



September 17, 2020

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VIA EMAIL (CCTESTIMONY@PORTLANDOREGON.GOV)

Mayor Ted Wheeler
Commissioner Jo Ann Hardesty
Commissioner Chloe Eudaly
Commissioner Amanda Fritz
Commissioner Dan Ryan

City of Portland
1221 SW 4th Avenue
Portland, OR 97204

**Re: Alamo Manhattan (Applicant) Testimony in Opposition to Appeal
LU 20-102914 DZM GW AD: Alamo Manhattan Blocks
Post-Hearing Open Record Period (9/10 to 9/17)**

Dear Honorable Mayor Wheeler and Commissioners:

Thank you for your thoughtful feedback during the September 10, 2020 public hearing, and for the opportunity to provide additional testimony and evidence. We represent the applicant in the above referenced application, and we request that you include this testimony and evidence in the record. The purpose of this letter is to address the issues City Council raised during the hearing.

1. Public Access to the River

City Councilors were interested in the public's ability to access the river in the South Waterfront and suggested that including public access to the river in the project's greenway improvements may be desirable.

Alamo Manhattan has considered whether the project's greenway is an appropriate location for river access and have concluded that it is not. The appropriate location for river access is the long-planned public access areas further south along the greenway.

As summarized below, the Greenway Development Plan prioritizes habitat restoration in this stretch of the river, while providing robust public access further south. Stakeholder feedback

throughout the process has advocated strongly for habitat restoration. Finally, due to the topography of the site, an ADA-compliant river access would degrade the ecological functions and values of the riparian area.

a. South Waterfront Greenway Design Guideline 5

The design guideline that discusses public access is South Waterfront Greenway Design Guideline 5, which provides:

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.

Emphasis added.

The primary objective of the guideline is to enhance the river and riverbank ecosystems. Access is a secondary objective, and it may be introduced only “where appropriate.” River access is not appropriate here because (1) the focus of this reach of the river has primarily been habitat restoration; and (2) introducing access at this location would interfere with the functions and values of the habitat.

b. Greenway Development Plan

The Greenway Development Plan (GDP) was adopted in 2004. The GDP is the vision and concept plan for the entire South Waterfront Greenway and strives to balance the needs of the public and the health of the Willamette River. The GDP envisions that primary access to the river will be provided at the Zidell property. That property is planned for development with a primary gathering area, public viewpoints, bargeway and floating barge, as shown on the River Access Exhibits, which are portions of the GDP.¹

c. Public Process to Date

Over the lengthy public design process there has been extensive input from individuals, environmental groups, BDS and the Parks Department. The collaborative process resulted in a design that carefully and successfully balances habitat restoration and spaces for people to recreate. That balance is delicate because introducing humans to riparian areas typically

¹ We note that the GDP proposes a dock and water taxi associated with the project’s greenway. Since that time, further analysis supports the conclusion that the dock is not desirable or feasible. The dock would negatively impact fish habitat. Access to the dock was from the existing concrete wall, but geotechnical and seismic analysis of that wall has concluded that upgrading the concrete wall to current seismic standards is not feasible because of an unacceptable level of risk of failure post-upgrade.

degrades the habitat. The balance was struck here by providing pedestrian and bike trails, an overlook, lawn areas and two public plazas for human recreation, and habitat restoration through environmental remediation of the riverbank, removal of the wooden pier, bank stabilization that includes laying back the steeply sloped riverbank, add large woody debris in shallow water for habitat, and install extensive native vegetation.

d. River Access Not Appropriate at this Location

Including public access to the river at this location would disrupt the balance between habitat enhancement and recreation. Even with the stabilized and laid-back riverbank, the grade change through the riverbank area is significant, especially in the shore area (4:1). See, Updated: Profile of Abernathy Public Plaza and Greenway Exhibit. Providing an ADA-compliant access to the river over this topography is challenging, and if achievable, would require extensive additional grading, multiple switchbacks and retaining walls. This development within the greenway, particularly subareas 1 and 2, would seriously undermine the habitat restoration efforts in the project's greenway. We are concerned that these negative impacts to habitat may not meet the South Waterfront Greenway Review standards or the many state and federal permitting requirements related to in-water work and impacts to endangered species habitat.

2. Public Spaces in the Greenway

No private uses extend into the greenway. Public areas within the greenway include pedestrian and bicycle trails, the Abernathy public plaza and overlook, lawns for recreational use, the maker space plaza and significant landscaping and habitat restoration work. An updated exhibit provides an overview of the public spaces within and abutting the greenway, with public seating areas highlighted. See, Updated: Overview of Greenway Seating Area Exhibit.

City Council commented that the maker space could be perceived as a private space and that stronger connections between the greenway and Abernathy public plaza should be considered. Alamo Manhattan's design team has revised the maker space plaza and Abernathy public plaza in an effort to make those areas more clearly public spaces that invite the public in and activate the greenway. The revisions are described below, and comparative images are attached.

a. Maker Space

Alamo Manhattan has modified the grading between the greenway and maker space, which enables the following design changes:

- Added a direct access between the greenway and maker spaces, which reinforces the connection between the public spaces;

- Removed railing around the maker space so that space is visually and physically more open to the greenway;
- Removed the planter on the north edge of the maker space, which was perceived as a barrier between the public and the maker space;
- Extended the brick pavers from the Lowell accessway so that it wraps the maker space patio, which is visual queue that the public space of the accessway continues into the maker space; and
- Removed the tables and chairs, which could be perceived as private seating, and replaced with more accessible chaise lounge chairs. The chaise lounge chairs are used elsewhere in the greenway public spaces, so this seating is a visual queue that the maker space is open to the public.

These design changes are depicted in the Overview of Greenway Exhibits and Maker Space Exhibits.

b. Abernathy Plaza

Alamo Manhattan has modified the design of the Abernathy Plaza and arrangement of some public elements, including:

- The shape of the plaza was changed so that the footprint is more sinuous, which reflects the movement of the river;
- A direct at-grade connection between the lawn area and plaza is facilitated by modifying landscaping and intentionally relocating furniture. As a result, access between the grass and plaza is not blocked. The more permeable boundary between the plaza and lawn area increases public access and the public feel of the plaza.
- Paving has been added to the wide L-shaped benches east of the foundation so that benches now function as 2-sided, which allows people to sit facing or away from the river.

These design changes are depicted in the Overview of Greenway Exhibits and Abernathy Public Plaza Exhibits.

3. Ecoroof

The project is not subject to CC2035 and the mandatory ecoroof standards in PCC 33.510.243. City Council expressed interest in including ecoroofs in the project in response to Central City Fundamental Design Guideline A4-1, which provides, “A4-2 Integrate Stormwater Management

Systems in Development. Integrate innovative stormwater management systems with the overall site and development designs.”

Design guideline A4-2 is met because the project treats 100% of its stormwater on site through a system of vegetated swales and planters that provide stormwater conveyance and treatment.

Although ecoroofs are not needed to manage the project’s stormwater, Alamo Manhattan has evaluated how ecoroofs can be incorporated as a way to increase the project’s sustainability features. Alamo Manhattan is pleased to replace all of the areas on the Block 41 and 44 podium roofs that were gravel with ecoroofs. In addition to providing additional stormwater functions, the location of these ecoroofs will be highly visible from many viewpoints. The Ecoroof Exhibits depict the new ecoroof areas and compare them to the approved roof plans.

4. Bird-Safe Glass

The project is not subject to the bird-safe exterior glazing standards in CC2035 PCC 33.510.223 and do not believe any guidelines require bird-safe glazing. However, City Council expressed concerns about potential bird strikes due to the project’s proximity to the greenway and river.

During the Design Review proceedings, Alamo Manhattan considered feedback from the Portland Audubon Society on measures other than bird-safe glazing that could avoid bird strikes and implemented Audubon’s suggestions related to balconies. Alamo Manhattan replaced the glass balcony railings on the greenway-fronting facades of Block 41 and 44 podiums with cable railings, which addressed the concerns with potential bird strikes at the lower levels of the building that are adjacent to the greenway.

Alamo Manhattan developed, and a related entity owns, The Ella Apartments, which are located at 3833 S. Bond. While not a riverfront block, the land between The Ella and the river is currently vacant. Additionally, The Ella’s northern façade abuts the landscaped SW Lane pedestrian access way and is across SW Lane from the heavily landscaped/ecoroofed podium roof of The Riva on the Park. Despite The Ella’s proximity to bird habitat, that project has experienced zero bird strikes.

Based upon Alamo Manhattan’s experience in the area and the implementation of Audubon’s suggestions about bird-safe balcony railings, we believe that the risk for potential bird strikes has been mitigated.

5. 2017 Code

City Councilors sought clarification about which code the project is subject to, which is material because as a quasi-judicial application, the project is subject only to the approval criteria that were in effect on the date the application was filed. Since then, testimony has been submitted

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that speculates why the application was filed under the 2017 code instead of the CC2035 code, such as Audubon's testimony of 9/17/20.

As explained at the 9/10 City Council hearing, Alamo Manhattan closed on the purchase of the property in February 2020. As closing approached, the project's lenders and investors were concerned about the remanded CC2035 code and the City's related Hold Harmless Agreement that required projects to acknowledge that if the CC2035 code failed to achieve acknowledgement "improvements build pursuant to permits approved based on the new policies and regulations [the CC2035 code] may have to be modified or removed." The risk associated with the CC2035 appeals and City's Hold Harmless Agreement were avoided by filing under the 2017 code. A trade-off of using the 2017 code is that it limits the height of the waterfront blocks more than what the CC2035 code would allow. Specifically, the CC2035 code would allow Blocks 41 and 44 to seek an additional 25 feet in height than is allowed through the 2017 code.

Very truly yours,



Dana L. Krawczuk

cc: Staci Monroe, BDS
Alamo Manhattan

Exhibits²

River Access Exhibits

Overview of Greenway Exhibits (submitted separately due to file size)

Approved: Overview of Greenway (Abernathy Plaza and Maker's Space)

Updated: Overview of Greenway (Abernathy Plaza and Maker's Space)

Updated: Overview of Greenway Seating Area

Updated: Overview of Greenway Renderings (4 views)

Maker Space Exhibits (submitted separately due to file size)

Updated: Maker Space Renderings (5 views)

Abernathy Public Plaza Exhibits (submitted separately due to file size)

Approved: Enlargement Abernathy Public Plaza

Updated: Enlargement Abernathy Public Plaza

Updated: Profile of Abernathy Public Plaza and Greenway

Ecoroof Exhibits (submitted separately due to file size)

Approved: Block 44 Roof Terrace

Updated: Block 44 Ecoroof Roof Terrace

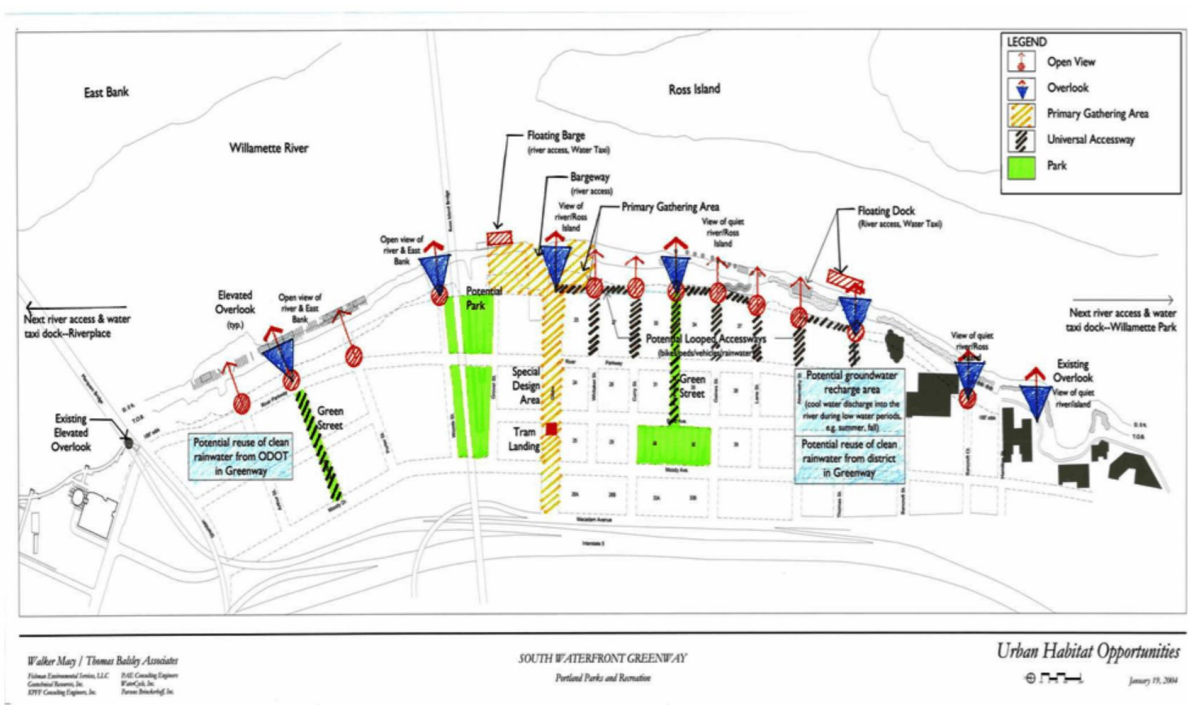
Approved: Block 41 Roof Terrace

Updated: Block 41 Ecoroof Roof Terrace

² In the event that an Updated plan conflicts with any element of an approved plan, the Updated plan is intended to supersede.

River Access Exhibits

Greenway Development Plan (2004) <https://www.portlandoregon.gov/parks/article/175890>



Detail of “Primary Gathering Area” on Zidell Section of River

