200 feet to nearly 231 feet in the direction perpendicular to the river. This still allows for a large open area on the north side of the property, which provides views and physical connections to the river and its activities. Therefore, on balance, the proposal is consistent with the purpose of the North Pearl Subarea waterfront standards.

Therefore, this Modification merits approval.

Modification #6: 33.140.240.B.4 – Pedestrian Standards, EG1 and EX zones. To allow landscaping between the sidewalk and the building along NW Naito Parkway to be planted with groundcover and other low plants, which is less than the required L1 landscaping standard that requires trees to be planted in addition to groundcover.

Purpose Statement: The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in developments in the employment zones. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.

Standard: 33.140.240.B.4, EG1 and EX zones. The land between a building and a street lot line must be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians. This area may be counted towards any minimum landscaped area

requirements. Vehicle areas and exterior display, storage, and work activities, if allowed, are exempt from this standard. Bicycle parking may be located in the area between a building and a street lot line when the area is hard-surfaced.

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

Findings: The modification request to allow proposed landscaping between the sidewalk edge and the building along NW Naito Parkway to not include the required trees will create a more-typical urban-edge condition along NW Naito Parkway and will allow greater opportunities for views into and from active ground floor areas on the west elevation of the building. This modification, therefore, will allow the proposal to better meet Guidelines A5 – Enhance, Embellish, and Identify Areas, A5-1-1 – Reinforce the Identity of the Pearl District Neighborhood, A5-1-5 – Reinforce the Identity of the Waterfront Area, A8 – Contribute to a Vibrant Streetscape, C1 – Enhance View Opportunities, and C4 – Complement the Context of Existing Buildings.

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 purpose of the standard is to encourage a safe, attractive, and usable pedestrian circulation system, as well as ensuring a direct connection between buildings and other activities on the site. A building entrance is still proposed facing NW Naito Parkway, allowing a direct connection from the sidewalk. The extensive pedestrian system proposed as part of this development allows for direct connections to other activities on the site. The unobscured visual connection from the sidewalk to the ground level spaces also increases safety and attractiveness at the sidewalk.

Therefore, this Modification merits approval.

Modification #7: 33.266.130.G.2.c – [Parking area] Setbacks. To allow required landscaping between the south lot line and the driveway leading from NW Naito Pkwy to the structured parking garage to be screened with 3-foot tall evergreen shrubs for a portion of its length and with a 3-foot tall concrete wall for the rest of its length instead of the required L2 landscaping (which consists of trees, shrubs, and ground cover). The proposed planted area will be 2 feet in width instead of the required 5-foot width.

Purpose Statement: The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones.

Together with the transit street building setback standards in the base zone chapters, the vehicle area restrictions for sites on transit streets and in Pedestrian Districts:

- Provide a pedestrian access that is protected from auto traffic; and
- Create an environment that is inviting to pedestrians and transit users.

The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles.

The setback and landscaping standards:

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Provide flexibility to reduce the visual impacts of small residential parking lots;
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;

- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution.

Standard: 33.266.130.G.2.c, Setbacks. The minimum required setbacks for surface parking areas are stated in Table 266-5. Protective curbs, tire stops, bollards or other protective barriers are not allowed within the minimum required setbacks.

Per Table 266-5, Minimum Parking Area Setbacks and Landscaping: For all zones except EG2 and IG2, a lot line abutting a C, E, or I zone lot line shall have 5 feet of L2 landscaping.

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

Findings: Placing the driveway access to the structured parking garage close to the south lot line allows for the rest of the street frontage along NW Naito Pkwy to be programmed with either active ground floor uses within the building or to be devoted to pedestrian-oriented open space, better meeting Guidelines A7 – Establish and Maintain a Sense of Urban Enclosure and C8 – Contribute to a Vibrant Streetscape. Though shifting the driveway three feet further to the north would meet the standard, it would also negatively impact the rhythm of bays in the podium building mass along NW Naito Pkwy.

- 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: Part of the purpose of the standard is to create an environment that is inviting to pedestrians and transit users. The proposal accomplishes this through the design of the building, which has an urban frontage along NW Naito Pkwy. The pedestrian environment created by the placement of the building close to the sidewalk edge along NW Naito Pkwy visually extends around the southwest corner to the south elevation of the building, where two podium bays extend down to the ground. Aside from the driveway, the parking area itself is fully-enclosed within the building, substantially reducing its impact on stormwater and its visual impact on the street. The short run of the driveway and the setback of the garage door also reduce visual impact on the sidewalk and the street. The driveway is softened close to the sidewalk with 3-foot tall evergreen shrubs, which should also allow for adequate sightlines from between the driveway and the sidewalk. On balance, therefore, the proposal is consistent with the purpose of the standard.

Therefore, this modification merits approval.

(3) GREENWAY REVIEW (33.440.350)

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 purpose of the Willamette Greenway design guidelines is to help attain the goal and objectives of the Willamette Greenway Plan, particularly objectives 2, 3, and 4. The design guidelines address the quality of the environment along the river, and require public

and private developments to complement and enhance the riverbank area, particularly with regard to riverbank treatment, landscape enhancement, public access, and the relationship of structures to the Greenway Trail, the siting and design of viewpoints, and the design of view corridors.

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.

Findings: The proposed building complements the Greenway Setback with the following features:

- The proposed building includes an active ground level, programmed with a proposed retail/restaurant space and designed with large retail bays infilled with storefront windows. One entrance for this space opens towards the Greenway trail and provides a direct connection to it, and another opens to the plaza/open space that connects the trail to NW Naito Parkway. An outdoor deck area between the Greenway trail and the building provides space for outdoor seating for the proposed retail/restaurant space. This deck wraps around to the north side of the building and will help to enhance the proposed plaza area.
- Upper stories of the proposed building, which are programmed primarily with residential dwelling units, are dominated by large glazed areas that overlook the Greenway and the proposed connecting plaza/open space at the north side of the site.
- The building’s podium, which faces both the Greenway and the plaza/open space on the north end of the site, is proposed to be detailed with a dark black, heavily-rusticated brick. The brick material is used to form deep piers that divide the north and east facades into vertical bays along the lower levels of most of the two facades. These deep piers, combined with large areas of glazing, Juliette balconies, and canopies above the ground floor level all help to add articulation and detailing to the building’s massing, enhancing the experience along both the Greenway trail and the plaza.

Therefore, this guideline is met.

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:

- Development along the north reach of the Willamette River in the Central City follows a pattern that approximates the city’s typical 200’ grid north of the Fremont Bridge in the Riverscape area/Rivernorth subdivision. This spacing is oriented perpendicular to the river. Development between the Fremont and Broadway bridges is more scattered, though a similar configuration currently exists in some areas, such as at the Waterfront Pearl development and with the spacing of the remaining buildings at the Centennial Mills site. The warehouse immediately south of the subject site is also approximately the size of a typical Portland block.

The proposed new development roughly follows this pattern, creating a building approximately 180-feet wide in the direction parallel to the river and establishing a wide view corridor and pedestrian accessway on its north side.

- Existing development on the subject site is auto-oriented and its building forms are slightly more broken up, with large parking areas located between and on either side of the two buildings currently on the site. Both buildings are set back from the street, but both back up close to the Greenway trail, leaving a narrow strip of landscaping between the trail and the buildings. This contrasts with newer developments to the north of the Fremont Bridge, which tend to be set back a little farther from the Greenway trail.

The proposed building follows the pattern of development on its larger site; the building itself is set close to the Greenway trail. A slightly-raised dock extends up to the boundary of the Greenway setback.

Therefore, this guideline is met.

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.

Findings:

- A new pedestrianway is proposed at the north end of the subject site—part of a larger plaza and open space area that extends from NW Naito Pkwy to the Greenway trail.
- The Greenway trail segment presently exists and will continue through the subject site.
- No formal viewpoints are located on the subject site.
- Internal site pedestrian circulation is limited; however, connections from the Greenway trail to the retail/restaurant space and to the second floor roof terrace are proposed.

Therefore, this guideline is met.

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.

Findings:

- Parking, trash and recycling dumpsters, and loading are located within the building, away from the Greenway trail and other pedestrian circulation routes.
- The mechanical room at the southeast corner of the building, which originally faced the Greenway trail, has been shifted to the west behind two ground-level residential units that now open onto the Greenway trail. This provides satisfactory separation and screening of this use from the Greenway trail.

Therefore, this guideline is met.

3. Signage. Access connections should be clearly marked.

Findings: No information is yet provided regarding signage to mark the connection from NW Naito Pkwy to the Greenway trail. Signage that denotes public access to the Greenway trail and which meets the Directional signs standard in Portland sign code section 32.32.030.H should be provided at both ends of the pedestrianway at the north end of the site.

With the condition of approval that signage denoting public access to the Greenway trail shall be placed at both ends of the pedestrianway and that the signs shall meet the Directional signs standard in Portland sign code section 32.32.030.H, this guideline will be met.

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: Site topography does not allow for safe pedestrian access to the water's edge, due to the existing seawall.

Therefore, this guideline does 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.

Findings: No natural riverbank exists along the subject site, since the riverbank has been replaced with an existing seawall.

Therefore, this guideline does not apply.

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 subject site is identified as having only Rank V habitat area and no Rank I habitat.

Therefore, this guideline does 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 existing seawall along the river is proposed to remain. Public access to the river from the subject site is therefore precluded.
- Additional landscaping is proposed in pockets along the river side of the Greenway trail. Proposed species are not identified. Most of the area on the upland side of the Greenway setback is proposed to be developed; only an area at the southeast corner incorporates proposed landscaping.

Therefore, this guideline is met.

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.

Findings:

- New landscape plantings are proposed at the top of the seawall. These are grouped into four discrete pockets—one on the riverward side of the Greenway trail and three on the landward side. These landscape pockets define an area of the Greenway for passive human use, with benches provided along portions of the landward pathway edge.
- Since the original design proposal was presented to the Design Commission on September 28, 2017, the applicants have revised their proposal to include new shrubbery at the base of the seawall, removing the invasive species currently-present and replanting with native species. (Some of these species do not appear on the native plant list, however, and may need to be swapped out with other species to meet Greenway development standards. Ground cover may also be required to meet the standards.) These plantings will help to restore the more informal riparian area along the base of the seawall and will benefit wildlife as well as humans.

Therefore, this guideline is met.

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.

Findings: New landscape plantings are proposed at the top and base of the seawall. Those at the top are grouped into four discrete pockets as described above. These landscape pockets define an area of the Greenway for passive human use, with benches provided at either end of the landscaped area.

Therefore, this guideline is met.

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 transition between the upland and riparian areas of the Greenway is essentially delineated by the seawall on the subject site. Existing landscape in this area is defined by human intervention, thus any transition between riparian and upland habitat will be abrupt.

Therefore, this guideline does not apply.

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.

Findings: The proposed Greenway trail will be constructed at the top of an existing seawall, which forms the top of bank. Except during extreme flooding events, this trail will remain unsubmerged.

Therefore, this guideline is met.

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

Findings: No natural habitat areas currently exist within the Greenway setback on the subject site, as the current setback is occupied by the existing Greenway trail and seawall.

Therefore, this guideline does not apply.

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 proposed Greenway trail alignment largely follows its existing position along the seawall on the east side of the site, though it is shifted closer to the wall to allow for additional opportunity for views of the river. Much as it exists today, the trail will terminate at the south edge of the site. Here, however, the trail diverts landward from the river, responding to the existing top-of-bank condition on the adjacent site to the south,

which cuts in landward from the seawall. The proposed alignment of the trail at this terminus sets up the potential for a (perhaps near) future trail extension on the adjacent property. This is revised from the original proposal which had the Greenway trail terminate in its existing location, which limited future trail connections at the south end of the site and did not respond to the changing topographic conditions immediately to the south of the subject site.

At the north end of the Greenway trail, the proposed angled planter has been shifted closer to the seawall to better align with the existing planter to the north, better meeting this guideline and eliminating a condition of approval proposed at the November 30, 2017 Design Commission hearing.

Therefore, this guideline is met.

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;

Findings: No viewpoints are identified on the subject site in the Willamette Greenway Public Access Map of the *Willamette Greenway Plan*.

Therefore, this guideline does not apply.

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 for 1, 2, & 3: No view corridors are identified on the subject site in the Willamette Greenway Public Access Map of the *Willamette Greenway Plan*.

Therefore, these guidelines do not apply.

B. River frontage lots in the River Industrial zone. In the River Industrial zone, uses that are not river-dependent or river-related may locate on river frontage lots when the site is found to be unsuitable for river-dependent or river-related uses. Considerations include such constraints as the size or dimensions of the site, distance or isolation from other river-dependent or river-related uses, and inadequate river access for river-dependent uses.

Findings: The subject site is not located in the River Industrial overlay zone.

Therefore, this criterion does not apply.

C. Development within the River Natural zone. The applicant must show that the proposed development, excavation, or fill within the River Natural zone will not have significant detrimental environmental impacts on the wildlife, wildlife habitat, and scenic qualities of the lands zoned

River Natural. The criteria applies to the construction and long-range impacts of the proposal, and to any proposed mitigation measures. Excavations and fills are prohibited except in conjunction with approved development or for the purpose of wildlife habitat enhancement, riverbank enhancement, or mitigating significant riverbank erosion.

Findings: The subject site is not located in the River Natural overlay zone.

Therefore, this criterion does not apply.

D. Development on land within 50 feet of the River Natural zone. The applicant must show that the proposed development or fill on land within 50 feet of the River Natural zone will not have a significant detrimental environmental impact on the land in the River Natural zone.

Findings: The subject site is not located within 50 feet of the River Natural Overlay zone.

Therefore, this criterion does 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: Proposed development within the Greenway setback includes stormwater planters and, potentially, building, retaining wall, and planter footings. Reconstruction of the Greenway trail is also proposed. No Rank I or Rank II wildlife habitat areas are identified on the subject site in the Lower Willamette River Wildlife Habitat Inventory.

Therefore, 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 for 1, 2, 3, & 4: The proposal does not include any development or fill riverward of the Greenway setback.

Therefore, these criteria do 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 proposal is not located in the River 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:

1. Except when the purpose of the mitigation could be better provided elsewhere, mitigation will occur:
 - a. On site and as close as practicable to the area of disturbance;
 - b. Within the same watershed as the proposed use or development; and
 - c. Within the Portland city limits.
2. The applicant owns the mitigation or remediation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation or remediation plan; or can demonstrate legal authority to acquire property through eminent domain;
3. The mitigation or remediation plan contains a construction timetable and a minimum 1 year monitoring and maintenance plan that demonstrates compliance with Subsection 33.248.090.E and includes the following elements:
 - a. Identification of the responsible party or parties that will carry out the mitigation or remediation plan;
 - b. Identification of clear and objective performance benchmarks that will be used to judge the mitigation or remediation plan success; and
 - c. Contingency plan that indicates the actions to be taken in the event that performance benchmarks are not met.

Findings: No mitigation or remediation plans are required.

Therefore, these criteria do not apply.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

33.510.210.C – Bonus floor area options. The proposal's program relies on achieving floor area bonuses totaling at least 161,378 square feet—which is equivalent to an additional FAR of approximately 2.24:1—for a total gross floor area of 305,538 square feet.

- Out of the total development program, the first 144,160 square feet are achieved through the 2:1 base FAR available for the 72,080-square foot site.
- Bonus floor area totaling an additional 2:1 FAR, or another 144,160 square feet, are achieved through the residential bonus provisions in section 33.510.210.C.1.a.(2), which allows an additional square foot of floor area for each square foot of floor area developed and committed as housing.

Therefore, the proposed bonus floor area has been earned.

- Additional bonus floor area of 15,200 square feet, or approximately 0.21:1, is

earned through the locker room bonus provisions in section 33.510.210.C.8, which allows an additional 40 square feet for each square foot of area developed and committed as locker room facilities to encourage bicycling. A locker room of 380 square feet is proposed. The locker room facility must include showers, a dressing area, and lockers. All tenants of the building must be able to use the locker room, and at least 110% of the required long-term bicycle parking spaces for the site must be provided—a minimum of 457 (481 are proposed)—and must meet the standards of 33.266.220.B, Long-term Bicycle Parking. The applicants have requested a Modification to those standards, for which staff recommends approval. The applicants show 206 units in a ground floor bike storage room adjacent to the locker room. The applicants also show through typical unit plans that the remainder of the required long-term bicycle parking spaces can be accommodated within the 275 individual dwelling units. At the time of permit, these long-term bicycle parking spaces must be shown on the drawings within each unit to verify that the bonus has been earned.

Therefore, with the condition of approval that at least one long-term bike parking space shall be shown in each dwelling unit, or otherwise accounted for within the building at the time of permit to earn the requested locker room bonus, this bonus floor area is earned.

- Additional bonus floor area of at least 2,018 square feet must be earned to achieve the full development program. The applicants propose to earn additional bonus floor area through the eco-roof bonus provisions in section 33.510.210.C.10. This bonus option allows additional floor area of 2 square feet for every square foot of eco-roof, where the total area of eco-roof is at least 30% but less than 60% of the building's footprint. The Bureau of Environmental Services has certified that a bonus of 36,434 square feet of floor area is earned. Please see Exhibit H-39 for details.

Therefore, the proposed bonus floor area has been earned.

CONCLUSIONS

The Design Commission voted 3-1 to approve the Design Review and concurrent Greenway Review proposal, including all seven requested Modifications, at the December 21, 2017 hearing, adopting the 12/21/2017 staff report.

The one dissenting commissioner found that the proposal did not satisfy guidelines relating to the context of the North Pearl Subarea and waterfront, particularly the overly-complicated massing of the proposal in relation to other buildings found within the subarea (Guidelines A5 – Enhance, Embellish, and Identify Areas, A5-1-1 – Reinforce the Identity of the Pearl District, A5-1-5 – Reinforce the Identity of the Waterfront Area, C4 – Complement the Context of Existing Buildings, & C5 – Design for Coherency). Additionally, the commissioner found that the number of Modifications required to arrive at the proposed building form—and particularly Modification #5—resulted in too many impacts to the Greenway that did not satisfactorily address concerns about impacts to the view of the Fremont Bridge from The Fields Park (Guidelines A2 – Emphasize Portland Themes, A5, and A5-1-1).

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Commission finds that the proposal meets the applicable design guidelines, Greenway Review criteria, and modification criteria and, therefore, warrants approval.

DESIGN COMMISSION DECISION

It is the decision of the Design Commission to approve Design Review and concurrent Greenway Review for the proposed 17-story, approximately 305,538 square foot mixed-use building with a retail/restaurant space on the ground floor and residential on the upper stories in the North Pearl Subarea of the River District Subdistrict of the Central City Plan District;

Approval of the following Modification requests:

- 1) 33.140.210.B.2 – Height: To allow rooftop mechanical equipment and screening to extend above the height limit of 175' (per the North Pearl Subarea height opportunity area standards), to be located closer than 15' to the roof edges on street-facing facades and to cover more than 10% of the roof area. The proposed mechanical screen will enclose 73% of the tower roof area and will extend up to the parapet of the tower in some locations.
- 2) 33.266.220.C.3.b – Standards for all bicycle parking, Bicycle racks: To allow vertically-hung long-term bicycle racks to be spaced at 1'-4" x 6' rather than the required 2' x 6'.
- 3) 33.510.205.H.2.c – North Pearl Subarea height opportunity area:
 - To allow the height of the building to be 175'-0", exceeding the maximum allowed base height of 100'-0"; and,
 - To allow the length of facades above 100' to exceed 120' in length. Proposed façade length on the east and west facades of the building is 125'-2". Proposed façade length on the north and south facades of the building is 142'-8".
- 4) 33.510.251.C.3 – Required open area development standards, Shadow standard: To allow more than 50% of the plaza area on the north side of the site to be covered by shadows at noon on April 21st of any year, not including shadows from trees. Approximately 84% of the plaza will be in shadow at noon.
- 5) 33.510.251.D.3.b & c – North Pearl Subarea waterfront development standards:
 - d. Setbacks for all development from the Willamette River: To allow portions of the building over 35' in height to extend into the setback area, which requires the building to be set back from the Greenway setback line by 1' for every 1' of height above 35'. (These portions of the building are not yet clearly identified on the plan drawings.)
 - e. Maximum building dimension: To allow the building dimension to be 230'-9" in the east-west direction, i.e., perpendicular to the river, rather than the maximum allowed 200' dimension.
- 6) 33.140.240.B.4 – Pedestrian Standards, EG1 and EX zones: To allow landscaping between the sidewalk and the building along NW Naito Parkway to be planted with groundcover and other low plants, which is less than the required L1 landscaping standard that requires trees to be planted in addition to groundcover.
- 7) 33.266.130.G.2.c – [Parking Area] Setbacks: To allow required landscaping between the south lot line and the driveway leading from NW Naito Pkwy to the structured parking garage to be screened with 3-foot tall evergreen shrubs for a portion of its length and with a 3-foot tall concrete wall for the rest of its length instead of the required L2 landscaping (which consists of trees, shrubs, and ground cover). The proposed planted area will be 2 feet in width instead of the required 5-foot width.

Approvals per Exhibits C.1-C.107, signed, stamped, and dated December 22, 2017, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through K) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 16-278621 DZM GW". All

requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.
- D. The glazing at the ground floor of the west and south elevations shall be clear glass rather than fritted glazing.
- E. The storefront glazing at the FCC room and fire riser room on the north elevation shall be composed of translucent glass.
- F. Exposed metal panel attachments shall be finished to be the same color as the metal panel.
- G. Exposed fasteners used with the fiber cement panel system shall be prefinished by the manufacturer to match the color of the panels, and the concealed fasteners used with the fiber cement panel system shall be attached entirely from the back side of the panel via a clip or similar system.
- H. The proposed wall-mounted bike racks shall be staggered vertically by a minimum of 6".
- I. The proposed retail/restaurant space at the northeast corner of the ground floor of the building shall remain in a Retail Sales & Services use for the life of the building.
- J. Signage denoting public access to the Greenway trail shall be placed at both ends of the pedestrianway, and the signs shall meet the Directional Signs standard in Portland sign code section 32.32.030.H.
- K. At least one long-term bike parking space shall be shown in each dwelling unit, or otherwise accounted for within the building at the time of permit to earn the requested locker room bonus.

=====

By: 
Julie Livingston, Design Commission Chair

Application Filed: November 28, 2016
Decision Filed: December 22, 2017

Decision Rendered: December 21, 2017
Decision Mailed: December 28, 2017

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on November 28, 2016, and was determined to be complete on May 24, 2017.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on November 28, 2016.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period, as stated with Exhibit G-4. **The review period will expire on: May 24, 2018.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. This report is the final decision of the Design Commission with input from other City and public agencies.

Conditions of Approval. This approval may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. Appeals must be filed by 4:30 pm on January 11, 2018 at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case by appointment at, 1900 SW Fourth Avenue, Suite 5000, Portland, Oregon 97201. Please call the file review line at 503-823-7617 for an appointment.

If this decision is appealed, a hearing will be scheduled and you will be notified of the date and time of the hearing. The decision of City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing, one in which new evidence can be submitted to City Council.

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. **Appeals must be filed within 14 days of the decision. An appeal fee of \$5,000.00 will be charged (one-half of the application fee for this case, up to a maximum of \$5,000).**

Neighborhood associations may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision.

Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

Recording the final decision.

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

- *Unless appealed*, the final decision will be recorded after **January 12, 2018** by the Bureau of Development Services.

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

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

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

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

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

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

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

Benjamin Nielsen
December 22, 2017

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

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 1. Original Drawing Set
 2. Project Narrative, dated and received 01/30/2017
 - 3a. Letter requesting to deem the application complete, received 05/24/2017
 - 3b. Letter requesting to postpone scheduling the Design Review hearing, received 05/25/2017
 4. Site Plan Study, dated and received 06/15/2017

5. Site Plan Study, received 06/21/2017
 6. Revised Drawing Set, dated and received 07/21/2017
 7. Revised Narrative, dated and received 07/21/2017
 8. Geotechnical Report, dated 03/22/2017 and received 07/21/2017
 9. Revised Drawing Set (sent to Design Commission), dated 09/28/2017 and received 09/08/2017
 10. Revised Narrative (sent to Design Commission), dated 09/07/2017 and received 09/08/2017
 11. Stormwater Report, dated 09/07/2017 and received 09/08/2017
 12. Eco-roof Documentation, received 09/15/2017
 13. Revised Building Elevations, received 09/19/2017
 14. Public comments + applicant responses, received 09/21/2017
- B. Zoning Map (attached)
- C. Plan & Drawings
01. *Not used.*
 02. Site Plan (attached)
 03. Floor Plan – Level P1
 04. Floor Plan – Level 01
 05. Floor Plan – Level 02
 06. Floor Plan – Level 03-05
 07. Floor Plan – Level 06
 08. Floor Plan – Level 07
 09. Floor Plan – Level 08
 10. Floor Plan – Level 09
 11. Floor Plan – Level 10-17
 12. Roof Plan
 13. Building Elevations - North (attached)
 14. Building Elevations – West (attached)
 15. Building Elevations - South (attached)
 16. Building Elevations – East (attached)
 17. Building Elevations - Courtyard
 18. Building Elevations - North - B/W
 19. Building Elevations - West - B/W
 20. Building Elevations - South - B/W
 21. Building Elevations - East - B/W
 22. Building Elevations - Courtyard - B/W
 23. *Not used.*
 24. Building Section E/W
 25. Building Section N/S
 26. Street-Level Elevation – North
 27. Street-Level Elevation – West
 28. Street-Level Elevation – South
 29. Street-Level Elevation – East
 30. *Not used.*
 31. NW Corner
 32. North Entrance
 33. NW Corner – North Facade
 34. NW Corner – West Facade
 35. West Entrance
 36. West Facade Canopy
 37. Garage Entrance
 38. Southeast Corner
 39. Restaurant East Patio
 40. Restaurant Entrance
 41. Roof Terraces – Level 6, 8, 10

42. Podium Parapet
43. Tower Parapet
44. Balconies
45. Details
46. Details
47. Details
48. Details
49. Details
50. Details
51. Details
52. Details
53. Details
54. Details
55. Details
56. Details
57. Details
58. Details
59. *Unnamed. [Details]*
60. Zone Diagram
61. Site Level - Landscape Plan
62. Entry Court – Site Diagram and Precedents
63. Entry Court – Site Materials, Furnishings & Planting
64. Entry Court – Sections | Elevations
65. Entry Court – Sections
66. Greenway – Site Materials, Furnishings & Planting
67. Right of Way – Existing and Proposed
68. Level 02 – Landscape Plan
69. Level 02 – Materials, Furnishings & Planting
70. Level 02 – Section and Precedents
71. Overlook - Landscape Plan
72. Overlook – Materials, Furnishings & Planting
73. Overlook – Section and Precedents
74. The Nest - Landscape Plan
75. The Nest – Materials, Furnishings & Planting
76. The Nest – Section Looking North
77. The Nest - Precedents
78. Existing Conditions
79. Site Plan
80. Grading and Erosion Control Plan
81. Utility Plan
82. Exterior Lighting
83. Lighting Cutsheet
84. Lighting Cutsheet
85. Building Materials
86. Cutsheet – Fiber Cement Panel
87. Cut Sheet - Brick
88. Cutsheet – Ribbed Metal Panel
89. Cut Sheet – Composite Metal Panel
90. Cutsheet – Window Wall / Storefront / Louvers
91. Cut Sheet – Curtainwall
92. Cut Sheet – Sliding Door
93. Cutsheet – Tinted Glass
94. Cut Sheet – Clear Glass
95. Cutsheet – Garage Door
96. Cut Sheet – Long Term / Short Term Bike Racks

97. Cutsheet - Transformers
 98. Signage
 99. Greenway – Technical Planting Plan
 100. Greenway – Multi-Path Dimensions and Adjustments
 101. Zoning Standards - FAR (Sheet App.34)
 102. Zoning Standards – FAR (Sheet App.35)
 103. Zoning Standards: Open Space & Plazas (Sheet App.36)
 104. Zoning Standards - Bicycle Parking & Loading (Sheet App.39)
 105. Zoning Standards – Bike Rack in Typical Units (Sheet App.40)
 106. Modifications (Sheet App.42)
 107. Proposed evergreen plantings in response to Modification #7
- D. Notification information:
1. Request for response
 2. Posting letter sent to applicant
 3. Notice to be posted
 4. Applicant’s statement certifying posting, received 08/28/2017
 5. Mailed notice
 6. Mailing list
- E. Agency Responses:
1. Bureau of Environmental Services comment
 2. Fire Bureau
 3. Bureau of Parks, Forestry Division
 4. Life Safety Review Section of BDS
 5. Bureau of Transportation Engineering
 6. Bureau of Environmental Services formal response
 7. Water Bureau
- F. Letters
1. Theodore Zava, 08/23/2017, email in opposition
 2. Suzanne Gaudina, 08/24/2017, email in opposition
 3. Glenn Traeger, 08/31/2017, email asking for copy of narrative and clarifications
 4. Glenn Traeger, 09/10/2017, email discussing past planning efforts
 5. Tiffany Sweitzer, 09/12/2017, email asking for clarifications
 6. David Dysert, 09/18/2017, three emails, two asking for clarifications, another with comments
 7. David Dysert, 09/21/2017, email asking for clarifications
 8. David Dysert, 09/26/2017, email asking for clarifications
 9. David Dysert, PDNA Planning and Transportation Committee Co-Chair, 09/25/2017, letter with concerns, neither for nor against proposal
 10. Yoshio Kurosaki, 09/27/2017, letter with concerns about proposal
- G. Other
1. Original LUR Application
 2. Pre-application Conference Summary (EA 16-262122 PC)
 3. Design Advice Request Summary (EA 17-148879 DA)
 4. Signed 120-Day Waiver
 5. Incomplete Application Letter
 - 5a. Letter to applicants regarding upcoming application expiration date, sent 04/27/2017
 6. Email from staff re: garage and loading access door, greenway trail and required open space, and greenway review, sent 07/10/2017
 7. Email from staff re: garage door location, sent 07/10/2017
 8. Email string between staff and applicants re: site area and property boundary, dated 07/28 – 08/02/2017
 9. Email from staff re: notes on drawing set and modification requests, sent 08/11/2017
 10. Copy of Driveway Design Exception approval from PBOT, dated 08/07/2017 and received 08/15/2017
 11. Email from staff re: design comments & utility vault info, sent 08/24/2017

12. Email string between applicants and staff re: utility vault issues, dated 08/31 – 09/01/2017
13. Email from BES re: eco-roof floor area bonus, received 09/15/2017
14. Email string between staff and applicants re: bureau comments received, dated 09/15/2017
15. Email from applicants re: summary of neighborhood association meeting, received 09/20/2017
16. Original Staff Report, issued 09/22/2017
17. Staff memo to Design Commission, issued 09/22/2017

H. Hearing

[Exhibits submitted at the September 28, 2017 Design Commission hearing]

1. Revised Staff Report, issued 09/28/2017
2. Staff Presentation to the Design Commission, 09/28/2017
3. Applicant's Presentation to the Design Commission, 09/28/2017
4. Testimony Sign-in Sheet from 09/28/2017 Design Commission hearing
5. Photos, plan, and code sheet submitted as part of testimony at the 09/28/2017 Design Commission hearing

[Exhibits submitted after the September 28, 2017 Design Commission hearing]

6. Email between David Dysert and staff, 09/29 – 10/03
7. Email comments from David Dysert and staff response, 10/04/2017
8. Email chain between applicants and staff re: Top of Bank, 10/03/2017
9. Email chain between applicants and staff re: underground vaults and rescheduling hearing, 10/10 – 10/11/2017
10. Email chain between applicants and staff re: underground vaults and Greenway setback issues, 10/17 – 11/06/2017
11. Email from the Site Development Section of BDS re: flood protection elevation and garage entrance, 11/03/2017
12. Revised Drawing Set, received 11/03/2017 and dated 11/16/2017
13. Revised Eco-roof Diagrams, 11/03/2017
14. Email chain between applicant and staff re: top of bank, 11/06 – 11/07/2017
15. Site Development Section of BDS response, 11/06/2017
16. Revised Drawing Set, received 11/07/2017 and dated 11/16/2017
17. Technical Planting Plan – received 11/07/2017
18. Email between David Dysert and staff, 11/07 – 11/09/2017
19. Email chain between PBOT and development team re: underground utility vault, 11/08 – 11/09/2017
20. Revised Site Development Section of BDS response, 11/08/2017
21. Revised eco-roof diagrams, 11/09/2017
22. PBOT memo re: lack of support for the proposal, 11/09/2017
23. Ecoroof FAR Bonus Letter of Certification, 11/09/2017
24. Staff Memo to Design Commission, 11/09/2017
25. Email testimony from Glenn Traeger, in opposition, 11/12/2017
26. Email comments from David Dysert, 11/15/2017

[Exhibits submitted at the November 16, 2017 Design Commission hearing]

27. Staff Presentation to Design Commission, 11/16/2017
28. Applicants' Presentation to Design Commission, 11/16/2017
29. Guidelines Matrix presented to Design Commission, 11/16/2017
30. Testimony Sign-in Sheet from 11/16/2017 Design Commission hearing

[Exhibits submitted after the November 16, 2017 Design Commission hearing]

31. Email between applicants and staff re: Nov 16, 2017 hearing and design revisions, 11/17 – 11/20/2017
32. Email comments from David Dysert and staff responses, re: procedure and North Pearl standards, 11/20/2017
33. Email between applicants and staff re: design revisions, 11/21/2017
34. Email between applicants and staff re: Modification #7, 11/21 - 11/22/2017
35. Massing Design Studies, 11/22/2017
36. Email testimony from Kurt Sorensen, in opposition, 11/26/2017
37. Applicant response to written testimony, 11/27/2017
38. Email from applicant re: revised eco-roof diagrams, 11/27/2017
39. Revised Ecoroof FAR Bonus Letter of Certification, 11/27/2017
40. Not used.
41. Revised Applicants' Narrative, 11/28/2017
42. Revised Drawing Set, received 11/28/2017 and dated 11/30/2017
43. PBOT Memo – recommending support, 11/28/2017
44. Email from applicants re: short- and long-term bike parking revisions and standards, 11/28 – 11/29/2017
45. Email testimony from Sharon Ruhwedel, in opposition, 11/28/2017
46. Email testimony from Jane Pedrick, in opposition, 11/28/2017
47. Email testimony from Christoph & Lori Lebl, in opposition, 11/28/2017
48. Email testimony from Jenni Leasia, in opposition, 11/28/2017
49. Email from applicants re: planting proposal for Modification #7, 11/28/2017
50. Email testimony from Lloyd Taylor, in opposition, 11/29/2017
51. Email testimony from Lianne Bannow, in opposition, 11/29/2017
52. Email testimony from M. David Green & Julie Howell Green, in opposition, 11/29/2017
53. Email testimony from Diana Hiros, in opposition, 11/29/2017
54. Email testimony from Harry and Lynn Kingston, in opposition, 11/29/2017
55. Email testimony from Jim Motroni, in opposition, 11/29/2017
56. Email testimony from Richard M. Rogers and Tricia Vakknen-Rogers, in opposition, 11/29/2017
57. Email testimony from Dan McNair, in opposition, 11/29/2017
58. Email testimony from Pat Roberts, in opposition, 11/30/2017
59. Email comment from David Dysert, 11/30/2017
60. Email testimony from Richard M. Rogers and Tricia Vakknen-Rogers, in opposition, 11/30/2017
61. Email testimony from Geri Marz, in opposition, 11/30/2017

[Exhibits submitted at the November 30, 2017 Design Commission hearing]

62. Email testimony from Luanne Zoller, in opposition, 11/30/2017
63. Staff Memo to the Design Commission, 11/22/2017
64. Revised Staff Report, dated 11/30/2017
65. Applicant's Presentation, 11/30/2017
66. Testimony Sign-in Sheet from the 11/30/2017 hearing
67. Written testimony submitted by Richard M. Rogers and Tricia Vakknen-Rogers, in opposition, 11/30/2017
68. Written testimony submitted by Lawrence F. Mazer, in opposition, 11/30/2017
69. Written testimony submitted by Kurt Sorensen, in opposition, 11/30/2017

[New Exhibits, submitted after the November 30, 2017 Design Commission hearing and before Noon on 12/08/2017]

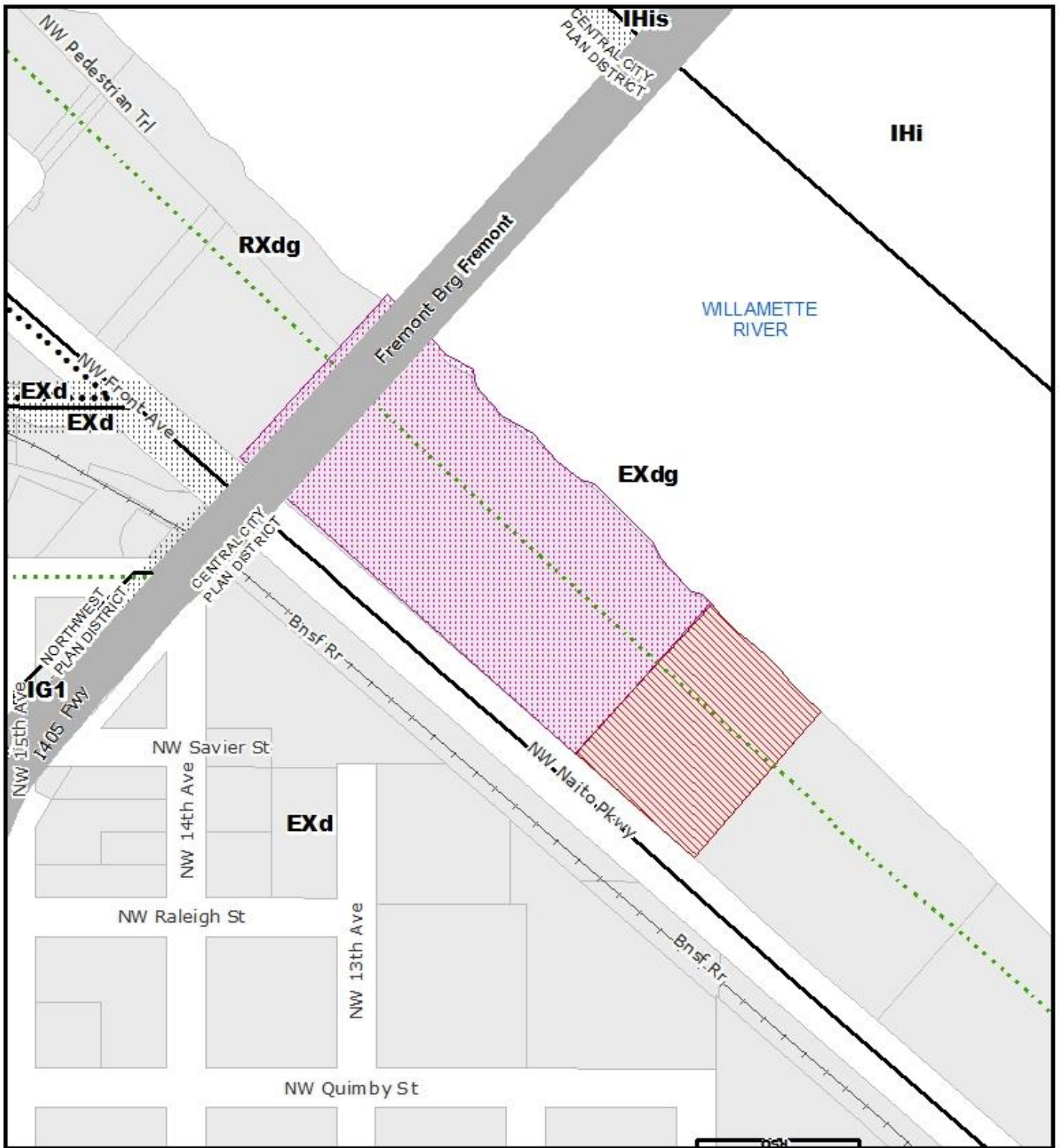
70. Email testimony from Lawrence F. Mazer, testimony in opposition, 12/04 & 12/05/2017
71. Email testimony from Ellen Drumheller, testimony in opposition, 12/05/2017
72. Emailed letter from David Dysert, Pearl District Neighborhood Association Planning & Transportation Committee Co-chair, testimony in favor with conditions, 12/05/2017
73. Email testimony from Larry Mazer, follow-up testimony, 12/07/2017
74. Greenway – Multi-Path Dimensions and Adjustments plan, received 12/08/2017
75. Revised Site Plan, received 12/08/2017

[Responses to New Exhibits, submitted before Noon on 12/15/2017]

76. Email testimony from George Galster, in opposition, 12/11/2017
77. Design Packet Sheets App 44 Greenway Setback Comparison with Nearby Buildings, App 45 Greenway Sections at Various Widths, App. 46 Building Length Modification Comparison, C.100 Greenway Multi-path Dimensions & Adjustments, 12/14/2017
78. Applicant's Written Response to New Evidence, 12/14/2017
79. Response from Portland Parks & Recreation, 12/15/2017
80. Emailed letter from Stanley Penkin, Pearl District Neighborhood Association President, testimony amending Exhibit H-72 to oppose the proposal, 12/15/2017

[Applicants' Final Rebuttal, submitted before 5:00pm on 12/18/2017]

81. Applicant's Written Response to New Evidence, 12/18/2017
82. Revised Staff Report, dated 12/20/2017
83. Revised Staff Report, dated 12/21/2017

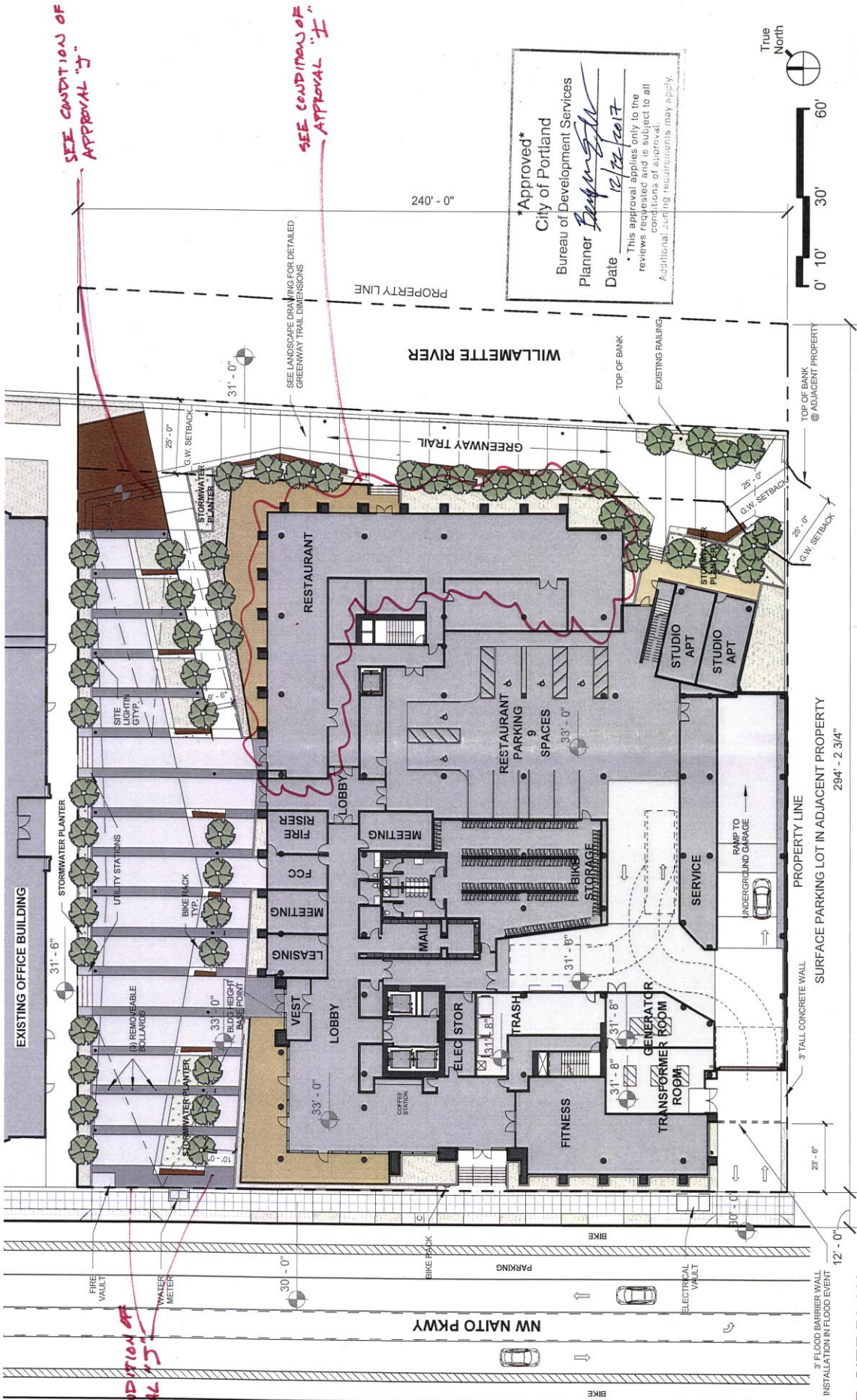


ZONING



-  Bridge
-  Recreational Trails
-  Site
-  Also Owned Parcels

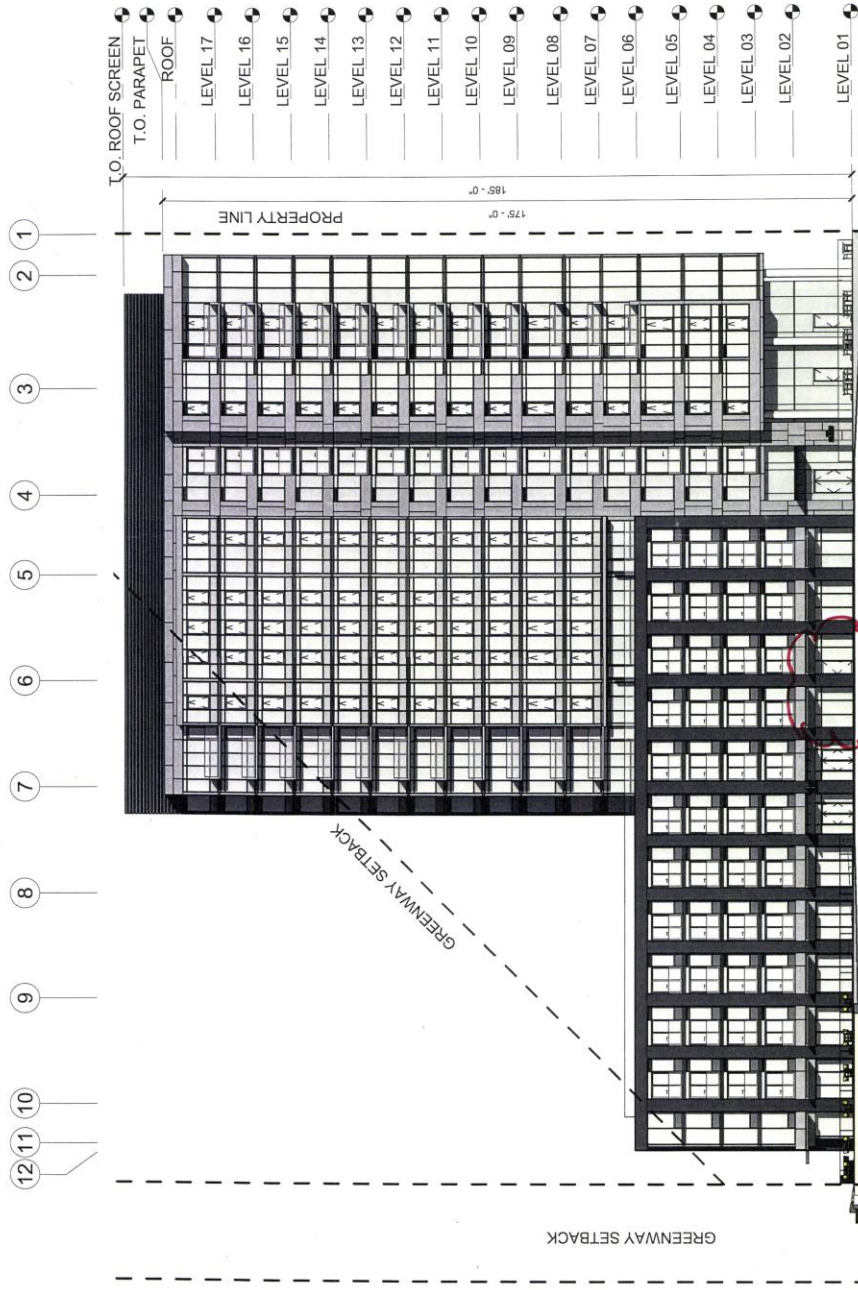
File No.	LU 16-278621 DZM GW
1/4 Section	2828
Scale	1 inch = 200 feet
State ID	1N1E28DD 400
Exhibit	B Aug 16, 2017



Approved*
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 12/12/2017
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional planning requirements may apply.

FREMONT APARTMENTS
 Lincoln Property Company
 DESIGN REVIEW # LU 16-278621 DZ GW

C.02 SITE PLAN



MATERIALS LEGEND - COLOR

□	GLASS - CLEAR
□	GLASS - SPANDREL - LIGHT
□	GLASS - SPANDREL - DARK
□	FLAT METAL PANEL - LIGHT
□	FLAT METAL PANEL - DARK
□	RIBBED METAL PANEL
□	FIBER CEMENT PANEL - LIGHT
□	FIBER CEMENT PANEL - DARK
□	BRICK
□	BOARD-FORMED CONCRETE

Approved
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 12/22/2017

* This approval applies only to the materials and colors as shown on this drawing. This approval is subject to all reviews requested on this drawing. Additional zoning requirements may apply.



1 BUILDING ELEVATION - NORTH
 1" = 30'-0"

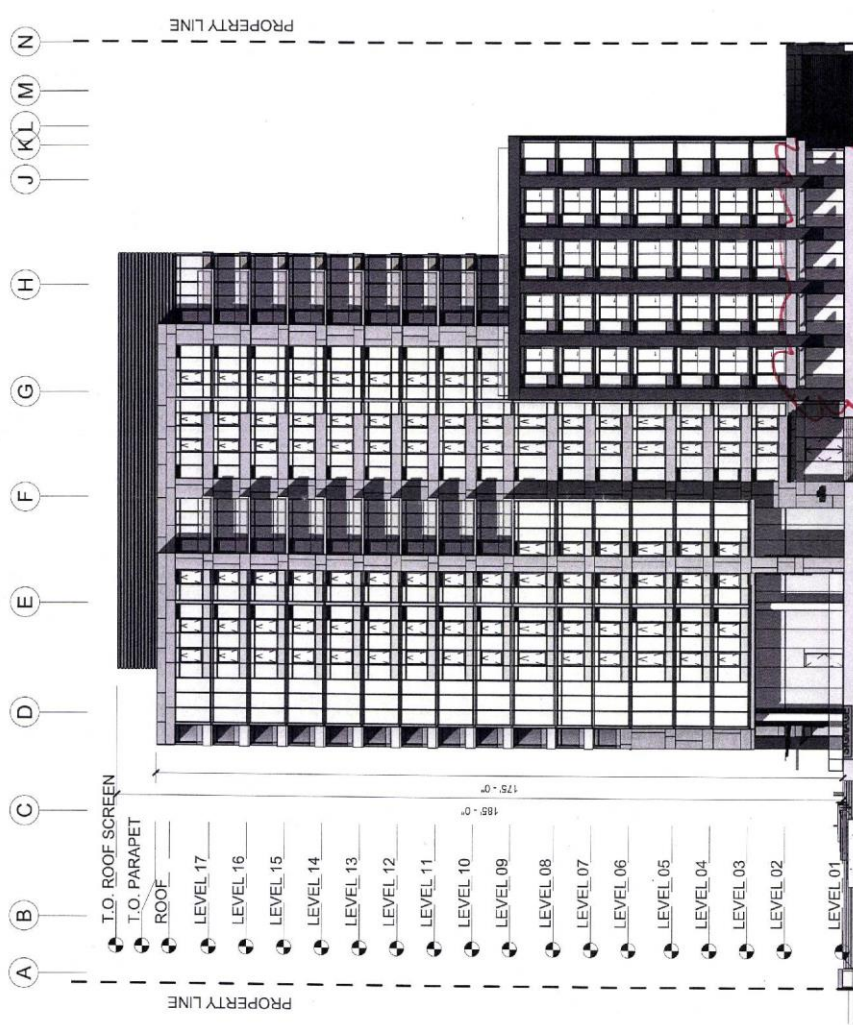
SEE CONDITION OF APPROVAL "E"

BUILDING ELEVATIONS - NORTH C.13



MATERIALS LEGEND - COLOR

- GLASS - CLEAR
- GLASS - SPANDREL - LIGHT
- GLASS - SPANDREL - DARK
- FLAT METAL PANEL - LIGHT
- FLAT METAL PANEL - DARK
- RIBBED METAL PANEL
- FIBER CEMENT PANEL - LIGHT
- FIBER CEMENT PANEL - DARK
- BRICK
- BOARD-FORMED CONCRETE



1 BUILDING ELEVATION - WEST
1" = 30'-0"

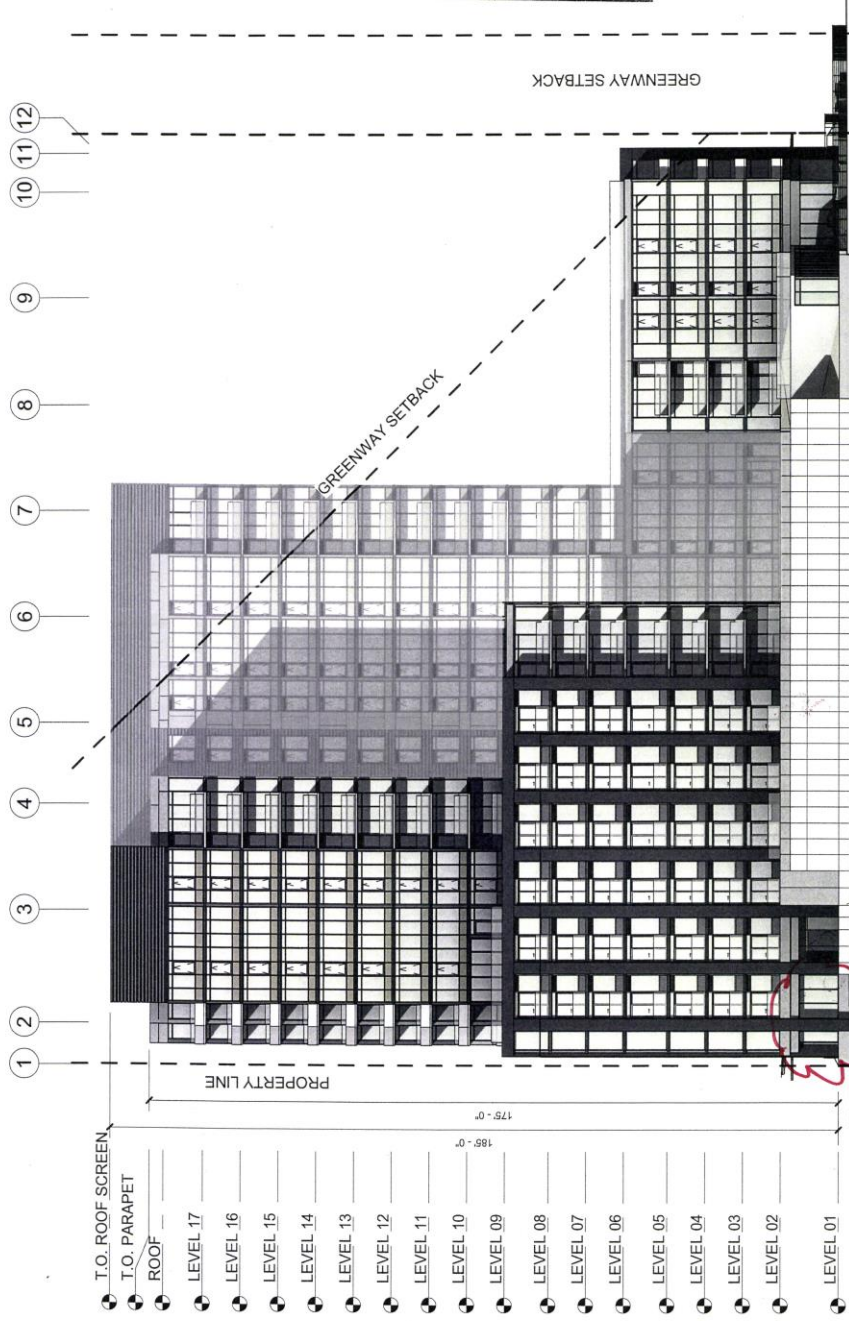
Approved
 City of Portland
 Bureau of Development Services
 Planner *Becky Bell*
 Date *12/17/2016*

* This approval applies only to the project as shown on the drawings and is subject to all conditions of any applicable zoning requirements that may apply.

C.14 BUILDING ELEVATIONS - WEST

- MATERIALS LEGEND - COLOR**
- GLASS - CLEAR
 - GLASS - SPANDREL - LIGHT
 - GLASS - SPANDREL - DARK
 - FLAT METAL PANEL - LIGHT
 - FLAT METAL PANEL - DARK
 - RIBBED METAL PANEL
 - FIBER CEMENT PANEL - LIGHT
 - FIBER CEMENT PANEL - DARK
 - BRICK
 - BOARD-FORMED CONCRETE

Approved
 City of Portland
 Bureau of Development Services
 Planner *Bridgette*
 Date 12/22/2017
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



1 BUILDING ELEVATION - SOUTH
 1" = 30'-0"



BUILDING ELEVATIONS - SOUTH C.15

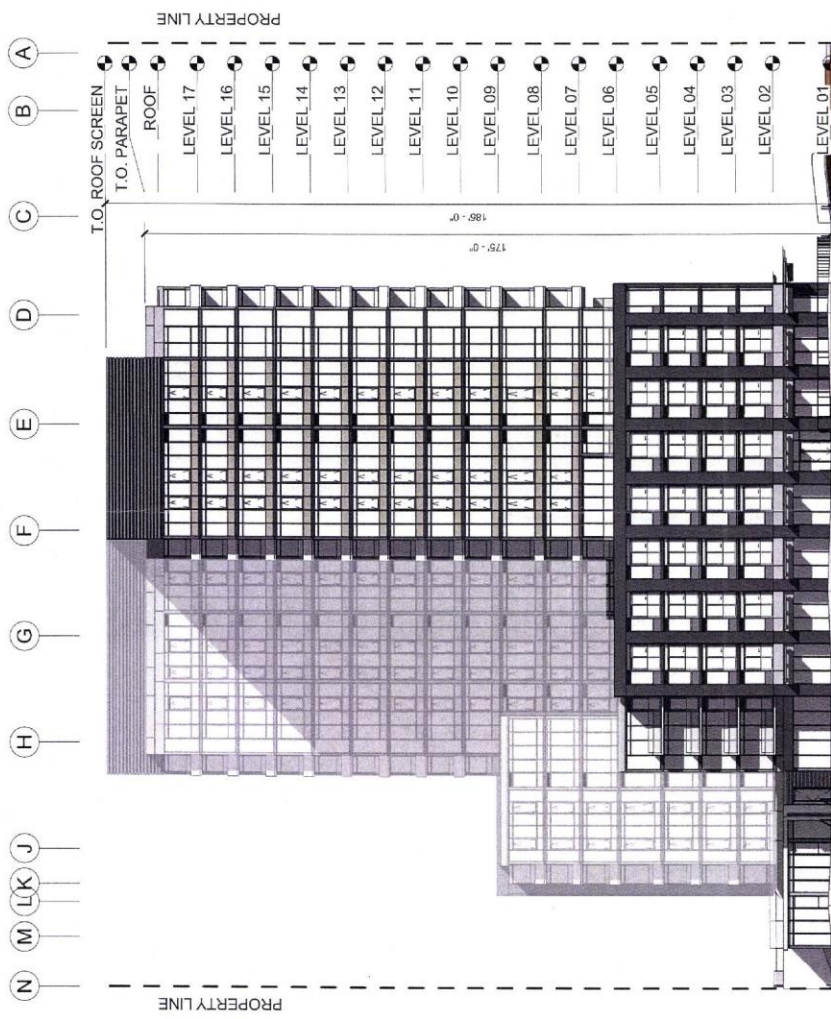


MATERIALS LEGEND - COLOR

- GLASS - CLEAR
- GLASS - SPANDREL - LIGHT
- GLASS - SPANDREL - DARK
- FLAT METAL PANEL - LIGHT
- FLAT METAL PANEL - DARK
- RIBBED METAL PANEL
- FIBER CEMENT PANEL - LIGHT
- FIBER CEMENT PANEL - DARK
- BRICK
- BOARD-FORMED CONCRETE

Approved
 City of Portland
 Bureau of Development Services
 Planner *Buddy Smith*
 Date 12/22/17

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



1 BUILDING ELEVATION - EAST
 1" = 30'-0"



C.16 BUILDING ELEVATIONS - EAST

