



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

Ted Wheeler, Mayor  
Rebecca Esau, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

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

CASE FILE: LU 20-102914 DZM AD GW (previously 19-225732 DZM GW)  
PC # 19-225732

***Alamo Manhattan Blocks***

REVIEW BY: Design Commission

WHEN: March 5, 2020 at 1:30 PM (River Blocks 41 & 44, Greenway)  
March 12, 2020 at 1:30 PM (Western Blocks 42 & 45)

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

**Bureau of Development Services Staff:**

Staci Monroe 503-823-0624 | [Staci.Monroe@portlandoregon.gov](mailto:Staci.Monroe@portlandoregon.gov)  
Stacey Castleberry 503-823-7586 | [Stacey.Castleberry@portlandoregon.gov](mailto:Stacey.Castleberry@portlandoregon.gov)

This Design & Greenway Review replaces the previous application under LU 19-225732 DZM GW. The applicant withdrew that previous application and submitted this new application, in order to utilize Zoning Code regulations in effect in April of 2017 (see italicized text on page 45 below). The overall project is similar to the one under the previous application with some changes due to different code requirements.

The Staff Report has been revised from the version published on February 24, 2020 to reflect the changes to Blocks 42 and 45 from the submittal under 19-225732 DZM GW, the discussion of which will occur on March 12, 2020. The revised text is indicated with a box. The discussion of Blocks 41 and 44 and the Greenway will occur on March 5, 2020.

### **GENERAL INFORMATION**

**Applicants:** Wade Johns | Alamo Manhattan  
3012 Fairmount St., Ste 100 | Dallas, TX 75201  
[Wade.Johns@alamomanhattan.com](mailto:Wade.Johns@alamomanhattan.com)

Jeancarlo Saenz | Hensley Lamkin Rachel Architects  
14881 Quorum Drive, Suite 550 | Dallas, TX 75254  
[jeancarlo@hlrinc.net](mailto:jeancarlo@hlrinc.net)

**Owner:** The Landing At Macadam LLC  
1900 S Norfolk St #150  
San Mateo, CA 94403-1161

**Site Address:** Property bounded by SW Bond, SW Lane, SW Lowell & Willamette River

**Legal Description:** TL 300 7.68 ACRES, SECTION 10 1S 1E; TL 400 2.15 ACRES, SECTION 10 1S 1E  
**Tax Account No.:** R991100600  
**State ID No.:** 1S1E10DB 00300  
**Quarter Section:** 3430  
**Neighborhood:** South Portland NA., contact Jim Gardner at 503-227-2096.  
**Business District:** South Portland Business Association, contact info@southportlanddba.com.  
**District Coalition:** Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.  
**Plan District:** Central City - South Waterfront  
**Zoning:** CXd, g – Central Commercial zone with Design and Greenway Overlays  
**Case Type:** DZM GW – Design Review with Modifications and a South Waterfront Greenway Review  
**Procedure:** Type III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

### **Proposal:**

The applicant requests Design Review approval for a four-block development in the South Waterfront sub district of Central City Plan District. In addition to the buildings, the project includes a greenway trail connection, new streets (SW River Parkway, western portion of Lowell and Abernethy) and river accessways (SW Lane, Abernethy and Lowell east of River Parkway). Overall the project provides approximately 1,200 residential units, 22,000 SF retail and 738 parking spaces. The two riverward blocks will contain high-rise buildings with mid-rise buildings on the two western blocks. More specifically:

#### **Block 41**

- One 250' tall building with a tower atop a podium
- 348 residential units, 3,500 SF of commercial space, 270 parking spaces
- Exterior materials – composite metal panel, brick, wood, concrete

#### **Block 44**

- One 250' tall building with a tower atop a podium
- 363 residential units, 2,530 SF of commercial space, 278 parking spaces
- Exterior materials – composite metal panel, stone, wood, concrete

#### **Block 42**

- One 74' tall building
- 226 residential units, 8,495 SF of commercial space, 190 parking spaces
- Exterior materials – brick and stucco

#### **Block 45**

- One 74' and one 55' tall building
- 263 residential units, 7,758 SF of commercial space, 247 parking spaces
- Exterior materials – metal panel, stucco, brick fiber cement panel (Nichiha)

In order to achieve an additional 125' of height (for a total of 250') for the portion of buildings within the area 150' west of the top of bank, bonus FAR via the South Waterfront Willamette River Greenway Bonus option is required (April 2017 Zoning Code Sections 33.510.210.B and 3.510.210.G). Blocks 41 and 44 each include 2,500 SF of additional public open space abutting the greenway per Section.33.510.210.C.10, which affords each building 7,500 SF of bonus FAR, thus unlocking the additional 125' of height. Additional bonus FAR is achieved by providing affordable housing.

The applicant also requests a South Waterfront Greenway Review to provide improvements within the 100' greenway setback that occurs within an open space tract of Blocks 41 and 44. Separate Greenway bike and pedestrian trails are proposed along the site's river frontage to connect with the exiting paths to the north and south of the site. Retaining walls are needed along the trails and a 42-inch high "guard-rail" fencing is proposed along the tops of the retaining walls. Greenway improvements include seating adjacent to the pedestrian trail and

Greenway landscaping. The project will also lay back the steeply sloping riverbank and stabilize banks with large woody debris (LWD) and riprap armor. Armored banks will be restored with native plantings, creating increased value for wildlife.

The following Modifications are requested:

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

The following Adjustment is requested:

1. Vehicle Access – To allow vehicle and loading access off of River Parkway, which is access restricted (Section 33.510.267.F.6.b).

Design Review is required for new development per Section 33.420.041. A South Waterfront Greenway Review is required for development in the South Waterfront Greenway that does not meet the standards of Section 33.510.253.E.5, and for construction activities below the top of bank.

#### **Approval Criteria:**

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

- Central City Fundamental and South Waterfront Design Guidelines
- Zoning Code Section 33.825.040 for Modifications Through Design Review
- Zoning Code Section 33.805.040 Adjustment Approval Criteria
- Zoning Code Section 33.851.300 – South Waterfront Greenway Reviews
- South Waterfront Greenway Design Guidelines

## **ANALYSIS**

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

The properties to the north consist of the Osprey, a six-story mixed commercial/residential building and the Ardea, a high-rise residential building. The property to the south consists of a large surface parking lot for the Old Spaghetti Factory. The properties to west across Bond are developed with multiple six-story mixed commercial/residential buildings.

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

In 2010, a Design Review approved the South Waterfront Central District greenway improvements that stretch from SW Gibbs Street to SW Lane Street. The proposed improvements include: a trail system consisting of two paths, one for pedestrians and one for cyclists; a renaturalized and stabilized riverbank; pedestrian connections to the trail system at

the end of neighborhood streets and accessways; overlooks at both the landward and riverward ends of these pedestrian connections; a system of vegetated swales providing stormwater conveyance and treatment; osprey nest locations; lighting; public art; and various seating options throughout. These improvements recently finished construction fronting the Osprey (adjacent to the north). The landscaping proposed along the greenway trail adjacent to Block 41 has been postponed due to the impending construction on the subject site.

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

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

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

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

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

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



Subdistrict; they respond to the federal Endangered Species Act and Clean Water Act; and implement the Willamette Greenway Plan and State law.

The Central City Plan District implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation management Plan. The Central City plan district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area. The site is within the South Waterfront Sub District of this plan district.

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

- LU 06-107928 LDS. Approval of preliminary plat for 6-lot subdivision (not platted)
- LU 96-013362 DZ, GW, AD. Type III DZM and Greenway Review
- LU 92-009770 (ref file 92-00651)
- LU 91-008278 (ref file 91-00023)
- LU 88-005337 (ref file GP 028-88)
- LU 88-004258 DZ (ref file DZ 118-88)
- LU 08-116106 DZM. Approval of a new 27-story residential tower (Block 42) (not constructed)
- LU 16-283375 DZM – Design Review approval for two 7-story buildings on Blocks 41 & 44.
- LU 16-283373 DZM - Design Review approval for two 7-story buildings on Blocks 42 & 45.
- LU 17-160442 LD. Land Division (Preliminary Plat) approval concurrent with this subject Land Use Review. Numerous conditions of approval from this review are applicable to the greenway trail and the redevelopment of the site. The final decisions for 17-160442 LD should be referenced for the specific conditions of approval.
- 19-22732 DZM GW – Withdrawn Design and Greenway review.

**Agency Review:** A “Notice of proposal in Your Neighborhood” was mailed February 14, 2020. The following Bureaus have responded with no outstanding concerns:

- *Water Bureau* (see Exhibit E.1)
- *Fire Bureau* (see Exhibit E.2)
- *Life Safety Review Section of BDS* (see Exhibit E.3)
- *Bureau of Transportation Engineering* (see Exhibit E.7)

The following Bureaus have responded with more substantive comments that need to be addressed:

- *Portland Parks & Recreation* (see Exhibit E.5)
  - Can support the alternative design that incorporates small areas of lawn as shown in Exhibit C. 117. As previously communicated, lawns provide critical space for people to use for recreation (e.g. picnic, play frisbee) and walk on a natural surface without damaging plants. Two lawn areas in the Greenway between SW Lane St and SW Abernethy St were also envisioned in the 2004 Greenway Development Plan. If lawn is not provided, people will trample other groundcovers and native plants, endangering the overall intent of the planting plan (habitat and people-use areas) and creating eyesores and maintenance problems. We respectfully request that BDS and Design Commission consider this alternative in light of PP&R’s experience and lessons learned managing parks mixing habitat and recreation uses.
  - The plaza at the eastern end of Abernethy does not serve as an outlook and is awkwardly situated in the bike path. It will be too close to bicycles rushing by to create a place of rest and observation. We suggest improving the plaza’s functional use and appearance by pushing it to the east of the pedestrian path, so greenway pedestrian users can enjoy the plaza and gain at least visual access to the river.

- The provision of fencing in between the concrete pier just north of Lowell Street and the proposed greenway pathway is insufficient to restrict people from accessing the area, creating a public safety hazard. If it is indeed infeasible to rehabilitate this asset as an overlook, a more significant vegetative barrier should be provided, and the pedestrian pathway should curve away and not lead people towards the pier.
  - The native basalt benches shown in the landscape plans are inconsistent with the South Waterfront Greenway Design Guidelines (2010), which suggest using wood and forms from the timber industry for seating in this southern section of the greenway (see page 63). Please consider site furnishings and other design elements consistent with these guidelines.
  - Concerned that the plazas in the bonus open space areas are too small and will seem more like part of the private development instead of the public realm. Design refinements should focus on making these feel more publicly accessible and focused on the greenway. For example, PP&R suggests that the pathways and bridges connecting these plazas to the greenway paths be widened.
- *Bureau of Parks-Forestry Division* (see Exhibit E.4) - Encourages the use of more large-form trees in this area including western red cedar (*Thuja plicata*), Oregon white oak (*Quercus garryana*), red alder (*Alnus rubra*), coast redwood (*Sequoia sempervirens*), Oregon myrtle (*Umbellularia californica*), shore pine (*Pinus contorta*), and sitka spruce (*Picea sitchensis*). These trees are more appropriate for this location based on the overhead and underground space available, as well as the proximity to water. Several of the trees suggested for use in the greenway are small-form trees such as bitter cherry (*Prunus emarginata*), black hawthorn (*Crataegus douglasii*), and Pacific crabapple (*Malus fusca*), and Emperor 1 Japanese maple (*Acer palmatum* 'Emperor 1'). The smaller trees should be used as understory shrubs not as overstory trees. All of the small form trees generally mature at a height less than 20 feet tall. All of the large-form trees provide significant value for wildlife including thermal cover, nesting habitat, and food.
  - *Bureau of Environmental Services* (see Exhibit E.6) - Although BES does not recommend approval of the design and greenway review application at this time, in general, BES is supportive of this project. With the recent land use submittal, it is clear the applicant has made significant progress in demonstrating this project will meet BES requirements for stormwater management and sanitary disposal.
- However, BES has outlined some discrepancies on Blocks 41 & 44 that should be addressed with a future submittal to ensure the project can meet BES Title 17 requirements while also being compliant with the BDS Title 33 requirements under review through the land use application. For further details, please refer to the outlined items under Section B Sanitary Service and Section C Stormwater Management.
- Furthermore, BES has identified specific recommendations related to the greenway overlay zone on this site. Please refer to Section D Additional Comments and Site Recommendations for more information.
- *Site Development Section of BDS* (see Exhibit E.8) – Not supportive at this time as the following items need to be address.
    - Revise bank stabilization plans to show the extent of the flood hazard area based on the existing/proposed site grades and the base flood elevation, 30.7 feet City of Portland Datum. The extent of the flood hazard area must be based on the site grades not on the extent provided on the FEMA maps.
    - Revise the construction management plan to reflect the ground disturbance required to install a DSM buttress with a depth to width ratio of 0.6 to 1.0. The revision must demonstrate that the wider buttress can be constructed in accordance with the greenway requirements.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on February 14, 2020. Twelve written responses to this land use review have been received to date from either the Neighborhood Association or notified property owners in response to the proposal. See F. Exhibits for details.

- Joan Meyer, email dated 1/16/20, noting concerns with noise associated with trash activity in the area and requesting that it be internalized for this project
- Sidonie & Gordon Caron, email dated 1/18/20, stating support for comments from Mike Houck of the Urban Greenspaces Group under 19-225732 DZM GW
- Lisa Neirheim-Chereck, letter dated 2/21/20, stating support for the project.
- Sara Vonde Veld (OSHU), letter dated 2/24/20, stating support for the project.
- James Gardner, SPNA, email dated 2/25/20, stating support for some of the revisions and concerns for items unchanged.
- Jeanne Galick, letter dated 3/2/20, stating concerns primarily related to the greenway.
- Mike Houck (Urban Greenspaces), letter dated 2/29/20, stating greenway concerns.
- Tyler Hannay, Metlife, letter dated 3/2/20, stating support for the project.
- Douglas Bean, letter dated 3/3/20, stating support for the project.
- Dan Valliere, Reach Community Development, letter dated 3/2/20, stating support for the development specifically the affordable housing component.
- Neil & Annette McFarlane, letter dated 2/25/19 & 12/5/19, stating a lot of concerns.
- John Casey Mills – letter dated 2/27/20, stating traffic concerns.

## ZONING CODE APPROVAL CRITERIA

### (1) DESIGN REVIEW – CHAPTER 33.825

#### Section 33.825.010 Purpose of Design Review

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

#### Section 33.825.055 Design Review Approval Criteria

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

**Findings:** The site is designated with a design (d) overlay zone, therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Central City Fundamental Design Guidelines and the South Waterfront Design Guidelines, and the South Waterfront Greenway Design Guidelines for sites with a greenway [g] overlay zone.

#### Central City Plan Design Goals

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

**South Waterfront Design Goals**

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

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

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

**South Waterfront Design Guidelines and Central City Fundamental Design Guidelines**

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

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

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

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

*This guideline has been met.*

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

**Findings:** The proposal includes a land division to create the four blocks and the open space tract for the greenway trail. The block dimensions reflect the alignment of the existing streets and pedestrian ways that are identified in the South Waterfront Street Plan. Each of the blocks maintains a 200’ dimension in at least 2 directions. The longer east-west dimension of Block 41 is a typical condition of properties bound by River Parkway and the river as the riverbank undulates creating a range of dimensions and footprints. While the podium of Block 41 is longer than 200’, the tower above is compatible with the 200’ dimension. Blocks 45 and 44 are each close to 350’ in their

north-south dimension due to the alignment with Abernethy and Lowell. To address the smaller 200' block structure, Block 45 opts for 2 buildings to align with the open space and building footprints on the block to the west, while Block 44 carves out of the podium to align with the break between the buildings on Block 45.

*This guideline has been met.*

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

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

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

**Findings for A4, A4-1 & A4-2:** The proposal incorporates ecological and stormwater elements into the building and site design that are common to the South Waterfront district. The stormwater and landscape planters within the east-west accessways are also common elements within these spaces that manage run-off as well as provide a much needed transition from the public pathways to the individual residential units. Stormwater planters are also provided within the private courtyards, plaza and paseo to treat run-off.

Green roofs are a typical treatment in the district that can be witnessed from neighboring buildings and the west hills and transition the intense built environment to the natural qualities of the riverbank and river. The ecoroofs previously proposed are no longer a part of the project as they are not required under the April 2017 zoning code.

For Blocks 41 and 45, the applicant has replaced the ecoroofs with large areas of artificial turf and decorative ballast rocks. Stormwater planters within the courtyards and atop the terraces of the buildings will also "green up" the roofs and as well provide an ecological function. The artificial turf will have the appearance of grass from a distance and unify the site with the tower development in the district while also providing stormwater management.

For Blocks 42 and 45, rooftops have been treated with colored ballast rocks in patterns to create interest from surrounding vantage points. This roof treatment, while not a sustainability nor ecological effort, is consistent with the mid-rise developments at the west and southern ends of the district. However, most podiums of tower development in the area include ecoroof or landscape treatments.

*These guidelines are met.*

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

**A5-1. Consider South Waterfront's History and Special Qualities.** Consider emphasizing and integrating aspects of South Waterfront's diverse history in new development proposals. When included in the development proposal, integrate works of art and/or water features with site and development designs.

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

**C10. Integrate Encroachments.** Size and place encroachments in the public right-of-way to visually and physically enhance the pedestrian environment. Locate permitted skybridges

toward the middle of the block, and where they will be physically unobtrusive. Design skybridges to be visually level and transparent.

**Findings:** The proposal addresses these guidelines in the following ways:

- The street design standards of the district will be employed along all public sidewalks adding to the local character of the right-of-way.
- The east-west accessways will build upon the enhanced pedestrian connections that exist in the district facilitating movement to and from the greenway trail. The project intends to continue the elements and transitions that define these pathways with benches, lights, paving, landscaping, and residential front porches. However, as noted in the findings below, Staff has concerns with concrete enclosure of the residential front porches on Block 41 as they appear rather tall and too opaque, which is not characteristic along the accessways. In addition, detailed landscape plans were not provided for the plaza, paseo or Lane accessway for Blocks 42 and 45, so Staff is not able to evaluate the landscaping to ensure it is layered to provide a buffer for the ground floor units and lush as evident in the district's accessways and open spaces.
- The only building elements that encroach into the public right-of-way are the canopies, which enhance the public realm by providing shelter from the weather and will support the active pedestrian environment in South Waterfront. However, as stated in the findings below, Staff has some concerns regarding the amount of weather protection that extends over the sidewalk and some additional details are still needed.
- Water features are shown at the terminus of Abernethy, within the plaza along River Parkway on Block 44 and within the paseo on Block 45. Pier posts to be used as bollards are identified are being incorporated as "found artifacts" that reflect the history of the district. While these are both supported, details of both are required and the locations of the pier bollards need to be identified.

***Given these concerns, these guidelines are not yet met.***

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

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

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

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

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

**C6. Develop Transitions between Buildings and Public Spaces.** Develop transitions between private development and public open space. Use site design features such as movement zones,

landscape elements, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

**Findings for A1, A1-2, B1, B1-1 & B1-2:** The proposal addresses these guidelines in the following manner:

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

- Detailed landscape plans have not been provided to understand if the landscaping is layered in heights to provide a buffer for these units. Only tree species and locations have been provided.
- An underground utility vault is shown at the eastern end of Lane, which limits the ability to provide layered landscaping between this at-grade unit and the public walkway. Shifting the utility vault into the walkway would resolve this issue.

Block 45 – The conditions along the paseo and at the plaza are addressed in the findings for guidelines B4 and B5 below.

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

Staff has the following concerns with the development on Blocks 41 and 44 and the relationship to the greenway where it intersects with Abernethy:

- While patios have been removed (or recessed) and layered landscaping has been added to buffer the private units from the trail, the actual building footprints and the proximity to the Greenway does not appear to have changed and remains rather close to the public greenway. As requested by the Commission, the applicant has provided a diagram of the buildings to the north that shows generous setbacks from the greenway when open space bonuses were achieved, more so than what appears to be provided at Blocks 41 and 44.
- Additional open space with seating areas and landscaping has been added between the buildings and the greenway, which is required to be public to achieve bonus FAR and height for the project. However, they are both very private and isolated given the close proximity to the buildings and limited, uninviting, and narrow connections to the public trail.
- The lone maker space at the SE corner of Block 41 was removed as it was small and isolated. However, the remaining residential units at the SE and NE building corners will not do much to contribute to the activity along the greenway, overlook or the additional open space. These single-story ground floor units will very likely be dead facades as blinds will be drawn given the use and proximity to the public seating and plaza area.

The Commission noted at the 12/12/19 hearing that more setback and erosion of the building needs to occur along the greenway and that the more active uses need to be oriented toward the greenway to acknowledge this public amenity. The following could be considered as ways to improve the relationship with the greenway and support the

applicant's concept of Abernethy being a prominent and grand connection to the greenway in the district.

- Increase the building setback at both building corners where they intersect with Abernethy (SE corner of Block 41 and NE corner of Block 44) allowing for the additional public open space, required by code for the requested height, to be an extension of the hardscape from Abernethy and the overlook. This would provide a direct and more generous public connection to the open space making it more inviting for the public.
- Shift the building program at the end of Abernethy to amenity spaces rather than residential units. This will help activate the adjacent public open space and overlook and eliminate the conflict and eventual "blinds down" dead space by increasing transparency and surveillance of the spaces. Otherwise this code-mandated public open space will not be utilized.

Block 44 (Lowell & at greenway) – Live/work units, bike room and a series of narrow maker spaces are proposed along Lowell. The uses are appropriate given the proximity to the bike path on the greenway trail and the required ground floor active uses at the SE corner of this block intended to activate the greenway at the southern end. The live/work spaces will be double height ensuring the live portions of the unit can occur elevated above the pedestrian realm for privacy and to ensure the active use remains on the ground floor. As requested by the Commission a stronger more direct connection from Lowell to the greenway trail has been made. However, Staff has the following concerns:

- The "maker spaces" have been extended along Lowell and reduced along the greenway. They are also very narrow. It is not clear if the space facing the greenway meets the ground floor active use length and entry requirements. In addition, the deck that extended from these spaces down to the trail has been eliminated. Together these changes reduce the presence of the active use area that is required along the greenway. A welcome and open connection to the greenway itself should be considered and the code requirement needs to be confirmed. The solid metal overhead doors that alternate on the maker space frontages do not help to activate this frontage either. Glazed doors are needed.
- With more than half of the Lowell frontage now lined with narrow maker spaces with solid doors, the bike room needs to also do more to contribute to the activity along this frontage rather than just serve as storage; a bike lounge or similar transition space between the storefront and the bike storage is needed.

***Given these concerns, these guidelines are not yet met.***

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

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

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

Block 42 & 45 – Twenty-foot wide garage entries are proposed for both blocks and



appropriately located on River Parkway and are not overly scaled along the pedestrian realm. Loading for both buildings is located within the garages so no additional impacts on the pedestrian system. The electrical meters are within enclosed rooms rather than on the façade. However:

- While enlarged elevations were provided for the generator room on the River Parkway, the glazed storefront does not support the venting needs for the facilities.
- Exhaust for the garage (since not naturally ventilated) has not been identified nor has the louver/vent locations for the ground floor tenants. These elements can have a detrimental impact on the public realm and must be thoughtfully considered with regard to placement, size and concealment approaches.
- The overhead garage doors indicate perforated metal panels. Glazed translucent or opaque panels are needed to limit views into the vehicle area from the sidewalk so as not to detract from the pedestrian experience while also providing illumination along the sidewalk.

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

The revisions to the garage locations are an improvement as they are no longer next to plaza spaces. However, they are significantly set back from the face of the building, up to 14'. This depth results in a dark "hole" along the public realm. The setback locations are not required by PBOT and should therefore be lessened significantly to be more in line with the façade of the building (within a couple of feet). In addition, the overhead garage doors indicate perforated metal panels. Glazed translucent or opaque panels are needed to limit views into the vehicle area from the sidewalk and also provide light at night so as not to detract from the pedestrian experience.

***Given these concerns, these guidelines are not yet met.***

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

**B1-1. Facilitate Transit Connections.** Orient the main entrances of buildings at streets served by public transit to conveniently and directly connect pedestrians with transit services.

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

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

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

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

***Given these concerns, these guidelines are not yet met.***

**B4. Provide Stopping and Viewing Places.** Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.

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

**Findings for B4 and B5:** At the 12/12/19 hearing, the Commission was not supportive of the plaza on Block 42 as designed (covered and flanked by inactive uses) even stating it was not necessary. In response, the applicant has removed the plaza along Abernethy.

#### Block 45

Northern plaza – At the 12/12/19 hearing the Commission was supportive of the plaza along Abernethy so long as it was lined with active uses and not as deep. The brick enclosure of the space was also noted as not inviting. The ground floor program flanking the plaza has been shifted to commercial, the depth of the space has been reduced by 8', and the brick enclosure has been removed. However, Staff is still in need of landscape details and plaza elements, especially the southern wall, stair and landscape screen.

Paseo – The Commission was very concerned about the quality of the paseo space given its width. Furthermore, they indicated the space had some heavy lifting to do to provide a place for families for the southern residential building, given that it is the only building without any private onsite open space for its tenants. Moreover, the Commission suggested reorienting the plaza of the northern building to the south, which would improve the quality of the space and allow space for activity rather than just a pass-through space.

- The paseo has been widened from 22' to 30' at its narrowest points. While this width is an improvement, the design of the space has not changed other than the addition of picnic benches and the unfortunate loss of residential entries and porches on the southern building. Building access is limited to egress corridors. The additional width and changes do not result in any amenities for the tenants beyond tables. In the absence of adding back the individual unit entries and/or adding entries to common spaces to better activate the paseo, and increasing the width to allow room for some resident amenities, Staff is supportive of shifting the plaza on the northern building to the south. The plaza on Abernethy is not critical along this commercial corridor and it would be better served oriented south to provide some relief in this narrow space, similar to the block to the west, provide better solar access which is more inviting than a plaza with northern exposure, and it would provide an opportunity to create a great amenity space for the residents of both buildings.
- Some details of the features proposed within these spaces (landscaping, water features) have not been provided.

Block 41 – The plaza has been shifted away from the garage entry and located at the NW corner. While this shift was recommended and an improvement, the new location next to the lobby will not likely be very active, especially without any integrated seating. Given this concern the north portion of the building could come closer to the street while still

maintaining a meaningful offset between the podium and tower masses, as requested by the Commission. The larger overlook, as recommended in the findings below, at the terminus of Abernethy would offset the loss of this plaza space by providing a more meaningful and usable place for public respite and interaction.

Block 44 – The depth of the plaza has been reduced by 8’ to make it more inviting. The landscape elements have been shifted around to provide clear access to the live/work units at the southern end and a fountain has been added. Given that this is a terminus and focal point from the paseo that extends westward, the end treatment at the large end wall needs to be significant. The proposed greenwall presents long-term quality and maintenance concerns for an element of this size which needs to have a sense of permanence. A water wall like at Paley Park in New York or something of comparable scale, significance and long-term quality is needed.

Along and within the Greenway – As noted in the findings above, Staff has concerns with the isolated nature of the code required 2,500 SF open spaces provided between the greenway and the buildings. These spaces will not be successful or inviting as they are not welcoming and have limited visibility and physical access. As discussed in the findings below (Greenway Review section), the “overlook” at the end of Abernethy that extends into the greenway is significantly scaled back in size from the previous proposal and has an awkward terminus in the bike path that would not support people seeking respite or viewing the river.

***Given these concerns, these guidelines are not yet met.***

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

**Findings:** In response to this guideline:

Block 42 - A significant number of canopies have been added/identified in the revisions. Staff notes the 3’ deep framed roof awning that occurs at the bike room and dog wash on Abernethy and the commercial space on River is not of adequate depth to provide shelter for pedestrians. The bike room and dog wash area are uses that require a generous transition from the sidewalk, so a deeper canopy is needed for this reason as well.

Block 45 (northern building) – A significant number of canopies have been added/identified in the revisions. Staff notes the 3’ deep canopy is adequate when at individual residential entries, however, not of sufficient depth to provide coverage at commercial or common space access points or over the sidewalk for pedestrians. Furthermore, the residential lobby on Bond is in need of a generous canopy that also emphasizes the main building entry for wayfinding purposes.

Block 45 (southern building) – Weather protection for the pedestrian is limited to a single canopy at the main entry on Bond. The canopy is 6’ deep, however, it does not project over the sidewalk, so it only serves those accessing the building. Additional canopies that extend over the sidewalk are needed to meet this guideline and to be consistent with the pedestrian realm in the district, which has a generous amount of weather protection.

Block 41 – The entries to the residential units along Lane and Abernethy are protected by the projecting floor above. Revisions have been made to incorporate more weather protection along River Parkway and wrap the commercial spaces at both the south and north ends along the accessways. However, the canopies appear to be shallow and provide limited coverage over the actual sidewalk for pedestrians, which is the purpose of this guideline.

Block 44 – The entries to the residential and live/work units that face Lowell and Abernethy are protected by the projecting floor above. Revisions have been made to incorporate more canopies along River Parkway and at the commercial space at the NW corner to support the hierarchy of the applicant’s stated “100% corner concept”.

Additional information for both blocks is needed to clarify the location of all canopies and to understand how far they project over the sidewalk to provide protection above the public realm.

***Given these concerns, these guidelines are not yet met.***

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

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

*This guideline has been met.*

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

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

- All of the buildings incorporate opportunities for the occupants to take advantage of the views in all directions via balconies, rooftop decks, porches and extensive glazing, particularly on the towers.
- Extensive storefront glazing and active uses occur along the streets and in some cases extend along the east-west accessways to support interest and activity along these frontages.
- The north-south tower dimensions comply with the 125’ width limitation for the district (Block 41 is 65’-6” and Block 44 is 121’-1”), which is intended to support maintaining views from west hills to the river. While there is no maximum east-west tower dimension in the district, a lot of towers in the district do not extend the full length of the east-west block dimension and they are set back in varying depths from River Parkway. At the 8/29/19 DAR, the majority of the Commission recognized the setback of the towers to the north as providing a view corridor along River Parkway and supported a similar response on the towers of Blocks 41 and 44. At the 12/12/19 hearing, the applicant and Staff presented information that several of the towers on blocks to the north along River Parkway actually come down to the ground and are not setback. Given this information, the majority of the Commission accepted the tower locations. The recent revisions have the towers proud of the podiums similar to several developments to the north.

*These guidelines have been met.*

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

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

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

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

**Findings:** Regarding these guidelines:

Block 42 – At the 12/12/19 hearing, the Commission indicated the massing was still monolithic and more depth and articulation was needed. They focused on the recessed wall planes that occur on each façade as elements that have the potential to successfully break down the scale of the full block building. The recessed facades are now consistently offset 4’ from the primary façade providing shifts in the massing. The step down at the southeast corner for the large terrace further breaks down the block. Finer articulation is provided via the addition of balconies and recessed, multi-lite windows within the brick. Further revisions include stronger building corners, more pedestrian-scaled awning locations, and a more restrained material palette to align the simplicity of the industrial aesthetic. Louvers have been integrated into the window systems in the brick. While Staff supports these changes the following areas of concern are noted:

- To strengthen the simplistic industrial aesthetic:
  - Storefronts systems that occur in brick should be the same.
  - Brick should anchor the building, particularly at the ground floor corners.
  - The 2”x3” stucco trim around the windows is not characteristic of the aesthetic or the district. A punched window (not flush with proud trim) is more appropriate.
- Stucco details are needed to show a three-coat system with flashing details and joint lines. The 3-coat stucco has proven to be successful in this climate. Given the amount and small size of windows within the recessed planes a significant number of joints are anticipated. Stucco flashing and joint lines can complicate a façade and result in disarray so they should be limited where possible.
- Stand alone vents in the stucco are not supported. These will further complicate the façade. They need to be integrated into the windows or routed through the roof.
- Louvers/exhaust for the ground floor units and garage need to be identified and a section provided.
- A balcony detail is needed.

Block 45 (north building) - At the 12/12/19 hearing, the Commission expressed the need for deeper planar shifts and to work on the composition within these facades, more of the structure needed at the base to “ground” the building and provide texture and scale, and to revisit the number of materials and building details (canopies, brick detail, corner elements, solar shades, entries). Revisions have been made to address a lot of these concerns that result in a more coherent composition. Punched windows provide articulation in the façade, as do Juliette balconies on the south elevation. The window to wall ratio in the recessed facades and their ground level has been recalibrated. However, Staff has the following comments:

- The strong corners should occur within the brick. The Heartline development in the Pearl District does this successfully. As designed, the brick feels applied when the corners inset to glass and metal.
- All of the concerns related the stucco details and elements noted for Block 42 are applicable to this building.

- The Commission recommended a low stem wall at the storefronts as the glazing to the ground was not working. Low curbs have been added in a few places to address grade changes, however, a more generous and consistent stem wall would be a more appropriate response to the Commission's comment.
- Similar to metal panel proposed on the other buildings, unbacked 24-gauge will oil-can and is not supported.
- The accent material (Nichiha) within the ground floor bays complicates the façade. The glazing should extend the entire width of the storefront bays and the accent material at the ground floor should be limited to the primary building or individual residential entries. Tongue and groove wood cladding would be more contextually appropriate if wood is desired, rather than material to look like wood.
- The louvers for the VTACs are well integrated within the windows, but when they occur within the brick they create odd proportions and complicate the façade.
- Similar to Block 42, Louvers/exhaust for the ground floor units and garage need to be identified and a section provided.
- Railing detail for the Juliette balcony is needed.

Block 45 (south building) – At the 12/12/19 hearing the Commission was split on the gabled roof and concerned with detailing as the roof transitioned into a wall cladding. The design concept has been overhauled for a more typical brick, flat roof building. Overall, the composition is straight-forward, the punched windows in the brick provide articulation and the louvers are integrated into the windows. However, staff notes the following:

- As noted by the Commission, the 12' tall ground floor height is not contextual with the district and the ground floor remains undifferentiated from the upper floors.
- The design and brick detailing are more traditional than that found in the district. It feels more akin to buildings in Northwest. However, the metal clad bays do add a contemporary element, that could spur more modern details for a coherent and contextual composition.
- For a stronger composition, brick should return the entire length of the wall where inset balconies occur. Accent material could be applied to the back wall, similar to what the plan detail shows for the main entry condition on Bond.
- Inauthentic materials, like wood-patterned fiber cement boards are not contextual in the district, which has a strong relationship with nature and the river.
- The 24-gauge metal is not rigid enough to prevent oil-canning. A higher gauge or backed metal panel is needed.
- The amenity space on Bond needs to be treated like a non-residential space, similar to the opposing façade with the storefront on Lowell. Changing to storefronts will allow these façades to better receive canopies to address the limited weather protection along this building's frontage.
- It is not clear if vents are needed for bathroom/dryer/kitchen exhaust. If proposed, they need to be limited and well-integrated into the façade or preferably taken through the roof.

Blocks 41 and 44, generally – At the 8/29/19 DAR the Commission stated that both the tower blocks were overly complicated (in design and materials), missing a big idea and strong concept, included tacked on elements on the river façade and more variety between the two towers was necessary because they seemed very similar. In addition, the Commission stated the podiums needed to further erode and be setback from the

greenway. At the 12/12/19 hearing the Commission shared similar concerns while also highlighting areas of the façade and elements that were successful and could be built upon.

Block 41 – At the 12/12/19 hearing the Commission stated the weakest part of the podium was along the greenway (needed more coherency and erosion), greater setback between the podium and the tower to strengthen both, the tower needs to be simplified, more coherent and less opaque, and a hierarchy of entries was necessary. Numerous revisions have been made in response to these concerns that result in a stronger, more contextual building including:

- The podium contains a coherent language of dark brick facades with recessed and projecting balconies and two-story white metal clad bays that provide texture and finer scaled elements along the pedestrian realm and greenway. The wood siding within the recessed balconies and within the upper floor glazing systems adds warmth and additional texture, as do the punched windows (recessed 6"). The non-residential facades are more consistently treated with continuous storefronts with canopies and glazing above, rather than the solid dark panels in the prior design. Dark metal is used for balconies, railings, windows and canopies for clear expression of these building elements.
- The tower now sits proud of the podium with a presence on River Parkway and provides a clear main building entry. The tower facades are more coherent and contain more glazing than solid panel to better complement the distinct glazed towers in the area. The extension of the metal frame on the eastern “stepped” level has been eliminated for a more graceful transition toward the river. The combination of recessed and projecting glassy balconies add texture and finer scale to the tower mass. Where exhaust/air exchange does not occur through the roof, it is discretely integrated in the floor slabs with a flush metal duct vent cover, which is similar on the podium.

Staff does have the following areas that need attention:

- The tower could use further simplification by using the same design language of the west façade (glassy corners) on the east façade. Not only would this be more consistent with the river facing facades on the towers to the north but replacing the metal framed corners with glass and balconies would provide a better sense of erosion than the heavier solid corners currently proposed.
- As discussed in the findings below, the main building entry and arcade at the southern end need further attention.

Block 44 - At the 12/12/19 hearing the Commission stated the tower was too complicated and felt heavy. Studying a different footprint and orientation was also suggested to “embrace” the river. The podium was noted as being heavy and formal and the Commission was split on the coherency of the gable at the southern end. Numerous revisions have been made in response to these concerns that include the removal of the gable at the south end. However, Staff concludes most of the prior concerns remain.

Staff notes the following areas are in need of attention:

- While the majority of the Commission was supportive of L-shape of the tower given the variety of tower shapes in the district, Staff does not believe the revisions address the Commission's concerns of complexity and heaviness. Specifically:
  - The east façade of the tower has a lightness and articulation that the other facades could benefit from. The other facades are heavy and in need of articulation, like balconies and more glazing.
  - The guiding principles of the tower is still not clear. A concept design for massing and materials is needed.

- The L-shape of the tower with the heavy and dark cladding, as designed, blocks the strong visual relationship between the City and the river that has been established by the towers in the district. If this cannot be addressed architecturally in a manner that complements the district the L-shape should not be proposed.
- The podium has several design ideas that are employed throughout the façade, all of which are apparent on the east façade. While some variety is needed given the length of the east and west frontages, coherency is critical. In addition, the stone frames feel heavy when they float over a dark or glazed ground floor and massive when they extend up the entire podium.
- The podium façade along the greenway seems to have gotten more planar, which contributes to the heaviness along this more intimate frontage. This is of particular concern given the 320' length of this frontage and its proximity to the greenway. More significant erosion is needed in the footprint and height.

For both buildings:

- The accent wood needs to be tongue-and-groove to ensure its long-term quality finish.
- Material color and samples are needed, including louvers for vents.
- A diagram of clear glazing vs spandrel panel or glazing is needed as well as a color sample.
- Additional enlarged section details are needed to demonstrate materials and building elements are well detailed, integrated and provide texture and relief.

***Given these concerns, these guidelines are not yet met.***

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

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

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

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

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

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

- The buildings include ground level features that differentiate the base from the body of the building, like canopies, light fixtures, porches, storefront systems, etc. Benches to support activities at the ground level are also shown.
- Active uses are located on the majority of building corners and some architectural moves support the hierarchy of intersections.



Block 42

- While trees were identified within Lane, landscape details on the “layering” of materials to provide a transition from the public and private space is needed.
- The lone residential unit fronting onto River has been removed. Only one residential unit at the northeast corner with frontage on both River Parkway and Lane remains. A better transition, buffer or use is needed between the at-grade unit and the sidewalk.

Block 45

Northern building - The 3 residential units fronting River on the northern building have been replaced with bike storage, dog wash and a fitness area, and commercial space now flanks the plaza to help activate it. However, the following needs attention:

- The two live/work units fronting Bond on the northern building do not appear deep or tall enough to ensure a residential component can be accommodated away from the street edge. An active ground floor along Bond is critical given its high priority street classification and Streetcar.
- The walk-up residential units that front the paseo will be successful in helping to activate the space so long as they include layered landscaping to provide a transition and buffer. This information is still needed.

Southern building – At the prior DAR and the 12/12/19 hearing, the Commission was supportive of ground floor residential units along all the frontages, except Bond, so long as an appropriate transition was provided between the units and the sidewalk.

- The unit at the southwest corner was revised for an amenity space, however, the unit at NW corner remains. Amenity or common spaces should occur along Bond and could extend from the lobby to provide a more active frontage and generous lobby for the tenants.
- The walk-up units have all been removed and, in some cases, replaced with a patio. While the floor levels of the units are 1'-6" above the sidewalk grade there is little setback and landscaping (1' in some cases) to provide any buffer along the sidewalk. Ground floor entries are recommended as they more characteristic of the district and better activate the street. However, they would need to be more generous than the 3' deep recessed entries at the property line in the prior design. Alternatively, a more generous setback to allow for layered landscaping between the unit and/or patio and the sidewalk could be explored. For future submittals detailed landscape plans are needed for these onsite landscape areas and to demonstrate the Required Building Line standard is met along the three street frontages.

Both buildings - Similar to Block 44, bike rooms fronting the street need a transition space, like a lounge or repair area, so that bike storage racks do not occur up against the storefront. Furthermore, the addition of a bike room with storage would be a welcome addition to the southern building and could help activate the ground floor along Bond or the courtyard.

Block 41

- While the main lobby entry occurs where the tower touches the ground, as recommended by the Commission, it needs to be oriented to face River Parkway to be visible. If the response is architectural with the entry centered on the tower volume, then the canopy needs to be resolved.
- The arcade at the southern end of the block creates an awkward and uncomfortable condition with narrow spaces between the columns and storefront. The arcade concept is also out of character with the district. Therefore, the ground floor should shift west.

- As noted in the findings above, Staff has concerns with the plaza space at the northwest corner next to the lobby entry. It is not activated by the lobby use nor contain integrated seating and therefore will not contribute to the vitality of the street.

**Block 44:**

- Similar to Block 41, the main lobby entry needs to also be oriented to face River Parkway to be visible and more prominent. Its orientation to the plaza should remain as will help to activate this space that is designed to be occupied by tenants and the public.
- As noted in the findings above, the bike room and maker spaces that front SW Lowell will result in an inactive frontage, give the narrowness of the maker space unit, the solid overhead doors and limited use (bike storage). More glazing, wider more usable spaces and a bike lounge or transition space between the bike storage and the storefront is needed.

***Given these concerns, these guidelines are not yet met.***

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

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

- For the buildings on Blocks 41 and 44 the rooftop areas are varied in height and size, activated with amenity spaces for residents, landscaped and oriented to take advantage of the river views and activities.
- The proposal has been revised to no longer include ecoroofs, as they not required under the April 2017 Zoning Code. The large roof terraces atop the 4<sup>th</sup> floor on Blocks 41 and 44 have been redesigned to include decorative ballast rock and artificial turf. These treatments provide interest to the "5<sup>th</sup> elevation" of the buildings which is characteristic throughout the district given the sweeping views from the west hills.
- For the buildings on Blocks 42 and 45 (northern building only) the lower roofs are occupied with courtyards on the 2<sup>nd</sup> floor that are well landscaped and provide stormwater treatment. Roof terraces atop the 5<sup>th</sup> floor oriented at the eastern ends of the blocks to allow river views and activate the corner of Abernethy and River Parkway below.
- As noted above, the ecoroofs have been replaced with three types of ballast rock organized in a series of patterns. This will provide interest from above similar to other midrise buildings in the area.

The following areas of concern remain for all 5 buildings:

- Rooftop elements (stairs, elevator overrun, mechanical units, screening elements, garage exhaust) are indicated on the roofs, but not enough information has been provided to assess their integration with the architecture and massing, and if effectively screened. Enlarged elevations and sections are needed to understand the cladding, details and screening of these elements. They do appear to be corralled into groups, which is a preferred approach to reduce mass on the rooftop, however, without understanding the scale and screening of the elements it is difficult to determine if the arrangement as proposed meets guidelines and will enhance views of a district that is oftentimes viewed from above; rooftops are certainly a 5<sup>th</sup> elevation in

South Waterfront.

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

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

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

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

- On all five buildings, the building lighting scheme along the ground level and at the podium terraces are well-illuminated with frequent fixtures to provide safe spaces but that focus the light downward or diffuse the light so as not to impact the nighttime sky.
- For the east-west accessways (Lane, Abernathy and Lowell), contemporary pole lights are proposed throughout that will provide illumination to supplement the adjacent building lighting and unify these public spaces throughout the site.
- For the east-west paseo between the two buildings on Block 45 string-type "mercado" lighting will illuminate these spaces while providing a more intimate space a
- On Block 44, the vertical linear illuminated elements proposed at the upper tower on the east elevation have been removed as it was not supported by the approval criteria or Design Commission.

The following areas of concern remain for Blocks 41 and 44:

- There does not appear to be any light fixtures to illuminate the "overlook" at the terminus of Abernathy or of the additional open spaces recently added between the buildings on Blocks 41 and 44 and the Greenway required for the bonus FAR and height.
- The large open space at the western edge along River Parkway contains limited lighting (within the soffit of the adjacent entry). More illumination, in the form of bollards, landscape and planter lighting, is needed to ensure the space feels safe to occupy.
- A comprehensive lighting plan of the open spaces (Greenway, accessways and open spaces around the building), similar to what was provided for the buildings is needed to be able to fully evaluate the lighting for the project.

The following areas of concern remain for Blocks 42 and 45:

- The lighting fixtures are the same for all three buildings on Blocks 42 and 45. The lighting fixtures should complement and be well-integrated with the building aesthetic, which varies across the three buildings.
- On Blocks 42 and 45 the down lights proposed are noted to be ceiling mounted rather than recessed can lights. While a detail was not provided for how these fixture types would be affixed to the soffits, they do not seem to be well-integrated into the tapered soffit of the main entry on Block 45 or the prefabricated metal awnings. A recessed can light or other integrated light fixture is more appropriate for these soffit conditions.

- The lighting in the plaza of Block 45 is limited to 4 wall sconces. Additional lighting is needed to better illuminate the space for safety, particularly near the stairs that lead up to the courtyard.

***Given these concerns, these guidelines are not yet met.***

**C13. Integrate Signs.** Integrate signs and their associated structural components with the building's overall design concept. Size, place, design, and light signs to not dominate the skyline. Signs should have only a minimal presence in the Portland skyline.

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

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

## **Oregon Statewide Planning Goals**

### **Goal 1: Citizen Involvement**

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

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

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

### **Goal 2: Land Use Planning**

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

**Findings:** Compliance with Goal 2 is achieved, in part, through the City's comprehensive planning process and land use regulations. For quasi-judicial proposals, Goal 2 requires that the decision be supported by an adequate factual base, which means it must be supported by substantial evidence in the record.

*As discussed earlier in the findings that respond to the relevant approval criteria contained in the Portland Zoning Code, the proposal complies with the applicable regulations, as supported by substantial evidence in the record. As a result, the proposal meets Goal 2.*

### **Goal 3: Agricultural Lands**

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

### **Goal 4: Forest Lands**

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

**Findings for Goals 3 and 4:** In 1991, as part of Ordinance No. 164517, the City of Portland took an exception to the agriculture and forestry goals in the manner authorized by state law and Goal 2.

*Since this review does not change any of the facts or analyses upon which the exception was based, the exception is still valid and Goal 3 and Goal 4 do not apply.*

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

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

**Findings:** The City complies with Goal 5 by identifying and protecting natural, scenic, and historic resources in the City’s Zoning Map and Zoning Code. Natural and scenic resources are identified by the Environmental Protection (“p”), Environmental Conservation (“c”), and Scenic (“s”) overlay zones on the Zoning Map. The Zoning Code imposes special restrictions on development activities within these overlay zones. Historic resources are identified on the Zoning Map either with landmark designations for individual sites or as Historic Districts or Conservation Districts.

*This site is not within any environmental or scenic overlay zones and is not part of any designated historic resource. Therefore, Goal 5 is not applicable.*

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

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

**Findings:** Compliance with Goal 6 is achieved through the implementation of development regulations such as the City’s Stormwater Management Manual at the time of building permit review, and through the City’s continued compliance with Oregon Department of Environmental Quality (DEQ) requirements for cities.

***The Bureau of Environmental Services reviewed the proposal for conformance with sanitary sewer and stormwater management requirements and is not supportive of the proposal at this time, as mentioned earlier in this report. Therefore, the proposal is not consistent with Goal 6.***

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

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

**Findings:** The City complies with Goal 7 by mapping natural hazard areas such as floodplains and potential landslide areas, which can be found in the City’s MapWorks geographic information system. The City imposes additional requirements for development in those areas through a variety of regulations in the Zoning Code, such as through special

plan districts or land division regulations.

*The site is within the 100-year Floodplain (FEMA). Compliance with regulations related to this designation either has been addressed in the findings included as part of this land use review, and will be verified during building permit review and inspection. Therefore, the proposal is consistent with Goal 7.*

#### **Goal 8: Recreation Needs**

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

**Findings:** The City maintains compliance with Goal 8 through its comprehensive planning process, which includes long-range planning for parks and recreational facilities. Staff finds the current proposal will not affect existing or proposed parks or recreation facilities in any way that is not anticipated by the zoning for the site, or by the parks and recreation system development charges that are assessed at time of building permit. Furthermore, nothing about the proposal will undermine planning for future facilities.

*Therefore, the proposal is consistent with Goal 8.*

#### **Goal 9: Economy of the State**

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

**Findings:** Land needs for a variety of industrial and commercial uses are identified in the adopted and acknowledged Economic Opportunity Analysis (EOA) (Ordinance 187831). The EOA analyzed adequate growth capacity for a diverse range of employment uses by distinguishing several geographies and conducting a buildable land inventory and capacity analysis in each. In response to the EOA, the City adopted policies and regulations to ensure an adequate supply of sites of suitable size, type, location and service levels in compliance with Goal 9. The City must consider the EOA and Buildable Lands Inventory when updating the City's Zoning Map and Zoning Code.

*Because this proposal does not change the supply of industrial or commercial land in the City, the proposal is consistent with Goal 9.*

#### **Goal 10: Housing**

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

**Findings:** The City complies with Goal 10 through its adopted and acknowledged inventory of buildable residential land (Ordinance 187831), which demonstrates that the City has zoned and designated an adequate supply of housing. For needed housing, the Zoning Code includes clear and objective standards.

*Since approval of this application will enable an increase in the City's housing supply, the proposal is consistent with Goal 10.*

#### **Goal 11: Public Facilities and Services**

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

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

*In this case, the City's public services bureaus found that existing public services are adequate to serve the proposal, as discussed earlier in this report.*

### **Goal 12: Transportation**

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

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

*As discussed earlier in this report, PBOT evaluated this proposal and has no objection to its approval. Therefore, the proposal is consistent with Goal 12.*

### **Goal 13: Energy**

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

**Findings:** With respect to energy use from transportation, as identified above in response to Goal 12, the City maintains a TSP that aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." This is intended to promote energy conservation related to transportation. Additionally, at the time of building permit review and inspection, the City will also implement energy efficiency requirements for the building itself, as required by the current building code.

*For these reasons, staff finds the proposal is consistent with Goal 13.*

### **Goal 14: Urbanization**

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

**Findings:** In the Portland region, most of the functions required by Goal 14 are administered by the Metro regional government rather than by individual cities. The desired development pattern for the region is articulated in Metro's Regional 2040 Growth Concept, which emphasizes denser development in designated centers and corridors. The Regional 2040 Growth Concept is carried out by Metro's Urban Growth Management Functional Plan, and the City of Portland is required to conform its zoning regulations to this functional plan.

*This land use review proposal does not change the UGB surrounding the Portland region and does not affect the Portland Zoning Code’s compliance with Metro’s Urban Growth Management Functional Plan. Therefore, Goal 14 is not applicable.*

### **Goal 15: Willamette Greenway**

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

**Findings:** The City of Portland complies with Goal 15 by applying Greenway overlay zones which impose special requirements on development activities near the Willamette River. The subject site for this review is within the Central City Plan District, South Waterfront Subdistrict, Greenway overlay zone.

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

### **Goal 16: Estuarine Resources**

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

### **Goal 17: Coastal Shorelands**

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

### **Goal 18: Beaches and Dunes**

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

### **Goal 19: Ocean Resources**

Goal 19 aims “to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.” It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19’s main requirements are for state agencies rather than cities and counties.

**Findings:** *Since Portland is not within Oregon’s coastal zone, Goals 16-19 do not apply.*

## **(2) SOUTH WATERFRONT GREENWAY REVIEW – CHAPTER 33.851**

*At the December 12, 2019 Design Commission Hearing the Design Commissioners recommended:*

- *Orient active uses towards Greenway, acknowledge public amenity of the Greenway, provide transition from public to private spaces;*
- *Design Greenway to be “Portland’s front yard”—inviting to the public, appears to clearly belong to the public, and connects the public to the river;*
- *Private elements (including pathways) must occur outside the Greenway;*
- *Create layered lush landscaping between the Greenway and private spaces;*
- *Minimize lawn to small areas-- in Subarea 3 only;*
- *Plaza space at Lowell reads as private, but it should convey that it is public: materials, shape, and connection to the greenway need to be redesigned; connection to the greenway trail needs to be emphasized as a public pedestrian connection; treatment could be similar to the interface of Abernethy at the greenway.*



- *Remove trees at terminus of Lowell so not to block view of the river to be consistent with the terminus;*
- *Design the overlook to be more fluid in shape, following the sinuous design of the Greenway trails and landscaping;*
- *Study whether the concrete pier it can be retained and repurposed to create a connection to the history of site and to meet Guideline A5-1 (also supported by Parks); and*
- *Address concerns expressed by Urban Greenspaces:*
  - *Provide soil bioengineering instead of riprap armoring;*
  - *Provide substantial plantings of native trees and shrubs above ordinary high water, at at least the density [required by ] South Waterfront [standards];*
  - *Providing less than the amount of landscaping required by standards is unacceptable;*
  - *There is insufficient information regarding restoration plans and proposed riparian and aquatic habitat;*
  - *Lawn does nothing to embrace the river as Portland's front yard;*
  - *Create large, lush bioswales between the development and the Greenway for stormwater management;*
  - *Remove derelict pilings and other structures in shallow water areas and lay the bank back to at least a 5:1 slope;*
  - *Patios should not be situated in the Greenway setback;*
  - *Buildings should not be sited adjacent to the Greenway setback line;*

*In the February 7, 2020 revised application, the applicant noted the following changes to the proposal within the South Waterfront Greenway:*

1. All lawn areas eliminated from Greenway.
2. All private walks to private patios eliminated from Greenway. One emergency exit from Block 44 and one exit from Block 41 indicated with bridges across swale to connect to pedestrian path.
3. SW Abernethy overlook in floodway eliminated. A landward plaza with water feature and custom seating provided at Abernethy terminus.
4. More direct pedestrian mall connection provided at SW Lowell to Greenway trail.
5. Found objects, art opportunities, and furnishings indicating maritime history provided.
6. Greenway trails have been relocated to 10' from top of bank, minimum, and 75' from top of bank, maximum, to meet standards.
7. Greenway Subarea 2 is now partly east of the pedestrian trail providing more areas of riparian planting.
8. A seating area along the trail at the north end of Greenway has been added outside of floodway.
9. Per Portland Parks and Recreation, an exhibit showing an option for a small amount of grass has been included in the exhibits.

*Zoning Code Section 33.510.253 E.3 stipulates that South Waterfront Greenway Review is required for activities that do not meet the standards listed in 33.510.253 E.5 and for activities riverward of top of bank of the Willamette River. The applicant contends that all of the standards are met with the exception of fence height and trail width and that South Waterfront Greenway Review is required for the following four proposed project elements:*

- *Removal of existing wooden pier below top of bank;*
- *Excavating, regrading, armoring the river bank, and placing large woody debris below top of bank;*
- *Proposed fence over 3 feet high, and less than 45 feet from top of bank; and*
- *Segments of the Greenway Trail less than 12 feet wide.*

*Staff note: The applicant's landscape plans (Exhibits L.002 -L.005), and the Greenway Review Narrative (page 11) note trail area is exempt from landscaping standards in Subarea 2. This is incorrect: trail areas are only exempt in Subarea 3 per 33.510.253 E.5 a. Landscaping calculations for Subarea 2 must be corrected: 20,452 sf of shrubs are required at a minimum; 63 trees are required at a minimum; and 5,113 sf of ground cover are required*

*The applicant's geotechnical report indicates that underground cement-soil-mix columns ("ground improvements") will be installed within Subarea 3 to stabilize the site. The applicant's stormwater plans depict stormwater catch basins within Subarea 3 to direct stormwater—these features within Subarea 3 meet the development standards in 33.510.253 E.5. g and do not require Greenway Review. However, staff understands that the ground improvements will be required to be expanded, potentially beyond the boundary of Subarea 3. If the ground improvements are expanded to within Subarea 2, they will not meet development standards and must be addressed in the South Waterfront Greenway Review. In addition, to install these ground improvements must be kept over 25 feet from top of bank to avoid a Greenway Goal Exception Review.*

### **33.851.010 Purpose**

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

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

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

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

### **Section III South Waterfront Greenway Design Guidelines**

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

**Findings:** The applicant describes the proposed greenway trail as providing five additional access points to the trail: from the north, by connecting to existing trails; to the west through new public accessways via SW Lane, SW Abernethy, and SW Lowell; and to the south, by connecting to an existing trail. The trails are designed in a curvilinear manner to maximize views toward the river and are separated from the bank area by retaining walls and a naturalized bank treatment. The trail has been designed to observe existing topography that falls toward the river, and expose concrete retaining walls along the river banks. These features illustrate the river-based industrial history of the south waterfront area and provide an experience that differs from other sections

of the greenway trail. Street markers are provided at the accessway crossings and changes in materials at crossings are proposed to promote safety. The applicant further offers that signage will be provided by others.

*This guideline has been met.*

**2. Create connections and continuity between the edges of the greenway and adjacent open spaces, bridges and views.** Address the edges of the greenway where it interfaces with streets and accessways, public open spaces, and bridge structures using the following Greenway Edge Guidelines (2-1 – 2-3).

**2-1. Address Streets and Accessways.** Provide clear connections to the greenway from streets and accessways.

**2-2. Address Adjacent Open Space.** Ensure continuity of design and movement between the greenway and adjacent open space.

**2-3. Address Bridges.** Design the greenway to address the visual and physical presence of the bridges.

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

*This guideline has been met.*

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

**Findings:** The applicant responds to this guideline by describing the proposal to remove man-made structures currently present along the bank, to remove fill material along the shoreline, and to lay back the slope of the river bank, to enhance and increase the area of shallow water habitat available for juvenile salmonids. The current degraded state of the habitat along this portion of the river is typical for sites in Portland that have been subject to past industrial use. The proposed project will increase both the quantity and the quality of the habitat for native fish species provided at this site. Not only will in-water conditions be enhanced, but the quality and the quantity of riparian vegetation will also be enhanced by increasing the density of native trees and shrubs. Providing a source of large wood will also benefit native fish species.

Staff agrees that enhancements to the river bank will improve the potential for native fish habitat. However, this guideline speaks to accommodating activities oriented toward the Willamette River that offer gathering places, play, watercraft launches, and viewpoints as extensions of the greenway trail. The guideline specifies that where east-west streets meet the river (such as SW Lane, SW Abernethy, and SW Lowell) a series of plazas, overlooks and docks should be sited. The guideline describes integrating public access to the river at overlooks that are cantilevered over greenway designed to protect habitat.

This guideline highlights the need of a gathering space that engages the public with the river.

The previous design proposed by the applicant included a substantial overlook plaza area at the eastern terminus of Abernethy. City staff requested assessment of floodway impacts through a “no rise” analysis to determine whether or not the overlook would meet floodway requirements. The applicant’s February 7, 2020 application includes a “no rise” analysis that states the formerly proposed Abernethy overlook meets floodway requirements, so staff does not see reason to remove it.

Portland Parks & Recreation staff further commented that, “The plaza at the eastern end of Abernethy does not serve as an outlook and is awkwardly situated in the bike path. It will be too close to bicycles rushing by to create a place of rest and observation. We suggest improving the plaza’s functional use and appearance by pushing it to the east of the pedestrian path, so greenway pedestrian users can enjoy the plaza and gain at least visual access to the river.”

The application does not address the public access or gathering spaces described by this guideline.

***This guideline has not been met.***

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

**Findings:** The applicant notes that three sitting areas are provided along the pedestrian trail using native basalt custom benches reflecting local materials. Custom large wood benches reflecting the maritime history of the area and provided by local Portland company are located at the end of Abernethy Mall. A water feature referencing the connection to the river is shown at the terminus of the Abernethy Mall and possibly found material from the wood pier to be removed is used as site bollards at the Abernethy connection to the pedestrian trail, which reflects the industrial past of the site.

The applicant’s Exhibit C.106 depicts proposed fencing, planter materials, timber and basalt benches, and piers to be used in the Greenway to integrate art and found objects, and to provide historical context. More detail would be useful in the form of dimensioned detail drawings to inform reviewers as to the specific placement and constructability of these features.

Asphalt is shown on the applicant’s plans for the bike trail and scored concrete for pedestrian trail. These trails will connect with the existing asphalt bike trail and scored concrete pedestrian trail to the north, and to the path crossing the Old Spaghetti Factory site to the south. The proposed materials for both the pedestrian and bicycle trails match the existing trail materials to the north and south of the site.

Staff acknowledges Portland Parks & Recreation comments that basalt benches diverge from the alternative use of wood forms representative of the timber industry. However, the 2010 South Waterfront Greenway Design Guidelines (page 46) include the description of, “Native basalt and concrete cut at angles...[as] a nod to the evolving

landscape of the river and its industry” in the caption below a photograph of native basalt benches adjacent to the Greenway trail.

BDS staff finds that with additional details specifying where and how the features illustrated on Exhibit C.106 will be placed, **this guideline can be met.**

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

**Findings:** The applicant responds that riverbank stabilization strategies will include class 700 riprap below ordinary high water (OHW) with large wood (LWD) to provide cover and refugia for salmonids. The large wood will be installed during riprap installation and will be anchored by the bank material and some additional ballast boulders.

Above ordinary high water the slopes will not be armored and will rely on native vegetation establishment to provide stability. Riparian vegetation is degraded in this reach of the river and robust native plantings will ensure the riverbank’s riparian functions are enhanced and restored. Bio-degradable matting will be installed after construction to provide stability until the native trees and shrubs are established. The large wood and the native riparian plantings, such as willows, ninebark, and other native shrubs will provide flow complexity and diversity resulting in cover and refugia (areas of low velocity behind the debris and a slow-moving fringe) for ESA listed species, while also improving the nutrients available to support a healthier benthic invertebrate population to promote rearing.

Existing mildly sloped alcove areas where finer sediment appears to persist will be armored and overtopped with a 1.5 ft of 2.5” – 0 well graded rounded river rock to provide a substrate that can support benthic invertebrates. Armoring is still required to prevent undermining of the bank stabilization during high erosion events. Fine sediment was observed in these locations during low water; however, it is unknown if this sediment is persistent long term or if it is removed during high erosion events and recruited during other periods. Additional fine sediment should be recruited to these areas during low water periods.

While the applicant’s narrative description of stabilization strategies would enhance the river and riverbank ecosystems relative to the existing condition of the bank, additional graphic information is needed to demonstrate how the proposal will be achieved. The narrative and typical cross sections mention “mildly sloped alcove areas” that should be labeled on site plans. Reviewers require more information to demonstrate how the LWD proposed will be installed with the features shown on the “Bank Stabilization typical sections” on Sheet C3.0. The “Typical Log Reference Key” (Sheet C3.1) should be provided at a large and readable scale, depicting LWD installation relative to OHW, OLW, placement of separation geotextile, filter fabric, class 700 riprap, rounded rock and rounded river rock. In addition, the plan view of LWD placement on Sheet C3.1 must show the relative location of OHW and OLW to inform reviewers.

This guideline requires enhancement of the riverbank ecosystem. Comment from City of Portland Urban Forestry staff note that the proposal should use of more large-form trees in this area including western redcedar (*Thuja plicata*), Oregon white oak (*Quercus garryana*), red alder (*Alnus rubra*), coast redwood (*Sequoia sempervirens*), Oregon myrtle (*Umbellularia californica*), shore pine (*Pinus contorta*), and sitka spruce (*Picea sitchensis*). These trees are more appropriate for this location based on the overhead and underground space available, as well as the proximity to water. Several of the trees suggested for use in the greenway are small-form trees such as bitter cherry (*Prunus emarginata*), black hawthorn (*Crataegus douglasii*), and Pacific crabapple (*Malus fusca*),

and Emperor 1 Japanese maple (*Acer palmatum* 'Emperor 1'). The smaller trees should be used as understory shrubs not as overstory trees. All of the small form trees generally mature at a height less than 20 feet tall. All of the large-form trees provide significant value for wildlife including thermal cover, nesting habitat, and food.

***This guideline has not been met.***

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

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

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

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

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

### **Section 33.851.300 Approval Criteria for South Waterfront Greenway Review**

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

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

*Staff Response: These criteria apply to:*

- *Removal of existing wooden pier below top of bank;*
- *Excavating, regrading, armoring the river bank, and placing large woody debris below top of bank;*
- *Proposed fence over 3 feet high, and less than 45 feet from TOB; and*
- *Segments of the Greenway Trail less than 12 feet wide.*

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

**Findings:** The applicant's narrative describes the need for a 42-inch protective fence along the retaining walls to provide adequate fall protection near retaining walls, and to improve ADA accessibility along the pedestrian trail. The fences are described as constructed of natural-appearing materials in order to enhance the natural and scenic qualities of the greenway. The greenway trail provides economic and recreational qualities by connecting an incremental trail system along the Willamette River and providing continuous access from north to south.

Two trails are described in the applicant's narrative as: a 10-ft. wide pedestrian trail closest to the river and a 12-ft. wide bicycle/multimodal trail. These path locations were determined based on connecting to the existing paths to the north and south. Further, the width of the trails was designed to align with the existing trails to the north and south. The curvilinear design of the trail allows for a dynamic experience as the trail users cross the site and provides visual interest for trail users. The proposed trail location and design adequately accommodate trail users while allowing the design team to respond to significant topography while restoring significantly deteriorated riparian habitat at the river's edge.

Lastly, to address this criterion the applicant notes that the proposed development includes the removal of the existing wood pier along the site's river frontage and regrading, excavating, and armoring river banks. These activities restore the river bank to a more natural state, provide additional shallow water and riparian habitat along the bank, and allow for unobstructed views of the river from the site.

Staff finds that this criterion specifically requires better enhancement of the natural, scenic, historical, economic, and recreational qualities of the greenway, than is required by the standards. However, the applicant's narrative did not describe how the proposal goes *beyond* the standard requirements to *better* enhance the natural, scenic, historic, economic, recreational, qualities of the Greenway than would occur by merely meeting the South Waterfront Greenway standards.

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

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

**Findings:** While the existing bank condition provides some natural functions, it is largely limited to shallow mildly sloped alcove areas (4H:1V) that exist at the north and south end of the sites below elevation 10 ft. Below elevation 10 ft the existing bank slopes are typically 2H:1V or flatter, while above this elevation the bank is much steeper. The existing bank material consists largely of miscellaneous fill, including large concrete rubble and asphalt pavement. Finer materials are present within the existing alcove areas that can provide limited shallow water habitat. Existing riparian vegetation consists of a row of shore pines at the top of existing bank, with ivy and blackberry. While the shore pines provide some canopy habitat, there is no understory habitat, and groundcover is comprised of dense ivy and blackberry. Any vegetation below top of bank consists of ivy and blackberry that has grown down from the top of bank. There are also several derelict piles along the bank. The bank is relatively steep riverward of the site, dropping off at a 2H:1V to 3H:1V slope, meaning that shallow water habitat in this area is limited to the fringes of the river.

The bank will be laid back and stabilized to protect against erosion from high water flood events and from wave and wake damage that can occur during low water periods. For this reason, the bank stabilization must extend below ordinary low water to prevent the bank stabilization measures (riprap) from being undermined. Due to the height of the bank with very steep existing slopes (approximately 22 ft. height from elevation 10 ft to elevation 32 ft.) and the limited greenway width that must also provide additional uses (e.g. trails) laying the bank back to a slope flat enough to not require engineered stabilization measures (riprap) is not feasible. Therefore, riprap will be used to stabilize the bank below ordinary high water (elevation 18.22) at a maximum 2H:1V slope while incorporating engineered large woody debris to provide high flow refuge and shelter for fish species. Where riprap is used below ordinary high water to stabilize existing mild slopes the riprap will be overlain with clean river rock and sediment to provide enhanced shallow water habitat. To allow for flatter vegetated slopes above ordinary high water, retaining walls must be used to make up the height to the trail elevation.

Retaining walls have been located near the trail and as high up the slope as possible to minimize the inundation duration. The area below the retaining walls will be vegetated with native trees and shrubs that will provide a slow-moving flow fringe during high flow events adjacent to the retaining wall.

While the bank cannot be completely naturalized due to site constraints, including tall, steep existing banks, matching grades to the adjacent properties, and providing user trail space, the bank design does incorporate the following enhancement features:

- Existing contaminated sediment will be removed and armored to prevent additional erosion of contaminated sediment into the river.
- Existing slopes 2H:1V or flatter will be preserved, and the riprap will be overlain with large river rock, this is largely at the fringe of the river, so the existing shallow water habitat will be preserved while the bed material will be enhanced with river rock to increase ecological function.
- The existing slopes 4H:1V or flatter in the two alcove areas will be preserved and the riprap will be overlain with clean fine river rock and sediment, similar to what exists at those areas now.
- Derelict piles within the work area will be removed.
- Engineered large woody debris will be incorporated into the riprap below proposed ordinary high water to provide refugia and shelter and meet NMFS SLOPES V requirements.
- Engineered large woody debris within the planting requirements of subarea 1 will be configured to maximize retention of fine sediment to create planting pockets.
- Engineered large wood debris below the planting requirements of subarea 1 will be configured to maximize refugia and shelter for fish.
- Above ordinary high water the slopes will be a maximum of 3H:1V and stabilized with native vegetation. Vegetation stabilization is adequate for these slopes above ordinary high water because the duration of exposure to wave and wake damage is much less than below ordinary high water.
- Bank enhancement and stabilization grading will result in a net cut of 5,260 cubic yards of cut and material removal (1,030 cubic yards below OHW).
- The bank design will also be reviewed and permitted by the USACE and OR-DSL.

The thalweg of the Willamette River pushed to the west near the site due to Ross Island before migrating back towards the east downstream of Ross Island. This means that the bank below the ordinary high water is relatively steep, ranging from 2:1 to 4:1 with the steepest portions being adjacent to the site; there is not extensive shallow water habitat at the property. The steepness of the bank both above and below water and the miscellaneous fill that makes up the bank limits the functionality of the existing site to provide rearing habitat. The steep slopes, the lack of large wood and the lack of healthy riparian vegetation means there is little existing sensitive habitat features that needs to be preserved during construction. There are minor pockets of existing fine sediment in the alcoves that provide some habitat for benthic invertebrates. While this sediment must be removed to install the armoring, fine sediment will be used to overtop the armoring to restore benthic habitat. To provide long term ecological enhancement, pilings and contaminated soils within the riverbank will be removed. Armoring will be placed to prevent additional erosion of contaminated material.

It is anticipated that the majority of the bank regrading will be performed using excavators, which will excavate and regrade from the top of bank down and then install stabilization and large woody debris, while working back to the top of bank. A turbidity curtain will be used to prevent fine sediment from leaving the site. Rock may be placed temporarily and intermittently to build up platforms for excavators to work within the



portion of the site below water. The plans call for stabilization to occur to elevation 0, meaning that the depth of water will be approximately 6 feet at the deepest portion of the site during construction periods, which is generally well within the operating reach of a large excavator. Barge mounted equipment may be used if needed, most likely for removal of the deeper pilings, but it is anticipated that most of the work will be performed from the bank. All work will occur during the in-water work window when use by ESA-listed species is minimal.

While the applicant's narrative description (above) of stabilization strategies would contribute to a clean and healthy river for fish, wildlife, and people, as noted above, supportive graphic information is needed to demonstrate how the proposal will be achieved. Alcove areas should be labeled on site plans. Graphics need to demonstrate how the LWD proposed will be installed in concert with the features shown on the "Bank Stabilization typical sections" on Sheet C3.0. The "Typical Log Reference Key" (Sheet C3.1) should be provided at a large and readable scale, depicting LWD installation relative to OHW, OLW, placement of separation geotextile, filter fabric, class 700 riprap, rounded rock and rounded river rock. In addition, the plan view of LWD placement on Sheet C3.1 must show the relative location of OHW and OLW to inform reviewers.

With additional details shown on graphic exhibits as described above, ***this criterion will be met.***

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

**Findings:** The proposal will fill in the Willamette Greenway gap and provide easy access to the greenway through continuation of the greenway trails to the north and south, and access through Abernathy and Lowell Streets, connecting it to South Waterfront businesses, residents, and users. The large wooden pier structure and miscellaneous pilings will be removed to provide unobstructed views of the Willamette River, Ross Island, and the native vegetation established to the east of the pedestrian trail. Native vegetation will be planted to improve riparian health, provide resiliency of the greenway, and facilitate connections between users and the natural environment. Trails, benches, and overlooks will provide both active and passive restoration opportunities.

These features described by the applicant will create inviting public spaces, that clearly belong to the public and feel connected to the river.

*This criterion is met by the proposal.*

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

**Findings:** The applicant describes stormwater management to be provided for the Greenway according to the City of Portland Stormwater Management Manual, using vegetated pollution reduction facilities to treat runoff from impervious areas. Due to existing site contamination the facilities will be lined to prevent infiltration.

Staff notes that these approval criteria require the applicant to compare the proposed project elements to the specific standards listed in 33.510.253—the applicant has the burden of proof to demonstrate how the proposed design will “better” provide or enhance the Greenway qualities listed in the criteria above, than would be provided by meeting the standards.

A comparison of proposed landscaping, buildings, fences, trails, and viewpoints, with the 33.510.253 E.5 standards for landscaping, buildings, fences, trails, and viewpoints

is lacking from the narrative. The applicant's narrative fails to demonstrate how the proposed design aims to "better" provide the Greenway qualities listed.

***The applicant has not provided sufficient analysis to demonstrate that this criterion is met by the proposal.***

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

**Response:** The applicant states on page 16 of the Greenway Review narrative that development riverward of top of bank includes the following:

- Portions of the retaining wall near block seawall
- Removal of existing wooden pier
- Removal of concrete slab at base of seawall
- Excavating, regrading, and armoring river bank

*Staff note: Neither the applicant's narrative project description nor the graphic site plans (Block 44 Grading Plan C.127, Existing Conditions and Demolition Plan C.121, Grading Plan /profile C2.1) indicate any work in the vicinity of the block seawall or the concrete slab at its base. Yet the applicant lists those elements in findings for this criterion. This discrepancy must be resolved to allow reviewers to determine if these activities are part of the proposal or not.*

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

**Findings:** These criteria require the applicant to demonstrate how construction will be conducted and how the river bank, shallow water habitat, and biological productivity will specifically be protected during all pile removal, pier demolition, bank excavation and grading, LWD installation, bank armoring and related construction activities.

The applicant notes that the site is degraded in its current state and the proposal will not result in significant loss of biological productivity. In fact, the proposal will enhance biological productivity by replacing contaminated sediment with clean material, incorporating large woody debris into the stabilization, and providing native plantings to enhance provide riparian vegetation. Removal of the wooden pier structure will enhance the biological productivity as the pilings are contaminated.

To provide cover, slow moving margins, and refuge for salmonids as the water level rises, engineered large woody debris structures will be incorporated into the riprap slope. Below elevation 10 feet the large woody debris will be placed to create refuge and shelter, above elevation 10 feet large woody debris will be placed to create successful planting pockets for vegetation establishment. Multiple types of LWD structures are proposed to provide complexity and diversity. LWD structures will be installed along the entire bank between ordinary high water and a few feet below ordinary low water. Native natural area riparian plantings will be provided above ordinary high water.

The existing river bank is comprised of miscellaneous fill material, is steep, and does not have a functional riparian area, therefore there is no riparian area to protect. Vegetation below the top of bank line is sparse and consists largely of ivy and blackberry growing down from the top of bank. The top of bank does have sparse shore pines that will be removed in the process of laying back and enhancing the bank. The

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

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

Work will occur from the bank with equipment access from the site. Excavators will most likely be used for removal and placement of material. It is anticipated that the bank will be excavated from the top down to allow equipment access to the lower reaches as the slope flattens. Once material is removed the new armoring, consisting of filter blanket, riprap, and river rock in the lower portion, will be placed from the bottom up in lifts. Large logs with intact root wads will be incorporated into the riprap from ordinary low water (approximately elevation 5 ft (CoP) to Ordinary High Water (elevation 18.22 ft (CoP)), with more concentration at Ordinary Low Water.

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

While the construction management practices described above may meet the criteria, as described in the staff note above, it is not clear to which activities these criteria apply. Until this is clarified by the applicant ***this criterion cannot be determined to be met.***

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

- 1. The proposal will restore and enhance the natural character of the area adjacent to the river and will allow more significant creation of habitat for fish and wildlife that could aid in supporting the recovery of native species of fish; and**
- 2. The proposal will support or enhance the function of the greenway area as an active and vibrant waterfront and will provide sufficient opportunities for human interaction with the greenway.**

**Findings:** The proposal does not meet 33.510.253 E.5 c and d. These criteria require enhancement of riparian and aquatic habitat to create wildlife habitat and fish habitat. Findings must demonstrate how the design of these project elements contributes to recovery of native fish species. The criteria further require the project to enhance the function of the greenway as a vibrant waterfront that provides for human interaction with the greenway.

The applicant finds that several fish species listed under the federal Endangered Species Act (ESA) occur within the vicinity of the project area. The life stage of these species that are most vulnerable to environmental degradation and habitat loss are juveniles, which rely on shallow water habitat for shelter and as a food source. The proposed restoration project will remove many of the man-made structures that are currently present along the bank, remove fill material along the shoreline, and make the grade of the river bank shallower, which will increase the area of shallow water habitat available for juvenile salmonids. The current degraded state of the habitat along this portion of the river is typical for sites in Portland that have been subject to past industrial use. The proposed project will increase both the quantity and the quality of the habitat for native fish species in the City of Portland.

Not only will in-water conditions be enhanced, but the quality and the quantity of riparian vegetation will also be enhanced by increasing the density of native trees and shrubs. Shading on the Willamette River is not as important as providing a source of large wood and biota, which benefit native fish species. Removal of contaminated material and installation of clean materials will further increase the habitat value of the site, as well as incorporating Large Wood into the bank stabilization and providing native riparian plantings.

The applicant has provided thorough analysis to demonstrate that the proposal will provide for more significant creation of habitat for fish and wildlife that could aid in supporting the recovery of native species of fish. However, there is no discussion of enhancement of the function of the greenway as a vibrant waterfront that provides for human interaction with the greenway.

***The applicant has not provided sufficient information to demonstrate that this criterion is met.***

#### **D. Buildings within the South Waterfront greenway area.**

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

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

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

**Findings:** The applicant responds that the proposed trail does not meet the width standard of 33.510.253.E.5.d and these criteria are applicable. The applicant is not proposing a South Waterfront Greenway Development Plan, and E.1, E.2, and E.3 must be met. The proposed trail will safely accommodate the expected users, and includes two paths with a combined width of 22 ft. The proposed trail responds to the topographic constraints of the site by curving westward.

*These criteria are met.*

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

**Findings:** The applicant intends that the proposal will meet all of the landscaping standards. After corrections are made to the proposal to include: 20,452 sf of shrubs at a minimum; 63 trees at a minimum; and 5,113 sf of ground cover in Subarea 2, the standards will be met and the F criteria will not apply.

### **(3) MODIFICATION REQUESTS – CHAPTER 33.825**

**33.825.040 Modifications That Will Better Meet Design Review Requirements:**

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

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

**Modification #1:** *Vehicle Parking* – To allow two parking spaces to be stacked (tandem) without having an attendant on-site.

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

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

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

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

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

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

**Findings:** Tandem parking spaces are proposed within the garages of Blocks 41, 42 and 45. The design of tandem stalls coincides with sustainable development, particularly for projects within dense urban cores because it is efficient and sensible use of space and land. The tandem stalls are for use on a private residential project and each pair of stalls is only intended and practical to be leased “in tandem” to the same unit tenants. Consequently, the tenants of that unit and the tandem stalls are effectively each other’s full-time attendants and the use of the stalls is not impacted in a substantial manner. The number of tandem stalls will be significantly less than the 2-bedroom and 1-bedroom unit count and so the buildings easily support “in tandem” use.

*These criteria have been met.*

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

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

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

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

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

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

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

*These criteria have been met.*

#### **(4) ADJUSTMENT REQUEST – CHAPTER 33.805**

##### **33.805.010 Purpose**

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

**Adjustment #1:** *Vehicle Access* – To allow vehicle and loading access off of River Parkway, which is access restricted (Section 33.510.267.F.6.b).

**33.805.040 Approval Criteria**

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

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

**Findings:** The applicant proposes to locate access to the parking garages of all four buildings along River Parkway. Access to parking areas from Bond Street for the western blocks is not supported by PBOT given the Major City Bikeway designation and bike lane on the eastern side of the street. PBOT considered access from the east/west accessways, however, determined the number of vehicles that would need to utilize the accessways to get to the garage entries would result in potentially more conflicts within these designated pedestrians and bike paths than along actual streets. The eastern frontages of the river blocks are also limited due to the greenway trail abutment, leaving River Parkway as the only possibility for vehicle access to Blocks 41 and 44.

PBOT has reviewed Driveway Design Exceptions (DDEs) for all four blocks, which analyzed turning movements into the garages and their alignment as well as gate locations. PBOT has approved the DDEs with conditions that require fast operating gates at each of the entries to ensure queuing impacts to pedestrian and vehicular traffic is minimal on River Parkway.

The purpose of the parking and access regulations that implement the Central City Transportation Management Plan are intended to manage the supply of off-street parking to improve mobility, promote the use of alternative modes, support existing and new economic development, maintain air quality, and enhance the urban form of the Central City. Moving the parking access to SW River Parkway on this case will equal the purpose of the regulation since these buildings will be located in a dense urban environment. Parking access on busy streets is common on this type of neighborhoods and by locating the access points away from the middle streets in the four blocks, the east-west pedestrian and bike connections through the blocks is preserved.

*For these stated reasons, the approval criterion is met.*

- B.** If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area.

**Findings:** As noted in the findings above, the parking access locations proposed support the street classifications of the adjacent frontages. The proposal is consistent with the desired character of the district which supports and encourages pedestrian and bike movement to the Greenway via east-west accessways that are specifically designated for such modes.

*For these stated reasons, the approval criterion is met.*

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

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

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

**Findings:** *The site is not designated as a scenic or historic resource nor does it impact any that are designated. This criterion does not apply.*

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

**Findings:** *No impacts have been identified, therefore, this criterion does not apply.*

*For these stated reasons, the approval criterion is met.*

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

**Findings:** *The site is not located within an environmental zone. This criterion does 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.

## 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.

Development standards in Zoning Code Section 33.510.253 D and E apply (unless otherwise modified by this South Waterfront Greenway Review), and must be shown to be met at the time of building permit application:

- Standard 33.510.253 D.4.b allows for deferral of required trail and landscaping improvements for 4 years if a performance guarantee is provided per 33.700.050. Nonetheless construction of one of the Greenway trails must occur prior to building occupancy in Block 41 or 44, as LU 17-160442 LDS AD Condition of Approval C.2 requires.
- The Greenway Review narrative states that the landscaping standards are met. The standards in Zoning Code Section 33.510.253 E.5 require a minimum of 20,452 square feet of Subarea 2 to be planted with shrubs, and 63 trees, and this standard must be met.
- Standards in 33.510.253 E.5. b, g, and h are not modified by South Waterfront Greenway Review and must be shown to be met at the time of building permit application.

Requirements of Zoning Code Chapter 33.272 and Section 33.510.253 apply to the Greenway Trail on this site and must be shown to be met at the time of building permit application, except as modified by this South Waterfront Greenway Review or by LU 17-160442.

Conditions of approval required by LU 17-160442LDS AD apply to development on the site:

- “Prior to occupancy of the first building permit issued on Lots 1 and 4, the applicant must install, at a minimum, one of the required greenway trails within Tracts A and B, as approved under LU 16-283375 DZM, and in conformance with the Central City Plan



District – South Waterfront Subdistrict standards (33.510.253.E.5). Alternatively, the applicant may submit documentation of an approved development agreement with Portland Parks, to the satisfaction of Parks, PBOT and BDS for construction of the greenway improvements.”

- If the applicant proposes to defer construction of the second trail per 33.510.253. D.4.b, the performance guarantee must be approved by the City Attorney prior to building permit issuance.
- Prior to occupancy of individual buildings on Lots 1-4, the applicant shall provide a No Further Action letter from DEQ indicating that the cleanup work related to environmental contamination for that lot is complete.
- Prior to finaling permits or releasing the performance guarantee for greenway improvements, the applicant shall provide a No Further Action letter from DEQ indicating that the cleanup work, at a minimum, within the area of the public access easement and landward in Tracts A and B is complete.

LU 17-160442 LDS AD further requires (Condition of Approval A.4):

- “A Public Access Easement shall be shown over Tracts A and B (the Greenway Open Space tracts) for the north-south greenway trail and pedestrian connections to the trail easement from the eastern termination of accessways at SW Lane, SW Abernethy and SW Lowell Streets. These easements shall provide for the construction, maintenance and public use of the greenway trail, as specified in PCC 33.510.253.E.”
- If this easement is not recorded on the Plat, it must be recorded prior to building permit issuance.

## CONCLUSIONS

The Design Review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. While the proposal has addressed some of the feedback provided by the Design Commission from the 8/29/19 DAR and the 12/12/19 hearing, concerns related to Blocks 41, 42, 44 and 45 and the Greenway remain. Some of the additional details and information previously requested have been provided, however some remain outstanding.

The outstanding Design Review items are related to:

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

The South Waterfront Greenway Review application lacks information demonstrating that the approval criteria and design guidelines applicable to South Waterfront Greenway review are met by the proposal. Staff found that criteria require that the proposal “better” provide or enhance the Greenway qualities, than would be provided by meeting the standards. However, the applicant’s narrative did not describe how the proposal goes beyond the standard requirements to *better* enhance the natural, scenic, historic, economic, recreational, public access, fish- and wildlife-habitat, and stormwater management qualities than would occur by merely meeting the South Waterfront Greenway standards.

Further, although the applicant states in the narrative that the South Waterfront Greenway landscaping standards are fully met, in fact they are not met for Greenway Subarea 2: trail segments in Subarea 2 are not exempted from the Greenway landscaping calculations, so the minimum area required to be planted in shrubs within Subarea 2 is 20,452 square feet (16,860 is proposed), and a minimum of 63 trees are required (53 proposed).

Finally, public access to the river is not adequately addressed, given the removal of the Abernethy terminus overlook and the lack of improvements in the area of the existing concrete platform at the southeast corner of the site.

### **TENTATIVE STAFF RECOMMENDATION**

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

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

Staff does recommend approval of the following Modifications:

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

Staff does recommend approval of the following Adjustment:

- *Vehicle Access* – To allow vehicle and loading access off of River Parkway, which is access restricted (Section 33.510.267.F.6.b).

=====

**Procedural Information.** The application for this land use review was submitted on January 8, 2020, and was determined to be complete on January 9, 2020.

*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 filed, provided that the application is complete at the time of filing, or complete within 180 days. However, ORS 92.040(2) states that a project has vesting in the zoning code in effect at the time of an application for a subdivision. This site and project submitted a land division application on April 25, 2017, which was approved on September 20, 2017. Therefore, the project may utilize the zoning code requirements in effect on April 25, 2017. This application was filed on January 8, 2020 and determined to be complete on January 9, 2020.*

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.2). **The 120 days will expire on: 1/8/2021.**

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

**This report is not a decision. The review body for this proposal is the Design Commission who will make the decision on this case.** This report is a recommendation to the Design Commission by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Design Commission will make a decision about

this proposal at the hearing or will grant a continuance. Your comments to the Design Commission can be mailed, c/o the Design Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201 or faxed to 503-823-5630.

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

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

**Who can appeal:** You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. **Appeals must be filed within 14 days of the decision. An appeal fee of \$5,000.00 will be charged (one-half of the BDS LUS application fee for this case).**

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

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

**Recording the final decision.**

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

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

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

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

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

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

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

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

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

Staci Monroe & Stacey Castleberry  
March 2, 2020

**EXHIBITS – NOT ATTACHED UNLESS INDICATED**

- A. Applicant's Statement
  1. Original project narrative, zoning analysis, approval criteria responses received 1/8/20
  2. Otak memo to PBOT dated 1/6/20
  3. Otak memo to Site Development dated 1/6/20
  4. Otak memo to BES dated 1/6/20
  5. GeoDesign memo on Greenway Ground Improvements dated 12/17/19
  6. Revised project narrative and zoning analysis received 2/7/20
  7. Revised approval criteria responses received 2/7/20
  8. Responses to Design Commission comments from 12/12/19 hearing for 19-225732 DZM GW.
  9. Itemized changes since 12/20/19 hearing dated 2/7/20
  10. South Waterfront Greenway Review Approval criteria responses dated 2/7/20
  11. Otak memo in response to PP&R and Urban Greenspaces comments dated 2/7/20
  12. Revised Stormwater Report dated 2/6/20
  13. GeoDesign memo regarding Greenway concrete piers dated 2/6/20
  14. Otak memo on back stabilization & enhancement dated 2/6/20
  15. Email from Allison Reynolds dated 1/21/20 regarding Greenway bonus options
- B. Zoning Map (attached)
- C. Plan & Drawings – Blocks 42 and 45 only
  1. Through 115B (C.06, C.14-C.17, C.53, C.61-C.68 attached)
- D. Notification information:
  1. Request for response
  2. Posting letter sent to applicant
  3. Notice to be posted
  4. Applicant's statement certifying posting
  5. Mailed notice
  6. Mailing list
- E. Agency Responses:
  1. Water Bureau dated 2/11/20
  2. Fire Bureau dated 1/22/20
  3. Life Safety Review Section of BDS dated 2/10/20
  4. Bureau of Parks-Forestry Division dated 2/19/20
  5. Portland Parks and Recreation dated 2/20/20
  6. Bureau of Environmental Services 2/20/20
  7. Bureau of Transportation Engineering 2/20/20

8. Site Development Section of BDS 2/20/20
9. Trimet email dated 1/16/20
10. Portland Parks and Recreation dated 1/17/20

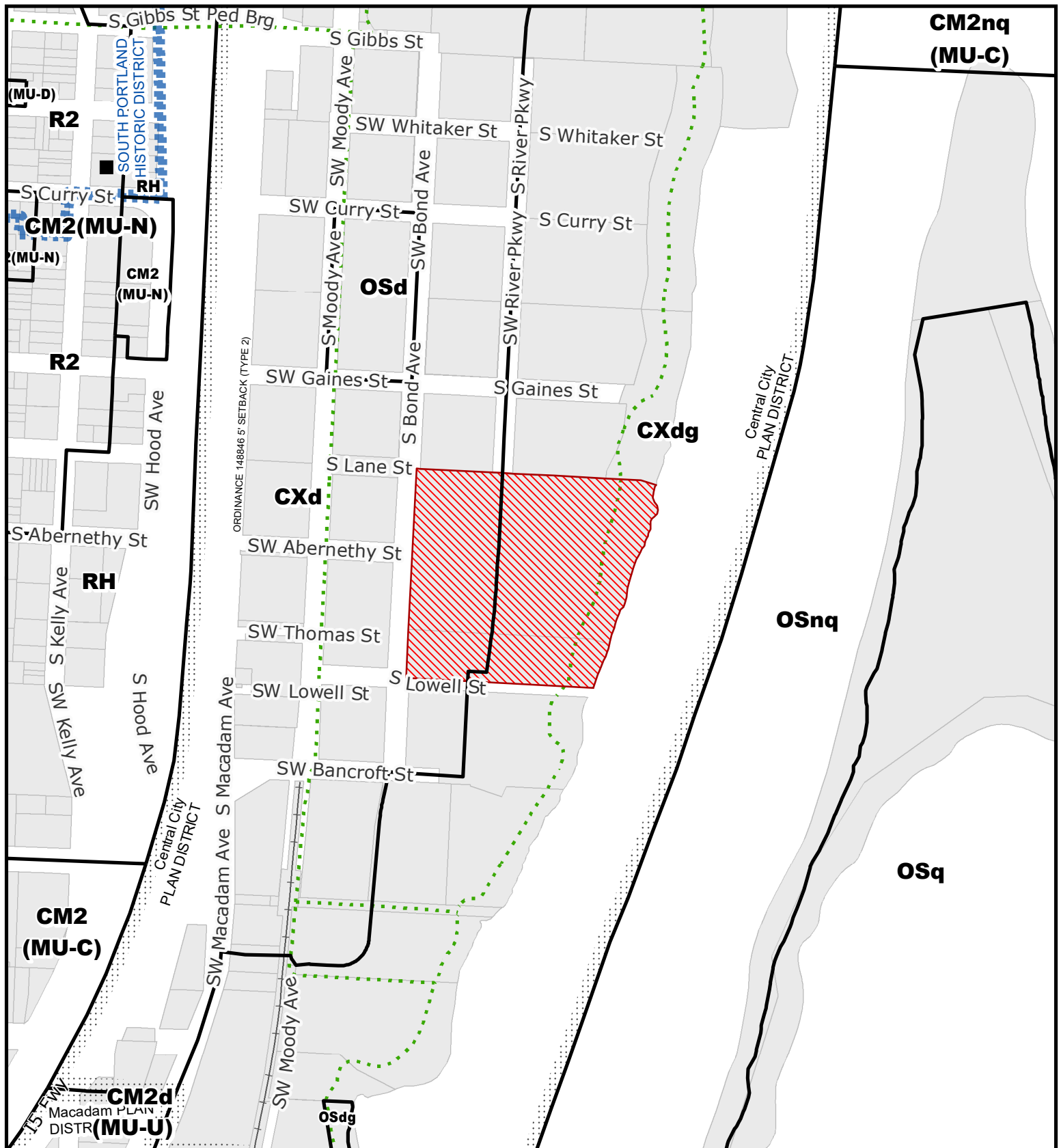
F. Letters

1. Joan Meyer, email dated 1/16/20, noting concerns with noise associated with trash activity in the area and requesting that it be internalized for this project.
2. Sidonie & Gordon Caron, email dated 1/18/20, stating support for comments from Mike Houck of the Urban Greenspaces Group under 19-225732 DZM GW.
  - b. Mike Houck, Urban Greenspaces, letter dated 12/12/19, stating numerous concerns with the greenway elements proposed.
3. Lisa Neirheim-Chereck, letter dated 2/21/20, stating support for the project.
4. Sara Vonde Veld (OSHU), letter dated 2/24/20, stating support for the project.
5. James Gardner, SPNA, email dated 2/25/20, stating support for some of the revisions and concerns for items unchanged.
6. Jeanne Galick, letter dated 3/2/20, stating concerns primarily related to the greenway.
7. Mike Houck (Urban Greenspaces), letter dated 2/29/20, stating concerns related to the greenway.
8. Tyler Hannay, Metlife, letter dated 3/2/20, stating support for the project.
9. Douglas Bean, letter dated 3/3/20, stating support for the project.
10. Dan Valliere, Reach Community Development, letter dated 3/2/20, stating support for the development specifically the affordable housing component.
11. Neil & Annette McFarlane, letter dated 2/25/19 & 12/5/19, stating concerns.
12. John Casey Mills – letter dated 2/27/20, stating traffic concerns.

G. Other

1. Original LUR Application
2. Signed 120-Day Waiver and Evidentiary Hearing Form dated 1/23/20

H.



# ZONING



CENTRAL CITY PLAN DISTRICT  
SOUTH WATERFRONT SUB DISTRICT



Site



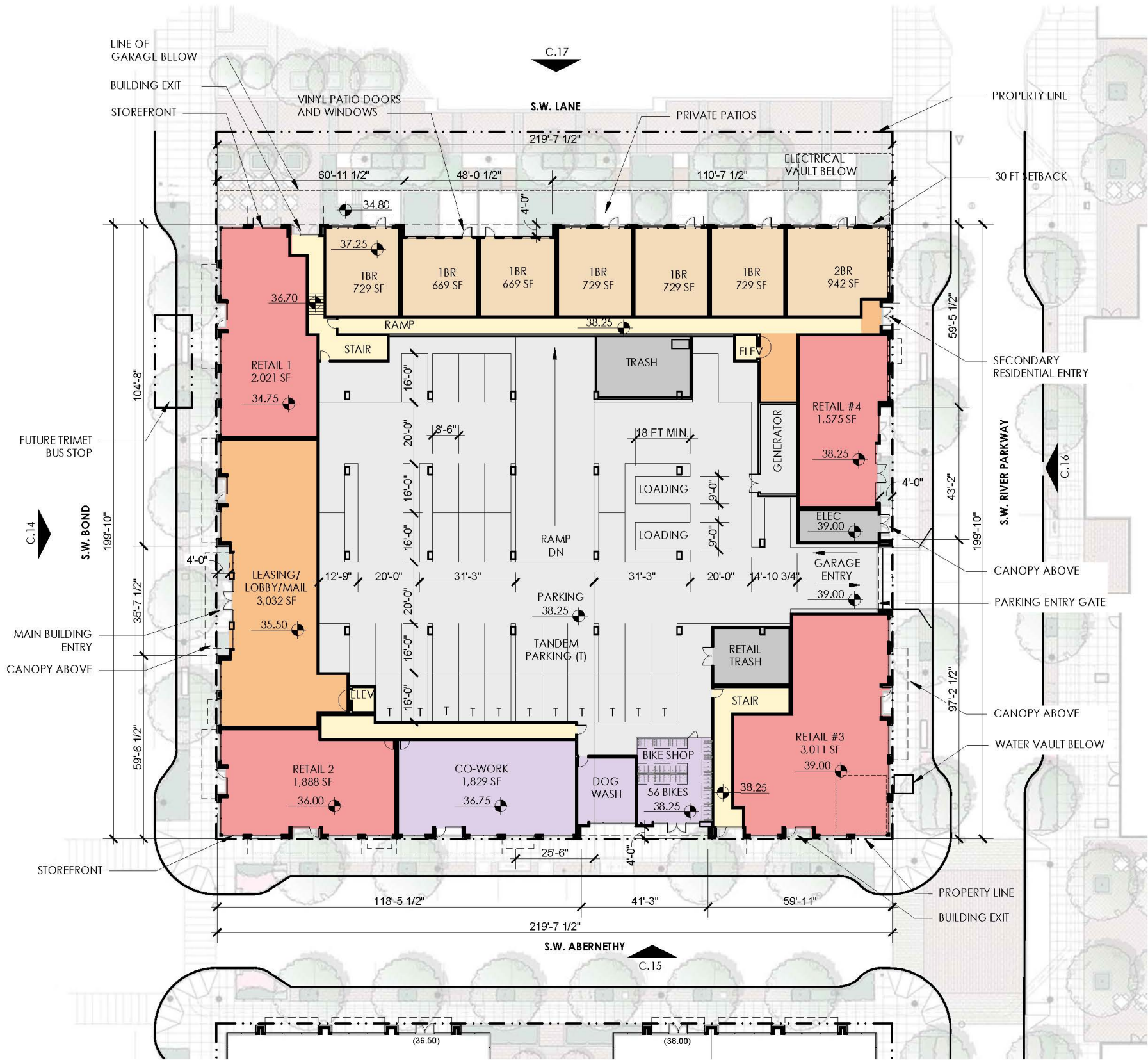
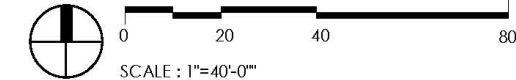
Historic Landmark



Recreational Trails

File No.	LU 20-102914 DZM GW AD
1/4 Section	3430
Scale	1 inch = 400 feet
State ID	1S1E10DB 300
Exhibit	B Feb 04, 2020

© 2020 HLR ARCHITECTS (INNER BLOCKS 42 & 45)

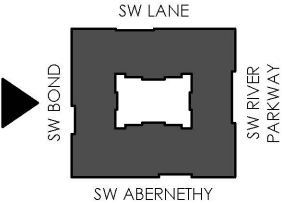


LEVEL SUMMARY	
TOTAL UNITS ON FLOOR	7
PARKING STALLS	39
COMMERCIAL SF	8,495 SF
LOBBY + LEASING SF	3,032 SF
AMENITY	3,074 SF
BUILDING SUMMARY	
TOTAL UNITS	226

BLOCK 42 - GARAGE PARKING	
REQUIRED PARKING	
MINIMUM REQUIRED: (NO MIN. PARKING REQUIREMENT)	0 SPACES
MAXIMUM REQUIRED: (1.7 SPACES PER UNIT X 226 UNITS)	385 SPACES
PROVIDED PARKING	
TOTAL PROVIDED	190 SPACES

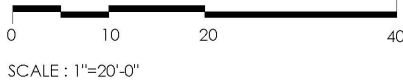
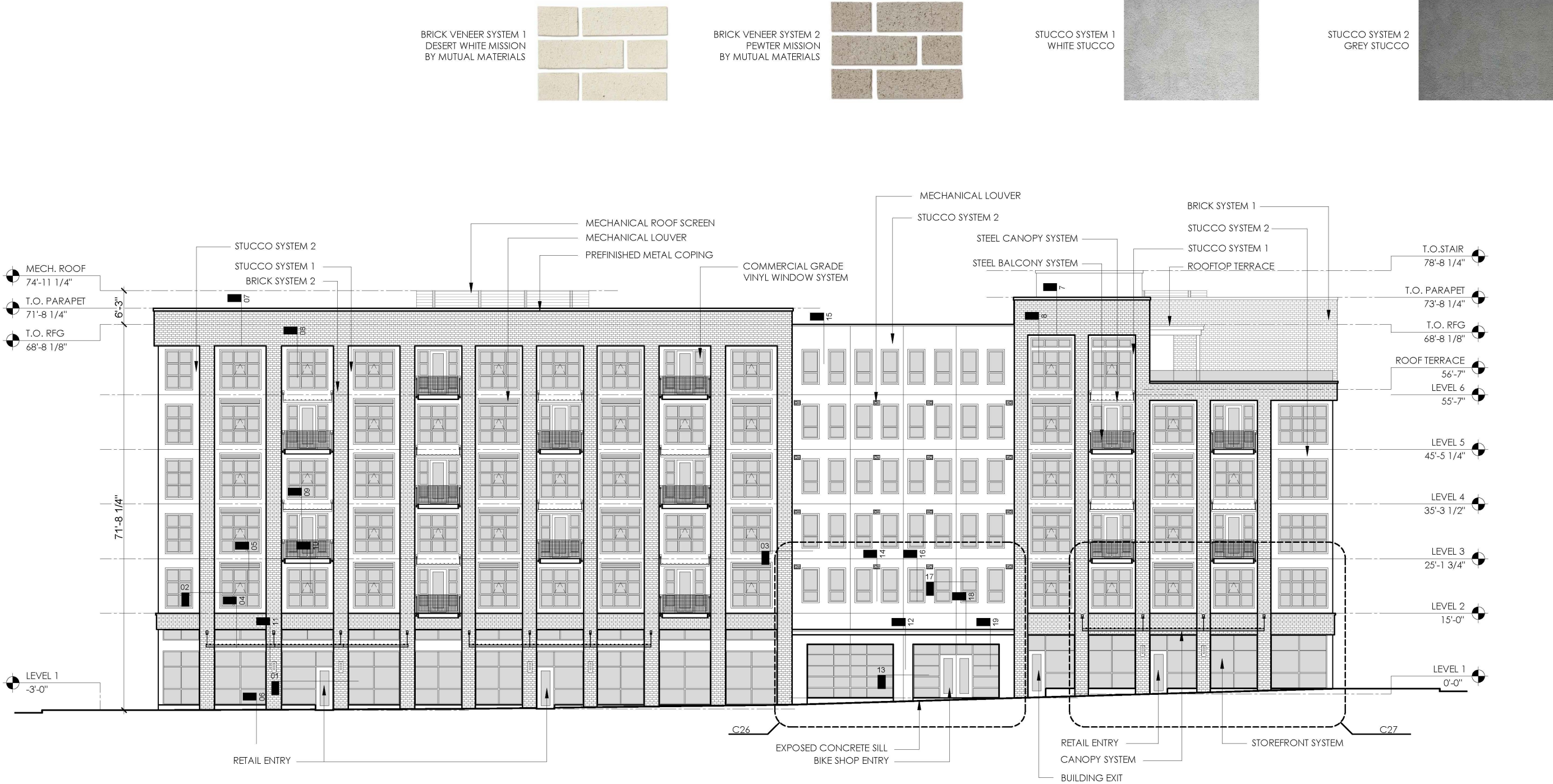
RESIDENTIAL
LIVE-WORK
COMMERCIAL
PARKING
LOBBY
AMENITY
CIRCULATION
SERVICE
STORAGE

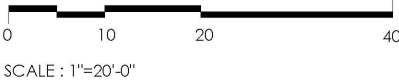
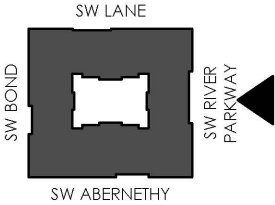
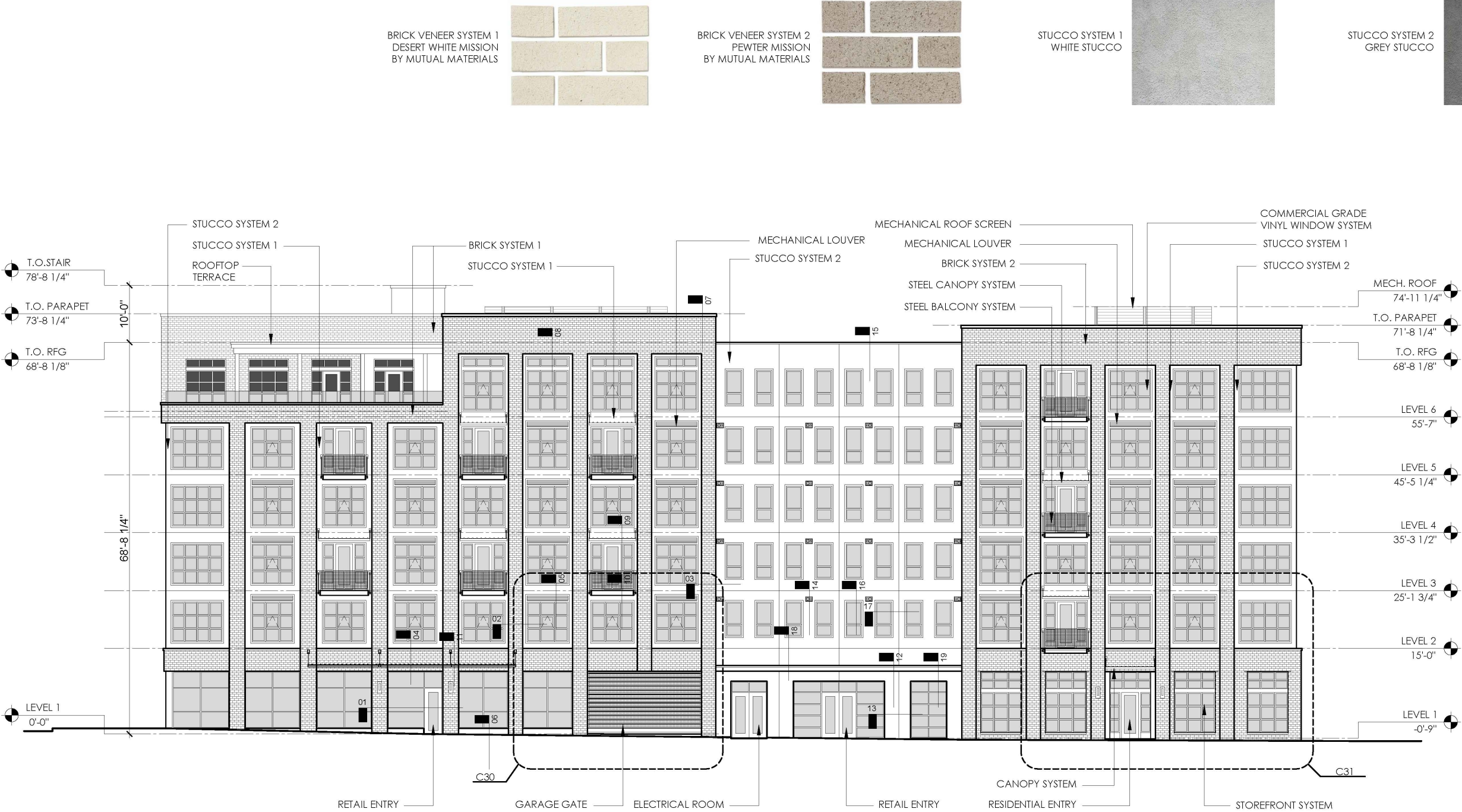






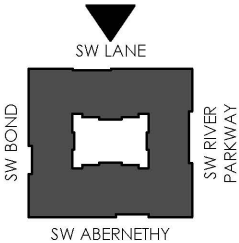
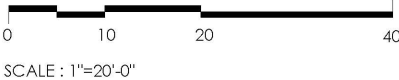
© 2020 HLR ARCHITECTS (INNER BLOCKS 42 & 45)



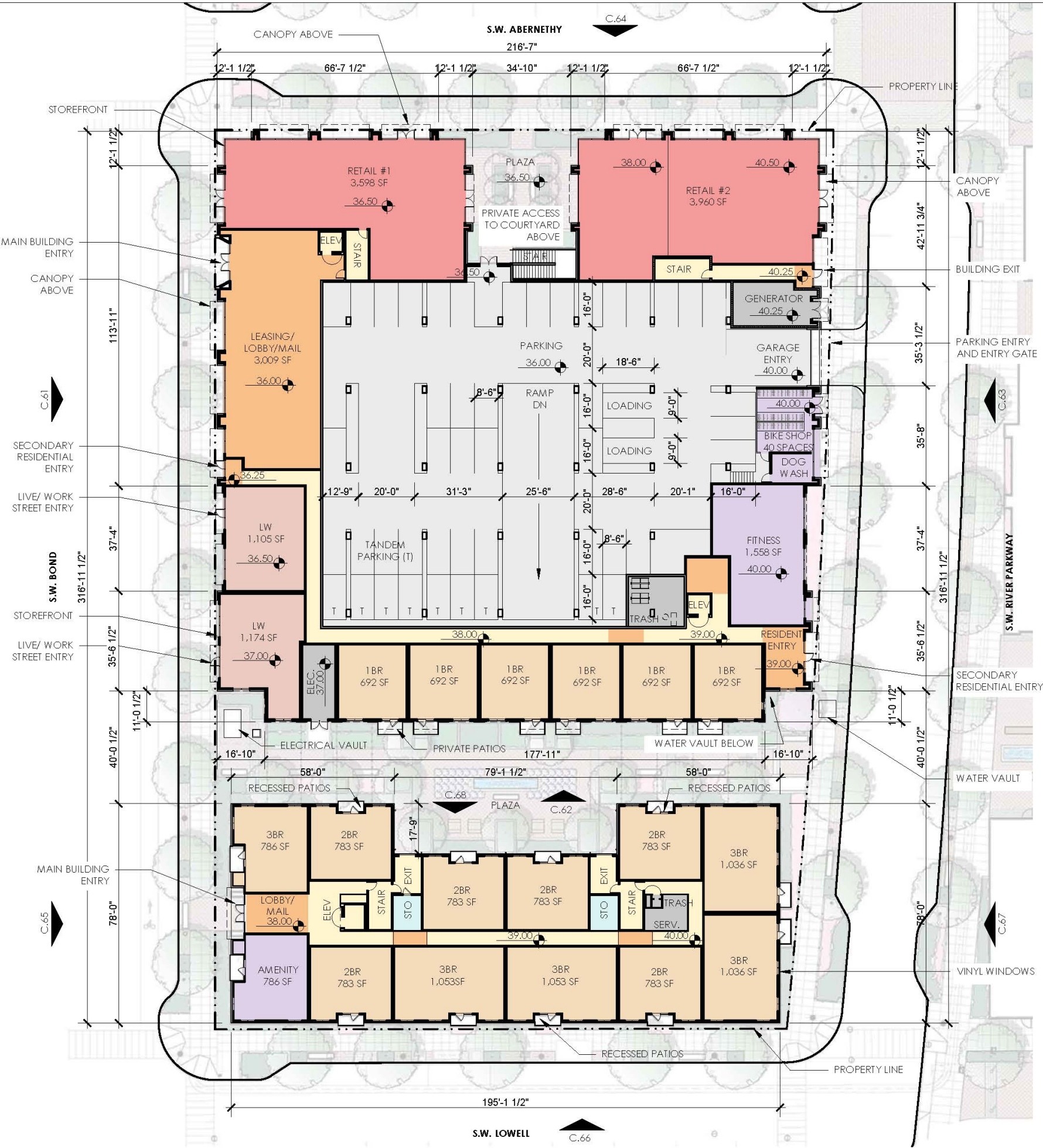




© 2020 HLR ARCHITECTS (INNER BLOCKS 42 & 45)



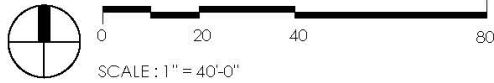
© 2020 HLR ARCHITECTS (INNER BLOCKS 42 & 45)



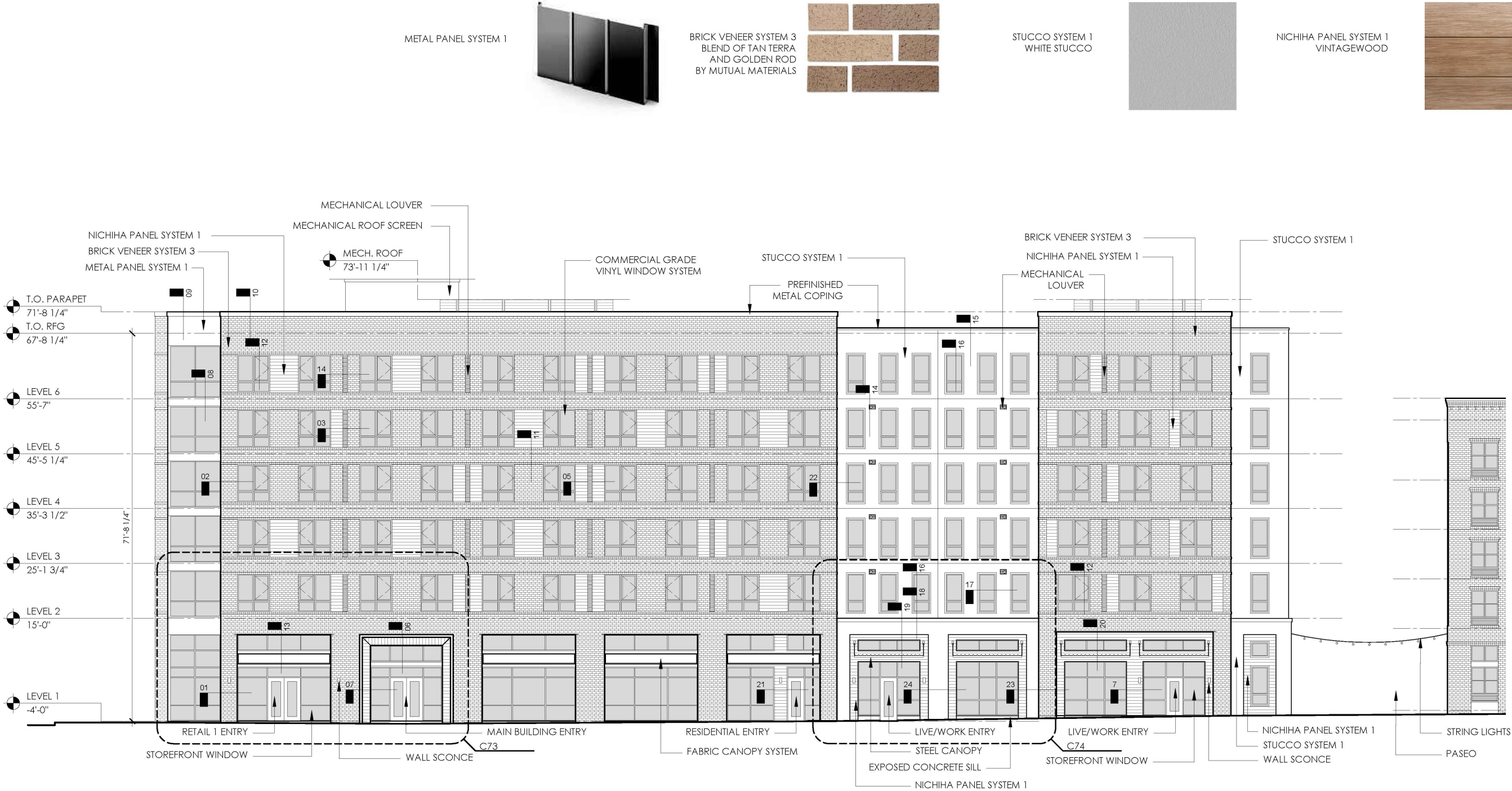
LEVEL SUMMARY	
TOTAL UNITS ON FLOOR	20
PARKING STALLS	46
COMMERCIAL SF	7,558 SF
LOBBY + LEASING SF	3,009 SF
AMENITY	3,056 SF
BUILDING SUMMARY	
TOTAL UNITS	263

BLOCK 45 - GARAGE PARKING	
REQUIRED PARKING	
MINIMUM REQUIRED: (NO MIN. PARKING REQUIREMENT)	0 SPACES
MAXIMUM REQUIRED: (1.7 SPACES PER UNIT X 263 UNITS)	448 SPACES
PROVIDED PARKING	
TOTAL PROVIDED	247 SPACES

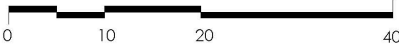
RESIDENTIAL
LIVE-WORK
COMMERCIAL
PARKING
LOBBY
AMENITY
CIRCULATION
SERVICE
STORAGE



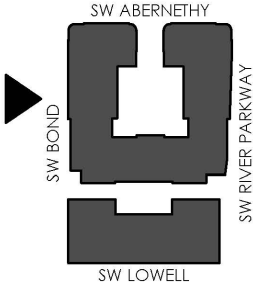




© 2020 HLR ARCHITECTS (INNER BLOCKS 42 & 45)



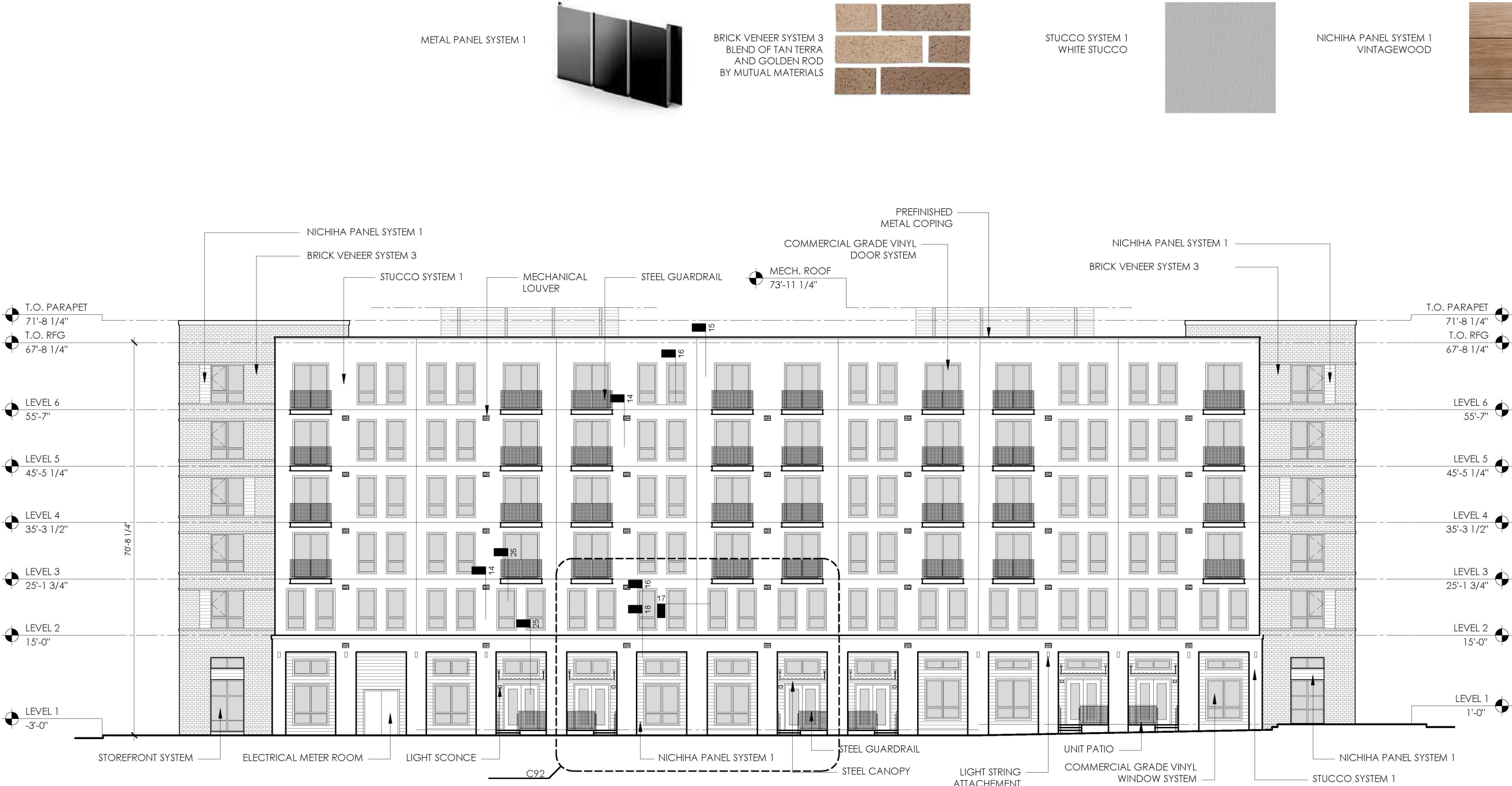
SCALE: 1"=20'-0"



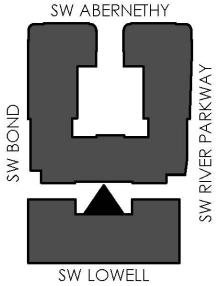
ALONG SW BOND STREET

# BLOCK 45A - WEST ELEVATION

LAND USE REVIEW # LU 20-102914 DZM GW EXHIBIT C.61

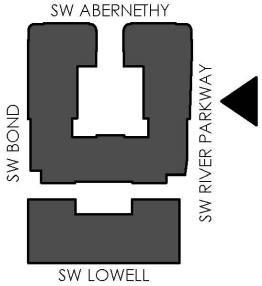
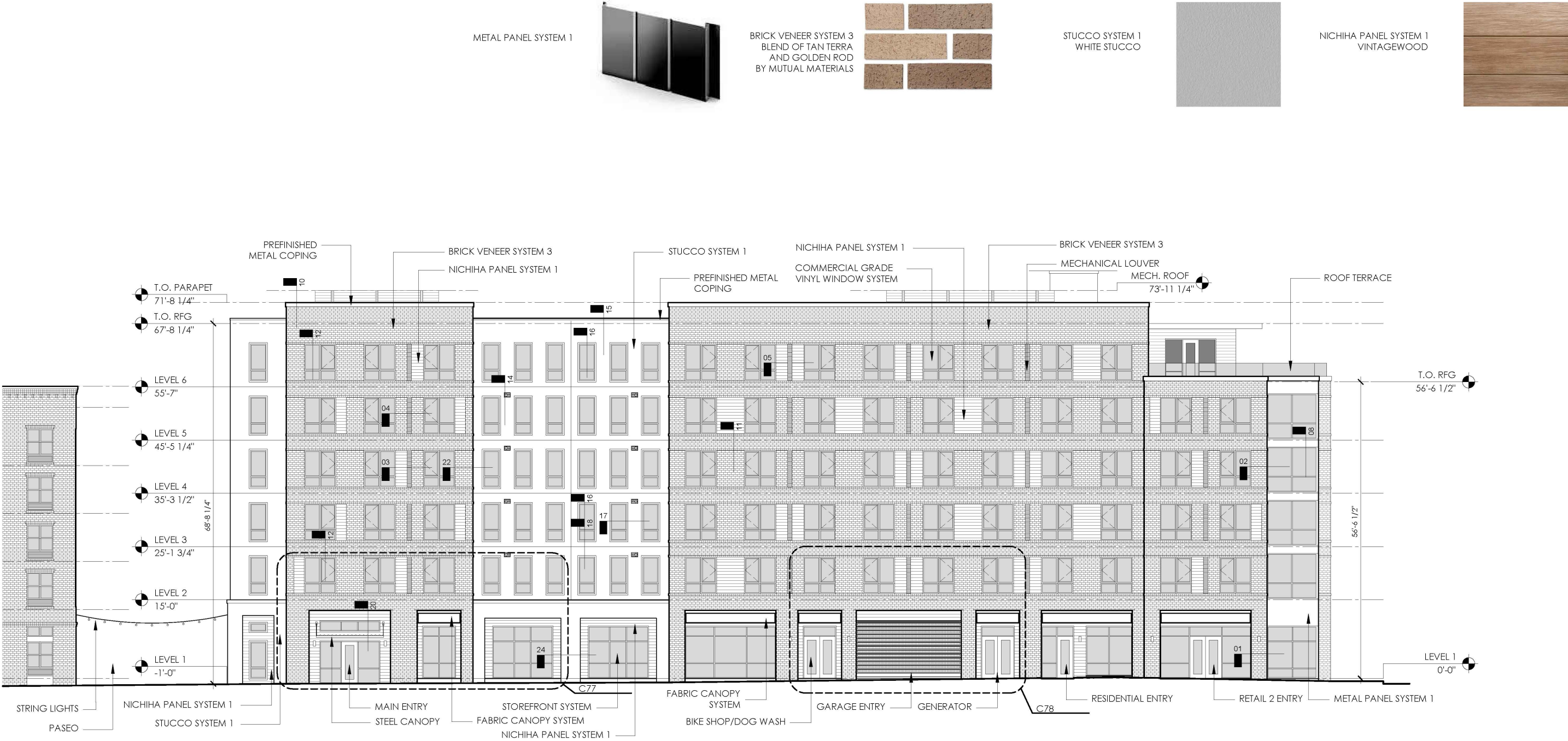


© 2020 HLR ARCHITECTS (INNER BLOCKS 42 & 45)

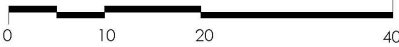
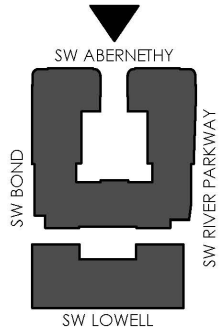
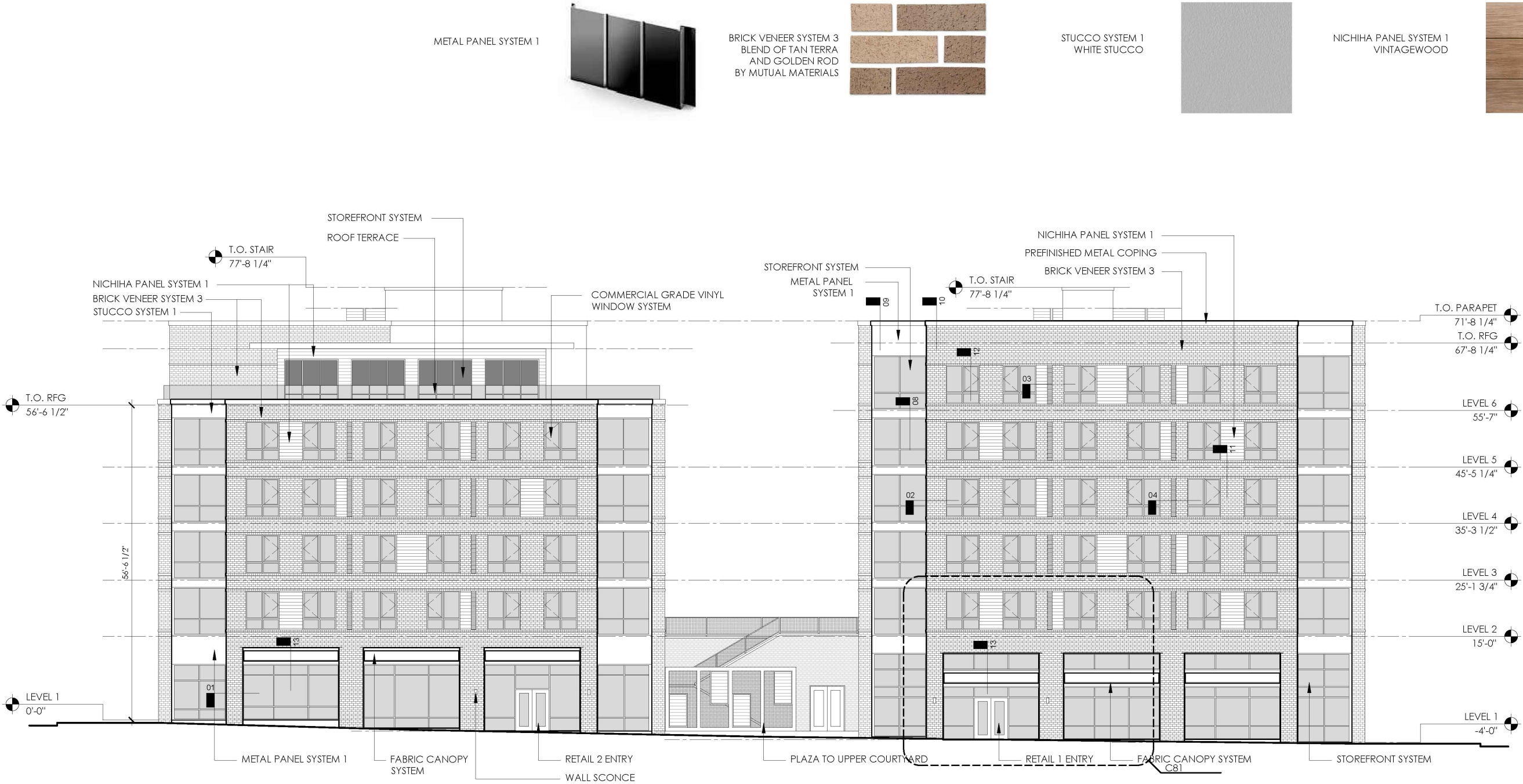




© 2020 HLR ARCHITECTS (INNER BLOCKS 42 & 45)

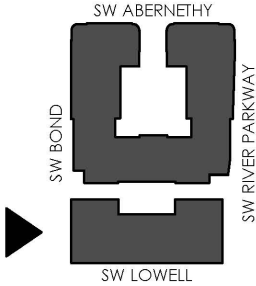
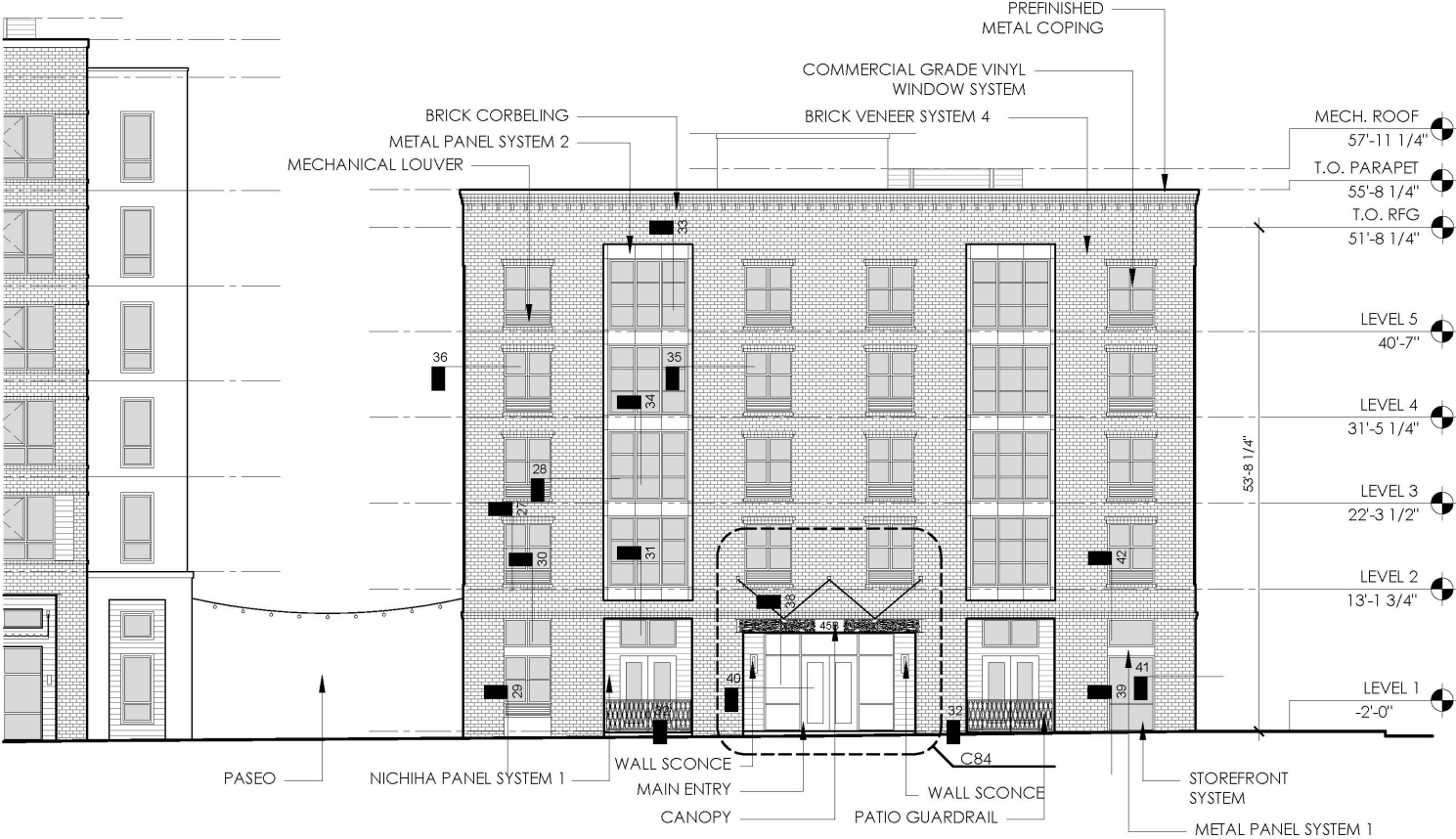


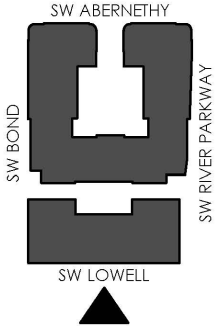
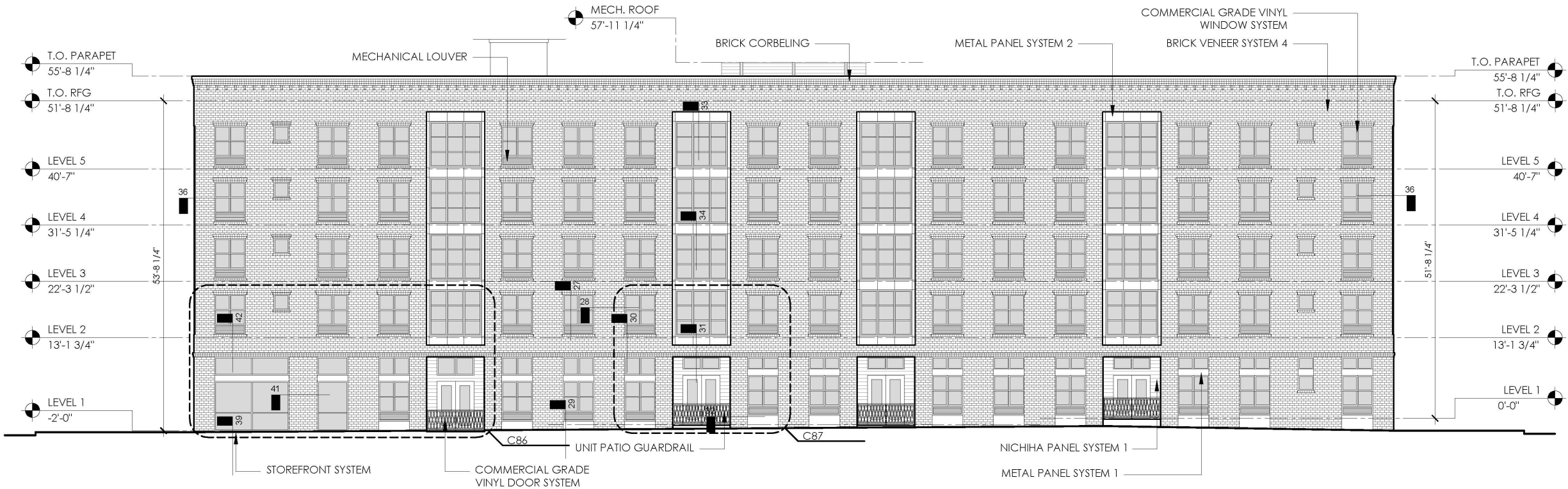
© 2020 HLR ARCHITECTS (INNER BLOCKS 42 & 45)



SCALE: 1"=20'-0"



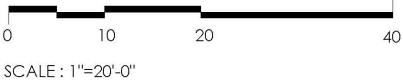
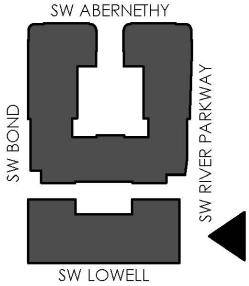
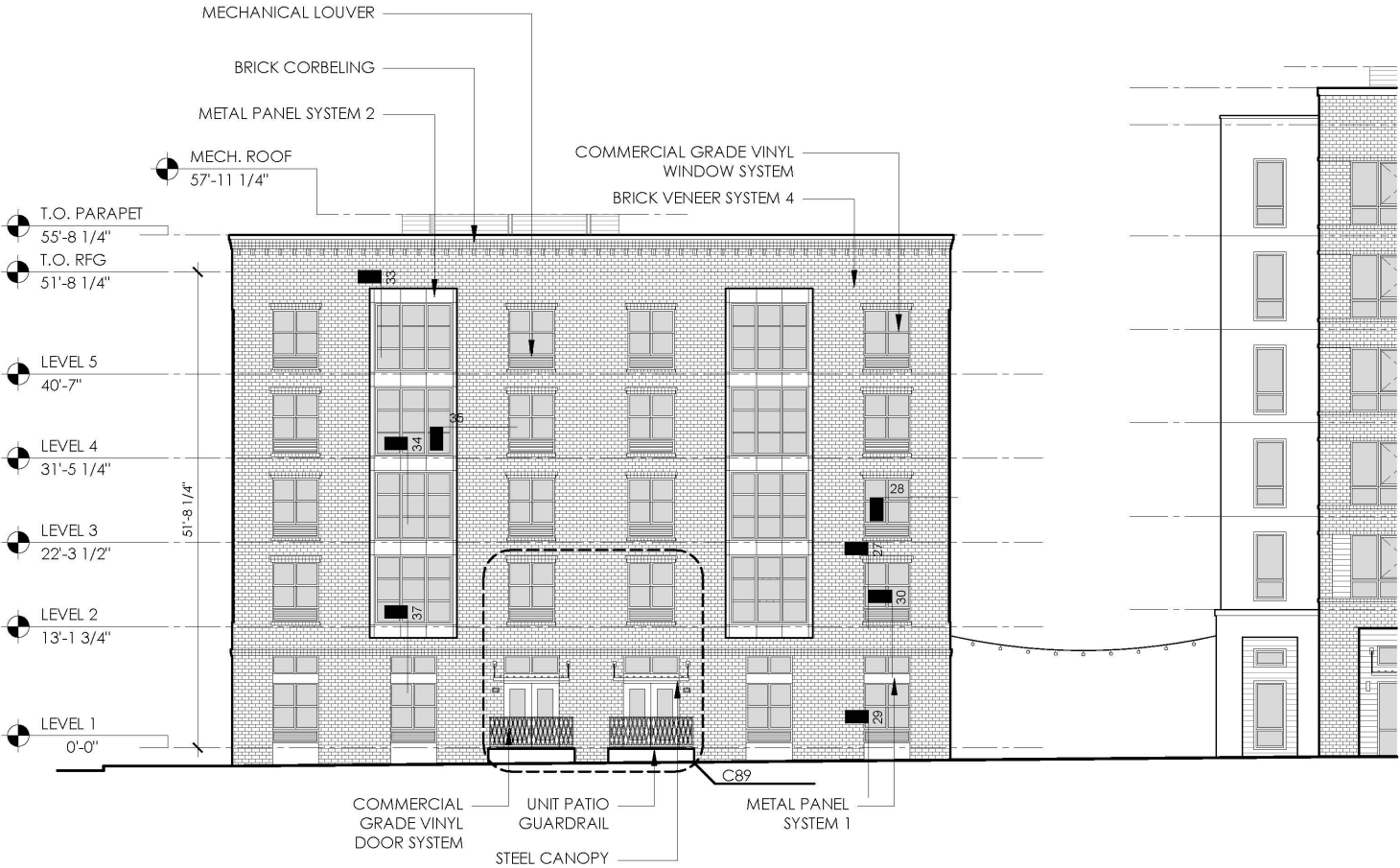




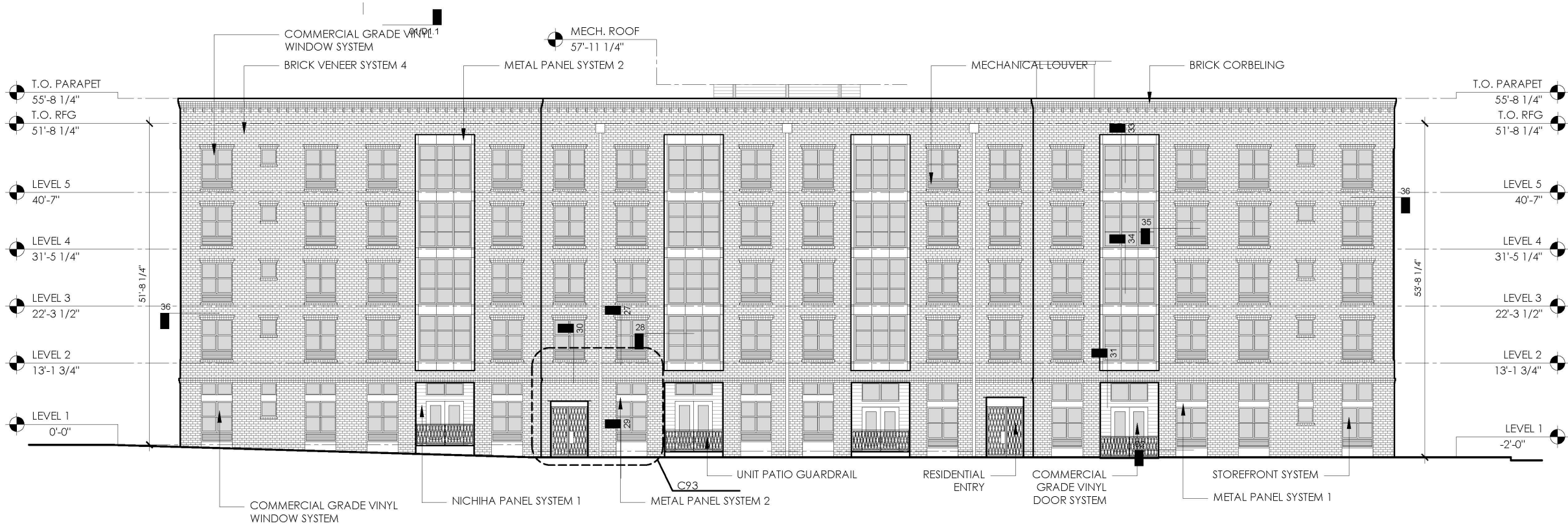
ALONG SW LOWELL STREET

# BLOCK 45B - SOUTH ELEVATION









© 2020 HLR ARCHITECTS (INNER BLOCKS 42 & 45)

