

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

**IN THE MATTER OF AN APPEAL
BY CARRIE RICHTER REPRESENTING THE PEARL NEIGHBORS FOR INTEGRITY IN
DESIGN OF A TYPE III DZ REVIEW FOR THE QUARTER BLOCK PROPERTY AT THE
ADDRESS 350 NW 12th AVENUE**

LU 19-145295 DZ

FINDINGS AND CONCLUSIONS

**ADOPTED BY THE CITY COUNCIL ON
FEBRUARY 10, 2021**

(DENIAL of the Appeal)

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BY CARRIE RICHTER REPRESENTING THE PEARL NEIGHBORS FOR INTEGRITY IN DESIGN
OF A TYPE III DZ REVIEW FOR THE QUARTER BLOCK PROPERTY AT THE ADDRESS 350 NW
12th AVENUE**

LU 19-145295 DZ

FINDINGS AND CONCLUSIONS

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

GENERAL INFORMATION

Applicant:	Li Alligood Otak, Inc. 503.415.2384 808 SW 3rd Ave #300 Portland OR 97204
Owner:	James Wong Parq on 12th LLC 606 Maynard Ave S #251 Seattle WA 98104
Developer:	Ray Harrigill The Sunray Companies, LLC 601.707.9225 1012 Madison Ave Ste A Madison MS 39110A
Appellant:	Pearl Neighbors for Integrity in Design (PNID) Represented by: Carrie Richter Bateman Seidel: 503.972.9920 1000 SW Broadway, Suite 1910 Portland, OR 97205
Site Address:	350 NW 12th Avenue
Legal Description:	BLOCK 78 LOT 6&7, COUCHS ADD
Tax Account No.:	R180207240
State ID No.:	1N1E33DA 02700
Quarter Section:	3028
Neighborhood:	Pearl District, contact planning@pearldistrict.org .
Business District:	Pearl District Business Association, contact at info@explorethepearl.com
District Coalition:	Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District:	Central City (Plan District), Pearl District (Sub-District)
Zoning:	EXd: Central Employment (EX) base zone, and Design (d) overlay zone
Case Type:	DZ: Design 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 requested **Design Review** approval for a 23-story mixed use building, which includes hotel and residential uses, in the Pearl Sub-District of the Central City Plan District (the "Project"). The height of the approved quarter-block building is 250 feet with 197,118 square feet of floor area. The Project will provide 160 hotel rooms and 111 dwelling units. The Project does not include on-site parking, but includes a loading bay

with two on-site loading spaces. Exterior materials include ribbed and flat metal paneling, aluminum windows, glass guardrails, steel canopies, formed concrete piers and aluminum storefronts. The Project complies with all applicable development standards and therefore, there were no adjustments or modifications requested by the applicant.

As addressed in detail in the procedural history section below, the Design Commission approved the Project following a series of hearings as part of their initial review and decision. The Design Commission's decision was appealed to the City Council and the City Council elected (at the suggestion of the applicant) to remand the matter back to the Design Commission to consider input from the City Council for revisions to building design. In response to City Council comments during the appeal hearings, the applicant proposed several changes to building design for consideration by the Design Commission during the remand proceedings. The Design Commission agreed that the following changes responded to City Council and Design Commission comments regarding context, the pedestrian realm, and setbacks and sculpting, and that with these changes the Project continued to comply with applicable design guidelines: setbacks to the middle section of the building were increased an additional 12" on the north and west elevations; the middle volume of the building was also lowered by one level; the top of the building was further setback 2' on the north and west elevations; the projection of the ground floor canopies was increased from 4'-6" to 6'-0"; canopy projections for the corner entrance canopy were increased from 5'-6" to 6'-0"; and setback for the hotel entrance at the northwest corner was increased from 5' to 7'.¹ Therefore, the Design Commission recommend approval of the Project with those changes to the Project originally approved by the Design Commission. The Design Commission rejected other changes proposed or offered by the applicant during the remand process, including an increased setback along Flanders Street from 3' to 5', changes to the storefront window details, and the potential relocation of the main entry of the hotel from the northwest corner to the Flanders Street frontage.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the applicable approval criteria of Portland City Code ("PCC") Title 33. The relevant approval criteria are:

- 33.825, Design Review
- *The Central City Fundamental Design Guidelines*
- *The River District Design Guidelines*

PROCEDURAL HISTORY

- **Early Assistance (EA) Appointment: EA 18-181375 APPT: June 27, 2018.**
- **Early Assistance Pre-Application Conference (PC): EA 18-202411 PC: August 07, 2018.**
- **Design Advice Request (DAR) #1: EA 18-210300 DA: October 04, 2018.**
- **DAR #2: EA 18-210300 DA: January 03, 2019.**
- **Land Use Application: Submitted on April 09, 2019:**
Deemed complete on April 30, 2019. A hearing was originally scheduled for June 20, 2019 - 51 days after being deemed complete. This hearing was rescheduled

¹ The Design Commission did not identify the increased hotel entrance setback in the introduction to their recommendation to City Council following the remand hearings. However, that change was documented in the applicant's plan sets approved through this decision and in the presentations to both the Design Commission during the remand hearings and to the City Council during the final hearing.

by the applicant to July 18, 2019.

- **Design Commission Hearing #1: July 18, 2019.**
- **Design Commission Hearing #2: November 21, 2019:**
Hearing #2 was originally scheduled for September 19, 2019 and was rescheduled by the applicant to October 17, 2019. Hearing #2 was rescheduled by the applicant a second time to November 21, 2019.

The record was held open as follows:

- 14 days for New Evidence: Deadline: Friday, December 06, 2019, at 9am.
 - 14 days for a Response to New Evidence: Deadline: Friday, December 20, 2019, at 9am.
 - 14 days for the deadline for the applicant's Final Statement: Deadline: Friday, January 03, 2020, at 9am.
- **Closed Record Hearing: January 09, 2020:**
A Closed Record Hearing was scheduled for, and took place on, January 09, 2020. The Design Commission had been provided with the submittals and materials from: the 14 days for new evidence; the 14 days for a response to new evidence; and the 14 days for the applicant's final statement.

At the conclusion of the January 09, 2020 Closed Record Hearing a tentative vote was taken for the submittal. The six Commissioners in attendance (Commissioner Livingston has recused herself from this project) unanimously voted in support of the proposal. The Closed Record Hearing was continued until January 16, 2020 for a procedural final vote of the adoption of the Final Findings.

- **Closed Record Hearing: January 16, 2020:**
A Closed Record Hearing was scheduled for a procedural final vote of the adoption of the Final Findings. The Design Commission voted unanimously to approve the proposal.
- **Appeal Form Submitted: February 18, 2020:**
Submitted by the Pearl Neighbors for Integrity in Design – represented by Carrie Richter.
- **Notice mailed for March 19, 2020 City Council Hearing: February 24, 2020.**
- **Re-Notice of March 19, 2020 City Council Hearing mailed: March 12, 2020.**
Due to COVID-19 the City Council Hearing was rescheduled to June 04, 2020.
- **Re-Notice of June 04, 2020 City Council Hearing mailed: May 29, 2020.**
Due to CC2035 Remand the City Council Hearing was rescheduled to August 20, 2020.
- **Re-Notice of August 20, 2020 City Council Hearing mailed: June 23, 2020.**
Re-notice mailed clarifying the appellant as the Pearl Neighbors for Integrity in Design.
- **City Council Appeal Hearing #1: August 20, 2020.**
The City Council held a de novo public hearing. The hearing was in the form of a virtual meeting due to COVID 19, consistent with the governor's Executive Order 20-16. The Council hearing concluded with the applicant requesting that the record be held open. Council held the record open as follows:
 - 7 days for New Evidence: Deadline: Thursday, August 27, 2020.
 - 7 days for a Response to New Evidence: Deadline: Thursday, September 03,

2020.

- 7 days for the deadline for the applicant's Final Statement: Deadline: Thursday, September 10, 2020.
- **City Council Appeal Hearing #2: September 16, 2020.**
The City Council held a closed-record, virtual public hearing to deliberate on the appeal. The Council had been provided the comments and evidence submitted during the 7-day period for new evidence, the 7-day period for response evidence, and the applicant's final statement. At the conclusion of the hearing, the City Council remanded the appeal back to the Design Commission, per the request of the applicant should additional design changes be necessary. Some City Council members expressed concerns that the Approval Criterion was not yet met.
- **Notice for Three Hearings mailed: October 01, 2020.**
Notice for: Design Commission hearings on October 22, 2020 to review the revised proposal and November 12, 2020 to forward a Draft Recommendation to City Council; and City Council hearing on December 10, 2020 to review the revised design and Design Commission recommendation.
- **Design Commission Remand Hearing #1: October 22, 2020.**
The Design Commission held a de novo, virtual public hearing to review a revised proposal and consider additional testimony.
- **Design Commission Remand Hearing #2: November 12, 2020.**
The Design Commission held a second de novo, virtual public hearing to confirm the revised proposal and forward a Design Commission recommendation to City Council. As detailed in the proposal summary above, the revisions agreed to by the Design Commission and included in the recommendation to City Council included increased setbacks at the middle and top of the building, lowering of the top features of the building by one story, increased setback at the main entry for the hotel, and increases in canopy depth. At the conclusion of the hearing, the Design Commission voted unanimously to forward a recommendation to the City Council to deny the appeal and grant design review approval for the Project with the revisions proposed by the applicant and agreed to by the Design Commission.
- **City Council Appeal Hearing #3: December 10, 2020.**
The City Council continued the hearing to January 14, 2021. The Council did not take testimony but left the record open.
- **City Council Appeal Hearing #4: January 14, 2021.**
The City Council held a de novo, virtual hearing to review Design Commission's Recommendation, consider additional testimony and make a tentative vote on the proposal. After accepting public testimony, the Council deliberated on the appeal. Commissioner Hardesty moved, and Commissioner Ryan seconded the motion, to deny the appeal and uphold the Design Commissions findings and conditions of approval. The motion was adopted by a tentative vote of 5 to 0. The item was continued to February 10, 2021 for the final vote and adoption of final findings.
- **City Council: February 10, 2021.**
Final vote and adoption of final findings.

ANALYSIS

Site and Vicinity:

The 10,000 square foot, quarter-block site is located in the Pearl District Subdistrict of the Central City Plan District and is bounded on the west by NW 12th Avenue [*City Walkway, City Bikeway, Minor Emergency Response Street*] and on the north by NW Flanders Street

[City Walkway, Major City Bikeway, Minor Emergency Response Street]. (The site is also within the Northwest Triangle Pedestrian District.) The River District (and, specifically, the portion known as the Pearl District), a historically industrial area, has been redeveloped and now includes a mix of commercial, retail, some remaining industrial, and residential uses in a mixture of old warehouses and new buildings of varying heights.

The subject site is currently occupied by a surface parking lot. (a 15,000 square foot surface parking lot is also located across Flanders to the north-west) Immediately to the east is a single-story masonry building. Within the block, south of the site, is a half block development varying from 6 to 8-stories and clad in predominantly brick. The 13th Avenue Historic District is located less than 200 feet to the west.

Zoning:

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

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

The 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 Pearl District Subdistrict of this plan district.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed **May 02, 2019**.

- Fire Bureau: May 02, 2019. Dawn Krantz. Responded with no concerns. Please see Exhibit E-1 for additional details.
- Bureau of Development Services – Life Safety: May 24, 2019. Geoffrey Harker. Responded with no concerns. Please see Exhibit E-2 for additional details.
- Bureau of Development Services – Site Development: May 28, 2019. Kevin Wells. Responded with comments about permitting and construction requirements. Please see Exhibit E-3 for additional details.
- Parks Bureau – Urban Forestry: May 29, 2019. Casey Clapp. Responded with comments about street tree planting requirements and comments to the removal of the existing silver maple at the northwest corner of the site. Please see Exhibit E-4 for additional details.
- Water Bureau: May 31, 2019. Michael Puckett. Responded with comments about domestic meter size and backflow information. Please see Exhibit E-5 for additional details.

- Portland Bureau of Transportation: June 03, 2019. Fabio de Freitas. Responded with no concerns and information about locating a proposed transformer in the right-of-way. Please see Exhibit E-6 for additional details.
- Bureau of Environmental Services:
 - Initial BES Response: June 27, 2019. Emma Kohlsmith. Responded with concerns about information missing from the submittal to be able to confirm that the proposal meets SWMM requirements. Please see Exhibit E-7 for additional details.
 - Revised BES Response: October 25, 2019. Emma Kohlsmith. Due to additional information submitted by the applicant BES revised its response and has no concerns or conditions of approval for the project. Please see Exhibit E-8 for additional details.
- Portland Bureau of Transportation: October 31, 2019. Fabio de Freitas. Responding to the Greenlight Engineering memo and Kittelson & Associates response. PBOT continues to support the proposed mixed-use building. Please see Exhibit E-9 for additional details. Mr. de Freitas also testified at the November 21, 2019 Design Commission hearing and reiterated PBOT's recommended approval of the project.
- Portland Bureau of Transportation: November 14, 2019. Mauricio Leclerc. Responding to, and confirming, that the OTAK memorandum dated October 22, 2019 (Exhibit A-19) is compliant with the Statewide Planning Goals. Please see Exhibit E-10 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 02, 2019**. Written responses to this land use review were received from the Neighborhood Association and notified property owners in response to this notice and during the open record periods for the Design Commission and City Council hearings. See Exhibits for details on written responses. Issues raised in this testimony are discussed in the findings below.

ZONING CODE APPROVAL CRITERIA

(1) DESIGN REVIEW (33.825)

Chapter 33.825 Design

Review

Section 33.825.010 Purpose of Design Review

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

Section 33.825.055 Design Review Approval Criteria

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

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

Design Review is a land use review in which applicable guidelines must be met for approval. As a threshold matter it is important for Council to explain how it interprets the text of the design guidelines and what Council considers to be the purpose and policies of the guidelines, which provide context for Council's interpretation. The applicable guidelines do not contain objective standards that must be satisfied in a singular way, and they do not require a specific project element. Instead, the guidelines are succinct, yet broad concepts. As noted in Introduction of the River District Design Guidelines, "[c]ompliance with the design guidelines in this document can take many different forms for different proposals....Design guidelines are intended to state broad design objectives and to provide guidance; they should not be construed as prescriptive standards." Similarly, the Central City Fundamental Design Guidelines explain in the "Using Design Guidelines in the Design Review Process" section, "The design review process is flexible. It is intended to encourage designs that are innovative and appropriate for their locations. For this reason, design guidelines are qualitative statements. Unlike objective design standards, there are typically many acceptable ways to meet each design guideline. It is not the City's intent to prescribe any specific design solution through the design guidelines."

While the guidelines themselves are considered the approval criteria, each guideline is supported by its own background statement and possible examples of ways to satisfy the guideline, which provide the most relevant context to explain the purpose and overall intent of the guideline. The Central City Design Guidelines explain that "the background statement outlines the reasons for the design guideline and the goals that the City wishes to achieve. The background statement also provides clarification among related or similar design guidelines or adds more detail to the guideline language. The background text is not adopted and can be adjusted and/or updated as new design issues arise." Additionally, each guideline section provides multiple examples of possible ways to accomplish the guideline that includes both a written description and an image, which also provides context for how a particular guideline should be interpreted and applied. The Central City Design Guidelines explain that "[t]he examples are provided to illustrate each guideline. They are preceded by captions that describe the way the guideline is, or could be, met as shown by the example. The examples must **not** be considered as the **only** possible design solution. They are intended to stimulate new ideas and provide direction for designers and developers. The captions and examples are not adopted and can be easily updated as new proposals get built." (emphasis in original) Similarly, the "How to Use This Document" section of the Introduction of the River District Guidelines states that the example text provides "[e]xamples of some of the various methods that can be used to address the intent of each guideline." The River District Design Guidelines Introduction further explains in describing the graphic and written descriptions of the examples that "[t]he images provided are intended to illustrate a possible solution for each example, but should not be seen as the **only** solution." (emphasis in the original). The advisory nature of the examples is reiterated by the heading for each set of examples, "this guideline may be accomplished by...."

While the examples do not contain specific requirements and should not be seen as the only options for guideline compliance, as noted, they do provide important context for interpreting the intent of the broadly worded guidelines. Appellants in this case argued that the pictures included in the examples should be ignored because the building height allowed on the subject site is greater than it was when the applicable guidelines were adopted. The appellants offer no legal support for this position and the City Council rejects the argument. This Council is charged with interpreting the intent of the guidelines as drafted, and as discussed, both the background and the examples provide context for that interpretation. Until the City amends the background narrative and/or examples, both remain applicable context for interpreting the guidelines despite subsequent changes to development standards in PCC Title 33.

The River District Design Guidelines are independently applicable criteria, but they also provide an additional source of context for Central City Fundamental Design Guidelines. The River District Design Guidelines correlate to Central City Design Guidelines, but with a geographically specific emphasis. For example, Central City Fundamental Design Guideline A5 (Enhance, Embellish, and Identify Areas) applies across the Central City. Context for how Guideline A5 should be interpreted and applied in the River District are River District Design Guideline A5-1 (Reinforce Special Areas) and the Special Area specific guideline for the Pearl District A5-1-1 (Reinforce the Identity of the Pearl District Neighborhood). Not all Central City Design Guidelines have corresponding River District Design Guidelines, but when they do, the River District Design Guidelines are helpful context for interpreting the Central City Design Guidelines. This interpretation is supported by the “How to Use This Document” section of the River District Design Guidelines Introduction section, which explains that the Central City Design Guideline states the broad objective, and the River District Guideline builds on the fundamental guideline. Finally, the Guidelines are context for one another.

Council interprets the text and framework of design guidelines as support for the conclusion that the design review process is flexible and there are many acceptable ways to meet each guideline. This flexibility and the subjective nature of design guidelines means that design review is a discretionary process. As with any discretionary process, participants can have differences of opinion about whether a qualitative design guideline is met. Many of the issues raised in this appeal are based upon opinions, and even if reasonable minds may disagree about whether the Project satisfies certain subjective standards, that does not mean that the guidelines are not met.

Each design guideline includes multiple considerations that must be evaluated together to determine if a guideline is met. Testimony that is based upon a single term or phrase of a guideline in isolation from the remaining text of the guideline can misconstrue a guideline’s meaning. The entirety of the text of a guideline must be considered when interpreting it and applying it to the Project.

Under the current Central City Guidelines, the Council does not find persuasive testimony asserting that each term or phrase in a guideline is necessarily a required element for this Project. Neither the text nor context of guidelines support such a rigid reading of the guidelines given that the guidelines are intended to guide, not prescribe, development and the fact that some terms in a guideline may not be applicable to a given project. Under the current Central City Guidelines, the Council does not find persuasive testimony that (1) elevates a guideline’s background section or example as applicable approval criteria or (2) testimony that argues a guideline is not met because the Project does not include a feature included in an example, or does not include a detailed element of the example. For example, appellants have argued that example 4 of River District Guideline A5-1-1 which provides “adding buildings which diversify the architectural language and palette of materials” is not applicable in this case because it is noted that the building pictured in the example is a LEED Gold building. However, neither example 4 nor the Guideline requires that a building that diversifies the architectural language and palette of materials must attain LEED Gold certification.

The testimony includes many examples of arguments that are dependent upon characterizing examples or isolated terms in a design guideline as being a required Project element. Unless specifically addressed elsewhere in these findings, Council rejects all arguments that any element suggested in the Central City Design Guidelines or the River District Design Guidelines list of examples for how it may be accomplished or an isolated phrase in a guideline is required for the Project to meet

that guideline.

As provided below, both the Central City Design Guidelines and the River District Guidelines also include broadly worded and overarching goals. The goals can provide context for interpretation of the guidelines. However, they are not referenced in the approval criterion for design review and are not approval criteria that a project must independently demonstrate compliance with. Instead the broadly worded goals are implemented through the guidelines, which as discussed above are the approval criteria for design review. Therefore, the City Council finds that it is not necessary to demonstrate compliance with the goals themselves.

Finally, the appellants contend that this Project should be held to higher and far more exacting design requirements solely because the allowed height of the building under the existing code exceeds the height of other buildings within the surrounding area. The City Council finds no support for this position in PCC Chapter 33.825, within the applicable guidelines, or elsewhere, and the appellants offer no legal support for their position. The allowed bonus height on the subject site and within the surrounding area was increased to 250 feet through the Central City 2035 amendments. However, the design guidelines themselves were not amended through the CC2035 process. In other words, the exact same guidelines that applied to buildings developed under the previous code apply equally to this project. Therefore, the existing guidelines must be interpreted and applied consistently between pre-Central City 2035 projects and current projects. To find otherwise would be inconsistent with the Design Review approval criterion and the adopted area guidelines referenced in that criterion. For these reasons the City Council rejects the argument that it must, or even can, hold this Project to a higher, more exacting standard or level of compliance when considering compliance with the applicable guidelines than the level of compliance applied to projects evaluated for compliance with the guidelines prior to the adoption of the CC2035 amendments.

River District Design Guidelines and Central City Fundamental Design Guidelines

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

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment.

(C) Project Design, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

River District Design Goals

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

Central City Plan Design Goals

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

The City Council has considered all guidelines and has addressed only those guidelines considered applicable to this project.

A1. Integrate the River.

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

Findings for A1: Set back approximately 10 blocks to the west from the Willamette River the building is not overtly oriented to the River. However, the building height and design provides visual connection to the Willamette River from its location in the heart of the Pearl District. The proposed design has increased the number of balconies on each elevation of the building at all levels, on both the hotel and the residential floors, providing additional views and connections to the Willamette River. In addition, the single story lounge and event space located predominantly on the south elevation of the 22nd floor, which is accessible to hotel and residential users, also provides unobstructed views of the Willamette River from the Burnside Bridge continuing south.

Appellants point to this guideline to argue that the Project does not sufficiently incorporate or enhance the Flanders Street Greenway north of the site. As discussed in the record, the Flanders Street Greenway is a transportation project intended to improve conditions for people walking and biking on NW Flanders Street between Tom McCall Waterfront Park and NW 24th Avenue. Therefore, the City itself is in the process of developing a designated accessway for both pedestrians and cyclists that will provide a direct connection to the Willamette River and the greenway along the Willamette River referenced in this guideline related to river integration. However, as provided in the record, the City has not yet released the final design for the segment of the Flanders Street Greenway adjacent to the subject site and the date of full implementation of the improvements is unknown. For purposes of compliance with Guideline A1, the Project includes sidewalks along the NW Flanders Street frontage that, as discussed in other guidelines' findings below, will provide a safe and direct pedestrian path on the south side of NW Flanders Street that is consistent with continuation of the pedestrian connection between the subject site and the Willamette River and Greenway. The Council finds that the pedestrian connection provided through the sidewalk complies with this Guideline. Neither the Guideline, the background, nor the examples make any reference to connections for bicycles and cyclists. Therefore, the bicycle element of the Flanders Street Greenway is not relevant for purposes of this Guideline, but is discussed further below.

Therefore, this guideline is met.

A2. Emphasize Portland Themes. When provided, integrate Portland-related themes with the

development's overall design concept.

A5-3. Incorporate Water Features. Incorporate water features or water design themes that enhance the quality, character, and image of the River District.

A5-4. Integrate Works of Art. Integrate works of art or other special design features that increase the public enjoyment of the District.

Findings for A2, A5-3 and A5-4: As provided in the background narrative for Guideline A2, there are “many themes unique to Portland’s culture and geography that promote the City’s identity and image.” The examples provided include the rose, the great blue heron, water features, bridges, trees, mountain views, rain, and the natural environment. Noting that Portland’s strong connection to the river is a defining feature of the River District, the Project integrates “water” as a theme and evokes the historic Tanner Creek that once ran below the site. The Project integrates embossed water features at the main entry for the hotel at the northwest corner of the building.

The background narrative for Guideline A5-3 provides the most relevant context to define the quality, character and image of the River District. The background narrative describes the character and image of the River District as a dense urban environment, where art and water features are included to enhance pedestrian spaces and to provide visual and auditory relief from the busy activity of the area.

The applicant originally proposed a single water feature, but through the Design Review process refined the water feature/art piece from one large installation on the west elevation, which was unresolved in its location between the hotel and residential entrances, as well as in its form and effect, to two smaller twin installations that flank and celebrate the corner hotel entrance. Both fountains are integrated into the concrete columns and consistent in size and placement with the height and dimensions of the adjacent storefront systems. The water features are 3’ in width and approximately 8’ in height, made of pre-cast textured concrete panel, set in relief, and at an angle. The image on the face of the water features is a reference to Tanner Creek, providing a salient contextual connection to the area that is attractive and interesting regardless of whether water is flowing or not.

The City Council finds that the final design of the two smaller water fountains successfully emphasizes the selected water theme in compliance with Guideline A2, incorporates a water feature in compliance with Guideline A5-3, and are works of art that are successfully integrated into the Project in compliance with Guideline A5-4. The water features succeed at enhancing the quality, character and image of the River District in the following aspects: they denote and celebrate the hotel entrance; they succeed as being features that are clearly a part of the building design while contributing to the greater public experience and enjoyment; they provide multiple sensory effects: visually pleasant, allowing auditory relief from the busy activity of a dense urban environment, and are tactilely interesting; they are well integrated into the ground floor design; and they provide a precedent for future similar projects. Lastly, the water feature’s design, specifically the slight angle in the recess from top to bottom, succeeds in providing continuity with, and a subtle acknowledgment of, the City’s preeminent water feature: Lawrence Halprin’s Forecourt Fountain.

In response to comments about the potential sound of the fountains, the Council finds that the auditory aspect of the fountains is one of the characteristics that, as identified in the examples for Guideline A5-3, enhances the quality, character and image of the River District. Council also notes that the proposal is subject to limitations on permissible sound levels through Title 18, Noise Control.

Some comments suggested that the fountains would be an attractive nuisance for homeless individuals. The Council finds that concern is not relevant to the guideline. Furthermore, fountains located at the main entry of a hotel in full view of the hotel

interior are unlikely to be attractive bathing places for homeless individuals as suggested in the comments. Finally, appellants seemingly argue that cycling is a Portland theme that must be integrated into the building to comply with Guideline A2. The City Council rejects that argument. Cycling is not expressly identified as a Portland theme in the A2 background narrative and is not identified as a theme in any of the A2 examples. However, even if cycling could be considered a Portland theme, Guideline A2 does not require an applicant to integrate every Portland theme into a building's design. As noted above, in this case, the Project successfully integrates water features, one of the examples expressly identified in the background narrative as a Portland theme, into the building through two fountains located at the northwest corner of the building. Additionally, comments by the appellant and others seemed to imply that the Project must do more to integrate cycling into the function of the building. However, A2 requires integration into the overall design concept of a development, and all examples for accomplishing the guideline relate to incorporation of themes into building design elements rather than transportation options within the right-of-way or bicycle parking options. Therefore, the Council finds that changes to the Project to further incorporate bicycles are not required to satisfy Guideline A2.

Appellants specifically argue that the Project should be required to provide on-site short-term bicycle parking spaces because of the Project's proximity to the Flanders Street Greenway. For the reasons discussed above, on-site short-term bicycle parking is not needed to comply with Guideline A2 or any other applicable guideline.

Additionally, as identified in the Development Standards section below, Short-term bicycle parking is regulated through the Standards for Short-term Bicycle Parking at PCC 33.266.200.E. The standard allows payment into a Bicycle Parking Fund in lieu of providing on-site short-term bicycle parking if the required short-term bicycle parking cannot be provided on-site in a way that complies with all short-term bicycle parking standards. The applicant submitted an exhibit that demonstrates that it is not possible to provide on-site short-term bicycle parking that complies with the standards related to required dimensions for spacing and maneuvering. Furthermore, the Project does not include open areas that would preclude use of the Bicycle Parking Fund option. The City Council concludes that the Bicycle Parking Fund option may be used in this case. Therefore, the City Council finds that on-site bicycle parking is not needed to comply with either the applicable design guidelines or the bicycle parking development standards.

Therefore, these guidelines are met.

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

Findings for A4: The area-specific River District Right-of-Way Design Standards will be applied to the public right-of-way adjacent to the site to unify the public realm with the neighborhood. Similarly, historic light fixtures and street tree requirements will be incorporated per City of Portland and River District standards. These unifying elements are specifically identified in example 4 for the guideline.

The ground-level materials, including large scale concrete columns (GFRC) framing the 3-story building base, and robust window and canopy detailing, are intended to respond to similar features found in this post-industrial area. Similar uses of large-scale concrete columns and concrete walls are found across the street and within 2 blocks of the site.

Local character and identity will be also maintained and connected through the consistent integration of canopies along both street frontages as well as large fully glazed storefront systems. To activate the north elevation and in anticipation of the future Flanders Street Greenway and connect the building to that area, the proposed

design includes recessed areas between concrete pillars for café seating and programming as well as folding storefront systems in both of the two central bays, providing additional access and fewer barriers into the hotel's lobby.

The appellant cites Guideline A4, but fails to provide any arguments with sufficient specificity to allow a response related to the guideline. The City Council finds that the elements described above provide unifying elements in compliance with the guideline.

Therefore, this guideline is met.

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

A5-1. Reinforce Special Areas. Enhance the qualities that make each area distinctive within the River District, using the following "Special Area Design Guidelines" (A5-1-1 – A5-1-5).

A5-1-1. Reinforce the Identity of the Pearl District Neighborhood. Reinforce the identity of the Pearl District Neighborhood.

Findings for A5, A5-1 and A5-1-1:

When interpreting guidelines requiring consideration of an area's character, including Central City Design Guideline A5, it is necessary to first define the "area" to which the Guideline is applied. For this Project, the "area" is established by the identification of special areas within the River District Guidelines. Pursuant to the Special Areas Within the River District map in the River District Guidelines, the subject site is located within the Pearl District Neighborhood. Therefore, the City Council finds that is the relevant "area" for purposes of compliance with these guidelines is generally the Pearl District Neighborhood. However, the background narrative of River District Guideline A5-1 defines an even more precise area, providing that "[d]esign should acknowledge the context of its surroundings with an approach that responds to the character and identity of three blocks in every direction." Therefore, while the broader area for purposes of compliance with this set of guidelines is the Pearl District Neighborhood, the character and identity of the surrounding three blocks provide the most relevant character and identity for the Project. That area is bounded by NW Irving Street to the north, NW 15th Avenue to the west, W Burnside Street to the south, and NW Park Avenue to the east. This area includes a portion of the 13th Avenue Historic District to the west, but the majority of the area is located outside of the historic district.

It is also necessary to define or describe the "character" and "identity" of the subject area. The City Council finds that there is not a clear distinction between these two terms in the guidelines as they are largely used either interchangeably or in connection with one another. Therefore, the background narrative of Guideline A5-1-1 provides the most relevant context for describing the character and identity of the Pearl District Neighborhood area. It provides in relevant part, "[t]he Pearl District is a vibrant urban neighborhood of mixed commercial and residential uses." The background narrative further provides "[t]he area is an urban mix of old and new buildings and structures juxtaposed, with visual and physical references to its warehousing past." The background notes that many buildings have achieved LEED certification and many use recycled historic materials. Finally, the background states, "[t]he Pearl District is characterized by views of the Fremont Bridge, a rich fabric of historic buildings, the presence of the streetcar, and the city's greatest concentration of art galleries." The Council finds that these background descriptions provide the relevant character and identity of the area for

purposes of finding compliance with these guidelines. The Council further finds that the list of examples A5-1-1 provides additional context for the identity of the Pearl District. In other words, the identity of the Pearl District includes an urban warehouse character, as provided in examples 1 and 2; building that provide a tripartite composition with distinct cornice lines, as provided in example 3; buildings that diversify the architectural language and palette of materials, as provided in example 4; and an “arts” ambiance, as provided by example 5.

The Project continues the neighborhood’s tradition of architectural enhancements and diversification, for example street edges containing balconies, contrasting materials, and cladding materials and compositions responsive to the environment, views, and elements that characterize the River District generally and the Pearl District Neighborhood more specifically.

Proposed large, fully glazed storefront systems draw from the area’s tradition. While the integration of common pedestrian level features, such as canopies, new sidewalks, curb extensions, street trees, and large expanses of active ground-level storefront will also provide a strong identity in the neighborhood and improve connections with surrounding blocks, buildings, and neighborhoods.

The revised design consists of a clear base, middle and top that is consistent with traditional architecture in the district. The 3-story concrete base also draws from the material palette, ground floor massing, and datums of other buildings found throughout the Pearl District Neighborhood as depicted in the applicant’s presentation to Council. In contrast to many buildings in the district, the Project proposes metal panel for the primary cladding above the concrete base, adding diversity to the architectural language and palette of materials to the district, which is noted within example 4 of Guideline A5-1-1 as a way to accomplish the guideline.

The project will reinforce a unified streetscape through the use of established street elements such as street tree placement, sidewalk width and patterning, and corner pedestrian curb extension. Local character and identity will be maintained through the consistent integration of canopies along both street frontages as well as large fully glazed storefront systems. To activate the north elevation and in anticipation of the future Flanders Greenway, the proposed design includes recessed areas between concrete bays for café seating and programming as well as folding storefront systems in both of the two central bays, providing additional access and fewer barriers into the hotel’s lobby.

The City Council finds that the final design better addresses additional aspects within these guidelines. During the remand, the building was setback further on the north and west elevations: an additional 12” for the middle section (from 2’-0” to 3’-0”); and an additional 24” (from 5’-0” to 7’-0”) for the top portion (which also includes the area of the north-west corner as it continues down through the middle and base sections.). The Design Commission also supported lowering the cornice by an additional level on both the north and west elevations to better emphasize the building’s top, and the City Council agrees that change is consistent with emphasizing the tripartite design that is part of the identity of the Pearl District Neighborhood. Collectively, the additional setbacks to the north and west elevations help to further sculpt the building and strengthen the building’s clear base-middle-top (monolithic tripartite composition), to further reinforce that distinct architectural feature.

Regarding the ground floor: The Design Commission upheld the originally approved setback of 3’-6” at the ground floor, noting that the dominant historic identity of the Pearl District Neighborhood is a building footprint extending to the property line. This results in pedestrian seating being located partially within the public right-of-way adjacent to the building. This ubiquitous aspect of the Pearl District’s pedestrian realm is (and in some cases, was) notable in the following: Fullers (9th and Davis); Pearl Bakery (9th and Couch);

Yoga Pearl (925 NW Davis); Life of Riley (previously Jimmy Mak's at 10th and Everett); Ben and Jerry's (10th and Everett); Piatino (12th and Everett); Pho Van (10th and Glisan); Pizza Schmizza (11th and Glisan); Starbucks (12th and Glisan); Byways Café (1212 NW Glisan); and Low Brow Lounge (1036 NW Hoyt), to name a few located within the 3-block area. While not exclusive to the Pearl District Neighborhood or the narrower 3-block area, the City Council finds that café seating is nonetheless a special feature of both the Pearl District Neighborhood generally and the 3-block area more specifically.

In addition, an aspect of the original ground floor design which mutually helps the building to better integrate with the proposed outside seating along the north elevation, while providing additional seating area depth along this elevation, are the proposed folding storefront systems in two of the three bays. These features, which were in the original approved design, allow the building to better meet the distinct historic character of building footprints in the Pearl Districts while at the same time providing the increased opportunity for open visual and physical connections into the building along this elevation consistent with other guidelines discussed above. To further contribute to the success of the ground floor, City Council also supports the extension of canopies along the north and west elevations, out from 4'-6" to 6'-0". Canopy projections for the corner entrance canopy have been increased from 5'-6" to 6'-0".

The appellants and other project opponents claim in multiple similar arguments that this building does not do enough to "enhance," "embellish," or "reinforce" the character and identity of the area, but selects those terms in isolation rather than considering the language of the entire guideline or considering the context provided by the background narrative and examples. However, those terms cannot be applied in a vacuum.

The first element of Guideline A5 relates to enhancing an area by reflecting the local character within the right-of-way. The appellants have claimed that the guideline specifically encompasses activities and uses within the right-of-way to argue that this guideline is related to the future Flanders Street Greenway. The guidelines include "enhance an area by reflecting the local character within the right-of-way" but does not require a development to encompass specific activities or uses within the right-of-way. Furthermore, the background describes the addition of elements in the right-of-way such as streetlights and special paving rather than specific uses or activities that occur or could potentially occur in the future within the right-of-way. The Council finds that the proposed development satisfies this guideline through compliance with right-of-way standards. To the limited extent the Flanders Street Greenway could be considered local character within the right of way, the Council finds the Project enhances the area by providing a vibrant and active use along the NW Flanders Street frontage, and rejects the argument by appellants that the building must do more to enhance the area and reflect a future greenway area that has yet to be designed along the applicable segment.

The second and third elements of Guideline A5 call for embellishing an area by integrating elements in new development that build on the area's character, and integrating an area's special features into the development. These guideline provisions must be considered in the context of the character of the Pearl District Neighborhood identified above. Within that context a development does not need to include each element of the area's character or incorporate each special feature. Instead, the guideline calls for integrating special features and elements that build on the character. The Council finds that this Project builds on the defined character of the Pearl District Neighborhood area and the area surrounding the Project through two specific elements: the three story cast concrete base that provides a physical reference to the historic warehouse character of the area, including the NW 13th Historic District; and the distinct tripartite composition of the building. The Council finds that Project also incorporates special features of the area through the artistic water features and café that will provide sidewalk seating that as discussed in these findings is established as a special feature of the area. The Council finds that these elements are integrated into the Project and build

on the defined character of the area and therefore embellish the Pearl District Neighborhood in compliance with this guideline. The appellants and others have argued that in order to embellish the area in a manner consistent with this guidelines it is necessary to incorporate other elements from other buildings that contribute to the character of the area, including the use of brick on the exterior of the building, punched windows, and distinct cornice lines at the top of the building, among others. However, as provided above, it is not necessary to integrate every element in the area that contributes to or builds upon the area's character. The guideline requires that new projects integrate elements that build on the area's character, but they do not have to imitate existing buildings. Council finds that this Project, in building design which responds to specific elements of the history of the area, its activation of the pedestrian realm, and incorporation of art features complies with Guideline A5 by integrating elements that build on the area's character, special features and qualities.

Several comments object to the removal of the large existing Silver Maple located along NW 12th Avenue and the appellants attempt to characterize the tree as a "special feature" under guideline A5. First, the record indicates that the applicant looked for opportunities to save the tree, but ultimately concluded it was not possible to preserve the tree and comply with public works standards that would apply to any development on the site. The Urban Forester in the Early Assistance Response acknowledged that preserving the tree may not be possible and identified mitigation standards that will apply. More importantly for purposes of the design review guidelines, the only trees identified as an important or special feature under Guideline A5 are heritage trees. The tree in question is not a designated heritage tree. Neither of the other guidelines referenced, A5-1-1 or B1-1, refer to non-heritage trees as important or special features or otherwise require tree preservation in order to satisfy the guideline. Therefore, the Council rejects the argument that A5 or any other applicable guideline requires preservation of the tree.

Guideline A5-1 calls on buildings to enhance the qualities that make each area distinctive within the River District using the Special Area Design Guidelines. As explained above, in this case the special area is the Pearl District Neighborhood and the more specific area is the 3-block area around the subject site defined above. Therefore, the qualities that make the relevant area distinctive are provided through the text and context Pearl District Neighborhood guideline at A5-1-1 and examples of buildings within those areas included in the record. Guideline A5-1-1 in turn calls on development to reinforce the identity of the Pearl District Neighborhood. As discussed above the examples and the background narrative help to define the identity of the Pearl District Neighborhood. The examples also provide some non-exclusive options for design elements that have been deemed to enhance the qualities that make the area distinctive and reinforce the identity of the Pearl District. The Project complies with this guideline in multiple ways identified in the guideline's examples.

First, consistent with example 1, the design of the building recognizes the urban warehouse character of the Pearl District Neighborhood in the design of the base that includes concrete columns with large, fully glazed storefront systems. The base utilizes large-scale columns and beams to create a robust series of frames following the example of neighborhood buildings. Materials include large scale concrete columns and robust window and canopy detailing. Both are intended to reinforce the urban warehouse character of portions of the Pearl District Neighborhood. Similar uses of large-scale, ground level openings and glazing areas recall warehouse service bays found within the nearby 13th Avenue Historic District. The Applicant also provided comparisons to other newer buildings that also recognize the urban warehouse character of the area through similar treatments of the base both in terms of use of materials and design. Appellants and other commenters argue that the base does not sufficiently recognize the urban warehouse character, again arguing that the use of brick instead of concrete is required, or that just recognizing the urban warehouse at the base is insufficient. However, as discussed above the guideline and examples do not mandate a specific way to satisfy the

guideline. In this case, the Council finds that based upon the information provided in the record, the design of the base of this building both recognizes the urban warehouse character of the Pearl District Neighborhood and builds upon the urban warehouse character recognized in other newer buildings within 3-block area through the design of the base. Appellants also seemingly claim that the base of the building does not count for recognizing the urban warehouse character of the district because the base cannot be seen from the 13th Avenue historic district. First, that is not entirely accurate, as the view of the west façade of the Project provided in the applicant's presentations to Council and the Design Commission is from a perspective near the northeast corner of NW Flanders Street and NW 11th Avenue within the historic district and the base of the building is clearly visible. More importantly, the Council finds no support in the text or context of Guideline A5-1-1 for the notion that a design feature of a building that reinforces the identity of the Pearl District by recognizing the urban warehouse character of the district and the more immediate 3-block area must be visible from the 13th Avenue historic district in order to comply with the guideline, and the appellants point to none. Additionally, as noted above, the historic district is an important feature and historical area within the 3-block area surrounding the site, but only a relatively small portion of that area. The urban warehouse character of the area is found in the rich fabric of historic buildings both within and outside of the historic district, and notably in newer buildings outside of the historic district.

Second, in a manner generally consistent with example 3, the identity of the Pearl District Neighborhood is reinforced through a unified tripartite composition that includes a distinct base, middle and top. The additional step backs at the middle and top and the lowering of the middle by one story as recommended by the Design Commission through the remand proceedings further strengthen and emphasize the monolithic tripartite composition. The appellants claim that the tripartite composition for the Project is too modern and does not comport exactly to example 3 because it does not include distinct cornice lines that acknowledge the historic building fabric. However, as noted above there is no single way to satisfy the guideline and it is not necessary for a building to represent or incorporate each example at all, much less precisely. The applicant has indicated that the termination of the top of the building reflects modern development within the Pearl District Neighborhood and interprets the tripartite composition with a contemporary design approach. As discussed below under example 4, buildings that diversify the architectural language can also reinforce the identity of the area. The Design Commission specifically discussed the cornice issue during a remand hearing and at least one commissioner commented that a cornice line at the top of the building is neither appropriate nor necessary based upon the overall design and massing of the building. The City Council agrees, and finds that contemporary form of the tripartite composition is a feature that reinforces the identity of the Pearl District Neighborhood and the 3-block area, both of which include an urban mix of old and new buildings, even without a heavy cornice line typical of shorter historic buildings. The appellants further argue that the lowering of the middle was arbitrary and the applicants should have provided a more comprehensive survey of tripartite proportions within the area. The applicant did provide several comparisons to buildings within the defined areas that include a tripartite composition for comparison. The City Council finds that additional studies or comparisons were not necessary to conclude that the final building design recommend by the Design Commission includes a successful tripartite composition that both reinforces the identity of the Pearl District Neighborhood in compliance with Guideline A5-1-1 and as discussed in more detail below, reduces the appearance of building height.

Consistent with example 4, the more contemporary design of the middle and top of the building diversifies the architectural language and palette of materials within the area. The metal panel material palette for the building's middle and top joins other recent structures to both express and add to the architectural language of the area. Combined with the concrete, steel, and glass of the project, the building enriches the diverse material palette of the neighborhood. The applicant provided a vicinity and context

materials plan that shows the predominant building materials used within a two-block radius of the building that shows that there is a great diversity of materials within that area. Appellants claimed that the survey was flawed because it depicts a two-block radius rather than the three-block radius identified as the area for purposes of Guideline A5-1 and A5-1-1. While the survey does effectively depict the diversity of materials within a subset of the relevant area as a guide for example 4 of Guideline A5-1-1, the survey was provided primarily in response to a question about the contextual response of the building under Guideline C4, which as discussed below is not subject to the definition of area applied under this guideline.

Finally, consistent with portions of example 5, the Project reflects the “arts” ambiance of the area by providing the prominent artistic water fountains at the corner of the building and by providing active ground level retail in the form of a café that both opens onto and can use the sidewalk to contribute to the attraction of the arts concentration in the area and the vibrancy of art walks in the area.

Based upon these collective design features, the City Council agrees with the recommendation of the Design Commission and finds that the overall Project successfully enhances the qualities that make the defined area distinctive in compliance with Guideline A5-1 and reinforces the identity of the Pearl District Neighborhood in compliance with Guideline A5-1-1. The appellants argue that there are other similar buildings within the Central City but outside of the Pearl District, and therefore this building does not comply with Guidelines A5-1 and A5-1-1. The appellants specifically draw comparisons with the Benson Tower located outside of the Pearl District and include a photo to try to prove the point. While there are some similarities in building design, the Benson Tower lacks a clear tripartite design, which is as discussed above, is one the identified qualities that make the Pearl District distinctive. It also lacks a strongly defined base that recognizes an urban warehouse character. Those are both specific and distinctive qualities that the City Council relies upon to find that this Project complies with Guidelines A5-1 and A5-1-1. Therefore, the Council finds that the comparison fails to support the applicant’s argument.

Finally, without providing any clear connection to the text and context of these guidelines, with the possible exception of the right-of-way reference, the appellants and other commenters seem to argue that the Flanders Street Greenway is a special area and the project needs to further enhance, embellish, or integrate the Greenway into the design and function of the building. For reasons set forth here and elsewhere in these findings, City Council rejects these arguments. The Greenway is not a defined special area under Guideline A5-1. Additionally, a bikeway that crosses through the Pearl District that is yet to be fully designed is not, at this time, part of the identity of or a feature unique to the Pearl District Neighborhood. Additionally, even if the Flanders Street Greenway were part of the Pearl District identity and character, the City Council finds that the strong and functionally flexible entry at the corner and the active ground floor space along the NW Flanders Street frontage, discussed in greater detail below, are design features that adequately enhance and integrate the greenway for compliance with the guidelines addressed above.

Therefore, these guidelines are met.

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

Findings: The Project will establish and maintain a sense of urban enclosure through its massing being developed to the property line, or within 3’-6” feet of the property line, providing a “strong built edge” on both street facing elevations (north and west). The exception to this will be the setbacks of the corner entry which will be 7’-0”.

The integration of canopies along both the north and west elevations; recessed bays with large fully glazed storefront systems and a folding storefront system at the ground floor sidewalk level; as well as balconies on the upper stories, also help to successfully articulate the urban edge while maintaining a strong sense of urban enclosure.

Therefore, this guideline is met.

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

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.

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 A8, B4 and C6:

Consistent with the second and third elements of Guideline A8, the Project provides both visual and physical connections into the building's active interior spaces along significant portions of the ground floor facades through the use of large, ground level windows on the west and north façade and use of operable window walls on the north facade. The Project features a significant amount of glazing on all façades, particularly along the ground floor of the north façade on NW Flanders Street. The glazing provides views into the ground floor hotel lobby, lounge and café, where the interior space extends an additional floor to highlight the main hotel entrance. Glazing on the west elevation along NW 12th Avenue also provides views into the hotel lobby as well as the main residential lobby. A primary active interior space on the ground floor consists of the hotel lobby. The large main hotel entry on the corner provides a physical connection into the lobby interior space through a prominent entry. The entry is setback from the sidewalk to increase space on the site for both hotel guests and the public to stop, socialize and rest consistent with Guideline B4. The entry also includes the two fountain features as viewing interest within the entry setback. During the remand process the entry setback was increased from 5' to 7'. The City Council finds that the increase better meets the Guideline A8 and B4, by both increasing the size of the entry and providing a larger area for hotel guests and others to stop, rest, socialize and view the adjacent water features, a viewing element expressly identified in the Guideline B4 background narrative. The increased setback also provides an effective transition between the public sidewalk and the hotel lobby area consistent with Guideline C6.

Concrete columns at the property lines on the north and west elevations provide a bay structure and rhythm for the ground floor, while also providing recesses (the majority of the ground floor is setback 3'-6"-feet from the property line) for planters, furniture, and the proposed café areas, another active interior space, to spill onto the sidewalk. The proposed folding glass wall systems on the north elevation provide additional transparency and serve as a direct physical connection and transition between the building and sidewalk. These bay areas will contribute to the vibrancy of the street. They are also integrated with the adjacent sidewalk and provide space for potential public use consistent with the first element of Guideline A8. During the remand review, the applicant proposed increasing the bay setbacks along the NW Flanders

Street frontage from the approved 3'-6" to 5'-6". However, the Design Commission did not agree with that change, finding that increased setbacks would lead to recesses that are too deep and that would detract from the vibrancy of the streetscape. The entry of the residential lobby along NW 12th Avenue is also setback. The City Council finds that with the approved setback width the bays along NW Flanders Street continue to provide a place for potential public use, provide a safe and comfortable place where people, including both hotel guests and the public, can stop, view, socialize and rest thereby contributing to the Project's compliance with Guidelines A8, B4, and C6.

The residential entry is also provided in a recessed bay that is 3'-6" in depth. The Council finds the setback of the residential entry contributes to the building's consistency with Guidelines A8, B4, and C6. The recessed entry provides a space for potential use by the public and a protected stopping and resting place out of the pedestrian movement zone of the adjacent public sidewalk. The recessed bay also provides an effective movement zone between the residential lobby and the public sidewalk area where residents can transition from the private space to the public space without immediately entering the pedestrian movement zone of the sidewalk.

Finally, through the revisions approved during remand all of the canopies were extended from 4.5'-5.5' in depth to 6' in depth. The 6' deep canopies extend the influence of the building into the public sidewalk and provide additional protection from the elements for pedestrians. The Council finds that the deeper canopies comply with Guideline B.4 by creating additional protection during inclement weather for comfortable stopping areas under the protection of the canopies, and with Guideline C.6 by creating additional area to transition from the interior of the building to the exterior while still being protected from the weather by the canopies. The City Council finds that collectively, the large, glazed storefront systems, recessed building walls within the concrete column bays, folding glass wall systems, pedestrian level canopies and pedestrian scaled water features at the corner entrance, are all successful features at the ground level that enhance and contribute to a vibrant streetscape. In addition to providing texture to the pedestrian environment, these features also help to accommodate pedestrian connections, viewing, and activation into the building and the pedestrian realm. Lastly, these features provide generous, comfortable, and safe areas that transition from the private development and the adjacent public spaces. For these reasons the City Council finds that the ground floor design complies with Guidelines A8, B4, and C6.

Appellants make various but related arguments citing these guidelines. In citing Guideline A8, appellants argue that the bays provided along the NW Flanders Street and the hotel entry setbacks provide only private space, and further that Guideline A8 requires public space and increased sidewalks. The City Council finds neither argument is supported by the record or the guideline. The first element of Guideline A8 calls for development to "integrate building setbacks with adjacent sidewalks to increase the space for potential public use." The guideline does not require an expansion of the sidewalk itself. Therefore, the Council finds that setback bays with supporting columns that extend to the street is consistent with Guideline A8, in that they successfully integrate building setback areas with the sidewalk even though the entire building is not setback. Additionally, the guideline calls for increasing the space for "potential public use" not for permanent public use. In this case the applicant has indicated that during inclement weather the glass wall systems will be closed and during those times the bays will not be occupied by café table and chairs and will be available to the public as stopping and resting places in compliance with both Guideline A8 and Guideline B4. Similarly, while the main entry setback will be used by hotel guests, the setback for the main entry will also be available for use by the residents of the building and the public seeking to step out of the pedestrian movement area of the sidewalk. Therefore, it is a space available for potential use by the public in compliance with Guideline A8. It is also

space, as noted above, that complies with Guideline B4.

The appellants make various similar arguments citing Guideline B4, claiming that the guideline mandates seating and mandates increased space for public use. Guideline B4, however, does neither. First, Guideline B4 calls for development to include places where people can stop, view, socialize, and rest. The Council finds that in this case “people” includes the public as well as hotel guests and café customers enjoying sitting and eating or drinking at the tables within the bays along Flanders Street. The Council also disagrees that providing seating is necessary to satisfy Guideline B4. While many of the examples do include seating opportunities, example 5 provides that the guideline may be met by incorporating display windows to enhance stopping and/or viewing places. As discussed above, in compliance with this example the Project provides extensive display windows at both the north and west facades that provide direct views into active hotel spaces. Finally, the appellants provided photos of stopping and resting places approved by the Design Commission for other buildings. However, the fact that more expansive seating areas may have been approved for other buildings does not mean that more is required of this Project to comply with Guideline B4 or A8.

In oral testimony, appellants argued that the depth of the bays must be commensurate to the height of the building and requested a specific ratio between building height and bay depth. However, neither Guideline A8 nor Guideline B4 make any mention of the height or the mass of the building and the focus is instead exclusively on the ground floor area and the pedestrian realm. Additionally, as noted above, the applicant proposed setting the bays along the Flanders Street frontage an additional 2’ to 5’-6”. However, the Design Commission maintained that the originally approved ground floor setback of 3’-6” was preferred. The Design Commission was concerned that a greater setback along the north elevation would create individually deep areas within each bay that would not be in keeping with the dominant architectural character of the Pearl District Neighborhood, where building footprints typically extend to the property line. Additionally the Design Commission felt that the originally approved ground floor setback of 3’-6” was a more successful alternative because it allowed a greater physical connection between the activity within the building and the activity of the adjacent sidewalk to contribute to a vibrant streetscape in compliance with Guideline A8. The concern was that a deeper setback, which effectively pushes the building back further from the sidewalk and pedestrian realm, would be too deep and would not be successful during times of the year when the glass walls are closed. The City Council agrees and supports the Design Commission’s recommendation on the depth of the bay areas and finds that recommend bays contribute to the Project’s compliance with Guidelines A8, B4 and C6.

Therefore, these guidelines are met.

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

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

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 for B2, B3 and B6: Prior to applying the first element of Guideline B2 it is necessary to define subjective terms and clearly describe the limited jurisdiction of the

decision maker in a Design Review decision over activities in the right-of-way. The title of the guideline is “Protect the Pedestrian.” However, the title is not the approval criterion. The first element of the guideline does not require a general protection of pedestrians, but instead calls for protecting the “pedestrian environment” from vehicular movement. Therefore, it is necessary to define the “pedestrian environment.” The background narrative first provides that “successful right-of-way design must recognize the implications of mixing pedestrians, bicyclists, and motor vehicles.” The background narrative then describes the two primary areas of the right-of-way stating, “[t]he curb is the edge between the sidewalk and street that acts to separate the pedestrian environment from vehicular areas.” Based upon this description, the City Council finds that for purposes of applying this guideline, the “pedestrian environment” is limited to the sidewalk, while the street is the vehicular area and the curb divides the two.

The background narrative and examples provide additional context for the jurisdictional limits of protecting the pedestrian environment from vehicular movement. The background narrative states that “street furniture elements such as trees, streetlights, benches and bollards within the street furniture zone create physical barriers between pedestrian and vehicular traffic.” These features are all located within the street furniture zone of the sidewalk, which as described in the findings for Guideline B1 above is a 4ft strip on the portion of the sidewalk adjacent to the curb. This narrative is further reflected in example 1 which provides “emphasizing the protected pedestrian area” as an option for meeting the guideline. The background narrative further provides that “on-street parking provides an effective barrier between pedestrian and vehicular traffic” and the corresponding example calls for “taking advantage of on-street parking.” The example, however, does not contemplate that the developer or the design review decision maker must dictate the location of on-street parking or any other activity within the street area, but instead can take advantage of on-street parking if it is present at the curb line to meet the guideline’s call to protect the pedestrian environment within the sidewalk from vehicular movement.

The City Council’s interpretation of the limits of this guideline are consistent with testimony that PBOT provided to the Design Commission and PBOT’s jurisdiction under the PCC. Activities and functions within the right-of-way that are beyond the sidewalk curb are under PBOT’s jurisdiction and must comply with requirements of PCC Titles 16 and 17. PBOT staff noted that in written comments PBOT supported design review approval for this project. PBOT staff further explained that in this case PBOT’s review of the design review application is limited because there are no transportation related approval criteria, there is no on-site parking and there is not a request for an adjustment to the required on-site loading standard. Finally, PBOT staff confirmed that PBOT has jurisdiction over the location of passenger loading zones in the right-of-way and will coordinate with other bureaus on the final design of the Flanders Street Greenway.

As described above and provided in the applicant’s submittals, the street furniture zone for this Project is defined and distinguished by three trees surrounded by a planting area along the NW Flanders Street frontage and by an additional tree and planting area along the NW 12th Avenue. Streetlamps will also be adjacent to the planting areas to further define the furniture zone on both frontages. The City Council finds with the inclusion of those features the Project emphasizes the protected pedestrian area in a manner consistent with example 1, and finds the Project complies with the first element of Guideline B2. The City Council further finds that a curb extension at the corner of NW 12th Ave and NW Flanders Street will also provide a clear distinction between the pedestrian environment at the corner and the vehicle area within the intersection which will accommodate both bicycle and motor vehicle traffic. As detailed in the record, at this time it is unknown whether cars will be parked at the curb along either the SW 12th Avenue or along SW Flanders Street to provide an additional separation between pedestrians and vehicular traffic as described in example 2. However, because the City Council finds that the features located within the furniture zone comply with the

guideline, reliance on parked cars for additional separation is not necessary.

The appellants and other project opponents have offered a far more expansive interpretation of Guideline B2 arguing that the guideline requires the Project to generally protect the pedestrian as opposed to the pedestrian environment. For the reasons set forth above, the City Council finds no support for the interpretation offered by the appellants in either the text or applicable context of Guideline B2. The appellants offered detailed traffic studies and modeling to try to demonstrate that the size of the building and the intensity of the use would cause a dangerous condition for vehicles, pedestrians and cyclists, particularly along the NW 12th Street frontage. The applicant provided responses to the claims of the appellant's traffic engineers arguing that the modeling was not a realistic depiction of the expected interaction between pedestrians, cyclists and vehicles at the 12th Avenue frontage. Even if those issues could be interpreted as relevant to Guideline B2, the Council finds that the applicant's responses are more persuasive than the information provided by appellants and thus the pedestrian environment is protected from vehicular movement. However, for the reasons set forth above, the City Council finds that those issues are outside of the scope of Guideline B2.

Appellants also cited Guideline B2 to object to the location of the code-required on-site loading bay between the bicycle entry and the pedestrian entry for residents proposed in the original design presented to the Design Commission. During the design review process the applicant consolidated the residential entry to a single entry north of the loading bay. Appellants again cited Guideline B2 to object to the applicant's consolidated residential entry next to the loading bay. The intersection between vehicular access points on a site and the pedestrian environment of the sidewalk is not directly addressed by the context of Guideline B2. However, vehicles will cross the pedestrian environment at the entrance to the loading bay. Therefore, to the extent that Guideline B2 relates to the location of the loading access in relation to the residential entry point, the Council finds that building entry layout complies with Guideline B2 for the following reasons. First, the project limits the points at which there could be a conflict between pedestrians on the sidewalk and motor vehicles entering the building by eliminating on-site parking. Therefore, the only point that motor vehicles cross the sidewalk is at the on-site loading bays at the south end of the NW 12th Avenue frontage. Second, the applicant's traffic engineer provided an anticipated delivery schedule that shows the anticipated delivery type, delivery frequency, delivery times of day, the delivery duration, and whether the delivery can be scheduled. All but one of the anticipated delivery types can be scheduled outside of typical peak commuter hours. While the appellants pointed out some inconsistencies in the table, even if the more conservative of the conflicting frequencies were considered, the record demonstrates that the number of vehicles crossing the pedestrian environment daily will be limited and can largely be scheduled, thereby reducing the overall potential for conflicts between vehicles and pedestrians. In addition, required on-site loading spaces for the building were initially proposed to be accessed from NW Flanders, but to reduce potential conflicts with users of the future Flanders Greenway, the on-site loading was moved to the west frontage and accessed from NW 12th Ave. Also, previously the long-term bike entry to the building was located on NW 12th Ave south of the on-site loading access. Also to reduce potential conflicts with pedestrians and cyclists this separate entry was removed with long-term bicycle parking being accessed through the residential entry. Finally, presence of a garage or loading bay next to a residential entry is not unique in the Pearl District and the applicant pointed to several examples, including the Casey located across NW 12th Avenue from the site. For these collective reasons, the City Council finds that the pedestrian environment will be protected despite the location of the loading bays next to the residential entry in compliance with Guideline B2.

To support the argument that the Design Commission has the jurisdiction to evaluate passenger loading location and function as part of this Design Review decision, the appellant references the Pearl Marriott Residence Inn approved by the Design

Commission in 2012. The appellant contends that in that case the Design Commission considered the vehicle circulation demands of valet parking for the hotel. However, a review of the final findings and decision in the referenced Pearl Marriot case reveal that is a false equivalency. The City Council agrees with the applicant that based upon the findings in that case, the Design Commission only exercised jurisdiction over a potential vehicle area when it was proposed to be located on the site. Once the valet loading spaces were moved to the public right-of-way adjacent to the Pearl Marriot, they were not a consideration or factor in the Design Commission's determination that the final design satisfied the applicable design guidelines. That conclusion is consistent with the City Council's conclusion on its jurisdictional limitations for this review.

In compliance with the second element of Guideline B2, the Project includes a lighting program that provides a variety of lighting fixtures and effects on both street facing facades. The ground floor lighting includes both security lighting, as well as architectural lighting.

Mechanical systems are located approximately 20 feet above grade and away from pedestrians and comply with the third element of Guideline B2.

On appeal, the appellants argued that that the loading bay driveway creates an obstacle subject to this guideline. The argument appeared to be primarily based on the erroneous assertion that the loading bay still separates the residential pedestrian and bicycle access points. Council agrees that a driveway can be an obstacle to pedestrian movement, but for most Central City development proposals, including this one, it is an unavoidable obstacle. A loading bay is required by the code, and by necessity, must cross the sidewalk. This proposal addresses and meets the guideline's requirement to "bridge" obstacles both by minimizing conflicts between pedestrians and on-site vehicles and by providing consistent sidewalk design. One of the examples to meet Guideline B3 (example 5) discusses reducing the amount of curb cuts to reduce opportunities for pedestrian/motor conflicts. The proposal does not include on-site vehicular parking so the number of curb cuts is already reduced to the minimum required for the loading bay, consistent with example 5. In addition, the applicant moved the bicycle access to combine it with the residential entry to reduce the number of crossings of the loading bay curbscut. The City Council further finds that the approved development complies with the guideline by providing a consistent sidewalk design and surface across the driveway. Finally, the project includes a curb extension at the corner of NW 12th Avenue and NW Flanders Street to provide traffic calming and protection for pedestrians. The curb extension also shortens the crossing distance which is consistent with the background statement for the guideline. For these reasons, the City Council finds that the Project complies with Guideline B3.

In compliance with Guideline B6, canopies will be provided at the ground floor's north and west elevations providing weather protection along the majority of the building's frontages. In addition, on both the north and west façades, the ground level of the building is recessed beneath the 2nd floor: 3'-6" feet at the residential entrance and storefront systems on the north elevation; and 7 feet at the hotel's corner entrances, providing addition weather protection along the majority of each of these façades.

Ground level canopies extend out 6 feet at the residential entrance on the west elevation, and above all but the east corner bay on the north elevation. Weather protection has also been increased and improved at the north-west corner hotel entrances with a single prominent canopy that wraps the corner on both the north and west elevations. Canopies in these areas will provide shelter in poor weather and shade during the hot summer months while also creating a friendly retail atmosphere for a variety of potential retail tenants. In addition, the corner canopy is located approximately 16 feet above grade (as opposed to the other canopies which are located approximately 11 feet above grade) and extends out 6 feet, providing increased prominence and weather protection at

the corner location. The City Council finds that based upon the combination of extensive canopies and setbacks at the ground level the Project complies with Guideline B6.

Therefore, these guidelines are met.

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

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

Findings for C8 and C9: The sidewalk-level of the Project is differentiated from the middle and top of the building with, as previously mentioned: concrete columns that help to frame and articulate the building edge and storefronts; a 3'-6" foot recessed area for sidewalk seating and landscape planters; large storefront systems with significant glazing; folding glass wall storefront systems in the two central bays on the north elevation; glass and steel canopies above all entrances and north elevation storefront systems; additional transom glazing above all proposed canopies; water/art features (on the north and west elevations). All together, these treatments help to both facilitate a variety of active uses and differentiate the sidewalk level of the building.

The building has been further refined with a clear base, middle and top. The three-story base is now: clearly articulated with concrete panel; proud of the middle and upper stories by 3' and 7' respectively on the two street frontages; has a simplified and organized material palette; and includes concrete columns that strengthen and are an appropriate proportion to the size of the tower while also distinguishing the bays at the base on the north and west elevations.

The sidewalk level of the building has also been refined including: a simplified material palette with a consistent hierarchy (i.e. metal louvers are subservient to concrete panel and ACM panel); two canopy types proposed at consistent heights; the corner canopy being a unified structure that wraps and emphasizes the corner; the north and west elevations having improved continuity regarding bay rhythm and articulation; and the west elevation being simplified and better articulated through material organization, removal of the single proposed water feature for two water features that flank the corner entrance, removal of previous "void" wall, and through the removal of the separate bike accessway that was previously located on the far side of the building's required loading area. As mentioned previously, Design Commission supported the extension of proposed canopies along the north and west elevations out from 4'-6" to 6'-0". Canopy projections for the corner entrance canopy have been increased from 5'-6" to 6'-0". The City Council supports this change and finds that it further differentiates the sidewalk level of the building while servicing the function of providing additional pedestrian protection.

Collectively, the proposed alterations create a more unified, architecturally consistent, and well-defined sidewalk-level of the building for both hotel and residential users.

As mentioned previously, on remand the Design Commission maintained that the originally approved ground floor setback of 3'-6" was sufficient for successfully differentiating the sidewalk level and developing flexible sidewalk-level spaces. The Design Commission was concerned that a greater setback along the north elevation would create individually deep areas within each bay that would not be in keeping with the dominant architectural character of the Pearl District, where building's footprints extend to the property line. The Design Commission further commented that an additional setback at the ground floor would create less unity or continuity for the north elevation because of the depth of the bays: i.e. deeper bays would not allow for a single

unified space along the north elevation, but would feel more like a few individual rooms. Lastly, the Design Commission felt that the originally approved ground floor setback of 3'-6" was a more successful alternative because it allowed the activity within the building to extend to the activity of the adjacent sidewalk which better complies with both Guideline C9 and Guideline A8 addressed above. The concern was that a deeper setback, which effectively pushes the building back further from the sidewalk and pedestrian realm, would be too deep and would not be successful during times of the year when exterior seating is not preferred. The City Council agrees and supports the Design Commission's decision on the appropriate depth and finds that the 3'-6" bays on the northern façade contribute to the Project's compliance with Guideline C9.

Therefore, these guidelines are met.

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

Findings: The Project does not include on-site parking and no residential unit garages are included in the building. Therefore, the City Council finds this guideline is not applicable and the Project need not comply with the guideline for design review approval.

While seemingly acknowledging the guideline does not apply, the appellant nonetheless cites the guideline in a comment and incorrectly suggests that the guideline states that garages are to be located away from pedestrian accessways. Neither the guideline, nor the background narrative, nor the examples provide that all garages must be located away from pedestrian accessways. Instead, an example for meeting the guideline is locating residential unit garages access on alleys, and the background narrative provides further context by stating that multiple accesses exacerbate pedestrian/vehicle conflict. The Project includes neither residential unit garages nor multiple accesses. It only includes a single vehicle access area, the on-site loading bay. The proposed loading area is screened by an aluminum and opaque glass overhead door to lessen the impact on pedestrians. The appellant's traffic engineer also argues that the Project does not comply with this guideline referring to example 2 of the guideline which provides that one way to meet the guideline is to locate garage access on less trafficked streets, and stating the NW Flanders is the less trafficked street based upon daily vehicle trips. As indicated in the Transportation System Plan, both streets adjacent to the Project are designated as local service streets. However, NW Flanders is designated a Major City Bikeway, and Title 33 does not allow parking or loading access from Major City Bikeways. Therefore, the on-site loading bay access must be located on NW 12th Avenue to comply with development standards. Additionally, once the Flanders Street Greenway is established the testimony indicates that it will likely have heavy bicycle traffic and may be the more trafficked street taking into consideration all modes.

For these reasons, the City Council finds that Guideline C9-1 does not apply to this Project. However, to the limited extent the guideline could be extended to the loading bay, the location of the single loading bay on NW 12th Avenue complies with the guideline.

Therefore, this guideline is met.

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

B1-1. Provide Human Scale to Buildings along Walkways. Provide human scale and interest to buildings along sidewalks and walkways.

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.

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

Findings for B1, B1-1, B5 and C7: The Project maintains the established pedestrian system within the right-of-way that is consistent within the Pearl District Neighborhood. As explained in the introduction to the River District Design Guidelines, while the design guidelines make reference to and describe the desired character of the various streets in the River District in a way that supports private development, specific design treatment and use of the public right-of-way is found in the River District Right-of-Way Standards. Those standards, for example, dictate the typical roadway and sidewalk widths within the River District.

As required by Guideline B1, the Project maintains a convenient access route for pedestrian travel along the existing sidewalk areas. The Project further develops, defines, and enhances the different zones of the sidewalk in a manner consistent with the guideline and the applicable standards. The sidewalk “zones” established by the River District Right-of-Way Standards require a 12-ft. sidewalk with a 1.5-ft building frontage zone, 4-ft. street furniture zone 6-ft. pedestrian movement zone and 6-in curb. In response to comments from Project opponents that the sidewalks are undersized or of insufficient width PBOT clarified that 12 ft. sidewalks are consistent throughout the Pearl District. As provided in the applicant’s submittals, the street furniture zone is defined and distinguished by three trees surrounded by a planting area along the NW Flanders Street frontage and by an additional tree and planting area along the NW 12th Avenue. Streetlamps will also be adjacent to the planting areas to further define the furniture zone on both frontages. Depending on the final design of the Flanders Street Greenway and the on-street vehicle parking and passenger loading areas, this defined area could accommodate additional street furniture.

Additionally, the building design includes a 3.5-ft. setback along portions of both the north and west elevations. These setback areas will provide a significant benefit to pedestrian travel along the sidewalk. The setback areas, including the recessed bay for the residential entrance along the NW 12th Avenue frontage, effectively increase the building frontage zone to 5 feet in those areas. The City Council finds that the setbacks are of sufficient size and width to maintain a convenient access route along the sidewalk for pedestrian travel within the pedestrian movement zone and help define the different zones of sidewalk. Pedestrians, residents and hotel guests will have space within those bays to move out of the movement zone of the sidewalk while waiting for a vehicle, opening a stroller, or putting on a bicycle helmet.

The proposed articulation of the building at the ground level includes the integration of large windows providing views into the hotel lobby and café, canopies along the majority of both street facing elevations, and lighting within the frontage zone. Additionally, the use of the moveable glass walls within the bays setback from the sidewalk along the NW Flanders Street frontage will allow tables and chairs to create a connection between the hotel retail space and the sidewalk without encroaching on the pedestrian movement zone. The City Council finds that in compliance with Guideline B1-1 these features contribute the human scale and interest of the building at the sidewalk level, while continuing to maintain defined sidewalk zones.

The ground floors of the building are hotel use rather than residential use. As such, ground floor stoops and balconies are neither appropriate nor proposed.

Appellants and others who commented claim that the sidewalks are not wide enough and the bays setback along both frontages are insufficient to accommodate the heavy pedestrian traffic that will be created by this Project. After considering the record, the City Council disagrees and finds that the proposed pedestrian system complies with the text and context of Guidelines B1 and B1-1. The City Council further notes that the applicant proposed increasing the depth of the bays on the NW Flanders Street frontage, but the Design Commission declined to support that change for the reasons set forth above. The appellants also claim that the pedestrian zones are not sufficiently defined along the NW 12th Avenue and therefore fails to comply with Guideline B1. Once again, the City Council disagrees. While it is the case that the area for defining the pedestrian zones along the NW 12th Avenue frontage is shortened by the presence of the driveway to the required on-site loading bay, the City Council finds that the building articulation to create the setback bay for the residential building entrance and the hotel entrance at the corner effectively define and expand the building frontage zone and the combination of the tree, planting area and light post within the furniture zone effectively defines that area in compliance with the guideline.

The Flanders Street Greenway is not a public park, plaza, or traditional open space. Therefore, the Council finds that Guideline B5 is not applicable. Nonetheless, both the Design Commission and the City Council recognize that the planned Flanders Street Greenway is intended to encompass many of the characteristics of a dynamic open space. Therefore, if the street could be considered an open space subject to the Guidelines, the Council finds that the building design complies with the guideline by orienting the hotel lobby and café and large, expansive windows systems to face what will become the Flanders Street Greenway. Additionally, the main entry of the hotel is oriented on the corner of NW Flanders Street which provides flexibility to accommodate the final design of the greenway. Both the nature of the high-density, mixed use development and the design elements of the building along NW Flanders Street will contribute to the success of the greenway.

In compliance with Guideline C7, the corner of NW 12th Avenue and NW Flanders Street is activated and strengthened through the previously mentioned large storefront glazing and canopies. Hotel signage on the canopies along with hotel entrances at the corner on both the north and west elevations, further activates the corner of the quarter block development. In addition, proposed glazing at the corner in the upper floors, from the 2nd floor to the 23rd, provides visual strength and articulation to the building's design.

Additional glazing has been added at the corner of the quarter-block building extending from the base to the top of the tower to provide increased emphasis and prominence. The fully glazed corner is further accentuated at the base with a single metal canopy that wraps from the north to the west elevation of the building to better distinguish the hotel's main entrance. Compliant with the guideline, the corner entry leads to the café and retail areas of the building. In addition, the corner canopy is 15-feet above grade, which is approximately 5-feet higher than the remaining canopies on the building, providing a clear wayfinding and hierarchy to the building's retail entrances. Lastly, the corner is flanked on the north and west elevations with the proposed twin water features inset in the adjacent concrete columns to provide further emphasis to the building's corner and corner entrances. The City Council finds that the corner design complies with Guideline C7.

In addition, consistent with Guideline C7, the main entry to the upper floor residential units as well as a main stairwell for the building, are both located at the middle of the

quarter-block site on the west elevation.

Therefore, these guidelines are met.

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

Findings: The proposed entrances to the hotel, residences main entry, and café's are located at grade and are ADA compliant. There are no ramps or stairs to traverse in order to gain entry into these spaces of the building. In addition, all ground level building entrances are designed to correlate to adjoining sidewalk grades in order to maintain graceful and functional entrances, minimizing the impact of grade changes. All applicable City, State and Federal design standards relating to accessibility and barrier-free circulation will be met both inside and outside the building. All residential units will comply with guidelines set by the fair housing act policy.

Appellants argued during the remand proceedings that the building will not be welcoming to individuals with mobility limitations. The argument seemed to be connected to arguments related to the intensity of the uses and general activity at street level rather than design. However, the background statement provides that today barrier free design is addressed with specific building code regulations and the examples relate to reuse and renovation projects on existing, older buildings. As discussed above, and in compliance with the guideline access systems have been integrated for all with this buildings design and the entries are at grade and ADA compliant. The City Council finds that the Project design complies this guideline.

Therefore, this guideline is met.

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

C1-1. Increase River View Opportunities. Increase river view opportunities to emphasize the River District ambiance.

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 for C1, C1-1 and C11:

Windows are provided on all four elevations, however, most prominently on the street facing north and west elevations. The building's setback on the south elevation allows for significant glazing from the second floor to the top of the tower. The east elevation proposes the maximum glazing allowed by building code: 15%. Importantly, large areas of glazing are provided at the ground floor to provide both views into the building and views out to life on the street. The proposed shared amenity areas on the 22nd level are fully glazed allowing views to the south, west and east, to the Willamette River. In addition, an outside roof terrace is proposed on the 22nd floor, adjacent to (and south of) the shared lounge/event space. All proposed shared amenity spaces take advantage of the roof to provide semi-public open space in an otherwise dense urban environment and also provide opportunities for views to the river and beyond.

Council interprets the view protection afforded by Guideline C1 to extend only to significant views and view corridors identified in the City's Scenic Resources Plan and existing public views from rights of way or public spaces. The guideline does not protect

private views. As stated in the C1 background narrative, existing public views are preserved through building height limitations and other mechanisms adopted as part of the city Scenic Resources Plan. The project site is not within the Scenic Resource Zone, there are no public views or corridors designated within or through the site, and the proposal meets code-established building height limitations. While the appellants and others in opposition to the Project have objected to the overall height of the building, none of the testimony has identified a specific public view that will be impacted or blocked by the Project. As a result, the portion of C1 relating to protecting existing views and corridors does not apply. For these reasons the City Council finds the project complies with Guidelines C1 and C1-1.

The roofs, on both the 2nd floor and the tower, house mechanical equipment and eco-roofs. The eco-roofs provide for on-site management of stormwater and also create a more-pleasant view for residents in the vicinity who may be looking down on, or directly out onto, the proposed building's roofs. The large mechanical systems on the tower are fully enclosed behind a folded metal screen. A similar condition exists at the lower roof at the 2nd floor where the mechanical systems are surrounded by an eco-roof (to the north) that includes ornamental grasses performing as a stormwater facility and a separate green roof (to the south) planted out with low sedums. Like the large mechanical system screening on the roof the 2nd floor mechanical equipment will also be screened on all sides with the same folded metal panel that is being proposed for the 22nd level the mechanical equipment screening.

The City Council finds that the roof is a well-integrated component of the building, housing usable space, an eco-roof, and integrated architectural elements to screen mechanical systems from users on the roof and views from beyond the site in compliance with Guideline C11.

Therefore, these guidelines are met.

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 for C2 and C5: The base of the Project utilizes concrete panel, drawing heavily from other established buildings in the Pearl District and nearby 13th Avenue Historic District. The tower itself is simply constructed of 4-foot wide Aluminum Composite Material (ACM) metal panel and window wall systems. Proposed metal panels run the vertical length of the structure on each elevation providing a clear exterior treatment with logical breaks in the material dimension, to 2-feet wide, where it is overlapped by proposed balconies at the upper levels. Larger expanses of metal panel, most noticeably on the east and south elevations, maintain the established panel dimensions providing additional continuity with the buildings massing. Proposed concrete balconies, with metal fascia and glass guardrails, provide additional texture to the façade of the upper levels of the tower while breaking up the previously mentioned vertical metal panel bars. The record indicates that the Design Commission carefully evaluated the proposed building materials and the applicant responded with changes when requested by the Design Commission. In response to Commission comments and concerns regarding the durability of the GFRC panel at the ground level, the applicant has placed the aluminum furring frames at 16" on-center (OC) maximum. This is a change from the previously shown 24" OC spacing. Reducing the spacing to 16" OC will provide more resistance to potential deflection from potential impact. The City Council agrees with the Design Commissions conclusion and finds that these materials promote quality and permanence in compliance with Guideline C2.

Overall, the City Council finds the building presents a coherent composition: a design with running vertical metal panel bars aligned with window wall systems and balconies located at both the hotel and the residential levels.

The revised design is simplified and articulated with a clear base, middle and top that is stronger and more recognizable than previous designs. The 3-story base is well proportioned to the mass and height of the building while continuing to draw from the established material palette of the district. The Glass Fiber Reinforced Concrete (GFRC) panel base includes a simple gridded hierarchy that clearly and cleanly transitions to the upper level ACM panel palette cladding and glazing systems. The base is given additional prominence and heft in being proud of the upper levels (by 3 feet from the middle, and 7 feet from the top) on the north, east and west elevations, and by approximately 7 feet on the south elevation (for the southwest portion of the building).

The middle and top of the tower have also been simplified and organized to include vertical ACM panel and window systems that are consistent and more uniform from one elevation to another. Features that provide subtle texture to the building, such as the concrete and glass balconies and façade shifts in the depth of the ACM panel, are also consistent across the building, giving the building greater overall coherency and continuity.

The top of the tower has also been reorganized and articulated in the following ways: the top façade is set back from the middle facades by 4 feet; top vertical metal panels are approximately half as wide as the 4-foot wide metal panels on the middle of the building; and spandrel panels at the top of the tower are glass (“to be differentiated from the vision glass by a slight variation of color”).

Therefore, these guidelines are met.

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

The guideline includes subjective terms that must be interpreted before they can be applied. “Complement” does not require replication of existing buildings. The City Council defines “complement” based upon the context provided in the background narrative for Guideline C4 which provides “the design of a new building need not mimic or imitate the context of existing buildings to be complementary.” This interpretation is supported by the text of Guideline C4, which calls for “adding to the local design vocabulary.” A design cannot both replicate and add to design vocabulary. Accordingly, “complement” is a subjective analysis that is accomplished when there is compatibility, harmony or a lack of conflict with the design vocabulary. The background narrative also provides that “designers or developers who propose significantly different building styles and/or materials must be able to prove that the new design builds on and compliments the existing design vocabulary, without dominating or retreating from it.”

The City Council further concludes that “local design vocabulary” as used in the guideline and “context” as used in the title are related concepts. The C4 background describes, and the Council adopts as its interpretation, design vocabulary as “a common expression of design themes and/or details that distinguish the local architecture from that found in other parts.” Pursuant to the background, the design vocabulary provides developers and designers “a set of design characteristics to build upon.” In other words, consistent with the interpretation above, design of a new building is not limited to the existing design characteristics of the existing buildings. The background narrative states that the design characteristics include “building proportion, scale, rhythm, and construction materials, as well as smaller-scale elements, such as windows and/or door styles, color and roof shape(s).” The City Council finds that use of “includes” indicates it

is a nonexclusive list. Neither the text nor context of “local design vocabulary” or “context” suggest that the use of a building is relevant to the compliance with guideline. The City Council finds no meaningful difference between “local design vocabulary” and “context,” because both describe what is considered when evaluating whether buildings have a common expression of design themes or details. The Council further finds that “character,” as defined and applied in Guideline A5, A5-1 and A5-1-1 addressed above, is a closely related, but not interchangeable, term or concept with “context” and “local design vocabulary” as applied in Guideline C4. While there are some overlapping elements between the terms, such as materials, as compared to context/local design vocabulary, character relates to the past, present and future of a defined area, rather than merely the current built environment. Context, not character, is relevant when interpreting and applying Guideline C4. Additionally, unlike the A5 and A5-1 guidelines the area to be evaluated when considering context and local design vocabulary is not as clearly defined. In this case the City Council finds that the appropriate radius for context and local design vocabulary is generally a two to three block radius given the height of the building, the proximity to the 13th Avenue Historic District, and its location within the Pearl District Neighborhood. However, the Council finds that it is not necessary for a development to complement every building within that area.

The design of this Project complements the identified surrounding buildings through design elements and materials in compliance with this guideline. The design both uses and adds to the local design vocabulary, and builds upon the design characteristics of other identified buildings. The specific design responses to the design vocabulary of the surrounding blocks include the base materials and scale; expansive glazing at the ground floor; canopies over the sidewalk; carving of the middle and top; and a clean and elegant termination at the top.

As provided in detail above, the building design includes a clear base, middle, and top for a tripartite composition. As provided in the contextual comparisons provided by the applicant and other evidence in the record, the City Council finds that the tripartite composition is a design characteristic that is part of the local design vocabulary, and the use of that exterior style for this Project contributes to its compliance with Guideline C4.

The base is 3 stories and 50 ft. tall and constructed of concrete columns (GFRC). The base is intended to capture the bold scale and texture of existing buildings within the surrounding blocks as a primary response to the existing context. The Mackenzie Lofts directly north of the site uses cast concrete as the primary material for the ground floor. The newer Louisa Apartments two blocks away uses a similar system of robust concrete columns to define a ground floor of large windows opening to interesting active spaces. The Design Commission requested a warmer color palette for the building’s ACM panel during the Design Review process. The preferred color choice, a warm tone grey and light tan, responds best to the surrounding context of adjacent buildings and the surrounding blocks.

The base of the project is set at a height that reflects the datum and context of the neighborhood bases. The Louisa, the Gregory, Brewery Blocks and the Elizabeth are towers that sit on a base of roughly 40 to 60 ft. tall. The base of this building is at roughly 50 ft. tall, which falls at the midpoint and is appropriate for the scale of the building.

Along with concrete columns, the base of the building includes robust canopy detailing and the large and tall window openings as a direct reflection of the context of existing buildings.

The building massing is carved through the middle and reflects the massing of nearby buildings including the Casey, the Henry, and the Heartline Apartments. Proportions of panels, panel sizes, and spandrels in general are responsive to the neighboring context, such as the Casey Tower across the street. The tower top terminates its regular rhythm

at the highest level with an elegant solution drawn from another building in the surrounding blocks of the Pearl District Neighborhood, the Diane Apartments. For purposes of the contextual design of the top the applicant also references other buildings in the area of similar scales, including the Vista Condominiums, the Standard Insurance Center, and the Wells Fargo Center. The Council finds that the reference to comparably scaled buildings outside of the surrounding block radius is contextually appropriate for this building. However, even if the radius were limited as defined above, the Diane Apartments still provides appropriate context for the top of this building. The City Council finds that the design solution for the tower middle and top adds to the local design vocabulary but in doing so builds upon the design characteristics of the identified buildings. Therefore, the different building styles and materials at the middle and top of the building neither dominates nor retreats from the design vocabulary of the surrounding blocks.

Comments from the appellants and others who object to the Project related to context and local design vocabulary focus extensively on building height and massing arguing that the building cannot complement the context of existing buildings because of its height. The building is approximately 7 stories taller than other existing buildings within the several block radius, but the is height permitted under existing development standards so long as the approval criteria are met. To the extent appellants argue for a reduction in height, Council finds that the height is allowed by code and, at the allowed height, the proposal meets the relevant guidelines. As described above, the applicant has addressed massing and the appearance of height through identified design characteristics reflected in the context of existing buildings in the surrounding blocks, including, but not limited to, the tripartite composition, the design and proportion of the base, middle and top, the selection of materials and window design at the base. The applicant further reduced the appearance of height and massing through additional setbacks at the middle and top through the remand process, and the reduction in height of the middle. The selection of different materials for the middle and top further reduces the apparent height. The Council finds that when considering the development characteristics of this building as a whole, the Project complements the context of existing buildings by using and adding to the local design vocabulary despite the height difference between this building and others located in the surrounding blocks.

Appellants also generally argue that in order to comply with Guideline C4, the building must include more extensive setbacks on the north and west facades because of the location and proximity of the 13th Avenue Historic District and the setbacks included in other identified buildings. First, the middle and top of the building are set back at a proportion and scale that reflects the design vocabulary of other surrounding buildings. To the extent that other buildings provide more robust setbacks, this building is not required to mimic or imitate those setbacks to be complementary. Additionally, this building is located further from the historic District boundaries than all but one of the other buildings identified by the appellant. Specifically, four of the five buildings identified by the appellant as having greater setbacks are directly adjacent to the historic district boundary. The only building identified by the applicant not directly adjacent to historic district is the Dianne at NW Hoyt Street and NW 12th Avenue. However, the only setback is at the ground floor. Additionally, as discussed above, the Project looks to the top of the Dianne for context related to termination at the top of the building. The appellants have pointed out the Dianne is shorter and uses brick as its primary material. In contrast, it does not have a distinct tripartite composition or setbacks at the middle and top. The City Council finds that for the reasons set forth above no additional changes to the setbacks of the building are needed to satisfy Guideline C4 or any other applicable guideline.

Therefore, with the condition of approval that the ACM panel color palette be as is shown in Exhibit H-315: "Preferred Color Choices" (Pewter - #989da0 and Apparition - #cdc9bf), this guidelines is met.

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.

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

Findings for C10 and C13: Encroachments include the above grade balconies on the north and west elevations, as well as the canopies at the base of the building. The simple concrete and glass balconies are intended to add visual texture and activity to the building's upper floors without creating an architectural element that dominates or distracts from the building's overall design. Canopies are integrated into the base of the building providing pedestrian weather protection and a clear hierarchy to the building's two street facing facades.

Canopies on the west elevation are proposed to extend approximately 6 feet into the right-of-way and vary in height from approximately 11 feet above the sidewalk (at the residential and bike access door entries), to approximately 15 feet above the sidewalk (at the corner hotel entrance). Canopies on the north elevation are proposed to extend approximately 6 feet into the right-of-way and vary in height from approximately 10 feet above the sidewalk (within the three eastern bays), to approximately 15 feet above the sidewalk (at the corner hotel entrance). The City Council finds that the building design successfully incorporates encroachments in compliance with Guideline C10.

Proposed signs are currently limited to the corner entrance canopy that services the hotel. The two proposed signs are less than 32 square feet (and so are exempt from design review) and are specific to the hotel use. Additional signage ultimately proposed must be under 32 square feet in area or will require a separate review. The City Council finds that signs included in this Design Review have been integrated into the building's overall design concept and will not dominate the skyline in compliance with Guideline C13.

Therefore, these guidelines are met.

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

Findings: Exterior lighting is proposed in specific locations on the building, predominately at the base, to highlight key architectural features and locations without being excessive or creating unnecessary impacts to the night sky. Lighting at the base includes "linear fixture lighting" at the steel-frame and glass residential canopy (west elevation) and the three steel-frame and glass canopies on the north elevation. Lighting appears to be modest: located tight to the building, diffusing out through the glass canopies. Lighting at the corner entrance is slightly more pronounced, including a field of LED lights "permeating a holed metal ceiling" throughout the entire corner canopy. Additional lighting is proposed at the pedestrian realm within the two water features. Lighting is located at the top of the water features with an LED fixture specifically proposed to illuminate only the water feature and not adjacent architecture. Lastly, LED strip lighting is proposed at the rooftop terrace (access doors and railing). No exterior lighting is proposed at the top of the tower other than on the handrail surrounding three sides of the terrace. This lighting is proposed with small ribbons of LED lighting that will be integrated into the handrail cap on the terrace side of the glass rail system. This

lighting system is baffled to cast a soft glow along only the inside perimeter of the terrace. The City Council finds that the lighting included in the approved plans complies with Guideline C12.

Therefore, this guideline is met.

In conclusion, because the applicable guidelines are met, Council finds that the proposal meets the approval criterion in PCC 33.825.055.

Issues Not Relevant to the Approval Criterion

Appellants and others objecting the Project raised several issues that the City Council determines are not relevant to the applicable approval criterion, compliance with the applicable design guidelines, or Appeal. Non-exclusive examples of irrelevant issues include the impact of the Covid-19 pandemic on development rights, the lack of on-site parking for the Project, transportation impacts, green building certification, and the Statewide Planning Goals. As discussed below, no party identified how these issues are relevant to the approval criterion, and the City Council finds that they are not. If additional issues raised during the proceedings are not addressed in these findings, the City Council finds that those issues are not relevant to the approval criterion or to the Appeal.

Covid-19 Pandemic

Several public comments raised concerns that the density of the Project would be detrimental to public health as a result of the Covid-19 pandemic that became a global concern following the Design Commission's initial approval of this project. While the City Council is well aware of the severity of the pandemic and encourages personal safety practices to avoid or minimize the spread of the virus, it finds that it is not a relevant consideration in this design review decision. This Project must be reviewed for compliance with the applicable Design Review guidelines in effect at the time the application was submitted. The applicable design guidelines do not directly address public health issues, and give the timing of their adoption, do not specifically address the Covid-19 pandemic. While the pandemic may shape future urban planning decisions, the City Council finds it is not relevant to this decision.

On-site Vehicle Parking

The Project is located within the Central City Plan District and is subject to the parking development standards of 33.510.261. Pursuant to the applicable development standards, there is not a minimum parking requirement for the proposed uses. Because the code does not require on-site parking, the City Council finds that the fact the Project does not include such parking is not relevant to this review. To the limited extent the lack of on-site parking was raised in an argument directly related to an applicable design guideline, it is addressed in the guideline specific findings above.

Oregon Smart Growth Letters

Oregon Smart Growth submitted a letter into the record of the Council City Council's hearing on remand generally supporting the Project. One of the project opponents objected to the letter because Samuel Rodriguez, a Design Commissioner, is identified as the President of Oregon Smart Growth. Commissioner Rodriguez did not sign the letter and there is no indication that he personally endorsed the letter. Nonetheless, the City Council confirms that the Oregon Smart Growth letter did not in any way impact their final decision reflected in these findings.

Transportation Impacts

Once again, City Council finds that there is a single approval criterion for this design review, compliance with the applicable Central City Fundamental Design Guidelines and applicable

River District Design Guidelines addressed above. The applicable design guidelines do not include any requirement to analyze traffic impacts that may result from the Project's uses, height, FAR, massing or any other aspect of the Project's design and form that is considered during design review. A traffic study is not required to analyze potential traffic impacts. When adopting the Central City 2035 amendments that allowed increased bonus height on the site and on other surrounding areas of the Pearl District and that changed the FAR transfer provisions, the City conducted an analysis necessary to meet the requirements of the Transportation Planning Rule. As discussed below both the 2035 Comprehensive Plan and the Central City 2035 Plan and associated amendments to the development standards within the Central City Plan District are now acknowledged.

Statewide Planning Goals

The Design Commission's initial January 16, 2020 decision included findings of compliance with the Statewide Planning Goals because at the time neither the Portland 2035 Comprehensive Plan nor the Central City 2035 Plan were acknowledged. The City adopted ordinances amending the Comprehensive Plan and the Central City Plan District section of the Portland City Code through a package of amendments known as the Central City 2035 Plan. The Central City 2035 Plan and related code amendments took effect on July 9, 2018. Two parties filed an appeal to the Land Use Board of Appeals (LUBA) that challenged the Central City 2035 Plan ordinances. On August 6, 2019, LUBA issued a decision remanding the Central City 2035 Plan ordinances to the City; that decision was subsequently appealed to the Oregon Court of Appeals prior to the Design Commission's initial decision. The 2035 Comprehensive Plan was also subject to appeal and unacknowledged at the time. Therefore, when the initial decision was issued, neither the 2035 Comprehensive Plan nor the Central City 2035 Plan were acknowledged, and thus findings of direct compliance with Statewide Planning Goals were included in the decision. However, the 2035 Comprehensive Plan was acknowledged following final resolution of the Oregon Supreme Court Appeal on September 17, 2020, with a final judgment entered October 19, 2020. While the Central City 2035 Plan was ultimately remanded to the City, the City Council readopted the Central City 2035 Plan through an ordinance that took effect on August 10, 2020 with no substantive changes to the development standards that apply with the Central City Plan District. That decision on remand was not appealed. Therefore, at the time of this final City Council decision both the 2035 Comprehensive Plan and the Central City 2035 Plan and the land use regulations amended through those plans are effective, final and acknowledged. As a result, it is no longer necessary for the decision to include findings of compliance with the Statewide Planning Goals.

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 requirements of Title 11 can be met, and 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.

Regarding FAR:

The base FAR allowed for the site in the Central City Plan District is 6:1 (see Portland Zoning Code 33.510 – Map 510-2). Bonuses to the base FAR are allowed provided the first 3:1 of any increase must be earned through:

1. The inclusionary housing bonus option described in Subparagraph C.2.a;
2. The Affordable Housing Fund bonus option described in Subparagraph C.2.b.;
3. The historic resources transfer provisions described in Paragraph D.1. or
4. The riverfront open space bonus option described in Subparagraph C.2.c.

In addition, there is no limit to the amount of floor area that can be transferred to a site.

At the time of permit the applicant will need to receive approval for bonus FAR and/or transfer covenants prior to the issuance of any permit.

*Buildings using bonus floor area must not exceed the maximum height limits shown on Map 510-3 unless eligible for bonus height.

Regarding Height:

The base height for the site is 100 feet, although the site is eligible for height bonuses of up to 250' (See Portland Zoning Code 33.510 – Map 510-3 and Map 510-4). Bonus height may be earned through FAR bonus or transfer per Portland Zoning Code 33.510.210.D.3.

Regarding Parking:

Per Portland Zoning Code 33.510 – there is no minimum parking required for development in the Central City Plan District.

Regarding Bicycle Parking:

The Project is providing long-term parking within the building that complies with the Bicycle Parking Development Standards at Portland Zoning Code 33.266.210. As discussed above, the applicant has also demonstrated that the Bicycle Fund Option at 33.266.210.E.1.b may be used for this Project in lieu of providing on-site, short-term bicycle parking.

CITY COUNCIL DECISION

The proposed building will provide 160 hotel rooms and 111 residential units within a 250' high, quarter-block building that is 197,118 square feet in area. The site is in a close-in area of the Central City Plan District that is well served by transit. 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. With the added conditions and revisions to the upper floor setbacks, the cornice and the ground level canopies, the proposal meets the applicable design guidelines, and therefore warrants approval.

The City Council denies the appeal of the Design Review decision and approves a Design Review for a new 23-story mixed use building consisting of hotel/hospitality and residential uses in the Pearl District Sub-District of the Central City Plan District. Included are café/lounge and lobby space at the ground level, 160 hotel rooms on levels 2-11, 111 one-bedroom and studio units on levels 12- 23, shared amenity and event/lounge spaces are located on the mezzanine and the 22nd floor. Two loading spaces are located off of NW 12th Avenue. Exterior materials include concrete panel at the base and metal panel at the middle and top of the tower.

Approval per Exhibits H-279 - H-341, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 19-145295 DZ". 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 ACM panel color palette be as is shown in Exhibit H-315: "Preferred Color Choices" (Pewter - #989da0 and Apparition - #cdc9bf).

D. NO FIELD CHANGES ALLOWED.

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APPEAL INFORMATION**Appeals to the Land Use Board of Appeals (LUBA)**

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

EXHIBITS

A. Applicant's Submittals

1. Initial Submittal – Narrative, drawings, cutsheets: April 04, 2019
2. Request for an Evidentiary Hearing Waiver – signed: April 26, 2019
3. Request for Completeness and responses: May 07, 2019
4. Land Use schedule: May 05, 2019
5. Revised massing scheme: June 03, 2019 – superseded
6. Revised massing scheme: June 04, 2019 – superseded
7. Revised massing scheme: June 13, 2019 – superseded
8. Revised Art-Water feature schemes: June 18, 2019 – superseded
9. Revised drawing set: June 27, 2019
10. Preliminary Stormwater Report: June 27, 2019
11. Revised Preliminary Stormwater Report: July 08, 2019
12. Massing Schemes: August 13, 2019
13. Massing Schemes: August 27, 2019
14. Massing Schemes: September 12, 2019
15. Base Schemes: September 18, 2019
16. Base Schemes: September 26, 2019
17. Cartoon Set: October 07, 2019
18. Base Schemes: October 09, 2019
19. Revised Submittal: October 22, 2019
20. Radler White Parks & Associates: October 22, 2019
21. Kittelson & Associates: October 29, 2019

B. Zoning Map (attached)

C. Plan & Drawings

1. COVER SHEET
2. TABLE OF CONTENTS
3. ARCHITECTURAL SITE PLAN
4. FLOOR PLANS - LEVEL B1 + BIKE PARKING
5. FLOOR PLANS - LEVEL 01 + LEVEL 1.5
6. FLOOR PLANS - LEVEL 02-03 + LEVEL 04-11
7. FLOOR PLANS - LEVELS 12-19 + LEVELS 20-21
8. FLOOR PLANS - LEVEL 22 + LEVEL 23
9. FLOOR PLANS - LEVEL ROOF
10. ELEVATIONS - NORTH
11. ELEVATIONS - WEST
12. ELEVATIONS - SOUTH
13. ELEVATIONS - EAST
14. BUILDING SECTIONS
15. SIGHTLINES DIAGRAM - NORTH
16. SIGHTLINES DIAGRAM - WEST
17. ENLARGED ELEVATIONS/SECTIONS - STOREFRONT

18. DETAILS - STOREFRONT + CANOPY
19. ENLARGED ELEVATIONS/SECTIONS - HOTEL ENTRY
20. DETAILS - HOTEL ENTRY +SIGNAGE
21. ENLARGED ELEV / SECTIONS - RESIDENTIAL ENTRY
22. ENLARGED ELEV / SECTIONS - LOADING
23. ENLARGED AXON / DETAILS - ART + WATER FEATURE
24. ENLARGED AXONS / DETAILS - FACADE
25. ENLARGED AXONS / DETAILS - FACADE CORNER
26. ENLARGED AXONS / DETAILS - FACADE AT ECO ROOF
27. ENLARGED AXONS / DETAILS -FACADE
28. ENLARGED AXONS / DETAILS - BALCONY
29. ENLARGED AXONS / DETAILS - BALCONY
30. ENLARGED AXONS / DETAILS - TOP OF TOWER
31. ENLARGED AXONS / DETAILS - TOP OF TOWER
32. ENLARGED ELEVATIONS / SECTIONS - AMENITY DECK
33. DETAILS - AMENITY DECK
34. ENLARGED ELEVATIONS / SECTIONS - ROOF PENTHOUSE
35. MATERIALS / COLORS - LEVEL 01 - NORTH
36. MATERIALS / COLORS - LEVEL 01 - WEST
37. ACM PANEL COLORS
38. MATERIALS / COLORS - MIDDLE AND TOP/CORNER
39. MATERIALS / COLORS - FACADE - NORTH
40. MATERIALS / COLORS - FACADE - WEST
41. MATERIALS / COLORS - TYPICAL
42. MATERIALS / COLORS - FACADE - AMENITY DECK
43. MATERIALS / COLORS - FACADE - ART + WATER FEATURE
44. MATERIALS / COLORS - LEVEL 02 MECH. SCREEN AND ROOF PENTHOUSE
45. LANDSCAPE / TREE PLAN - LEVEL 01
46. LANDSCAPE PLAN - LEVEL 02
47. LANDSCAPE PLAN - LEVEL 22
48. LANDSCAPE PLAN - LEVEL ROOF
49. LIGHTING PLAN - LEVEL 01 RCP
50. LIGHTING PLAN - LEVEL 22 PLAN +RCP
51. LIGHTING ELEVATION - WEST ELEVATION
52. LIGHTING ELEVATION - NORTH ELEVATION
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54. PRODUCT CUT SHEETS: CONCRETE PANEL
55. PRODUCT CUT SHEETS: LIGHTING
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57. PRODUCT CUT SHEETS: LIGHTING
58. PRODUCT CUT SHEETS: RAILING AND MECHANICAL LOUVERS
59. PRODUCT CUT SHEETS: FOLDING GLASS WALL AND STOREFRONT SYSTEMS
60. PRODUCT CUT SHEETS: ECOROOF
61. PRODUCT CUT SHEETS: METAL PANEL AND BIRD ACID-ETCHED GLASS
62. PRODUCT CUT SHEETS: PAVERS AND LEVEL 22 FIREPLACE
63. PRODUCT CUT SHEETS: MECHANICAL UNITS

D. Notification information:

1. Request for response
2. Posting letter sent to applicant: June 12, 2019
3. Notice to be posted: June 12, 2019
4. Applicant's statement certifying posting: June 18, 2019
5. Mailed notice
6. Mailing list
7. Posting letter sent to applicant: October 17, 2019
8. Notice to be posted: October 17, 2019
9. Applicant's statement certifying posting: October 21, 2019

E. Agency Responses:

1. Fire Bureau: May 02, 2019. Dawn Krantz
 2. Bureau of Development Services – Life Safety: May 24, 2019. Geoffrey Harker.
 3. Bureau of Development Services – Site Development: May 28, 2019. Kevin Wells
 4. Parks Bureau – Urban Forestry: May 29, 2019. Casey Clapp
 5. Water Bureau: May 31, 2019. Michael Puckett
 6. Portland Bureau of Transportation: June 03, 2019. Fabio de Freitas.
 7. Bureau of Environmental Services: June 27, 2019. Emma Kohlsmith
 8. Bureau of Environmental Services: October 25, 2019. Emma Kohlsmith
 9. Portland Bureau of Transportation: October 31, 2019. Fabio de Freitas.
 10. Portland Bureau of Transportation: November 14, 2019. Mauricio Leclerc.
- F. Community Responses:
1. David Dysert, Pearl District Neighborhood Association Planning and Transportation Committee Co-chair, June 20, 2019.
 2. Elizabeth Hawthorne, community member. June 28, 2019.
 3. Kristina and Stephen Gregg, community members in opposition. June 28, 2019.
 4. Mike Myers, community member in opposition. June 28, 2019.
 5. Sandy Parkerson, community member in opposition. June 28, 2019.
 6. Ezra Rabie, community member in opposition. June 29, 2019.
 7. Scott Shiigi, community member in opposition. June 29, 2019.
 8. Bill Melcher, community member in opposition. June 29, 2019.
 9. Marilyn Rabie, community member in opposition. June 30, 2019.
 10. Rita F. Silen, community member in opposition. June 30, 2019.
 11. Carol Adelson, community member in opposition. July 01, 2019.
 12. Linda Alper and Kevin Cooney, community members in opposition. July 01, 2019.
 13. Elizabeth Hawthorne, community member. July 01, 2019.
 14. Pam Williams, community member in opposition. July 01, 2019.
 15. Jane Starbird, community member in opposition. July 01, 2019.
 16. Tobi Travis, community member in opposition. July 02, 2019.
 17. Dante R. Marrocco, community member in opposition. July 02, 2019.
 18. Julia Marrocco, community member in opposition. July 04, 2019.
 19. Ethel Katz, community member in opposition. July 04, 2019.
 20. Arlene Matusow, community member in opposition. July 04, 2019.
 21. Sarah Mace, community member in opposition. July 05, 2019.
 22. Karl Von Frieling, community member in opposition. July 05, 2019.
 23. Rita Fawcett, community member in opposition. July 06, 2019
 24. Supattra, community member in opposition. July 06, 2019
 25. Marie Jamieson, community member in opposition. July 07, 2019
 26. Lawrence and Gail Hartman, community member in opposition. July 07, 2019
 27. Winston Chang, community member in opposition. July 07, 2019
 28. Ashley Carson, community member in opposition. July 07, 2019
 29. Jackie Gordon, community member in opposition. July 08, 2019
 30. Jared Hayes, community member in opposition. July 08, 2019
 31. William Thierfelder, community member in support. July 08, 2019
- G. Other
1. Original LUR Application
 2. Early Assistance Summary
 3. Pre-Application Conference Summary
 4. Design Advise Request #1 Memo to Commission
 5. Design Advise Request #1 Summary Memo
 6. Design Advise Request #2 Memo to Commission
 7. Design Advise Request #2 Summary Memo
- H. Hearing Documents and Testimony:
- Hearing #1 - July 18, 2019
1. Staff Power Point Presentation
 2. Staff Report – Recommending Denial
 3. Applicant Presentation
 4. Testimony

Comments Received After July 08, 2019 and before November 14, 2019:

5. Katherine Pokrass, community member in opposition. July 10, 2019
6. Marie Jamieson, community member in opposition. July 10, 2019
7. Alvin Solomon, community member in opposition. July 11, 2019
8. Cynthia Thomas, community member in opposition. July 12, 2019
9. Mark Sexton, community member in opposition. July 14, 2019
10. Ross Laguzza., community member in opposition. July 15, 2019
11. Carolyn Mindell, community member in opposition. July 16, 2019
12. Deborah Seay, community member in opposition July 16, 2019
13. Patricia Cliff, community member in opposition. July 18, 2019
14. Denise Green, community member in opposition. July 17, 2019
15. Elinor Gollay, community member in opposition. July 17, 2019
16. Emily Brew, community member in opposition. July 17, 2019
17. Janet Flaherty, community member in opposition. July 17, 2019
18. Jeff Sanders, community member in opposition. July 17, 2019
19. Kirk Wallace, community member in opposition. July 17, 2019
20. Naomi Pollock, community member in opposition. July 17, 2019
21. Art Tiwellan, community member in opposition. July 18, 2019
22. Albert Solheim, community member in opposition. July 18, 2019
23. Glenn Micallef, community member in opposition. July 18, 2019
24. Patricia Cliff, community member in opposition. July 18, 2019
25. Carolyn Wheatley, community member in opposition. July 18, 2019
26. Carrie Richter, Bateman Seidel, July 18, 2019
27. Ezra Rabie, community member in opposition. July 28, 2019
28. Margaret Sprinkle, community member in support. September 11, 2019
29. Clay Shentrup, a California member in support. September 12, 2019
30. Graham Taylor, community member in support. September 16, 2019
31. Alli Lindeman, community member in support. September 26, 2019
32. Christopher Amistadi, community member in support. September 26, 2019
33. Cristina West, a Tigard OR member in support. September 26, 2019
34. James Louie, a Washington member in support. September 26, 2019
35. Jay Banasky, a West Linn OR member in support. September 26, 2019
36. Jody Henrikson, community member in support. September 26, 2019
37. John Williams, a Washington member in support. September 26, 2019
38. Josef West, community member in support. September 26, 2019
39. Mandy Henrikson, community member in support. September 26, 2019
40. Michael Dolato, a Salem OR member in support. September 26, 2019
41. John McIsaac, community member in support. September 30, 2019
42. Tori Harrigill, a Mississippi member in support. September 30, 2019
43. Ryan Depauw, community member in support. October 01, 2019
44. James Anderson, community member in support. October 02, 2019
45. Jonathan Greenwood, community member in support. October 02, 2019
46. Shawn Haskin, community member in support. October 02, 2019
47. James Staicoff, community member in support. October 03, 2019
48. Luke Arnott, community member in support. October 03, 2019
49. Bradley Welsh, community member in support. October 08, 2019
50. Jonathan Greenwood, community member in support. October 09, 2019
51. Kimberly Palmer, community member in support. October 09, 2019
52. Kevin Luu, a Washington member in support. October 11, 2019
53. Pierce Cavallero, community member in support. October 11, 2019
54. Adriana Britton, community member in support. October 15, 2019
55. Kelly Melnick, community member in support. October 16, 2019
56. Hanh Luong, community member in support. October 18, 2019
57. Milt McConnell, community member in support. October 21, 2019
58. Rich Barabzano, community member in support. October 21, 2019
59. Jordan Williams, community member in support. November 04, 2019
60. David Duncan, community member in support. November 04, 2019

61. Lucas Gray, community member in support. November 04, 2019_
Comments Received after November 14 and before November 21, 2019

Hearing:

- 62. Greg Herburger, community member in support. November 18, 2019
- 63. Isabella Herburger, community member in support. November 18, 2019
- 64. David Dysert, Pearl District Neighborhood Association Planning and Transportation Committee Co-chair, November 19, 2019.

Hearing #2 – November 21, 2019

- 65. Staff Power Point Presentation
- 66. Staff Report – Recommending Approval
- 67. Testimony
- 68. Drawings Set

Submittal Received Between November 22, 2019 and December 06, 2019:

- 69. Anne Philipsborn, community member in opposition. November 27, 2019
- 70. Ezra Rabie, community member in opposition. November 27, 2019
- 71. Gary Wright, community member in opposition. November 27, 2019
- 72. Kathleen O'Donnell, community member in opposition. November 27, 2019
- 73. Larry Etherington, community member in opposition. November 27, 2019
- 74. Marilyn Rabie, community member in opposition. November 27, 2019
- 75. Nika Smyshlyayev 1, community member in opposition. November 27, 2019
- 76. Nika Smyshlyayev 2, community member in opposition. November 27, 2019
- 77. Rick Ray, community member in opposition. November 27, 2019
- 78. Ross Laguzza, community member in opposition. November 27, 2019
- 79. Winston Chang, community member in opposition. November 27, 2019
- 80. Bob Heath, community member in opposition. November 28, 2019
- 81. Mark Sexton, community member in opposition. November 28, 2019
- 82. Michael Morgan, community member in opposition. November 28, 2019
- 83. Rita Silen, community member in opposition. November 28, 2019
- 84. Ann Dart, community member in opposition. November 29, 2019
- 85. Paul Roelofs, community member in opposition. November 29, 2019
- 86. Richard Brown and Cynthia Thomas, community member in opposition. November 29, 2019
- 87. Ashley Carson, community member in opposition. November 30, 2019
- 88. Gayle Marger, community member in opposition. November 30, 2019
- 89. George McNeil, community member in opposition. November 30, 2019
- 90. Leslie Howell, community member in opposition. November 30, 2019
- 91. Faun and John Tiedge, community member in opposition. December 01, 2019
- 92. Jeffrey Wihtol, community member in opposition. December 01, 2019
- 93. Jerry Marger, community member in opposition. December 01, 2019
- 94. John Livingston, community member in opposition. December 01, 2019
- 95. Martha Driessnack, community member in opposition. December 01, 2019
- 96. Roger Sanders, community member in opposition. December 01, 2019
- 97. Sarah Mace, community member in opposition. December 01, 2019
- 98. Scott Campbell, community member in opposition. December 01, 2019
- 99. Alvin Solomon, community member in opposition. December 02, 2019
- 100. Amy Regan, community member in opposition. December 02, 2019
- 101. Bill Kamp, community member in opposition. December 02, 2019
- 102. Carolyn Mindell, community member in opposition. December 02, 2019
- 103. Emily Brew, community member in opposition. December 02, 2019
- 104. Franz Vogt, community member in opposition. December 02, 2019
- 105. Jared Hayes, community member in opposition. December 02, 2019
- 106. Lawrence Mindell, community member in opposition. December 02, 2019
- 107. Marilee Vogt, community member in opposition. December 02, 2019
- 108. Michele Campbell, community member in opposition. December 02, 2019
- 109. Steve Lytle, community member in opposition. December 02, 2019
- 110. Steven Monblatt, community member in opposition. December 02, 2019
- 111. Carolyn Wheatley, community member in opposition. December 03, 2019

112. Debbie Dinehart, community member in opposition. December 03, 2019
113. Janet Flaherty, community member in opposition. December 03, 2019
114. Joe McGee, community member in opposition. December 03, 2019
115. Tobi Travis, community member in opposition. December 03, 2019
116. Joyce Beasley, community member in opposition. December 04, 2019
117. Kevin Cooney, community member in opposition. December 04, 2019
118. Carol Adelson, community member in opposition. December 05, 2019
119. Denise Green (01), community member in opposition. December 05, 2019
120. Denise Green (02), community member in opposition. December 05, 2019
121. Denise Green (03), community member in opposition. December 05, 2019
122. Denise Green (04), community member in opposition. December 05, 2019
123. Denise Green (05), community member in opposition. December 05, 2019
124. Denise Green (06), community member in opposition. December 05, 2019
125. Denise Green (07), community member in opposition. December 05, 2019
126. Denise Green (08), community member in opposition. December 05, 2019
127. Denise Green (09), community member in opposition. December 05, 2019
128. Denise Green (10), community member in opposition. December 05, 2019
129. Denise Green (11), community member in opposition. December 05, 2019
130. Denise Green (12), community member in opposition. December 05, 2019
131. Denise Green (13), community member in opposition. December 05, 2019
132. Denise Green (14), community member in opposition. December 05, 2019
133. Denise Green (15), community member in opposition. December 05, 2019
134. Denise Green (16), community member in opposition. December 05, 2019
135. Denise Green (17), community member in opposition. December 05, 2019
136. Denise Green (18), community member in opposition. December 05, 2019
137. Denise Green (19), community member in opposition. December 05, 2019
138. Denise Green (20), community member in opposition. December 05, 2019
139. Denise Green (21), community member in opposition. December 05, 2019
140. Denise Green (22), community member in opposition. December 05, 2019
141. Denise Green (23), community member in opposition. December 05, 2019
142. Denise Green (24), community member in opposition. December 05, 2019
143. Elinor Gollay, community member in opposition. December 05, 2019
144. Ellen Macke, community member in opposition. December 05, 2019
145. Faith Smith, community member in opposition. December 05, 2019
146. Gordon Wilfong, community member in opposition. December 05, 2019
147. Ian Yolles, community member in opposition. December 05, 2019
148. John McCalla, community member in opposition. December 05, 2019
149. Lisa Monsen, community member in opposition. December 05, 2019
150. Patricia Cliff, community member in opposition, *Portland Pearl District*. December 05, 2019
151. Patricia Cliff, community member in opposition, *South Pearl Map*. December 05, 2019
152. Patricia Cliff, community member in opposition, *With No Parking*. December 05, 2019
153. Patricia Cliff, community member in opposition. December 05, 2019
154. Rosemond Graham, community member in opposition. December 05, 2019
155. Scott Shiigi, community member in opposition. December 05, 2019
156. Sue Porter, community member in opposition. December 05, 2019
157. Supattra Namon, community member in opposition. December 05, 2019
158. Toby Scott (01), community member in opposition. December 05, 2019
159. Toby Scott (02), community member in opposition. December 05, 2019
160. Tom Graham, community member in opposition. December 05, 2019
161. Karl Von Frieling (01), community member in opposition. December 05, 2019
162. Stephen Aiguier, community member in opposition. December 05, 2019
163. Karl Von Frieling (02), community member in opposition. December 06, 2019
164. Patricia Cliff (Albert Solheim), community member in opposition. December 06, 2019
165. Patricia Cliff, community member in opposition. December 06, 2019
166. Revised Drawings (From the Applicant): December 05, 2019
167. Revised Narrative (From the Applicant): December 05, 2019

168. Memorandum (From the Applicant): December 05, 2019
Comments Received Between December 07, 2019 and December 20, 2019:
169. Carrie Richter, Bateman Seidel, December 19, 2019
Final Statement, Received Between December 08, 2019 and January 03, 2020:
170. Renee France, Radler White Parks Alexander, December 31, 2019
Closed Record Hearing: January 16, 2020:
171. Final Findings and Decision: January 16, 2020
Appeal Form Submitted:
172. Appeal Form Submitted by the Pearl Neighbors for Integrity in Design – represented by Carrie Richter: February 18, 2020.
Notice for March 19, 2020 City Council Hearing:
173. Mailed: February 24, 2020.
Re-Notice for March 19, 2020 City Council Hearing – Rescheduled to June 04, 2020:
174. Due to COVID-19. Mailed: March 12, 2020.
Waiver of ORS 227.178 from the Applicant:
175. Received: March 10, 2020
Re-Notice for June 04, 2020 City Council Hearing – Rescheduled to August 20, 2020:
176. Due to CC2035 Remand. Mailed: May 29, 2020.
Re-Notice for August 20, 2020 City Council Hearing:
177. To clarify the appellant as the Pearl Neighbors for Integrity in Design. Mailed: June 23, 2020.
City Council Appeal Hearing #1: August 20, 2020:
178. Applicant Presentation
179. Staff Presentation
180. Jon Isaacs. Community comment. August 19, 2020
City Council Appeal Hearing #1 Conclusion – Record held open: 7 days for New Evidence - until August 27, 2020:
181. August 17, 2020, Gwenn Baldwin.
182. August 17, 2020, Karla Moore-Love.
183. August 17, 2020, Karla Moore-Love 2.
184. August 19, 2020, Jon Isaacs.
185. August 19, 2020, Jon Isaacs 2.
186. August 19, 2020, Michael Morgan.
187. August 19, 2020, Neilson Abeel.
188. August 20, 2020, Amy Ruiz.
189. August 20, 2020, Carrie Richter.
190. August 20, 2020, Denise Green.
191. August 20, 2020, Denise Green 2.
192. August 20, 2020, Doug Klotz.
193. August 20, 2020, Doug Klotz 2.
194. August 20, 2020, Doug Klotz 3.
195. August 20, 2020, Doug Klotz 4.
196. August 20, 2020, Ian Mackenzie.
197. August 20, 2020, Ian Mackenzie.
198. August 20, 2020, Patricia Cliff.
199. August 20, 2020, Patricia Cliff 2.
200. August 20, 2020, Rita Silen.
201. August 20, 2020, Rita Silen 2.
202. August 20, 2020, Rita Silen 3.
203. August 20, 2020, Rita Silen 4.
204. August 20, 2020, Rita Silen 5.
205. August 20, 2020, Rita Silen 6.
206. August 20, 2020, Rita Silen 7.
207. August 23, 2020, Joe McGee.
208. August 24, 2020, Ethel Katz.
209. August 24, 2020, Ezra Rabie.
210. August 24, 2020, Karl von Frieling.

211. August 24, 2020, Karl von Frieling 2.
212. August 25, 2020, Chris Galore.
213. August 26, 2020, Arlene Matusow.
214. August 26, 2020, Arlene Matusow 2.
215. August 26, 2020, Faun Tiedge.
216. August 26, 2020, Jerry Marger.
217. August 26, 2020, Tobi Travis.
218. August 27, 2020, Any Ruiz.
219. August 27, 2020, Arthur Graves.
220. August 27, 2020, Arthur Graves 2.
221. August 27, 2020, Arthur Graves 3.
222. August 27, 2020, Ashley Carson.
223. August 27, 2020, Carolyn Wheatley.
224. August 27, 2020, Carrie Richter.
225. August 27, 2020, Carrie Richter 2.
226. August 27, 2020, Carrie Richter 3.
227. August 27, 2020, Cynthia Thomas.
228. August 27, 2020, Derry Tseng.
229. August 27, 2020, Emily Brew.
230. August 27, 2020, Gwenn Baldwin.
231. August 27, 2020, Jane Starbird.
232. August 27, 2020, Jared Hayes.
233. August 27, 2020, Jeanni Chrisman.
234. August 27, 2020, Jennifer Beyer.
235. August 27, 2020, John McCalla.
236. August 27, 2020, Kittelson & Associates.
237. August 27, 2020, Li Alligood.
238. August 27, 2020, Mark Sexton.
239. August 27, 2020, Otak.
240. August 27, 2020, Patricia Cliff.
241. August 27, 2020, Patricia Cliff 2.
242. August 27, 2020, Patricia Cliff 3.
243. August 27, 2020, Roger Sanders.
244. August 27, 2020, Roger Sanders 2.
245. August 27, 2020, Ross Laguzza.
246. August 27, 2020, Ross Laguzza 2.
247. August 27, 2020, Sarah Mace.
248. August 27, 2020, Thomas Graham.
249. August 27, 2020, Tobi Travis.
250. August 27, 2020, Tobi Travis 2.
251. Staff Memorandum to Mayor and Commissioners. August 27, 2020
252. April 1990 Code Commentary for 33.825.020. Submitted on August 27, 2020
- City Council Appeal Hearing #1 Conclusion - Record held open: 7 days for Response to New Evidence – until September 03, 2020:
253. Patricia Cliff. Community comment. September 03, 2020
254. September 03, 2020, Carrie Richter.
255. September 03, 2020, Carrie Richter 2.
256. September 03, 2020, Carrie Richter – Green Light.
257. September 03, 2020, Patricia Cliff.
258. September 03, 2020, Patricia Cliff 2.
- City Council Appeal Hearing #1 Conclusion - Record held open: 7 days for Final Statement – until September 10, 2020:
259. Renee France. Applicant comment. September 10, 2020
260. Renee France 2. Applicant comment. September 10, 2020
- City Council Appeal Hearing #2: September 16, 2020:
261. Staff Presentation
- Notice for Three Hearings: Design Commission and City Council:

262. Notice for: Design Commission hearings on October 22, 2020 and November 12, 2020; and City Council hearing on December 10, 2020. Mailed October 01, 2020

Documents for Design Commission Remand Hearing #1 on October 22, 2020:

- 263. Applicant Memo: October 09, 2020
- 264. Revised Concepts: October 09, 2020
- 265. Staff Memo: October 14, 2020
- 266. Staff Presentation
- 267. David Dysert: Letter from Pearl District Neighborhood Association: October 20, 2020
- 268. Email to Design Commission – 1: October 20, 2020
- 269. Email to Design Commission – 2: October 20, 2020
- 270. Email to Design Commission – 3: October 20, 2020
- 271. Email to Design Commission – 4: October 20, 2020
- 272. Comments from Design Commissioner Brian McCarter: October 21, 2020
- 273. October 22, 2020, Carrie Richter.
- 274. October 22, 2020, Carolyn Wheatley.
- 275. Applicant Presentation

Documents for Design Commission Remand Hearing #2 on November 12, 2020:

- 276. Staff Memo: November 05, 2020
- 277. Revised Drawings (includes #279-#341 below) and Appendix: October 30, 2020
- 278. Revised Narrative: October 30, 2020
- 279. COVER SHEET
- 280. TABLE OF CONTENTS
- 281. ARCHITECTURAL SITE PLAN
- 282. FLOOR PLANS - LEVEL B1 + BIKE PARKING
- 283. FLOOR PLANS - LEVEL 01 + LEVEL 1.5
- 284. FLOOR PLANS - LEVEL 02-03 + LEVEL 04-11
- 285. FLOOR PLANS - LEVELS 12-19 + LEVELS 20-21
- 286. FLOOR PLANS - LEVEL 22 + LEVEL 23
- 287. FLOOR PLANS - LEVEL ROOF
- 288. ELEVATIONS - NORTH
- 289. ELEVATIONS - WEST
- 290. ELEVATIONS - SOUTH
- 291. ELEVATIONS - EAST
- 292. BUILDING SECTIONS
- 293. SIGHTLINES DIAGRAM - NORTH
- 294. SIGHTLINES DIAGRAM - WEST
- 295. ENLARGED ELEVATIONS/SECTIONS - STOREFRONT
- 296. DETAILS - STOREFRONT + CANOPY
- 297. ENLARGED ELEVATIONS/SECTIONS - HOTEL ENTRY
- 298. DETAILS - HOTEL ENTRY +SIGNAGE
- 299. ENLARGED ELEV / SECTIONS - RESIDENTIAL ENTRY
- 300. ENLARGED ELEV / SECTIONS - LOADING
- 301. ENLARGED AXON / DETAILS - ART + WATER FEATURE
- 302. ENLARGED AXONS / DETAILS - FACADE
- 303. ENLARGED AXONS / DETAILS - FACADE CORNER
- 304. ENLARGED AXONS / DETAILS - FACADE AT ECO ROOF
- 305. ENLARGED AXONS / DETAILS -FACADE
- 306. ENLARGED AXONS / DETAILS - BALCONY
- 307. ENLARGED AXONS / DETAILS - BALCONY
- 308. ENLARGED AXONS / DETAILS - TOP OF TOWER
- 309. ENLARGED AXONS / DETAILS - TOP OF TOWER
- 310. ENLARGED ELEVATIONS / SECTIONS - AMENITY DECK
- 311. DETAILS - AMENITY DECK
- 312. ENLARGED ELEVATIONS / SECTIONS - ROOF PENTHOUSE
- 313. MATERIALS / COLORS - LEVEL 01 - NORTH
- 314. MATERIALS / COLORS - LEVEL 01 - WEST
- 315. ACM PANEL COLORS

- 316. MATERIALS / COLORS – MIDDLE AND TOP/CORNER
- 317. MATERIALS / COLORS - FACADE - NORTH
- 318. MATERIALS / COLORS - FACADE - WEST
- 319. MATERIALS / COLORS - TYPICAL
- 320. MATERIALS / COLORS - FACADE - AMENITY DECK
- 321. MATERIALS / COLORS - FACADE - ART + WATER FEATURE
- 322. MATERIALS / COLORS – LEVEL 02 MECH. SCREEN AND ROOF PENTHOUSE
- 323. LANDSCAPE / TREE PLAN - LEVEL 01
- 324. LANDSCAPE PLAN - LEVEL 02
- 325. LANDSCAPE PLAN - LEVEL 21
- 326. LANDSCAPE PLAN - LEVEL ROOF
- 327. LIGHTING PLAN - LEVEL 01 RCP
- 328. LIGHTING PLAN - LEVEL 22 PLAN +RCP
- 329. LIGHTING ELEVATION - WEST ELEVATION
- 330. LIGHTING ELEVATION - NORTH ELEVATION
- 331. PRODUCT CUT SHEETS: METAL PANEL AND WINDOW SYSTEMS
- 332. PRODUCT CUT SHEETS: CONCRETE PANEL
- 333. PRODUCT CUT SHEETS: LIGHTING
- 334. PRODUCT CUT SHEETS: LIGHTING
- 335. PRODUCT CUT SHEETS: LIGHTING
- 336. PRODUCT CUT SHEETS: RAILING AND MECHANICAL LOUVERS
- 337. PRODUCT CUT SHEETS: FOLDING GLASS WALL AND STOREFRONT SYSTEMS
- 338. PRODUCT CUT SHEETS: ECOROOF
- 339. PRODUCT CUT SHEETS: METAL PANEL AND BIRD ACID-ETCHED GLASS
- 340. PRODUCT CUT SHEETS: PAVERS AND LEVEL 22 FIREPLACE
- 341. PRODUCT CUT SHEETS: MECHANICAL UNITS

Correspondence with Patricia Cliff:

- 342. Email: June 16, 2020
- 343. Email: August 06, 2020
- 344. Email: August 19, 2020

Correspondence with Carrie Richter:

- 345. Email: January 17, 2020
- 346. Email: January 28, 2020
- 347. Email: January 29, 2020
- 348. Email: January 30, 2020
- 349. Email: February 04, 2020
- 350. Email: February 26, 2020
- 351. Email: May 06, 2020
- 352. Email: June 12, 2020
- 353. Email: September 28, 2020
- 354. Email: September 29, 2020
- 355. Email: September 30, 2020
- 356. Email: October 14, 2020
- 357. Email: October 19, 2020
- 358. Email: October 22, 2020

Comments Received After October 22, 2020:

- 359. December 08, 2020, Arthur Graves.
- 360. January 04, 2021, Arlene Matusow.
- 361. January 06, 2021, Ezra Rabie.
- 362. January 07, 2021, Patricia Cliff.
- 363. January 10, 2021, Mark Sexton.
- 364. January 10, 2021, Ross Laguzza.
- 365. January 10, 2021, Michael Morgan.
- 366. January 11, 2021, Ezra Rabie.
- 367. January 11, 2021, Arlene Matusow.
- 368. January 11, 2021, Karl von Frieling.
- 369. January 11, 2021, Kirk Wallace.

- 370. January 11, 2021, Jerry Marger.
- 371. January 11, 2021, Rita F. Silen.
- 372. January 11, 2021, Carrie Richter.
- 373. January 11, 2021, Thomas Graham.
- 374. January 12, 2021, Tobi Travis.
- 375. January 12, 2021, Carol Adelson.
- 376. January 12, 2021, Joseph L. McGee.
- 377. January 13, 2021, Patricia Cliff.
- 378. January 13, 2021, Carolyn Wheatley.
- 379. January 13, 2021, Faun Tiedge.
- 380. January 13, 2021, Gwenn A. Baldwin.
- 359. January 14, 2021, Renee France.
- 360. January 14, 2021, Amy Ruiz.
- 361. January 14, 2021, Rita Silen.
- 362. January 14, 2021, Joseph McGee.
- 363. January 14, 2021, Carolyn Wheatley.
- 364. January 14, 2021, Rosemond Graham.
- 365. January 14, 2021, Patricia Cliff.
- 366. January 14, 2021, Ezra Rabie.
- 367. January 14, 2021, Kathleen ODonnell.