

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

**IN THE MATTER OF AN APPEAL BY THE SOUTH PORTLAND NEIGHBORHOOD  
ASSOCIATION AGAINST DESIGN COMMISSION'S DECISION TO CONDITIONALLY  
APPROVE THE BLOCK 37 SOUTH WATERFRONT MIXED-USE PROJECT AT 3700  
SW RIVER PARKWAY (HEARING: LU 14-117884 DZM)**

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**FINDINGS AND CONCLUSIONS**

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**ADOPTED BY THE CITY COUNCIL ON  
NOVEMBER 5, 2014**

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FINDINGS AND CONCLUSIONS

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

**I. GENERAL INFORMATION**

- Applicant:** Katherine Schultz | GBD Architects | 1120 NW Couch Street, Suite 300 | Portland, OR 97209
- Owner:** MUI 37 Holdings LLC | 1411 4th Avenue, Suite 500 | Seattle, WA 98101
- Developer:** Dayna Dealy | Mack Urban Development | 1411 Fourth Ave Suite 500 | Seattle, WA 98101
- Site Address:** 3700 SW RIVER PARKWAY
- Legal Description:** LOT 12, WATERFRONT SOUTH NO 2; LOT 13, WATERFRONT SOUTH NO 2
- Tax Account No.:** R882450650, R882450700, R882450650, R882450650, R882450700
- State ID No.:** 1S1E10DB 00206, 1S1E10DB 00207, 1S1E10DB 00206, 1S1E10DB 00206, 1S1E10DB 00207
- Quarter Section:** 3430
- Neighborhood:** South Portland NA., contact Jim Gardner at 503-227-2096.
- Business District:** South Portland Business Association, contact Kevin Countryman at 503-750-2984.
- District Coalition:** Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
- Plan District:** Central City - South Waterfront
- Zoning:** CXd, g – Central Commercial zone with Design and Greenway overlays
- Land Use Review:** Type III, DZM (Design Review with Modifications)

**Original Proposal:**  
The applicant seeks Design Review approval for a 6-story, mixed-use building on Block 37 in the South Waterfront Sub District of the Central City Plan District. The building would contain 270 residential units on the upper floors and walk-up units on the north and south ground levels. Approximately 8,359 SF of retail is proposed along the

western portion and northeast corner of the building. Parking for 225 vehicles would be located in two levels, one underground, with access off of SW Gaines. Two loading spaces will be provided in the parking garage and in a bay on the south façade along SW Lane accessed from SW River Parkway. A total of 415 long-term bike parking spaces would be located within common rooms on each floor and some within the individual units. A total of 16 short-term spaces would be provided within the building's ground level setback along SW Gaines and SW River Parkway. Outdoor amenity areas are proposed within recessed balconies on all facades, 2<sup>nd</sup> level central courtyard and in terraced decks along the building's eastern edge. The project includes improvements to approximately half of SW Lane, which is designated as a greenway access connection and extends 30' onto the southern portion of the property. Landscaping is also proposed in the greenway between the building and the western edge of the future greenway trail. Ground level building materials consist of black aluminum storefronts, board form concrete, dark gray brick and metal panel. Upper levels are primarily white stucco, areas of dark gray brick, metal panels in three colors and black vinyl windows.

The following Modifications are requested:

1. For the upper floors of the building to project 3'-6" into the required 30' building setback from the centerline of Lane accessway (PZC Section 33.510.252.B).
2. Provide 26 tandem parking spaces without an attendant or having to move another vehicle (PZC Section 33.266.130.F.1).

*Since the first Design Commission hearing on May 15<sup>th</sup>, the applicant made changes in the design and no longer requires the height modification along Gaines that was originally proposed.*

New development in Design overlay zones are required to be approved through Design Review per Portland Zoning Code Section 33.420.041.A.

**Relevant Approval Criteria:**

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

- Central City Fundamental Design Guidelines
- South Waterfront Design Guidelines
- South Waterfront Greenway Design Guidelines
- Modification Considered Through Design Review – Section 33.825.040

**II. PROCEDURAL HISTORY**

This project was initially reviewed by the Design Commission for early feedback on the design and potential modifications on August 1, 2013 (Exhibit G.6 is a summary of the hearing).

The application for the Type 3 Design Review and Modifications was submitted on February 18, 2014. Staff deemed the application incomplete on March 11, 2014 and mailed a letter to the applicant the same day stating the additional information necessary to review the submittal. On March 28, 2014 the applicant submitted additional information to make the application complete. The public notice for the Design Commission hearing was mailed on April 25, 2014. The first hearing was held on May 15, 2014 (Exhibits H.1 summarizes the hearing comments). The applicant returned for a second hearing on July 10, 2014 with proposed revisions to receive further feedback from the Commission (Exhibit H.4 summarizes the hearing

comments). At the final public hearing on August 21, 2014, the Design Commission voted to approve the project with a series of additional conditions of approval. The final Design Commission decision was mailed on September 2, 2014.

The South Portland Neighborhood Association appealed the Design Commission decision to City Council on September 15, 2014. A notice of appeal hearing was mailed as required on September 22, 2014, announcing that the appeal hearing would be held in City Council Chambers on October 22, 2014 at 2:00 PM.

During the appeal hearing, City Council members heard testimony from both sides of the issue, including extensive discussion of the approval criteria applicable to the Modification being disputed. After hearing public testimony and the deliberations of their fellow Commissioners, City Council members voted unanimously to reject the appeal, and uphold the conditional approval of the project as granted by Design Commission. Staff was directed to work with the applicant's attorney and City Attorney to revise the findings and return to Council for adoption of the findings on November 5, 2014, at 10:30 AM.

### III. ANALYSIS

**Site and Vicinity:** Block 37 is located in the South Waterfront Sub District to Portland's Central City. The site is situated at the edge of the Willamette River along the Willamette River Greenway. Bordering the site to the north is SW Gaines, a special Building Height Corridor, to the south is a "Green Street" along SW Lane alignment, and to the west is SW River Parkway, a parking access restricted street. The improvements for the south side of SW Gaines, the east side of SW River Parkway and to the centerline of SW Lane are to be included within the scope of the project. Properties to the north and west are developed with towers atop podiums. The property to the south remains vacant.

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

In 2010, a Design Review approved the South Waterfront Central District greenway improvements that stretch from SW Gibbs Street to SW Lane Street. The proposed improvements include: a trail system consisting of two paths, one for pedestrians and one for cyclists; a renaturalized and stabilized riverbank; pedestrian connections to the trail system at the end of neighborhood streets and accessways; overlooks at both the landward and riverward ends of these pedestrian connections; a system of vegetated swales providing stormwater conveyance and treatment; osprey nest locations; lighting; public art; and various seating options throughout. These improvements are currently under construction. The landscaping proposed along the greenway trail adjacent to Block 37 has been postponed due to the impending construction on the subject site. The applicant is working with Portland Parks & Recreation (PP&R) to revise the previously approved landscaping along its frontage in order to provide a design and plant material that is more seamless. PP&R and public comments on the proposed design are discussed in detail in the findings below in Section 1

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

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

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

- The River General "g" allows for uses and development that are consistent with the base zoning, which allows for public use and enjoyment of the waterfront, and enhances the river's natural and scenic qualities.

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

**Land Use History:** City records indicate that prior land use reviews include LU 10-204930 DZGW for the greenway improvements adjacent to this site.

**Agency Review:** A "Notice of proposal in Your Neighborhood" was mailed **April 25, 2014**. The following Bureaus responded with no issues:

- *Bureau of Environmental Services* (Exhibit E-1)
- *Water Bureau* (Exhibit E-2)
- *Fire Bureau* (Exhibit E-3)
- *Bureau of Transportation Engineering* (Exhibit E-4)
- *Portland Parks and Recreation* (Exhibit E-5)
- *Site Development Section of BDS* (Exhibit E-6)
- *Plan Review Section of BDS* (Exhibit E-7)

**Neighborhood Review:** A "Notice of Proposal in Your Neighborhood" was mailed on **April 25, 2014**. A total of 30 written responses were received from either the Neighborhood Association or notified property owners in response to the proposal. These responses have been exhibited at the end of this decision as F and H exhibits, and are summarized as follows:

1. Block 37 Design Review Group, April 18, 2014, stating concerns with building setback along SW Gaines, SW Lane and greenway trail setback and design, rooftop design, composition and material quality, garage access and parking.
2. South Portland Neighborhood Association Land Use Committee, April 24, 2014, stating concerns with building setback along SW Gaines, SW Lane and greenway setback and design, design compatibility, material quality, rooftop design and parking.
3. Carter Beyl, April 24, 2014, stating support for the project.
4. Craig Mendenhall, April 24, 2014, stating support for the project.
5. Paul Soper, April 29, 2014, stating support for the project.
6. Robert and Kandis Nunn, April 30, 2014, stating the design guidelines should be applied vigorously for a high quality and compatible addition to the district.
7. Anastasiya Porchuk, April 30, 2014, in support of the project.
8. Marissa Davis, April 30, 2014, in support of the project.
9. Ryan Cotton, May 2, 2014, in support of the project.
10. Brian Kiolbasa, May 5, 2014, in support of the project.
11. James H. Luke (chair of Nature & Greenspace Committee), May 5, 2014, concerns with building setback and design along the greenway and lack of active ground floor and enhancement of greenway.
12. South Waterfront Community Association, May 13, 2014, stating concerns with greenway, accessways and rooftop design.
13. Marian Creamer, May 13, 2014, stating concerns with the parking, greenway, encroachment into Lane and rooftop design.
14. South Waterfront Business Association, May 15, 2014, stating concerns with the setback on Lane and lack of parking.
15. Block 37, Design Review Group, May 15, 2014, stating concerns with development along the greenway, height modification along Gaines, projection in Lane setback, design and coherency, quality of materials, rooftop design, lack of parking and garage location.
16. Lloyd Kendrick, May 15, 2014, stating concerns with the lack of consistency with the visions of South Waterfront Plan.
17. Copy of PowerPoint presentation from May 15, 2014 hearing, citing numerous concerns with the proposal.
18. William Savery, May 1, 2014, stating concerns with the project's relation to the greenway.
19. Block 37 Citizens Committee, June 22, 2014, stating concerns with the Lane setback, greenway setback, Gaines façade, building color, rooftop design and deck, parking ratios, and garage entry location.
20. South Waterfront Community Association, June 28, 2014, stating concerns of with greenway, building and rooftop design.
21. South Portland Neighborhood Association Land Use Committee, June 27, 2014, support for majority of the revisions with concerns regarding the building setback along the greenway and Lane.
22. Ellen Brown (Prometheus), July 9, 2014, stating support for the project.

23. Dennis Allen (Zidell Companies), July 10, 2014, stating support for the project.
24. Kandis Brewer Nunn (Block 37 Citizens Committee), July 10, 2014, stating concerns with the setback along the greenway.
25. George Crandall (Block 37 Citizens Committee), July 10, 2014, stating concerns with the building projection into Lane.
26. Jim Luke (Nature & Greenspace Committee), July 10, 2014, stating concerns with setback and transition to the greenway.
27. Robert Nunn, copy of presentation from hearing on July 10, 2014, stating concerns with lack of articulation of north façade.
28. Carol Juckeland (Block 37 Citizens Committee), July 10, 2014, stating concerns with the rooftop design.
29. William Savery, (Block 37 Citizens Committee), copy of presentation from July 10, 2014 hearing, stating concerns with the garage entry location.
30. Melanie Diamond (Block 37 Citizens Committee), August 6, 2014, stating concerns with the building projection into Lane.

**Response to comments received during the Type 3 Design Review process:** The items of concern identified in these comments are discussed in detail in the findings below in Section 1 and 2, with the exception of the following:

- Parking – There is no minimum parking requirement for the project given the multiple modes of transit in the immediate area (streetcar, aerial tram, bus and soon-to-be light rail services). The project is providing 225 stalls, which is 0.83 spaces per unit. The relocation of the garage entry to the western end to better align with the opposing Atwater garage entry will result in the loss of one on-street parking space on SW Gaines per Transportation. At the Design Commission hearing on July 10<sup>th</sup>, the relocation of the garage to the west end was expressed as a preference over the preservation of one on-street parking space by a public testifier.

Additional written testimony was received after the appeal was filed and at the Council hearing on October 22, 2014 (exhibited at the end of this decision as I exhibits). Two additional issues were raised, specifically compliance with Section 33.510.253.A and the South Waterfront Community Association Guidelines for a Riverwalk. Council found these issues are not applicable approval criteria nor are they relevant to the applicable criteria for the following reasons:

- Section 33.510.253.A – This section is the purpose statement for the Greenway Overlay Zone regulations in the South Waterfront Subdistrict. The purpose statement for the Greenway Overlay Zone does not apply directly as a development standard, nor is it an approval criterion for the accessway setback Modification or for Design Review. The accessway setback regulation (Section 33.510.252.B.3) has its own specific purpose statement (Section 33.510.252.B.1). The accessway Modification must, on balance, be consistent with that purpose statement, not the purpose statement for another set of development regulations. Further, nothing in the design review approval criteria makes the purpose statement for the Greenway Overlay Zone an approval criteria for design review. As a result, Section 33.510.253.A is not applicable to the application.
- South Waterfront Community Association Riverwalk Guideline - Some opponents testified that the private South Waterfront Community Association Guidelines should be applied by the City in reviewing the design of this proposal. The Council

rejects that argument. The South Waterfront Community Association Guidelines were created by, and implemented through, the South Waterfront Community Association, a non-public association of homeowners in the South Waterfront district. The private Guidelines have not been adopted by the City and therefore have no regulatory authority or application to City decisions. The City of Portland's design review process is instead limited to the applicable approval criteria of the City's zoning code in Title 33. For these reasons, the Community Guidelines, including the Community Guidelines that address the Riverwalk, are not legally applicable to this review.

#### **IV. ZONING CODE APPROVAL CRITERIA AND FINDINGS**

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

###### **Central City Plan Design Goals**

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

###### **South Waterfront Design Goals**

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

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

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

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

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

*The 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.

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

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

**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.

**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.

**D2. South Waterfront Area.** Develop a pedestrian circulation system that includes good connections to adjacent parts of the city and facilitates movement within and through the area. Size and place development to create a diverse mixture of active

areas. Graduate building heights from the western boundary down to the waterfront. Strengthen connections to North Macadam by utilizing a related system of right-of-way elements, materials, and patterns.

**Findings for A1, A1-1, A1-2 and D2:** Block 37 is directly adjacent to the Willamette Greenway along its eastern boundary. The river is integrated into the project through the architecture and site development and infrastructure. The building stair-steps back from the greenway trail in an eroding edge with terraces and landscape planters that soften the built form as it extends towards the greenway, while providing a visual extension of the greenway into the edge of the building. An approximately 8' level change between the greenway and the patios is achieved with gradual terraces. A second level common living room provides residents the opportunity to relax along the river's edge, while creating activity and providing "eyes on the park". Additionally, residents will have opportunities to enjoy the river from the many balconies, and via enhanced connections to the greenway at the residential stoops along SW Gaines and SW Lane.

As a part of the project, the Greenway Access Connection along SW Lane will be improved and complete the bike and pedestrian connection to the greenway. A 6'-wide path connecting SW Lane to the future Greenway trail will be provided and will align with the south edge of the Greenway trail turnaround. With additional development of the greenway to the south at a future date, this connection will be further developed including widened. A large south-facing courtyard is accessed off of SW Lane with a generous stair that connects to the Green Street bringing greater pedestrian activation to the base of the building and the accessway. The building's stormwater management system implements on-site filtration while celebrating water. A waterfall funnels the building's stormwater from the second level terrace down to bio-swale filtration ponds on SW Lane that is linked to the river.

Retail at the corner of SW Gaines and SW River Parkway serves to strengthen and build upon the pedestrian connection to the greenway along SW Gaines, as encourage by zoning code. Walk-up units with stoops along SW Gaines and SW Lane contribute to the expansion of the public realm by creating outdoor rooms where residents can sit and people-watch. Along SW Lane, a gear room is provided for residents to store and rent paddle boards and kayaks along with a dog and bike repair station. Biking is encouraged with over 400 bike parking spaces being provided.

There was extensive discussion at the first two hearings on May 15<sup>th</sup> and July 10<sup>th</sup> regarding the project's transition to the future greenway trail, specifically at the northeast corner of the site, where the building is closest to the trail. The condition at the northeast corner is unique in that the trail curves inward towards the site creating a much narrower gap between the trail and property line. This condition, which is not shared with the properties to the north, results from the large bioswale that exists between the trail and the river frontage adjacent to this site. The original design included a residential unit with a private patio at the northeast corner approximately 6' from the bike path. At the first hearing, the Commission expressed concern with this proximity given the private residential use and public regional trail. Parks Bureau shared similar concerns regarding security. There was also much discussion about the greater setback that exists between the buildings to the north and the trail. It was concluded that those larger outdoor spaces were required in exchange for additional FAR (floor area ratio) sought by those projects, which is not the case

for Block 37. Understanding that there is also no building setback required along the east property line, the Commission discussed ways to improve the transition between private and public development. Retail was an option discussed, and also supported during the Design Advice hearing, as a way to provide more vitality and activity along the river and trail. In response, the applicant converted the ground level unit at the northeast corner to a 1,500 SF retail space and made further improvements as suggested by the Commission including:

- Enlarged the patio by recessing the storefront and extending the patio further out towards the trail;
- Provided a fully operable storefront system to extend the outdoor space back into the building and vice versa;
- Added commercial elements such as canopies and a prominent entrance that identifies the space as a destination from the trail and the street; and
- Revised the landscape area to better align with the retail patio and soften the transition down to the greenway trail with terracing planters.

Together these changes improve the transition between the public and private space at this pinch point on the site and provide active uses along the river that add variety and interest along the greenway path. *These guidelines have been met.*

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

**Findings:** The project celebrates several Portland-related themes including a vital pedestrian focused streetscape and an emphasis on bicycle transportation. The orientation of the ground-level spaces activate all adjacent streets with retail, front stoops and landscaping along with a pedestrian terrace on the greenway. An active stormwater filtration system expresses the movement of water towards the river through the waterfall from the second level courtyard that connects to bio-swale filtration ponds along SW Lane and the river. The boardwalks over the filtration ponds at SW Lane harkens back to the notion of wood dock structures of the district's maritime past that served to provide connection from the water to land. *This guideline has been met.*

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

**Findings:** Block 37 aligns with the established grid structure of the South Waterfront neighborhood. The urban building edges along SW Gaines, SW River Parkway and SW Lane come to the lot line in a variety of forms with walk-up front entries to individual apartments and glass expanses of retail storefronts. Each of these expressions provides a strong edge and respects the urban character of the neighborhood while creating opportunities for active pedestrian environments. *This guideline has been met.*

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

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

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

**Findings for A4, A4-1 & A4-2:** The unique district lighting, street furniture and materials will be used to unify the project and the entire district. The streetcar, aerial tram and greenway trails all serve to connect the district with not only the central downtown district, but now also the eastside Central City as well with the new light rail bridge. Block 37 will further unify the district by completing the urban fabric with a podium that meets the lot line, maintains the cohesive pedestrian scale established by the surrounding tower podiums and by using unifying materials already found in the district – brick, stucco, and metal panel. as well as landscape treatments at the building perimeter along the sidewalk.

The “green” pedestrian accessway, SW Lane Street, is designed to accommodate a bio-swale as well as a pedestrian link to the greenway trail and the river. All site storm water eventually works its way to this natural treatment element before continuing to the river. A waterfall along the stairs that connect the south courtyard to this green street celebrates rain while carrying storm water to the bio-swales. Non-occupied roof surfaces incorporate artistically assembled filtration rock providing function and visual interest. Plantings along the greenway follow Portland Parks and Recreation’s greenway planting palette to seamlessly blur the line between private and public property while enhancing indigenous habitat. The project is targeting LEED Silver certification. Energy efficiency, a high performance envelope, environmentally sound material selection, native plantings and resource conservation are all integrated into the design. *These guidelines have been met.*

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

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

**Findings for A5 & A5-1:** An active stormwater filtration system expresses the movement of water towards the river through the waterfall from the second level courtyard that connects to the bio-swales along SW Lane, which eventually serve to help replenish the river. The boardwalks over the bioswales harkens back to the notion of wood dock structure that serve to provide connection from the water to land and thus incorporate the maritime/nautical thematic elements into the urban landscape while providing a consistent and unifying element with the boardwalks along the Ardea development to the west along SW Lane.

The unique district lighting, street furniture and public way materials will be used to unify the project and the entire district. Street trees, stormwater treatment and landscaping are coordinated with the district standards. *These guidelines have been met.*

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

**Findings:** Block 37 responds to and reinforces its place within both the existing and the developing urban context of the South Waterfront District. These

responses can be seen in a number of gestures. The ground floor extends to the lot lines and creates a strong urban edge. The retail spaces are held back to allow doors to be opened without protruding into the pedestrian way and provides more area for the retail to spill out into the sidewalk. The corners at SW Gaines and SW Lane are reinforced with retail and strong massing form that accentuates the building's corners. The walk-ups along SW Gaines and SW Lane provide a comfortable street edge leading to the greenway. In addition, balconies, canopies, lighting and a strong differentiated base serve to articulate the urban edge. *This guideline has been 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.

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

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

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

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

**Findings for A8, B4, C7, C8, C9 and C10:** The design includes numerous elements that activate the intersections and streetscape in a manner that differentiates the ground level of the building. The dark brick base of the building is the obvious distinction of the ground level in addition to a cantilevered upper floor along most of the facades and projecting bays on the north elevation. Retail space will occupy the SW River Parkway frontage and wrap the northwest and southwest corners along SW Gaines and SW Lane. There will be retail entrances at both the southwest, northwest and northeast corners of the block accentuated by the tall first floor of the building. The retail base has large amounts of vision glass with operable doors that connect and energize the street and metal canopies along the storefronts that project out over the sidewalk. The retailers will have the opportunity to expand out into the sidewalk given the operable doors and provide outdoor seating. The second contributing factor is the ground level residential interaction with the street. Ground level units have direct interaction with the street via entrance stoops along both SW Gaines and SW Lane. The building's main entry lobby mid-block on SW River Parkway has visual connection to the streetcar stop on SW Bond through the Ardea's pedestrian way. All of these elements will add to the activity of the street and the creation of a place in which to live, work, shop and play. *These guidelines have been met.*

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

**Findings:** Block 37 is not located at a designated city gateway. However, the location of the site within the South Waterfront district sets the area as a major landmark and gateway as one enters Portland on 1-5. On a smaller scale, the accentuated northwest and northeast retail corner entries will serve as gateways to and from the greenway while strengthening the intersections. *This guideline has been met.*

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

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

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

**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 sidewalk designs.

**Findings for B1, B1-1, B1-2, B2 and B3:** Block 37 provides extensions of the planned streets and pedestrian system as well as a strong pedestrian orientation to all adjacent streets. SW River Parkway has been designated a retail spine that will reinforce the north-south pedestrian system through the district. The building corners at SW Gaines and SW Lane are reinforced with retail and strong massing form that accentuates the building's corners and strengthens the retail node at the intersection of SW Gaines and SW River Parkway encouraging pedestrian movement to the greenway. The walk-ups along both SW Gaines and SW Lane provide transition from the urban network to the greenway. Sidewalk materials, components and street trees conform to the South Waterfront District Street Plan criteria and standards. Scoring patterns in the paving and thoughtful placement of benches all add to the pedestrian friendly environment as do canopies and well-lit sidewalks. At the hearing on August 21, 2014, the Design Commission added a condition of approval to further enhance the pedestrian environment and public's use of the accessway within SW Lane. The condition requires a furnishing zone to be delineated along the north side of the accessway, out of the pedestrian through zone, that includes 4 more benches, 4 bike stalls, and lights. At the same grade, and using the same distinct paver treatment, as the walkway in SW Lane, these amenities will appear as an extension of the public space that leads to and from the greenway trail.

Along River Parkway curb extensions increase the width of the sidewalk and make for safer pedestrian crossings. Street trees and street furniture placed within the

street furniture zone, between the movement zone of the sidewalk and the curb will help create a physical barrier between pedestrians and vehicles.

Pedestrian movement through the Lane accessway to the greenway will be provided via a 6'-wide path that aligns with the south edge of the greenway trail turnaround. As the greenway develops to the south, so will this SW Lane connection to the greenway. One of the two required loading spaces is proposed off of SW Lane on the south façade of the building. The loading is located closer to River Parkway to avoid loading and vehicle access taking over SW Lane. The space allows a truck to pull all the way into the building and exit the site onto SW River in a forward motion. Staff highlighted the location of the loading in the accessway as a concern in the initial staff report given the potential conflicts with large trucks and pedestrians and bicyclists, which are the intended users of the accessways. Within the district, the use and design of the accessways vary including restricting access with bollards, allowing limited access with removable bollards, and unrestricted allowing full vehicle access. At the first hearing, the Design Commission stated that removable bollards at the back of the sidewalk would be an acceptable solution that would restrict vehicle access to Lane for loading only, which the applicant has stated will be less frequent once the building is fully leased. In response, the plans have been revised to include 3 removable bollards in the specified location.

Three underground vaults with associated vents are also proposed within SW Lane at the west end. Given the unique paver treatment identified for the accessways in the South Waterfront street standards, Staff recommended a condition of approval for the lid covers to match the paving treatment or, at a minimum, be painted to match the surrounding pavers, which the Commission accepted at the hearing on August 14, 2014. A proposed revision includes non-removable bollards alongside these vaults in the accessway to protect them from vehicle traffic associated with the loading. These 7 permanent bollards are not desirable in this pedestrian accessway as they further obstruct movement in this area designed for pedestrians and bicyclists to connect to the greenway trail. At this time it is still unclear if the requirement from the power company is to prevent vehicles from driving or parking on top of the vaults and/or if alternate solutions are available. Staff recommended a condition of approval to continue to develop alternative design solutions that meet the needs of the power company and that are more aligned with the applicable design guidelines, which the Design Commission accepted at the hearing on August 21, 2014. Movable planters and building signage are two concepts Staff and the applicant are exploring as possible alternatives.

*As conditioned, these guidelines have been met.*

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

**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 for B2 & C12:** The frontages of the project require lighting to

accommodate several diverse uses. Lighting for individual residential walk-up entrances along with the building lobby entrance will provide both security and architectural enhancement through downlights integrated into canopies and building overhangs. The retail frontages rely on general street lighting, lighting from the display windows and down lighting in the canopies. General pedestrian lighting along the frontages will be in accordance with South Waterfront streetscape standards. In addition, discrete landscape lighting is proposed for the terraces along the greenway to enhance evening connection to the trails. Fire-pits on the second floor common living area will provide both warmth and mood lighting. Finally, step lighting will be incorporated into the stairs that connect the south courtyard to SW Lane. All outdoor lighting will be carefully planned to comply with LEED night sky criteria. *These guidelines have been met.*

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

**Findings:** The main lobby and retail entrances and storefronts are protected from the weather with canopies that will mitigate the effects of rain wind, glare, reflection and sunlight on the pedestrian environment. The residential entrances along Gaines and Lane have stoops where the building face is setback and also provide protection from the elements. The projecting bays added to the north façade in the revised proposal provide additional opportunities for shelter along the sidewalk on Gaines. *This guideline has been met.*

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

**Findings:** All exterior and interior spaces in the building have been designed for barrier-free access with accessible routes to each apartment and the retail spaces. Six fully accessible units are sprinkled throughout the building in a variety of unit types providing various living options for those who require accessible units. All accessibility elements are well integrated and do not detract from the building's overall design. *This guideline has been met.*

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

**Findings:** The massing of the building was designed to maximize both sunlight and views to the river. Terraces and private stoops are provided along the greenway to take advantage of views and provide eyes on the park. The common living room on the second level faces the greenway and provides outdoor space for all residents to enjoy the park view.

The project's original design to extend above the 50' height limit within 50' of the Gaines Street centerline was revised at the Design Commission hearings and the associated modification is no longer needed. The revision allows the view corridor to and from the River along Gaines, established by the existing developments to the north and west, to be maintained. The revised design with the upper 2 floors setback back provides outdoor terraces on the 5<sup>th</sup> floor along the Gaines façade expanding views to the east and west for the building occupants. *This guideline has been 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.

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

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

**Findings for C2, C5, C4 and C4-1:** The base of the building consists of a cast-in-place structural frame clad in charcoal aluminum storefront windows, dark gray brick, metal canopies and board formed concrete stoops and planters. The floors above integrate black VPI commercial vinyl windows, white Stucco-Flex finished panels, metal panels in 3 colors and 2 types (louvered panels and 6" horizontal panels) and glass railings. A sample of the metal provided is a high gauge panel that is rigid and should hold its form over time. Details of the stucco have been provided to demonstrate a quality application and finish.

The overall project uses this coherent palette of materials that are well knit together. The building massing is simple and clear with a strong base expressed in brick and retail areas with storefront glazing and canopies. The upper floors clad in stucco are contrasted against textural metal panels and large setback windows that provide a coherent rhythm and texture. The massing is broken up with variations in façade depth that serve to emphasize corners. A consistent module of window sizes and panel sizes create coherency in the forms. The massing of the building reinforces the podium heights of the surrounding towers and steps back from the greenway providing landscape planting opportunities, balconies and terraces. The walk-up units along both SW Gaines and SW Lane create transitions between the public sidewalk and residences while providing opportunities for residents to landscape, relax and view those passing by similar to many of the surrounding buildings.

In the prior hearings, Staff and Design Commission recommended changes to improve the overall composition of the building. The more subtle changes include a more consistent use of the accent material and unifying the brick elements. The major revision, in response to the first hearing, reduced the building height along Gaines and stepped back the upper two floors. Projecting bays were added to this north elevation to help articulate the long façade. At the hearing on July 10, 2014, the Commission recommended the addition of recessed balconies on the north, west and south elevations to further articulate the façade, better engage the building with the sidewalk below and unify all of the facades. In response, the applicant has provided 5' deep inset balconies on the upper floors of both the north and south facades. The west façade contains only 3 balconies near the northwest building corner. Staff's recommended condition of approval for an additional column of 5' deep balconies on the west elevation that matches the inset balconies on the north and south facades was accepted by the Design Commission at the hearing on August 21, 2014. During this hearing, the Design Commission added several other conditions of approval to improve the material quality and finish details throughout the building. These conditions include:

- Use cedar wood in place of Resysta for the balcony and canopy soffits throughout the building;

- Use a continuous piece of metal for the red accent panel returns rather than individual horizontal panels; and
- Minimize the stucco joints along the top and bottom horizontals of the facades.

The two-story structured parking garage is well-integrated into the design of the building. The apartment lobby, retail and ground floor residential units wrap the ground level parking along all streets with the second story fully below grade. Entry to the parking garage is along SW Gaines since SW River Parkway is a parking access restricted street and SW Lane is a greenway accessway. The location of the garage entry has been proposed in two locations: on SW Gaines, at the west end near the intersection; and more recently at the east end, near the greenway trail. At both hearings, the Design Commission expressed a preference for the garage location at the west end, as did the numerous public responders from the neighborhood. In response, the applicant has shifted the garage entry to the west to better align with the opposing Atwater garage entry. Having these vehicle access points better aligned reduces the potential noise and light impacts on the ground floor units of both developments (Block 37 and Atwater) and focuses the car traffic closer to the NW intersection rather than the greenway trail at the eastern terminus of Gaines. Furthermore, Transportation has deemed the 11'-6" offset of the two opposing garages as acceptable and should not hinder vehicle or pedestrian movement in the immediate area.

*As conditioned, these guidelines have been met.*

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

**Findings:** Block 37 has two elevated courtyards on the second level (the roof of the garage). Both combine hardscape and landscape materials. Large landscape planters act as dividers between the public and private areas of the courtyard while also treating all of the storm-water for the project. As the building's mass steps back from the greenway, the adjacent roofs are utilized as terraces. An additional outdoor terrace has been added atop at the 5<sup>th</sup> floor along Gaines as a result of the change to reduce the height and setback the upper floors. These terraces at the north end have been designed to be occupied and include pavers, landscaping and decorative rocks. The upper level roof is designed as a flat roof concealed behind a perimeter parapet. There is limited mechanical equipment on the roof, but what is there has been consolidated into one area and screened to match the color (gray) and type (6" horizontal) metal accent panel on the building's facade. The treatment of the rooftop includes rocks in a colored pattern that reflects the east-west building forms and the north-south flow of the river. The rock design was discussed at the Design Advice, where the Commission expressed some reservations and preferred an eco-roof. The applicant has provided additional information that supports the design and maintenance of the rock garden to ensure the rooftop design is sustained over time. At six stories, the rooftop elements and design will provide interesting views from many surrounding vantage points but have limited skyline impacts. *These guidelines have been met.*

**C13. Integrate Signs.** Integrate signs and their associated structural components with

the building's overall design concept. Size, place, design, and light signs to not dominate the skyline. Signs should have only a minimal presence in the Portland skyline.

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

**Findings for C13 & C13-1:** No specific signage designs are proposed with this application. Potential retail signage and associated accent lighting has been anticipated for integration with the canopies. A building signage program will be developed and well integrated to compliment the architectural integrity of the building while also providing information and way finding. *These guidelines are not applicable at this time.*

### **South Waterfront Greenway Design Guidelines**

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

**2. Access Greenway Edges.** Address the edges of the greenway where it interfaces with streets and accessways, public open spaces, and bridge structures using the following Greenway Edge Guidelines (2-1 – 2-3).

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

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

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

**3. Incorporate a Diverse Set of Gathering Places.** Accommodate a range of special activities oriented toward the Willamette River that offer large and small gatherings, play, watercraft launches, and unique viewpoints as extensions of the greenway trail. Design gathering places to respond to the character of the specific reach's historical context, urban setting, and particular habitat improvements.

**Findings for 1, 2, 2-1, 2-2, 2-3 and 3:** The greenway trail along the site's frontage, and extending north to SW Gibbs, was approved in 2010 and is currently under construction. Once complete it will consist of two paths, one for pedestrians and one for cyclists; a renaturalized and stabilized riverbank; pedestrian connections to the trail system at the end of neighborhood streets and accessways; overlooks at both the landward and riverward ends of these pedestrian connections; a system of vegetated swales providing stormwater conveyance and treatment; osprey nest locations; lighting; public art; and various seating options throughout.

Block 37's terraces, walk-up stoops, balconies, southern courtyard and common outdoor living room all provide a diverse set of both large and small spaces for gathering and play as well as to enjoy the views and activities along the river. The walk-up stoops serve to extend the greenway west while providing residential viewing terraces back to the east. The common living room along the greenway provides an overlook to the river and serves a gathering space for residents, while providing visual interest and variety to those moving along the greenway trail. The revision to convert the ground level residential unit at the northeast corner to a

retail space with a generous outdoor patio provides another large gathering space and area of activity along the river that is easily accessed from the trail and Gaines street. *These guidelines have been met.*

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

**Findings:** Sidewalk materials, components and street trees conform to the South Waterfront District Street Plan criteria and standards. Scoring patterns in the paving and thoughtful placement of benches all add to the pedestrian friendly environment.

The boardwalks over the bioswales along SW Lane harken back to the notion of wood dock structures that serve to provide connection from the water to land and thus incorporate the maritime/nautical thematic elements into the urban landscape while providing a consistent and unifying element with the boardwalks along the Ardea’s frontage.

General pedestrian lighting along the frontages will be in accordance with South Waterfront streetscape standards. In addition, discrete landscape lighting is proposed for the terraces along the greenway to enhance evening connection to the trails. Fire-pits on the second floor common living area will provide both warmth and mood lighting. Finally, step lighting will be incorporated into the stairs that connect the south courtyard to SW Lane. All outdoor lighting will be carefully planned to comply with LEED night sky criteria. *This guideline has been met.*

**5. Enhance the Riverbank.** Utilize riverbank stabilization strategies that enhance the river and riverbank ecosystems. Where appropriate, integrate public access to the water that is safe and supportive of adjacent riverbank areas.

**6. Design Diverse Plant Communities.** Select appropriate species of native plants based on the soil, light, moisture conditions, context and adjacent uses of the site. Create and enhance habitat through renaturalization, encouraging a structurally diverse and ecologically valuable greenway.

**Findings for 5 and 6:** The Willamette Greenway Park sits between Block 37 and the riverbank. As a part of the development two rows of stone columns will be placed between the building and the property line to provide both bank and soil liquefaction stabilization. Native landscape plantings will be used throughout the development site. The bio-swales along SW Lane enhance habitat and celebrate the natural environment. Plantings along the greenway will match the planting palette of the Willamette Greenway Park. The Bureau of Environmental Services owns and controls the bio-swale between the Greenway Park and the river in front of the property and discourages connection to the river at this location. That being said, greenway access is provided at Gaines and Lane that connects to the trails and to river access further north (and, in the future, further south). *These guidelines have been met.*

## **(2) MODIFICATION REQUESTS (33.825)**

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

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

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

The following two modifications are requested:

1. For the upper floors of the building to project 3'-6" into the required 30' building setback from the centerline of Lane accessway (PZC Section 33.510.252.B).

**Findings: Council finds that the proposal meets both of the modification criteria.**Proposal is consistent with purpose of accessway standard.

First, Council finds that, on balance, the proposal is consistent with the purpose of the accessway standard. The purpose of the accessway standard is stated in Section 33.510.252.B.1 and includes:

- Accessways provide physical access and connections to the Greenway for neighbors, visitors, and residents of South Waterfront who might otherwise be cut off from the Willamette River and the Greenway trail.
- Accessways are generally extensions of existing and planned east-west public rights-of-way, and may or may not provide vehicle access.
- Accessways provide safe and convenient bicycle and pedestrian connections to and from the Greenway trail.
- Accessways contribute to stormwater management in the subdistrict. They also provide a visual connection to the South Waterfront Greenway Area; and
- Provide a transition from the natural emphasis of the South Waterfront Greenway Area to the urban emphasis of the rest of the district.

Where there are multiple objectives in a purpose statement, as in this case, the Council reviews the proposal against each objective. If a proposal is consistent with certain objectives but inconsistent with other objectives, the Council determines the weight to be given to each objective, and evaluates whether on balance the proposal is consistent with the overall purpose of the standard. Where, as here, the Council finds that the proposal is consistent with all objectives contained in the purpose statement, no weighting of the individual purpose objectives is necessary and the Council will find that the proposal is, on balance, consistent with the purpose statement of the standard to be modified.

As indicated above, the accessway purpose statement includes several objectives. The proposed modification is consistent with each of these objectives, as follows:

The 30' setback has been met, and in locations exceeded, at the ground level. This setback allows for the full improvements within SW Lane that will align with the western portion of the accessway across SW River Parkway. A pathway connection across the park property at the east end of the site will connect the accessway to the Greenway trail. This alignment with the accessway to the west and the pathway connections across the park property at the east end will complete the planned east-west right-of-way of SW Lane through the district providing physical access to the Greenway.

The 30' setback maintained at the ground level allows SW Lane accessway to be improved to meet the accessway standards, which includes a 20'-wide paved path and pedestrian and bicycle amenities such as lighting, bicycle racks, benches and landscaping. The Council finds that the requested modification allows for a 20' paved non-vehicular, path which provides a safe and convenient bicycle and pedestrian connection to the greenway.

The proposal includes stormwater management planters and swales that celebrate the treatment of stormwater along SW Lane with a stormwater waterfall that carries stormwater from the second level courtyard to the bio-swales in the accessway. The bio-swales use natural plantings to treat water as it makes its way to the river. Boardwalks cross the bio-swales to provide connection back to the stoops along SW Lane. The stormwater facilities, along with the landscaping and street trees, provide the intended transition from the natural emphasis of the Greenway to the urban emphasis of the rest of the district consistent with the accessway purpose objective.

The focus of testimony before the Council was the objective that accessways provide a visual connection to the South Waterfront Greenway area. The minimal projection does not impede the visual connection along SW Lane to the Greenway area. Council finds that this accessway standard only applies east of River Parkway as stated under PCC 33.510.252.B.2. As such, the primary focus of the purpose objective is visual connection along the Lane accessway towards the Greenway. The proposal is consistent with this purpose. The upper floor projection will not discernibly impact any view along Lane to the Greenway. Instead that visual connection will be fully maintained along the pedestrian and bicycle path towards the Greenway and the minimal projection will provide weather protection for those using Lane to enter or exit the Greenway. The minimal upper story projection is counterbalanced by the recessed balconies which break down the mass of the projecting facades, preserve the visual connection and better engage the building with the outdoor activities on Lane. The balconies are provided in two columns of 5' deep inset within each of the two projecting masses.

View corridors from points west of River Parkway are a secondary focus of the visual connection objective. Council finds that the proposal is consistent with this aspect of the objective as well. The width of the designated accessways, which ranges from 50'-60', was based on the potential for towers being developed throughout South Waterfront district. The 30' setback results in a 60' width, which is comparable with the typical Central City block structure and is sufficient for tall buildings, in terms of the ratio of open space, natural light and air to built space. Given the smaller scale of the proposed building (6 stories),

the width of the proposed accessway is adequate in relation to the proposed height of the building at 72’.

The minimal visual intrusion of 3’-6” into the accessway is counterbalanced by the lower height and massing of the building, the recessed balconies creating setbacks in plane along the Lane facade and the preservation of the full setback at the ground level which in locations meets and exceeds the 60’ width. Given all of these factors, the proposal is consistent with the objective of providing a visual connection to the greenway.

Resulting development will better meet applicable design guidelines.

When measuring the modification against the design guidelines, the standard is whether the resulting development will better meet the applicable design guidelines. The Council finds that the resulting development, as a whole, better meets all the applicable design guidelines and specifically, the two guidelines most directly applicable to accessways, B1-2 (Enhance Accessway Transitions) and C5 (Design for Coherency), as stated below:

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

In addition to the design elements mentioned above, Council finds that the projecting upper facades will better meet B1-2. The facades contain generously inset balconies that will further and better articulate the façade and better engage the building with the sidewalk below. These inset balconies and pedestrian overhang in discrete areas of the building better activate and expand the public realm from building face to adjacent building face.

Private building elements such as balconies, stoops and entries have been incorporated into the accessway at the upper floor and ground plane to further expand the public realm under Guideline B1-2.

Additional landscaping and pedestrian amenities have been incorporated into the design to better meet this guideline including additional benches and bicycle facilities. Importantly the proposal also includes a full street improvement of the Lane accessway, rather than the required half street improvement. This full street improvement better meets the applicable guideline B1-2 by providing a full accessway transition to the Greenway well in advance of development on the adjacent block.

Further, this project is located on a block that permits a maximum height of 250 feet. The resulting development proposes a maximum height of 72 feet. The development therefore preserves an openness to the public realm on the

accessway and maintains more light, air and privacy relative to the accessway than a proposal without the modification. This proposal therefore expands the public realm in a manner that better meets the applicable design guideline.

The inset balconies and resulting pedestrian overhangs better unify the facades of all of the street frontages under Guideline C5. The inset balconies and projecting facades continue a design pattern and coherency that is present on the other building frontages, achieving a more coherent and better composition than a project void of these projecting panels.

Finally, the appellant did not identify any particular design guidelines it believed were not better met by the resulting development. Appellant's arguments were directed to the purpose statement of the accessway standard. For these reasons, the resulting development better meets the applicable design guidelines.

*As conditioned, the criteria for a modification to the accessway standard have been met.*

2. Provide 26 tandem parking spaces without an attendant or having to move another vehicle (PZC Section 33.266.130.F.1).

**Findings:** There are numerous parking bays designed as tandem stalls, in that the front stall does not have access to the drive aisle without moving the vehicle behind it adjacent to the aisle. The tandem stalls are only intended and practical to be leased as a pair to the same unit tenants. Thus, the access and function of the tandem stalls will be handled by the assigned tenants and building management meeting the purpose of the standard to provide convenient exist and entry for vehicles. The tandem stall design supports the applicable guidelines in that they allow for greater vehicle density to be parked in smaller amount of developed footprint while also relieving pressure from surface/street, or above grade structured parking that might otherwise be necessary. *The criteria have been met.*

## **DEVELOPMENT STANDARDS**

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

## **IV. CONCLUSIONS**

As revised, the proposal will be a great addition to South Waterfront District by adding activity and pedestrian scale to the abutting streets, accessway and future greenway trail. The applicant has made significant revisions that improve the relationship and transition to the greenway, break down the mass on the north and south facades and increase the coherency of the overall design and building elements. Three Conditions of Approval are included for an additional column of balconies on the west elevation, vault lid cover that matches or is painted to match the color of the pavers, and an alternate design of the non-removable bollards in Lane which will further articulate and unify the façades and improve the pedestrian experience in the accessway, respectively. These revisions address the concerns of the Design Commission and therefore warrant approval.

**City Council Finding:** As discussed in the Modification findings above the Council finds that proposal is, on balance, consistent with the purpose of the accessway standard and the resulting development, as a whole, better meets the applicable design guidelines and specifically B1-2 (Enhance Accessway Transitions) and C5 (Design for Coherency). The Council finds that the modification to the accessway standard should be approved for this proposal. The Council also notes that this decision does not establish a precedent for allowing future intrusions into accessways in South Waterfront. This modification approval is not intended to justify subsequent modifications; rather, future modification requests will be judged against the approval criteria on their own merits.

## **VI. DECISION**

**It is the decision of Council to deny the appeal of the South Portland Neighborhood Association and uphold the Design Commission's conditional approval as noted below:**

Approval of a Design Review for a 6-story, mixed-use building with 270 residential units, 8,359 SF of retail area and 225 parking spaces on Block 37 in the South Waterfront Sub District of the Central City Plan District.

Approval of the following Modifications:

1. For the upper floors of the building to project 3'-6" into the required 30' building setback from the centerline of Lane accessway (PZC Section 33.510.252.B).
1. Provide 26 tandem parking spaces without an attendant or having to move another vehicle (PZC Section 33.266.130.F.1).

Conditions of Approval:

- A. As part of the building permit application submittal, the following development-related conditions (D-H) 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 14-117884 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. A column of 5' deep inset balconies that extends from the 2nd to the 6th floor shall be added to the west facade that matches the proportions and design of the balconies on the north and south facades.
- C. The lid covers to the underground vault in SW Lane shall match the surrounding paving treatment, as specified in the South Waterfront street plan or, at minimum, be painted to match the colors of the surrounding pavers.
- D. The applicant shall work with Staff on an alternate design solution for the non-removable bollards proposed to protect the underground vaults in the Lane accessway from vehicle traffic. If the solution requires a Type 2 Design Review, the Design Review approval must be final prior to issuance of main building permit.
- E. Cedar wood shall be used in place of Resysta for the balcony and canopy soffits.
- F. Where the horizontal metal accent panel (red) occurs at a corner, a continuous piece of metal shall be used at the return to the window, rather than individual horizontal panels.

- G. The stucco joints shall be minimized along the top and bottom horizontals of the facades.
- H. Within SW Lane, a furnishing zone shall be delineated along the north side of the walkway, out of the through pedestrian zone, that includes 4 more benches, 4 bike stalls, and lights. The furnishing zone shall be at the same grade as the walkway and include pavers that match those in SW Lane.

**The applicants prevailed.**

## **VII. 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 - NOT ATTACHED UNLESS INDICATED**

- A. Applicant's Statement
  - 1. Applicant's Narrative, Responses to Approval Criteria & Stormwater Report dated April 29, 2014
  - 2. Applicant's Memo dated March 25, 2014
  - 3. Applicant's Memo dated April 25, 2014
  - 4. Ground floor window calculations
- B. Zoning Map (attached)
- C. Plan & Drawings
  - 1. Through 50 (Exhibit C37, C11, C12, C6 and C10 attached)
- D. Notification information:
  - 1. Request for response
  - 2. Posting letter sent to applicant
  - 3. Notice to be posted
  - 4. Applicant's statement certifying posting
  - 5. Mailed notice
  - 6. Mailing list
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Water Bureau
  - 3. Fire Bureau
  - 4. Bureau of Transportation Engineering
  - 5. Portland Parks and Recreation
  - 6. Site Development Section of BDS
  - 7. Plan Review Section of BDS
- F. Letters
  - 1. Block 37 Design Review Group, April 18, 2014, stating concerns with building setback along SW Gaines, SW Lane and greenway trail, rooftop design, composition and material quality, garage access and parking.

2. South Portland Neighborhood Association Land Use Committee, April 24, 2014, stating concerns with building setback along SW Gaines, SW Lane and greenway, design compatibility, material quality, rooftop design and parking.
3. Carter Beyl, April 24, 2014, stating support for the project.
4. Craig Mendenhall, April 24, 2014, stating support for the project.
5. Paul Soper, April 29, 2014, stating support for the project.
6. Robert and Kandis Nunn, April 30, 2014, stating the design guidelines should be applied vigorously for a high quality and compatible addition to the district.
7. Anastasiya Porchuk, April 30, 2014, in support of the project.
8. Marissa Davis, April 30, 2014, in support of the project.
9. Ryan Cotton, May 2, 2014, in support of the project.
10. Brian Kiolbasa, May 5, 2014, in support of the project (Exhibit F-10)
11. James H. Luke (chair of Nature & Greenspace Committee), May 5, 2014, concerns with building setback and design along the greenway and lack of active ground floor and enhancement of greenway.

G. Other

1. Original LUR Application
2. Incomplete Letter dated March 11, 2014
3. 120-Day Extension Form
4. Memo to Applicant dated March 20, 2014
5. Memo to Applicant dated April 24, 2014
6. DAR Summary dated August 8, 2013
7. Approved Site Plan for Greenway Trail (case file 10-204930)
8. Staff Memo to Commission dated May 7, 2014
9. Copy of Staff's PowerPoint Presentation from May 15<sup>th</sup> hearing
10. Staff Report of May 15<sup>th</sup> hearing

H. After 1<sup>st</sup> Hearing

1. Summary of May 15<sup>th</sup> hearing
2. Memo To Commission dated June 30, 2014
3. Copy of Staff's PowerPoint Presentation from July 10<sup>th</sup> hearing
4. Staff Email to Applicant with Summary of July 10<sup>th</sup> hearing
5. Photos of Existing Building Projections into Lane

*Public comments received after 1<sup>st</sup> hearing – H.6 through H.33*

6. South Waterfront Community Association, May 13, 2014, stating concerns with greenway, accessways and rooftop design.
7. Marian Creamer, May 13, 2014, stating concerns with the parking, greenway, encroachment into Lane and rooftop design.
8. South Waterfront Business Association, May 15, 2014, stating concerns with the setback on Lane and lack of parking.
9. Block 37, Design Review Group, May 15, 2014, stating concerns with development along the greenway, height modification along Gaines, projection in Lane setback, design and coherency, quality of materials, rooftop design, lack of parking and garage location.
10. Lloyd Kendrick, May 15, 2014, stating concerns with the lack of consistency with the visions of South Waterfront Plan.
11. Copy of PowerPoint presentation from May 15, 2014 hearing, citing numerous concerns with the proposal.
12. William Savery, May 1, 2014, stating concerns with the project's relation to the greenway.
13. Block 37 Citizens Committee, June 22, 2014, stating concerns with the Lane setback, greenway setback, Gaines façade, building color, rooftop design and deck, parking ratios, and garage entry location.
14. South Waterfront Community Association, June 28, 2014, stating concerns of with greenway, building and rooftop design.

15. South Portland Neighborhood Association Land Use Committee, June 27, 2014, support for majority of the revisions with concerns regarding the building setback along the greenway and Lane.
  16. Ellen Brown (Prometheus), July 9, 2014, stating support for the project.
  17. Dennis Allen (Zidell Companies), July 10, 2014, stating support for the project.
  18. Kandis Brewer Nunn (Block 37 Citizens Committee), July 10, 2014, stating concerns with the setback along the greenway.
  19. George Crandall (Block 37 Citizens Committee), July 10, 2014, stating concerns with the building projection into Lane.
  20. Jim Luke (Nature & Greenspace Committee), July 10, 2014, stating concerns with setback and transition to the greenway.
  21. Robert Nunn, copy of presentation from hearing on July 10, 2014, stating concerns with lack of articulation of north façade.
  22. Carol Juckeland (Block 37 Citizens Committee), July 10, 2014, stating concerns with the rooftop design.
  23. William Savery, (Block 37 Citizens Committee), copy of presentation from July 10, 2014 hearing, stating concerns with the garage entry location.
  24. Melanie Diamond (Block 37 Citizens Committee), August 6, 2014, stating concerns with the building projection into Lane.
  25. Block 37 Committee, August 18, 2014, restating opposition with the building projection into Lane.
  26. Melanie Diamond, August 18, 2014, stating concerns with building massing at NE corner and greenway setback.
  27. Ray Presnick (Block 37 Citizens Committee), August 19, 2014, stating concerns with the white color of the stucco finish.
  28. Candis Brewer Nunn, August 19, 2014, restating concerns with the rooftop design.
  29. Robert Nunn, August 20, 2014, restating concerns with the mass of the north façade.
  30. Author of comment unknown, August 21, 2014, stating concerns with greenway setback and massing at northeast corner.
  31. Kandis Brewer Nunn, August 21, 2014, stating concerns with rooftop design and retail on at the northeast corner.
  32. Ray Presnick, August 21, 2014, stating concerns with the white stucco panel.
  33. James Luke, August 21, 2014, stating concerns with the lack of a “riverwalk” and the erosion of the building at the northeast corner.
  34. Copy of Staff Report dated August 11, 2014
  35. Copy of Mailing List for Final Findings and Decision of the Design Commission
- I. Appeal
1. Appeal Submittal
  2. Appealed Decision
  3. Notice of Appeal
  4. NOA Mailing list
  5. Appeal comment letter from Cliff Weber letter, received October 23, 2014
  6. Appeal comment letter from Bonita & Kenneth Wiley, received October 20, 2014
  7. Appeal comment letter from Marian Creamer, received October 20, 2014
  8. Appeal comment letter from Rob Rubin, received October 21, 2014
  9. Appeal comment letter from Neale Creamer, received October 21, 2014
  10. Appeal comment letter from Richard Phillips, received October 22, 2014
  11. Appeal comment letter from Robert Nunn, received October 22, 2014
  12. Appeal comment letter from John Tate (SWNA), received October 22, 2014
  13. Commissioner’s Assistant Briefing Memo (choose one) Packet Memo
  14. Staff PowerPoint presentation from Council appeal hearing