



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

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REVISED STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION

CASE FILE: LU 20-102914 DZM AD GW
PC # 19-225732
Alamo Manhattan Blocks
REVIEW BY: Design Commission
WHEN: July 2, 2020 at 1:30pm
REMOTE ACCESS: Design Commission Agenda
<https://www.portlandoregon.gov/bds/42441%20>

Due to the City's Emergency Response to COVID19, this land use hearing will be limited to remote participation via Zoom. Please refer to the instructions included with this notice to observe and participate

Bureau of Development Services Staff:

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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 43 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 June 4, 2020. The revised text is highlighted in red.

GENERAL INFORMATION

Applicants: Wade Johns | Alamo Manhattan
3012 Fairmount St., Ste 100 | Dallas, TX 75201
Wade.Johns@alamomanhattan.com

Jeancarlo Saenz | Hensley Lamkin Rachel Architects
14881 Quorum Drive, Suite 550 | Dallas, TX 75254
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, brick, 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 33.510.210.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 east of Blocks 41 and 44. Greenway improvements include Greenway trails and Greenway landscaping, a pedestrian overlook riverward of the trail at the

SW Abernethy Street terminus, and riverbank enhancements. Separate Greenway bike and pedestrian trails are proposed along the site's river frontage to connect with existing paths to the north and south of the site. The trail system and overlooks are to be lit with shielded lighting.

Native basalt bench seating areas along the pedestrian trail provides views to the river. Street marker inserts in the bike trail at street crossings provide orientation. Retaining walls are needed along the trails and 42-inch high "guard-rail" fencing is proposed along the tops of the retaining walls. A wide paved plaza at the upland edge of the Greenway provides pedestrian seating and a water feature between SW Abernethy and the Greenway.

The project will also remove the dilapidated wooden pier along the site's river frontage, lay back the steeply sloping riverbank and stabilize banks with large woody debris (LWD) and riprap armor. Armored banks, and areas landward of the banks will be restored with riparian plantings of native trees, shrubs and groundcovers.

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 33.851.300 – South Waterfront Greenway Reviews |
| ▪ Zoning Code Section 33.825.040 for Modifications Through Design Review | ▪ South Waterfront Greenway Design Guidelines |
| ▪ Zoning Code Section 33.805.040 Adjustment Approval Criteria | |

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 Abernethy 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 feet 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. It should be noted that the greenway improvements approved under this review can be used to satisfy conditions of the land division with regard to the specific improvements required. Requirements regarding the timing of installation and provision of performance guarantees will continue to apply as stated in the land division decision.
- LU 19-22732 DZM GW – Withdrawn Design and Greenway review.

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed February 14, 2020. All of the participating Bureaus have now 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 Parks-Forestry Division* (see Exhibit E.4)
- *Portland Parks & Recreation* (see Exhibit E.10)
- *Bureau of Environmental Services* (see Exhibit E.11)
- *Bureau of Transportation Engineering* (see Exhibit E.7)
- *Site Development Section of BDS* (see Exhibit E.12)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 14, 2020. Forty-two 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.
- Mike Houck (Urban Greenspaces), letter dated 3/10/20, stating concerns with bonus open space, timing of the greenway improvements, wood pilings and the concrete pier.
- Jeanne Galick, letter dated 3/10/20, stating concerns with the with bonus open space, timing of the greenway improvements.
- Tom Lipton, letter dated 3/5/20, stating concerns with the lack of ecoroofs.
- Thomas Gornick, letter dated 3/9/20, stating concerns with the bonus open space, timing of the greenway improvements, and the need to follow the Greenway Master Plan.
- John Malosh (Old Spaghetti Factory), letter dated 3/4/20, stating support for the project.
- Jim Steffek, email dated 3/16/20, stating objection to the tower location.
- Carrie Richter (Bateman and Siedel on behalf of Mary Henry de Tessen and Yvonne Meekoms), letter dated 3/5/20, stating concerns with the locations, lengths and designs of the towers, lack of ecoroofs, amount of residential at the ground floor and lack of commercial space, quality of the paseo, overlook and greenway, and lack of compliance with statewide planning goals.
- Carrie Richter (Bateman and Siedel on behalf of Mary Henry de Tessen and Yvonne Meekoms), letter dated 6/9/20, stating concerns with the locations, lengths and designs of the towers.
- Jeanne Galick, letter dated 6/10/20, stating concerns with the timing of the greenway improvements, setback of the buildings along the greenway, and the need for a more enhanced greenway design.
- Mike Houck (Urban Greenspaces), letter dated 6/10/20, stating support for recent changes made and outstanding concerns with the building setback from the greenway, concrete pier, greenway landscaping and wood pilings.
- Robert Ackers (40 Mile Loop), letter dated 6/10/20, stating concerns with timing of the greenway improvements and the concrete pier.
- James Gardner (SPNA), email dated 6/11/20, stating support for some revisions and outstanding concerns for the bonus open space plaza at Abernethy terminus and the building footprint proximity to the greenway.
- Micah Meskel (Portland Audubon), email dated 6/21/20, stating concerns with lighting and bird safe glazing.
- Carolyn Weinstein, email dated 6/21/20, stating concerns with the residential units along the greenway noting they should be restaurants.
- Carl Polesky, email dated 6/28/20, stating concerns with traffic, parking, location of the towers and design exceptions.
- Chris Loucks, email dated 6/22/20, stating concurrence with Kenneth Fransen email.
- Ellen Lippman, email dated 6/29/20, stated concerns with location of the towers.

- Mike Houck (Urban Greenspaces), letter dated 6/25/20 to Prosper Portland Board of Directors stating additional enhancements needed for the greenway.
- Jeanne Galick, email dated 6/25/20 to Prosper Portland Board of Directors stating additional enhancements needed for the greenway.
- Kenneth Fransen, email dated 6/28/20, stating concerns with the location of the towers.
- Laura Ramirez, email dated 6/28/20, stating concerns with traffic, parking, location of the towers and design exceptions.
- Mark Fischer, email dated 6/23/20, stating concerns with the tower location and proximity of the building to the greenway at the SE corner of the site.
- Martin Ramirez, email dated 6/28/20, stated concerns with traffic and location of towers.
- Mary Geary, email dated 6/28/20, stating concerns with traffic, parking, location of the towers and design exceptions.
- Michael Lee, email dated 6/28/20, stating concerns with the location of the towers.
- Michael Parks, email dated 6/29/20, stating concerns with the location of the towers.
- Penny Greenwood, email dated 6/28/20, stating concerns with traffic, parking, location of the towers and design exceptions.
- Renee Hohimer, email dated 6/28/20, stating concerns with location of the towers, traffic and parking in the area.
- Saunders Jones, email dated 6/28/20, stating concerns with traffic, parking, location of the towers and design exceptions.
- Scott Bernstein, email dated 6/25/20, stating concerns with the location of the towers and traffic in the area.

Staff Response:

- Regarding the allowance of taller buildings along the river rather than on the blocks to the west, a portion of the South Waterfront Design Guideline D2 that indicates to “graduate building heights from the western boundary down to the waterfront” seeks to ensure that development within the South Waterfront district achieves an overall step-down to the Willamette River. This is achieved through the heights allowed through the Zoning Code, including height bonuses in eligible areas. Compliance with this guideline is context driven, and is determined on an area basis by looking to the allowable zoning heights on Map 510-3 and to potential development that would be consistent with the adopted Zoning Code, not to whatever happens to be individual building heights.

This guideline does not require that every building on each block step down to the next and the next as development moves towards the river. Rather, the intent of the purpose is to ensure that, overall, South Waterfront achieves a step down to the river by construction of projects consistent with allowed zoning heights. Map 510-3 (Map 2 of 3) of the April 2017 Zoning Code shows that the South Waterfront Sub District has several different zoning height “transects” from west to east. West of Bond the height limits are the greatest with 250’ and up to 325’ via bonus height. East of Bond the height limits drop down to 125’ with the potential for 250’ with bonus height. Heights within 125’ of the top of bank are further limited to 75’. The project satisfies this guideline by building to the allowable and bonus height on the blocks east of River Parkway and stepping down to 75’ along the eastern 125’ from the top of bank.

- Regarding blocking views, the protection of existing views and view corridors referred to in Central City Fundamental Design Guideline C1 calls for protection of “existing views and view corridors”. Significant views and view corridors are set forth in the City’s Scenic Resources Plan, and that consequently the requirement in this guideline for protection of view corridors requires a project to protect existing public view corridors as designated in the aforementioned plan. Such protection does not extend to existing private views. There are no public views or corridors designated within or through the site.

- The approval criteria for this project do not address traffic impacts.
- The approval criteria for the project do not address the number of parking spaces, however, the Zoning Code establishes a maximum parking ratio, which is 1.7 spaces for each new dwelling unit created. The proposed 738 parking spaces for the 1200 residential units is well below this code allowance.
- The applicant provided additional information on the lighting fixtures throughout the project. Additional details can be found in the findings and Procedural History below.
- Bird safe glazing is not required for the project as it is not a provision in the April 2017 Zoning Code, which this project is being processed under. The applicant has responded to the Design Commission's request to change the glass balcony railings to cable railing on the brick portions of the podium on Block 44 to prevent bird strikes.
- Responses to concerns related to the building designs, proximity to the greenway, quality of the greenway and other public open spaces, and ecoroof can be found in the findings below.

Procedural History:

- Project has had two voluntary Design Advice Request (DAR) meetings - 2/7/19 & 8/29/19.
- Proposal originally submitted and processed under LU 19-225732 DZM GW with a hearing before the Design Commission on 12/12/19. Applicant withdrew the 2019 application and submitted a new application in 2020 to utilize Zoning Code regulations in effect in April of 2017, which the project can utilize due to state laws for subdivision vesting.
- New application (20-102914 DZM AD GW) was deemed complete on 1/9/20.
- The eastern blocks (41 and 44) and the greenway were discussed at a hearing on 3/5/20.
- The western blocks (42 and 45) were discussed at a hearing on 3/12/20.
- The project was continued to 4/28/20 then rescheduled to 6/11/20 due to complications associated with COVID19.
- At the 6/11/20 hearing, the record was requested to be held open by a member of the public establishing the following process:

June 22 at 9am - deadline for new evidence

June 29 at 9am - deadline for response to new evidence

June 30 at 5pm - one day final argument due, shortened by Applicant at 6/11 hearing

July 2nd hearing - closed record hearing [no testimony]

New evidence and responses to new evidence were collected, added to the record and can be found in the A, C and F Exhibits). The applicant did not submit a final argument. At this hearing the majority of the Commission indicated the revisions below were necessary to meet the approval criteria.

Block 41 – Provide more durable material options for the wood in soffits and recessed areas. Wood is still proposed in the canopy soffits and privacy screens.

Block 44 – Change railings on masonry podium volumes to bird-safe glazing or cables and enlarge the raised porch at the southeast corner adjacent to the maker spaces and reconsider the rectilinear shape.

Block 42 – Railings on the balconies and patios need to be galvanized and painted to resist rusting and center the electrical vault in the planter area to allow adequate landscape screening around it.

Blocks 45 - Add 12" of depth to the planters on the north side of the paseo to provide more buffer for units, add planters with trees between all paired stoops on the north side and remove the freestanding benches on north side.

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 typical 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 on the rooftop terraces of the buildings will also “green up” the roofs 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 or 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. The concrete enclosures of the residential front porches on Block 41 have been revised to open work railing to better complement the transparency of the porches that is characteristic along the accessways. In addition, detailed landscape plans have recently been provided for the plazas, paseo and all accessways that demonstrate layered landscaping that includes trees, shrubs and groundcover to buffer the ground floor units and reflect the lush and green characteristic of 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. The lack of weather protection along the street frontages in the previous submittal has been revised with the addition of more and deeper canopies that project over the sidewalk.
- Water features are proposed 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 being incorporated as “found artifacts” that reflect the maritime history of the district. Details of these features were recently provided and

demonstrate durable and high-quality elements that will contribute to the history and character of the district.

- While the buildings on the western blocks do not take advantage of the maximum allowed building heights (250'), the building on the eastern blocks step down from the 250' allowed bonus height down to a $\pm 45'$ podium which is well below the 75' height limit along the river. Overall the stepping of the building heights on the eastern blocks step down from the west towards the river.

These guidelines have been 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, B1-2 and C6: The proposal addresses these guidelines in the following manner:

- Lane and Abernethy accessways and the paseo on Block 45 are all lined with ground floor residential units. The transition to the units include layered landscaping and vertical and horizontal separation in the form raised entry porches. Additional elements like boardwalks over stormwater planters, entry canopies, front porch light and open-work porch railings all enrich these individual private entries. Trees, benches, pole lights and decorative paving comprise the public through-zone and unify these open spaces.
- The Lowell accessway at the south end of Block 44 contains live/work units, a bike room and “maker spaces”. Lowell is a more commercially active accessway and is designed accordingly with glazed storefronts and a dock condition at the eastern end that provides generous spill out space for the maker spaces. The live/work spaces are double height ensuring the live portions of the unit can occur elevated above the pedestrian realm for privacy and to ensure the active use occurs on the ground floor. The maker spaces contain glazed overhead doors to visually and physically connect these spaces with the public realm. Trees, decorative paving, pole lights are

continued along the northern half of the Lowell frontage.

- The maker spaces at the southern end of Block 44 wrap the eastern corner along the Greenway. Benches and a raised patio emphasize the public nature of the space. The recent shift of the bike and pedestrian path westward increases the visibility and access to these spaces from the greenway trail. At the 6/11/20 hearing, the Commission stated the raised patio adjacent to the commercial space needed to be enlarged eastward to accommodate more public use and have more of a presence along the greenway. They also noted to reconsider its rectilinear footprint to better complement the sinuous design of the greenway elements and ensure that layered landscaping occurs between the patio and the greenway path. The patio has been enlarged by 430 SF and now projects further east into the greenway. The portions of the patio that now occur in the greenway meet the greenway standards for such elements. It also now has a curvilinear shape and landscaping along its eastern edge. The success and public nature of the now larger patio in the greenway relies heavily on the activity of the adjacent spaces within the building and the accessibility of the patio. Therefore, Staff recommends the following two conditions of approval:
 - The maker spaces on the ground floor of Block 44 at the southeast corner must be occupied by commercial uses only (not residential).
 - The patio adjacent to the maker spaces must remain accessible to the public during the commercial business hours and may not be gated.
- The Commission has consistently stated in prior hearings that more building setback and erosion is needed along the greenway and more active uses need to be oriented toward the greenway to acknowledge this public amenity. At the most recent hearing on 3/5/20, the Commission supported the concept of focusing the additional setback near Abernethy which would allow for the bonus open space being provided for additional FAR to be contiguous with Abernethy. In response, the southeast corner of Block 41 and the northeast corner of Block 44 have been stepped back, allowing for the once small and isolated plazas between the buildings and greenway to be a continuation of Abernethy along portions of the greenway. A ground floor residential unit at the southeast corner of Block 41 has been changed to a bike and resident activity space. This change in ground floor program will activate the bonus open space plaza that now flanks Abernethy and connects directly with the greenway trail. Chaise loungers oriented towards the river, benches, a large fountain and blue lighting set within the pavers distinguish this space as a destination along the river for the public.
- As discussed in detail in the findings below, the eastern façade of the riverward buildings have also been eroded to provide more balconies and voids in the mass to better articulate and reduce the scale along the river frontage.
- Staff and the Commission indicated the lids of the large underground utility vaults be treated to match the surround decorative paving within the paseo, plazas and accessways. Unfortunately, the utility company for this district does not access anything other than the standard metal grey lid. The applicant has relocated the vaults to landscape areas instead. At the 6/11/20 hearing the Commission stated centering the vault in the landscape area would ensure adequate screening all on sides was necessary. This revision has been incorporated.

With conditions to ensure the maker spaces remain active uses along the river and the adjacent patio is accessible to the public, these guidelines have been 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 meets these guidelines in the following manner:

- A variety of building and site lighting is provided that will illuminate the sidewalk and public spaces for safety and enjoyment. The details of the lighting are discussed in detail in the findings below.
- All parking and loading is completely enclosed and internal to the buildings and lined with occupied uses.
- Twenty-foot wide garage entries for all of the buildings are appropriately located on River Parkway and are not overly scaled along the pedestrian realm. In previous submittals the garage entries for block 41 and 44 were set back from the sidewalk resulting in dark “holes” along the pedestrian realm. They have been pulled forward to better align with the street facades. Perforated metal paneled overhead garage doors will provide the necessary ventilation for the garages as well as limit views into these spaces. The color of the metal doors will match the surrounding material.
- Electrical meters are within enclosed rooms rather than on the building’s façade. Generator rooms have been thoughtfully designed to be minimized and integrated into the façade with louvered storefront for ventilation or elevated into mezzanine levels with ventilation incorporated into the upper transoms on the storefront.
- Louvers for future mechanical ventilation for the ground floor commercial spaces have been incorporated into the upper portion of the storefront systems and will be finished to match the storefront system. The elevated location is both well integrated and well above the pedestrian realm.

These guidelines are met.

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

B1-1. 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.
- As discussed in detail in the findings above, accessways of Lane and Abernethy build on the east-west pedestrian and bike connections through the district and specifically to the river and greenway. The design of the accessways are consistent with others in the district providing a generous pathway with layered frontages.
- 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 through the district. The compressed dimensions of the paseo were a concern for Staff and the Commission. In response, the width of the paseo was widened as was the pedestrian through-zone. Paving now extends 15'-7" at the narrowest point to 35' at the widest point providing a generous area for pedestrian to move through the block and people to occupy the space. At the direction of the Commission, the eastern entry to the paseo has been redesigned to better address the transition that previously necessitated a ramp and stairs to a single paved entry that is wide and gently sloped no longer requiring separated access for different mobilities.

These guidelines are 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: The proposal meets these guidelines in the following ways:

- The Commission expressed previous concerns about the plaza on Block 45 along Abernethy regarding the northern exposure, depth, amount of enclosure and lack of active uses. More recent revisions were made to the ground floor program flanking the plaza (now commercial), reducing the depth of the space by 8', and removing the brick enclosure along the sidewalk has been removed. Additional landscape details and plaza elements, like the southern wall, stair and landscape screen, have been provided to demonstrate this plaza space will be activated, high quality and usable for the residents, public and commercial tenants.
- The Commission was very concerned about the quality of the paseo space given its narrow 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. The Commission also suggested reorienting the plaza of the northern building to the south would be one way to improve the quality of the paseo by providing more space for activity rather than just a pass-through space. Rather than reorient the northern plaza to the south, the applicant has increased the paseo width, and successfully redesigned the space to be usable by the residents and well as those passing through. Paving now extends 15'-7" at the narrowest point to 35' at the widest point providing a generous area for pedestrian to move through the block and people to occupy the space. The landscaping and plaza elements are much more intentional with trees are in raised planters with integrated benches that provide help define the pedestrian path and are part of an entry sequence to the walk-up units on the south. A splash pad with picnic benches provides places for the residents, particularly families. The ground level unit entries that line both the north and south sides of the paseo with activate the space as well. *At the hearing on 6/11/20 the Commission stated increasing the depth of the planters on the north side of the paseo, adding planters with trees between the stoops and removing the freestanding benches would provide more buffer between the walkway and the private units on the north, and provide more layered texture between the stoops. These revisions have been incorporated and the benches have*

been integrated into the planters so as not to project as much in the walkway.

- The plaza on Block 41 was shifted away from the garage entry and located at the NW corner in a previous revision. More recently, seating has been integrated at the back of the sidewalk providing a place for people to wait for a ride, meet up with someone or for respite along the sidewalk.
- The depth of the plaza at Block 44 was previously 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. The adjacency of the lobby entry and live work units will help to active the space as will the seating and water fountain. Given that this is a terminus and focal point from the paseo that extends westward, the treatment of the large 4-story end wall was identified as needing a significant feature. The applicant has worked diligently to provide a wall treatment to complement the scale of the wall. A large mural (approximately 31' tall x 20' wide) has been incorporated with custom glass tiles in an image of the Ross Island Bridge that exists to the north of the site. A fast growing vine (Virginia Creeper) will cover the remainder of the wall.
- As noted in detail in the findings above, the bonus open space area between the eastern buildings and the greenway has been enlarged and redesigned as a successful public space to enjoy activity along the river and greenway.

These guidelines are 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: The proposal meets this guideline in the following ways:

- Blocks 42 & Block 45 (northern building) - A significant number of canopies have been added in recent revisions. Canopies 5' to 6' in depth occur rather consistently at commercial and amenity space entries along the street frontages while deeper canopies and recesses occur at main building entries. Residential ground floor entries 3' in depth are limited to Lane accessway and the paseo and are adequate for an individual tenant entry.
- Block 45 (southern building) - Given the majority of the program is residential units on the ground floor, which necessitates a setback condition for privacy and a buffer, weather protection for pedestrians on the sidewalk along this building frontage is limited. However, the applicant has made revisions to relocate the entry on Bond close to the back of the sidewalk and shift program along this frontage to amenity space. Both of these moves allow for 6' deep canopies to occur over the sidewalk on Bond and wrap the southeast corner onto Lowell.
- 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. Relocation of the main building entry to River Parkway and the removal of the arcade condition at the southern end provided the opportunity to incorporate canopies that extend over the sidewalk providing shelter for pedestrians.
- 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 northwest corner.

These guidelines are 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.
- The project site is not within the Scenic Resource Zone nor does the project design block existing public views from public rights of way or from other existing public spaces. As a result, building to the zoning height limit of 250 feet on the eastern blocks does not affect any "significant scenic resources" or a defined view corridor. Therefore, the project protects existing view corridors.

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: The proposal meets these guidelines in the following ways:

The buildings on the western blocks have been revised and refined over the course of the review and now have strong design concepts with materials and building elements employed logically and consistently in a manner that complement mid-rise buildings in the district. Specifically:

- The massing on the northern two full block buildings is well-resolved with the u-shape footprint and step downs at the eastern corners for the large outdoor terraces. Planar shifts of 4' that extend vertically up through the facades on these northern buildings provide articulation, while shifts in fenestrations within these facades provide interest and variety. The glass and metal corner treatment in previous designs have been revised to extend the brick for stronger corners that are more typical of masonry buildings.
- At 5 stories and a half block, the building at the southern end is straight-forward in its rectilinear massing. A wide recess on the northern side provides a large area for outdoor space for the residents along the paseo.
- Windows are punched openings within the brick and stucco providing shadows and depth on the facades. Balconies with awnings and vertical projecting bays further activate the upper facades.
- High quality materials with restrained palettes of brick, 3-coat stucco, Nichiha fiber cement accent panel, 22-gauge metal, aluminum storefront and vinyl windows result in a clear and coherent building with a sense of permanence. At the 6/11/20 hearing the Commission requested the railings on the balconies and patios need to be galvanized and painted to resist rusting. A detail reflecting this change has been provided.
- Brick detailing at the window sills and heads, floor levels and parapet provides a finer scale detail that enriches the façade.
- Louvers and vents have been minimized and well-integrated into window systems and openings and other building elements.
- The ground level of each building is distinguished by storefronts, canopies, light fixtures, raised porches and railing for individual entries, brick columns and facades providing a strong base that enriches the pedestrian realm.

After much discussion and revisions, the building on Block 41 is a strong bar tower atop an articulated podium that fits well into the district of distinct towers. Specifically:

- The tower sits proud of the podium with a presence on River Parkway and now provides a clear main building entry. The stepped level at the eastern end has been removed resulting in a strong rectilinear tower. The tower facades are more coherent with similar language employed on all façades, has a discrete "top" and contains more glazing than solid panel to better complement the distinct glazed towers in the area. The combination of recessed and projecting glassy balconies adds 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.
- 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. A consistent language defines the ground floor residential units which are enriched with porches, railings, and lighting.

- The main entry has been shifted and now resides at the center of the tower's base on River Parkway clearly signifying the lobby entry. The arcade at the southern end that created a dark and awkward condition along the pedestrian realm has been eliminated with ground floor now closer to the sidewalk for a more urban condition.
- The podium footprint at the southeast corner has been shifted back to increase the setback from the greenway and allow for additional open space between the building and trail. Upper floors on the podium have been replaced with outdoor decks to further erode the podium along the greenway.
- The limited number and high-quality materials (brick, composite metal panel and glass, wood accent) complement those found in the district. At the 6/11/20 hearing the Commission indicated a more durable material option for the wood in soffits and recessed areas was needed as wood requires a lot of long-term maintenance. Wood is still proposed in the canopy soffits and privacy screens at the ground floor, which are limited and protected, however metal panel is proposed in place of wood in all other areas.

Similar to the Block 41, the building on Block 44 has been significantly improved to better respond to the buildings that line greenway in the district. Specifically:

- The complicated and heavily clad L-shape tower has been simplified and is much glassier. The lightness and articulation of the east façade with its projecting balconies and window wall has been employed on the other facades. The ends of the "L" now have a consistent language and the other facades share similar fenestrations. The horizontality of the tower is expressed with solid metal panels at the floor levels with staggered glazing and infill panels in a darker tone. The tower steps down at the eastern end towards the river while extending all the way down to the ground on the River Parkway anchoring itself between the two podium brick masses.
- The design concept of the podium has been strengthened and limited to two ideas; masonry façade with more formal expression of punched openings and recessed balconies along the street frontages and a glazed and layered façade with projecting balconies along the greenway. Masonry holds the corners for an appropriate urban condition, while the greenway façade is more refined and lighter. This mass of the eastern façade has been a challenge given the 320' length, which is a unique condition along the greenway. The footprint at the northeast corner has been pulled back from the greenway and the upper floors between the projecting bays have been lowered to provide outdoor terraces. These shifts, combined with the horizontal expression carried down from the tower, provide a façade along the greenway trail and river that is articulated and appropriately scaled.
- A consistent language defines the ground floor residential units which are enriched with porches, railings, and lighting. The live-work units and maker spaces at the eastern end are also coherent and detailed with large storefront glazing and overhead doors.
- 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.
- The limited number and high-quality materials (brick, composite metal panel and

glass, wood accent) complement those found in the district. At the 6/11/20 hearing the Commission was supportive of changing the glass railings on the masonry podium volumes to either bird-safe glazing or cable railing to help address the concerns with potential bird strikes at the lower levels of the building that are adjacent to the greenway. The revisions have been made and result in a coherent railing treatment at all balconies on masonry cladding.

These guidelines have been 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, large amounts of glazing and storefront systems, etc. Benches to support activities at the ground level are also shown.
- Active uses are located at building corners and strong architectural moves support the hierarchy of intersections. The outdoor rooftop terraces at the Abernethy and River Parkway Intersection and the strong masonry corners are two examples.
- On Block 42, residential units are limited to Lane while the other street frontages contain active commercial or amenity spaces for the tenants. The unit at the northeast corner was recently converted from a residential unit to fitness room to better activate this corner.
- On the northern building on Block 45, the two live/work units fronting Bond on the northern building were questioned as not deep or tall enough to ensure a residential component can be accommodated away from the street edge. The applicant has provided layouts for these spaces which demonstrate the live-portion can occur on the back half of the unit allowing a commercial use along the sidewalk if used as a live-work. The applicant states the ceiling height of 15ft and a low wall height of 9ft will allow sufficient light to get to the back of the unit and has provided an option for a translucent wall between the work and live space to allow more light to the live portion at the back. While Staff notes the layout is not ideal or very desirable, the condition is limited to a small amount of frontage on Bond and the space is designed to be fully functional as a commercial space when market demands exist in the future.
- The walk-up residential units with stoops and porches that line the paseo and accessways will activate these more intimate frontages that characterize the district.

- The southern building on Block 45 has undergone significant improvements to the ground floor. The program along Bond has been revised to lobby and amenity spaces only, providing an active frontage along the streetcar. The walk-up units in the initial proposal have been reincorporated and improved to provide security and comfort of the occupants and a layered and articulated frontage along the sidewalk. The ground floor is setback vertically and horizontally with layered landscaping creating a thoughtful transition between the public and private spaces.
- The main lobby entry on Block 41 has been shifted to the center of the tower on River Parkway contributing to the activity along the sidewalk. The arcade at the southern end of the block that resulted in an awkward and uncomfortable condition with narrow spaces between the columns and storefront has been eliminated and the building and commercial space now occur at the back of the sidewalk.

These guidelines are met.

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

Findings: The 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 4th floor on Blocks 41 and 44 have been redesigned to include decorative ballast rock and artificial turf. These treatments provide interest to the "5th 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 2nd floor that are well landscaped and provide stormwater treatment. Roof terraces atop the 5th 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.
- Rooftop elements (stairs, elevator overrun, mechanical units, screening elements, garage exhaust) for all the buildings are minimized and grouped resulting in organized and clean rooftops. Enclosure will be clad in materials and colors that complement those on the corresponding building for a coherent composition.
- Mechanical units will be fully screened with the exception of the cooling towers atop the eastern two buildings. However, these are low profile (8' tall) and will be east of the rooftop enclosure screening them from the elevated views from the west. The setback locations from the roof edges further limit their visibility from other vantage points.

This guideline has been 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.
- The Mercado lighting in the east-west paseo between the two buildings on Block 45 has been replaced with bollard lights within the pathway and porch lights at the individual unit entries providing more consistent lighting at a lower level.
- LED downlighting has been incorporated into the upper portion of the railing that lines the eastern side of the "overlook".
- Inset blue light bands have been added into the brick paving in the bonus open spaces plaza between the eastern buildings and the greenway providing playful illumination that references to the river.
- The lighting fixtures for the buildings have been revised so that each building has a fixture palate that relates to each building's design aesthetic, rather than applying the same fixtures across the project.
- *In response to concerns from Portland Audubon, the applicant has clarified that lighting fixtures will be focused downward or a shield to prevent spill over or excessive lighting particularly along the greenway frontage. One of the light bollard fixtures was changed to meet these parameters.*

These guidelines are 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 supportive of the proposal at this time. Therefore, the proposal is 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 found to be met. Therefore, the proposal is 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

In April 7, April 28, and May 18, 2020 revised application submittals, the applicant made the following changes to the proposal within the South Waterfront Greenway:

1. The applicant’s April 28 and May 18 plans show 23,060 square feet of shrubs, 67 trees, and 3,310 square feet of ground cover within Subarea 2, exceeding the landscaping required by standards in Zoning Code Section 33.510.253 E.5. Tables listing species to be planted within each Greenway subarea demonstrate that plants listed in Tables 510-2 and 510-3 are used, as required by the landscape standards.
2. DSM buttresses (“ground improvements”) will be constructed within a 45-foot wide disturbance area within Subarea 3, with no encroachments within Subarea 2. This design meets the standards for other development within the South Waterfront Greenway area as listed in 33.510.253. E.5.g and does not require Greenway Review.
3. A viewpoint at the terminus of SW Abernethy was added back to the proposal. No formal viewpoint is mapped at the east terminus of SW Abernethy Street by the City (Map 510-15), and construction of a viewpoint is not specifically required by code. Nonetheless, provision of a river overlook at this location does address the public access requirements of the *South Waterfront Greenway Design Guidelines*. As shown on the applicant’s plans, although it is not required to, the Abernethy river overlook technically meets the South Waterfront Greenway standards for “minor viewpoints” (33.515.253 E.5.e.(2)).
4. Additional details are provided depicting construction of pedestrian features as well as bank stabilization and large woody debris (LWD) installation relative to riprap armoring and other bank treatments.
5. Large stature tree species (listed on Tables 510-2 and 510-3) are included on the revised landscape plans, as suggested by Urban Forestry staff, and the May 18 plans meet the species requirements of the South Waterfront Greenway standards.
6. Clarification is provided that no work is proposed to or near the existing concrete wall, and that the existing concrete pier/block wall and adjacent concrete slabs at the south end of the Greenway are to remain.
7. While the South Waterfront Greenway criteria do not specifically require improvements to the existing concrete wall and slabs at the south end of the Greenway, the guidelines do refer to safe access to the river. Added evergreen shrub plantings in concert with shifting the pedestrian trail farther from the concrete slab will help to keep pedestrians away from this structure.
8. Additional narrative findings have been provided addressing the guidelines and criteria below.

Zoning Code Section 33.510.253 E.3 states 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 May 18, 2020 application meets all of the standards with the exception of fence height and trail width. South Waterfront Greenway Review is required for the following four proposed project elements:

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

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 riverbanks. 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 street markers will be provided at the accessway crossings and changes in materials at crossings are proposed to promote wayfinding and safety.

The applicant has aligned the pedestrian trail a safe distance from the existing concrete block retaining wall at the south end of the Greenway. Approximately 29 feet between the trail and the concrete pad at the top of wall will allow room for leafy evergreen tree (Oregon myrtle) plantings and a 42-inch high guardrail fence to separate pedestrians from the steep wall.

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 Street, 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, continuing elements of the existing trail design as well as pedestrian and bicycle movement and provides access to east-west accessways including the Lowell, Abernethy, and Lane pedestrian corridors.

SW Abernethy Street is a broad, tree-lined pedestrian corridor leading to the Greenway. There is a connection to the east end of Abernethy with an open pedestrian plaza and 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 Street are lined with rain gardens.

The applicant's site plans and narrative findings demonstrate that *this guideline is 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 explains that the design includes a range of small gathering areas that are accessible to the public as extensions of the Greenway trail:

- Plazas: Two open lawn areas flank the SW Abernethy terminus to the west of the bicycle trail. These lawns provide an area for picnicking, resting, or relaxing. In addition, a plaza is located west of the trails at the SW Abernethy terminus. The plaza provides a transition from the more formal open spaces to the west of the Greenway to the more casual, active, and natural spaces to the east.
- Play areas: An interactive fountain is proposed within the SW Abernethy plaza. This fountain provides a focal point for the plaza and provides opportunities for enjoyment and play. Benches nearby provide a place for parents to watch their children at play. There is also an opportunity for a sculpture to be incorporated into the fountain.
- Overlooks: A viewing platform/overlook is proposed at the east end of SW Abernethy, east of the pedestrian walkway. The overlook is enhanced with illuminated guardrails for nighttime safety and visual appeal. The platform includes bollards to be constructed from the existing wood pier as a reference to the historical industrial context of the site. The proposed cable guard rail further references this industrial history.
- Benches are to be nestled along the pedestrian trail at regular intervals to provide places to stop, rest, and observe nature along the river or people-watch.

The gathering areas are diverse and respond to the recreational as well as natural character of the Southern Reach of the river. *This guideline is 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 benches reflecting local materials. Custom large wood benches reflecting the maritime history of the area and provided by a local Portland company are located at the end of the Abernethy Mall. A water feature referencing the connection to the river is shown at the terminus of the Abernethy Mall. Found material from the wood pier to be removed are used as site bollards at the Abernethy connection to the pedestrian trail, reflecting the industrial past of the site.

The applicant’s Exhibit C.106, as well as C.120 and C.121 depict and detail 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.

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.

Proposed timber and basalt benches are supported by the 2010 *South Waterfront Greenway Design Guidelines* (page 46), which 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 *this guideline is 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, following regrading the oversteepened riverbanks to more accessible slopes, 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. Existing mildly sloped alcove areas where finer sediment persists will be armored and overtopped with 1.5 feet of 2.5 inch, well graded, rounded river rock to provide a substrate that can support benthic invertebrates. Armoring is still required to prevent undermining of the bank during high water-erosion events.

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.

This guideline requires enhancement of the riverbank ecosystem. Previous comments from City of Portland Urban Forestry staff noted that the proposal should use 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*).

The applicant's revised landscape plans include western red cedar, Oregon ash, bigleaf maple, red alder, Oregon myrtle, and Pacific willow in areas near the river, consistent with the South Waterfront Greenway plant lists.

The applicant proposes no modifications to the existing concrete block wall, or concrete stairs and slabs adjacent to the wall at the south end of the Greenway. They are to remain. While the South Waterfront Greenway guidelines and criteria do not require improvements to the existing concrete wall and adjacent structures, Guidelines do address safety and directing human access. Added evergreen tree plantings in concert with a guardrail/fence and shifting the pedestrian trail farther from the concrete slab and wall, will direct human access and help to keep pedestrians a safe distance away from these structures.

This guideline is 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 Alamo Manhattan Blocks Greenway has been designed utilizing diverse plant selections including large shade trees, conifers, and a diversity of understory plants to create a wildlife corridor along the 650 linear feet of Greenway extending from SW Lane to SW Lowell. All of the plants proposed in Subareas 1 and 2 are listed on the South Waterfront Greenway plant list, as required by standard. Subarea 1 plantings include 10 large scale trees to improve riparian and shallow-water fish habitat. Black cottonwood and Oregon ash will provide shade and cover for Subarea 1. Thirteen (13) total species of trees are used in all three Subareas. Nineteen different species of shrubs and ground cover are used throughout the Greenway with the heaviest concentration of trees and diversity of shrubs in Subarea 2—within 45 feet of the riverbank.

The shallow water habitat will be enhanced for the benefit of salmonids and other aquatic organisms by incorporating large woody debris within the bank stabilization design. The large woody debris will be concentrated lower in the bank at ordinary low water where it will provide year-round shade and shelter for aquatic organisms and extends to ordinary high water to provide hydraulic diversity and flow refuge at higher flows to prevent aquatic organisms from washing downstream.

The bank is currently protected from wave erosion by large miscellaneous rubble. While riprap armoring is required to prevent erosion, especially of the underlying contaminated sediment, the incorporation of large woody debris also provides wave attenuation that will allow pockets of finer sediment to accumulate and support aquatic invertebrates, an important food source for salmonids. There are two specific locations on the site at the low water edge that are mildly sloped with existing accumulations of fine sediment. In these alcove locations the bank armoring will be overtopped with fine substrate consisting of clean rounded gravels with a high proportion of fine sediment to

support habitat diversity. The combination of mild slopes and incorporated large woody debris will allow this fine substrate to stay in place.

Riparian edges will be enhanced by establishing vegetation within Subarea 1 including groundcover, shrubs, and trees. Shrubs were selected from the South Waterfront plant list that are well suited for the site conditions. The bulk of the shrubs will consist of Pacific willow and western spirea, while Sitka willow and Columbia River willow will make up a smaller portion of the shrubs to provide additional plant diversity. The shrubs and groundcover in Subarea 1 will provide insect and leaf drop to support the aquatic food web while providing direct access to refuge during moderate to high water levels.

Tree groves in Subareas 1 and 2 are proposed in clusters and in conjunction with groundcover and shrubs to provide a multi-level canopy structure for birds and mammals. This canopy will also provide afternoon shading along the water's edge to enhance the refuge provided by the large woody debris and shrubs. Leaf and insect drop from these tree groves will contribute to the aquatic food web and provide a source of primary nutrition for aquatic invertebrates. Trees in Subarea 1 consist of deciduous black cottonwood and Oregon ash trees that can establish in the lower elevations and provide summer shading and fall leaf drop. The tree diversity is much greater in Subarea 2 where 7 tree species of deciduous and coniferous trees will be established. The coniferous trees will provide year-round canopy for birds and mammals, but if planted too densely will shade out understory plants. Providing the mix of deciduous trees provides more canopy diversity, but also allows for more understory diversity because of the variable light and shade conditions through the year. Understory diversity is also achieved by establishing the trees in clusters. The leaf-drop from the Subarea 2 trees (both coniferous and deciduous) will support the aquatic food web.

The selection of plant species and configuration of plantings in the Greenway, in conjunction with the large woody debris within Subarea 1, enhances the shallow water habitat and riparian fringe, while promoting fine sediment retention in the shallow water to provide substrate for aquatic invertebrates and other aquatic organisms. A selection of native groundcover, shrubs, and trees that are suited for this site will sustainably create diverse multi-level habitat structures that will support the aquatic habitat by providing refuge, shade, and nutrient inputs.

This guideline is 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:

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

- 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 guardrail along the retaining walls to provide adequate fall protection near retaining walls, and to improve ADA accessibility along the pedestrian trail. The low-profile guardrails are constructed of natural-appearing cable railing with wood caps and 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 proposed: the 10-foot wide pedestrian trail closest to the river and the 12-foot wide bicycle/multimodal trail. The trails were aligned to connect to the existing trails to the north and south. Further, the width of the trails matches the widths of the existing trails to the north and south. The curvilinear design of the trails 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 riverbanks. These activities restore the riverbank 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. In summary, the applicant describes how, compared with standards, the project "better" enhances the natural, scenic, historic, economic and recreation qualities intended to be provided by the Greenway by: removing the dilapidated wooden pilings and pier structure from the river, laying back the river banks, providing a public overlook at the Abernethy terminus at the river, and placing large woody debris and root wads to enhance shallow water habitat in the river—none of which is required by the standards. *This criterion is met.*

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 along the river edge 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 feet high from elevation 10 feet to elevation 32 feet) 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 more 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 trail space, the bank design does incorporate the following enhancement features that go well beyond the South Waterfront Greenway standards to enhance the riverbank, riparian area, water quality and fish habitat:

- 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 existing steep slopes along the site's riverbanks, the lack of large wood and the lack of healthy riparian vegetation means there are few existing habitat features that need to be protected 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.

The applicant's narrative description details how stabilization strategies will contribute well to a clean and healthy river for fish, wildlife, and people. Further, the applicant has provided, supportive graphic plans and details that demonstrate how the proposal will be constructed, and *this criterion is 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 connect and continue the Greenway trails that currently terminate to the north and the south of this property, and provide easy access through Abernathy and Lowell Streets, connecting the trail 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. The wide plaza at the Greenway terminus of SW Abernethy Street invites pedestrians into the Greenway with trails, benches and the Abernethy river overlook providing both active and passive recreation opportunities at the river's edge.

These features will create inviting public spaces at the river, that clearly belong to the public and feel connected to the river, creating a "Portland front yard" experience. *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.

The Greenway trails and Abernethy river overlook have a total of 16,570 square feet of impervious area that must be treated with stormwater facilities according to the City of Portland Stormwater Management Manual. Runoff from 7,790 square feet of impervious area is collected and conveyed to a stormwater facility at the north end of the Greenway and runoff from 8,776 square feet of impervious area is collected and conveyed to a stormwater facility at the south end of the Greenway. While stormwater treatment could be provided using stormwater planters, the applicant proposes providing stormwater management by using larger and shallower (as well as more naturalistic) swale facilities that provide additional storage and allow the stormwater facility to support greater plant diversity. The plant diversity, location, and configuration of the stormwater swales between the paths also contribute to the habitat and recreational value of the Greenway.

The two swales proposed to provide stormwater treatment are each 6 inches deep and 60 ft long, with a 3 ft bottom width, 7 ft top width, and periodic check dams, resulting in an area of 420 square feet each, or 840 square feet total. This area will consist of two

planting zones, Zone A (wet), and Zone B (dry). This design allows multi-story and diverse vegetation structure by combining herbaceous plants, ground cover, shrubs, and trees provides greater habitat diversity and is naturally more sustainable and adaptable. *This criterion is met.*

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

- 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: The applicant states that development riverward of top of bank includes the following:

- Removal of existing wooden pier; and
- Excavating, regrading, and armoring riverbank.

These criteria require the applicant to demonstrate how construction will be conducted and how the riverbank, 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 riverbank 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.

The construction management practices described above meet these criteria, and *these criteria are 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 riverbank 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 Alamo Manhattan Blocks project in South Waterfront, extending from SW Lane on the north to SW Lowell on the south, provides a Greenway development that is rich and vibrant with opportunities for human interaction with the Willamette River as well as

people to people spaces to foster this interaction. Three wide, tree-lined pedestrian malls direct the public to the Greenway with signage at the entrance to malls at SW River Parkway. Once there, an interactive fountain plaza at the landward terminus of Abernethy provides a view of the river with maritime custom wood benches. Then a direct path crossing the bike trail and pedestrian trail leads east to the river with an unobstructed view of the river at the Abernethy river overlook - a curved, wooden overlook tying into South Waterfront heritage. This river overlook is adjacent to the pedestrian path, still allowing a smooth, uninterrupted flow of pedestrians.

Two groupings of native stone benches east and west of the pedestrian trail are nestled into trees along the pedestrian trail. There are also provided, adjacent to the fountain plaza, two connected plaza spaces north and south of the fountain. These gathering areas provide wooded lounges with comfortable backs facing the river with linear LED blue ground plane light pavers leading from both sides to the central fountain and reflective and symbolic of river adjacency. The Maker's space at the SE corner of Block 44 building provides another plaza with benches overlooking the river. The lawn areas flanking the Abernethy Fountain Plaza provide sunning and recreational opportunities. Bicyclists that traverse the Greenway have marker inserts into the bike path that tell them what street they are crossing. The Greenway trails are lit with shielded pedestrian lights and natural areas east of trails to the river are left undisturbed.

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, and a thorough discussion of enhancement of the function of the Greenway as a vibrant waterfront that provides for human interaction with the Greenway. *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 feet. 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's landscape plans demonstrate that the standards are met, and the *F* criteria do 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.

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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.
- As part of this Greenway Review plantings in excess of the standards in Zoning Code Section 33.510.253 E.5 are proposed to meet the approval criteria and must be provided as depicted on the approved “Landscape Greenway Planting Plans.”
- 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 17-160442 LDS 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.” The improvements approved under this review (LU 20-102914) supercede those approved under LU 16-283375, which has now expired. The requirement to build at least one trail prior to occupancy stands.
- If the applicant proposes to defer construction of the remainder of the greenway improvements 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. This project has undergone significant revisions that result in buildings and site conditions that will contribute to the district and its unique setting along the river and public amenity of the greenway. Each building is coherent, articulated and provides a sense of permanence. **With the minor revisions requested by the Design Commission at the most recent hearing on 6/11/20 this project meets the design guidelines as well as the Modification and Adjustment approval criteria.**

The South Waterfront Greenway Review requested by the applicant has demonstrated that the approval criteria and design guidelines applicable to South Waterfront Greenway review are met by their proposal. The addition of the SW Abernethy Street river overlook provides for human access to the river. The applicant revised the landscape plans and added features to the Greenway to meet all of the South Waterfront Greenway landscaping standards, and described in their narrative how, compared with standards, the project “better” enhances the natural, scenic, historic, economic and recreation qualities intended to be provided by the Greenway by: removing the dilapidated wooden pilings and pier structure from the river, laying back the river banks, providing a public overlook at the Abernethy terminus at the river, and placing large woody debris and root wads to enhance shallow water habitat in the river. The applicant has demonstrated in their April and May 2020 site plans and narrative

submittals that the proposal meets the approval criteria and design guidelines for South Waterfront Greenway Review and should be approved with conditions listed below.

TENTATIVE STAFF RECOMMENDATION

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

Staff recommends **approval** of the Design Review for 5 buildings and associated site improvements.

Staff recommends **approval** of South Waterfront Greenway Review for:

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

Staff recommends **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 recommends **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).

Staff recommends the following conditions of approval:

- A. As part of the building permit application submittal, the following development-related conditions (B through H) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 20-102914 DZM AD GW." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. The maker spaces on the ground floor of Block 44 at the southeast corner must be occupied by commercial uses only (not residential).
- D. The patio adjacent to the maker spaces at the southeast corner of Block 44 must remain accessible to the public during the commercial use business hours and may not be gated.
- E. No field changes allowed.
- F. A BDS Site Development Permit is required for this project. The Conditions of Approval listed below, shall be noted on appropriate plan sheets submitted for permits (building, Zoning, grading, Site Development, erosion control, etc.). Plans shall include the following statement, "Any field changes shall be in substantial conformance with approved LU 20-102914 DZM AD GW Exhibits C.259 through C.266."

1. The Site Development Permit must be issued prior to issuance of buildings on the site.
 2. Prior to occupancy of the first building permit on the site, all greenway improvements approved under this review must be installed in conformance with Exhibits C.259 through C.266. Or, if improvements are deferred, a performance guarantee must be provided per 33.510.253.D.4.b and all improvements must be installed within 4 years of occupancy of the first building on the site. Note: LU 17-160442 LDS, condition C.2 requires the applicant to install, at a minimum, one of the required greenway trails prior to occupancy of buildings on Lots 1 and 4 (Blocks 41 and 44).
 3. 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 approved and shown on 20-102914 DZM AD GW Exhibits C.259 through C.266. The Easements shall be recorded with the County Recorder on the final plat for the site or prior to issuance of building permits on the site.
- G. Prior to any construction activity within the Greenway, turbidity curtains, sediment fences and straw waddles shall be placed, as depicted on Exhibits C.264 through C.266, the applicant's Greenway Construction Management Plans, or as required by BDS Site Development reviewers or inspectors.
- H. The Site Development Permit review shall include inspection of Greenway plantings as shown on Exhibits L.001 through L.005, the applicant's Greenway Planting Plans. Any plant substitutions shall be selected from the South Waterfront Greenway Plant List Tables 510-2 and 510-3 and shall be substantially equivalent in size and character to the original plant.
1. Permit plans shall show:
 - a. The location of the trees, shrubs and ground covers required by this condition and labeled as "new required landscaping". The plans shall be to scale and shall illustrate a naturalistic arrangement of plants and include the location, species, quantity and size of plants to be planted.
 - b. The applicant shall indicate on the plans selection of either tagging plants for identification or accompanying the BDS inspector for an on-site inspection.
 2. Plantings shall be installed between October 1 and March 31 (the planting season).
 3. If plantings are installed prior to completion of construction, a temporary bright orange, 4-foot high construction fence shall be placed to protect plantings from construction activities.
 4. After installing the required plantings and other improvements, the applicant shall request inspection of plantings and final the Site Development Permit.
 5. All required shrubs and trees shall be marked in the field by a tag attached to the top of the plant for easy identification by the City Inspector; or the applicant shall arrange to accompany the BDS inspector to the site to locate required plantings for inspection. If tape is used it shall be a contrasting color that is easily seen and identified.
- I. The landowner shall monitor the required plantings for two years to ensure survival and replacement. The landowner is responsible for ongoing survival of required plantings during and beyond the designated two-year monitoring period. After the 2-year initial establishment period, the landowner shall:

1. Obtain a Zoning Permit for a final inspection at the end of the 2-year maintenance and monitoring period. The applicant shall arrange to accompany the BDS inspector to the site to locate plantings for inspection. The permit must be finalized no later than 2 years from the final inspection for the installation of planting, for the purpose of ensuring that the required plantings remain. Any required plantings that have not survived must be replaced.
 2. All required landscaping shall be continuously maintained, by the landowner in a healthy manner, with no more than 15% cover by invasive species. Required plants that die shall be replaced in kind.
- J. Failure to comply with any of these conditions may result in the City's reconsideration of this land use approval pursuant to Portland Zoning Code Section 33.700.040 and /or enforcement of these conditions in any manner authorized by law.

Note: In addition to the requirements of the Zoning Code, all uses and development must comply with other applicable City, regional, state and federal regulations. This decision applies to only the City's greenway regulations. Activities which the City regulates through PCC 33.510.253 may also be regulated by other agencies. In cases of overlapping City, Special District, Regional, State, or Federal regulations, the more stringent regulations will control. City approval.

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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.

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

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any

person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

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. Any new written testimony should be emailed to **Staci Monroe** at Staci.Monroe@PortlandOregon.gov. If you cannot email comments and must mail comments via USPS mail, your comments to the Design Commission can be mailed c/o the Design Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

Please note regarding USPS mail: If you choose to mail written testimony via USPS, due to the Covid-19 Emergency, USPS mail is only received a couple times a week, and testimony must be received before the close of the record. Therefore, please mail testimony well in advance of the hearing date.

If you are interested in viewing information in the file, please contact the planner listed on this decision. The planner can provide information over the phone or via email. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. A digital copy of the Portland Zoning Code is available on the internet at <http://www.portlandoregon.gov/zoningcode>.

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. This Staff Report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

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, Morgan Steele
July 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
16. Otak memo to Parks dated 4/3/20
17. Otak memo to Site Development dated 4/3/20
18. Otak memo to BES dated 4/3/20
19. Block 41 Energy Code Analysis
20. Block 44 Energy Code Analysis
21. Otak memo to Stacy Castleberry with Greenway responses dated 4/28/20
22. Revised Greenway narrative & approval criteria responses dated 4/28/20
23. Revised Stormwater Report dated 4/28/20
24. Email from applicant regarding adjusted greenway setback dated 4/30/20
25. Responses to Commission & Staff concerns dated 5/18/20
26. Response to greenway standards regarding enlarged patio at SE corner of Block 44
27. Before and After images of revisions from 6/11/20 hearing
28. Applicant response to Audubon dated 6/29/20
- B. Zoning Map (attached)
- C. Plan & Drawings
 1. Through 266 (C.01,C.09-C.12, C.50, C.58-C.65, C.125, C.137-C.140, C.170, C.182-C.185, C.220 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 dated 2/20/20
 7. Bureau of Transportation Engineering dated 2/20/20
 8. Site Development Section of BDS dated 2/20/20
 9. Trimet email dated 1/16/20
 10. Portland Parks and Recreation dated 4/29/20
 11. Bureau of Environmental Services dated 5/27/20
 12. Site Development Section of BDS dated 5/28/20
- 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
 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 greenway concerns.
 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 a lot of concerns.
12. John Casey Mills – letter dated 2/27/20, stating traffic concerns.
13. Mike Houck (Urban Greenspaces), letter dated 3/10/20, stating concerns with bonus open space, timing of the greenway improvements, wood pilings and the concrete pier.
14. Jeanne Galick, letter dated 3/10/20, stating concerns with the with bonus open space, timing of the greenway improvements.
15. Tom Lipton, letter dated 3/5/20, stating concerns with the lack of ecoroofs.
16. Thomas Gornick, letter dated 3/9/20, stating concerns with the bonus open space, timing of the greenway improvements, and the need to follow the Greenway Master Plan.
17. John Malosh (Old Spaghetti Factory), letter dated 3/4/20, stating support for the project.
18. Jim Steffek, email dated 3/16/20, stating objection to the tower location.
19. Carrie Richter (Bateman and Siedel on behalf of Mary Henry de Tessen and Yvonne Meekcoms), letter dated 3/5/20, stating concerns with the locations, lengths and designs of the towers, lack of ecoroofs, amount of residential at the ground floor and lack of commercial space, quality of the paseo, overlook and greenway, and lack of compliance with statewide planning goals.
20. Carrie Richter (Bateman and Siedel on behalf of Mary Henry de Tessen and Yvonne Meekcoms), letter dated 6/9/20, stating concerns with the locations, lengths and designs of the towers.
21. Jeanne Galick, letter dated 6/10/20, stating concerns with the timing of the greenway improvements, setback of the buildings along the greenway, and the need for a more enhanced greenway design.
22. Mike Houck (Urban Greenspaces), letter dated 6/10/20, stating support for recent changes made and outstanding concerns with the building setback from the greenway, concrete pier, greenway landscaping and wood pilings.
23. Robert Ackers (40 Mile Loop), letter dated 6/10/20, stating concerns with timing of the greenway improvements and the concrete pier.
24. James Gardner (SPNA), email dated 6/11/20, stating support for some revisions and outstanding concerns for the bonus open space plaza at Abernethy terminus and the building footprint proximity to the greenway.
25. Micah Meskel (Portland Audubon), email dated 6/21/20, stating concerns with lighting and bird safe glazing.
26. Carolyn Weinstein, email dated 6/21/20, stating concerns with the residential units along the greenway noting they should be restaurants.
27. Carl Polesky, email dated 6/28/20, stating concerns with traffic, parking, location of the towers and design exceptions.
28. Chris Loucks, email dated 6/22/20, stating concurrence with Kenneth Fransen email.
29. Ellen Lippman, email dated 6/29/20, stated concerns with location of the towers.
30. Mike Houck (Urban Greenspaces), letter dated 6/25/20 to Prosper Portland Board of Directors stating additional enhancements needed for the greenway.
31. Jeanne Galick, email dated 6/25/20 to Prosper Portland Board of Directors stating additional enhancements needed for the greenway.
32. Kenneth Fransen, email dated 6/28/20, stating concerns with the location of the towers.
33. Laura Ramirez, email dated 6/28/20, stating concerns with traffic, parking, location of the towers and design exceptions.
34. Mark Fischer, email dated 6/23/20, stating concerns with the tower location and proximity of the building to the greenway at the SE corner of the site.
35. Martin Ramirez, email dated 6/28/20, stated concerns with traffic and location of towers.
36. Mary Geary, email dated 6/28/20, stating concerns with traffic, parking, location of the towers and design exceptions.
37. Michael Lee, email dated 6/28/20, stating concerns with the location of the towers.
38. Michael Parks, email dated 6/29/20, stating concerns with the location of the towers.

39. Penny Greenwood, email dated 6/28/20, stating concerns with traffic, parking, location of the towers and design exceptions.
40. Renee Hohimer, email dated 6/28/20, stating concerns with location of the towers, traffic and parking in the area.
41. Saunders Jones, email dated 6/28/20, stating concerns with traffic, parking, location of the towers and design exceptions.
42. Scott Bernstein, email dated 6/25/20, stating concerns with the location of the towers and traffic in the area.
43. Testifier List from 3/5/20 hearing
44. Testifier List from 3/12/20 hearing
45. Testifier List from 6/11/20 hearing

G. Other

1. Original LUR Application
2. Signed 120-Day Waiver and Evidentiary Hearing Form dated 1/23/20
3. Staff Report and Recommendation dated 2/24/20
4. Staff Memo to Commission dated 2/24/20
5. Copy of Staff Presentation from 3/5/20 hearing
6. Staff Report and Recommendation dated 3/5/20
7. Staff Memo to Commission dated 3/5/20
8. Copy of Staff Presentation from 3/12/20 hearing

H. Post 1st hearing

1. Staff Report and Recommendation dated 6/4/20
2. Staff Memo to Commission dated 6/4/20
3. Copy of Staff Presentation from 6/11/20 hearing