



REVISED STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION

CASE FILE: **LU 10-204930 DZ, GW** (PC # 08-111106)
**South Waterfront's Central District
Greenway Development**

REVIEW BY: Design Commission
WHEN: March 1, 2012 at 1:30 PM
WHERE: 1900 SW Fourth Ave., Room 2500A
Portland, OR 97201

It is important to submit all evidence to the Design Commission. City Council will not accept additional evidence if there is an appeal of this proposal.

Bureau of Development Services Staff: Kara Fioravanti 503-823-5892 /
Kara.Fioravanti@portlandoregon.gov

GENERAL INFORMATION

Applicant: Allison Rouse, Portland Parks & Recreation (PPR)
1120 SW 5th Avenue, Room 1302 / Portland, OR 97204

Representative: Chlesea Mccann, Walker Macy
111 SW Oak Street, Suite 200 / Portland, OR 97204

Site Address: South Waterfront Central District Greenway Development
Legal Description: TL 300 7.68 ACRES, SECTION 10 1S 1E; LOT A, WATERFRONT SOUTH; LOT D, WATERFRONT SOUTH NO 2

Tax Account No.: R991100600, R882450010, R882450450
State ID No.: 1S1E10DB 00300, 1S1E10AC 00309, 1S1E10DB 00201
Quarter Section: 3430
Neighborhood: South Portland NA., contact Jim Davis at 503-248-9820.
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

Plan District: Central City - South Waterfront
Zoning: CXd, Central Commercial with design overlay
Case Type: DZ, Design Review and GW, South Waterfront Greenway Review
Procedure: Type III, with a public hearing before the Design Commission.
The decision of the Design Commission can be appealed to City Council.

Proposal:

The applicant seeks Design Review approval and South Waterfront Greenway Review approval to construct the South Waterfront Central District greenway improvements; the Central District stretches 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; lighting; public art; and various seating options throughout.

Approval Criteria:

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

- Central City Fundamental Design Guidelines
- South Waterfront Design Guidelines
- South Waterfront Greenway Design Guidelines
- 33.851.300 South Waterfront Greenway Review Approval Criteria

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. This application was submitted on December 29, 2010 and determined to be complete on June 27, 2011.

ANALYSIS

Context

Located between SW Gibbs Street and SW Lane Street at the west bank of the Willamette River, the South Waterfront Greenway Central District is situated at the heart of the South Waterfront District's riverfront. Two blocks west of the project's north end, the Aerial Tram's lower landing and future Gibbs Street Pedestrian Bridge connect the neighborhood to Lair Hill and OHSU's Marquam Hill campus. The Portland Streetcar links the neighborhood to the city center and runs the length of the site north along SW Bond and south along SW Moody, west of the Greenway. Vehicular traffic can access the I-5 corridor at the periphery of the South Waterfront District. The Ross Island Bridge connects the larger vicinity to Portland's east side, arching over Zidell Marine, an active barge manufacturing facility on the property immediately north of the site. Between the site's landward edge and the I-5 corridor, the South Waterfront District's first residential towers stretch skyward. The site is located in close proximity to Ross Island and other riverside lands of potential or extant ecological significance, including Oaks Bottom Wildlife Refuge, Cottonwood Cove, and Willamette Park. Taken together, these natural areas offer fish and birds that migrate upstream the first significant stretch of vegetated riverbank within Portland's city limits.

Industrial Heritage

The existing condition of the project site may be traced to its industrial heritage. The South Waterfront, generally, has housed lumber mills, ship building facilities and ship dismantling and scrap metal salvage facilities. What was seasonal wetland and riparian forest was eliminated, as industry demanded, when 20 to 30 feet of fill and industrial debris was pushed onto the floodplain. Where concrete trucks were emptied and washed out at the river's edge, large outcroppings of alternately crumbling and solid slurry exist in a bedrock-like condition. At other locations, eroded slurry appears to have contributed weathered cement and aggregate to the flat beaches visible during low water periods. The majority of the bank is littered with large pieces of concrete debris and demolition rubble. Steel pipes, ship parts, and even steel ship hulls litter the bank below approximately elevation +18 [ordinary high water (OHW)]. Wooden piles and dolphins, once the foundations of piers and the mooring places of decommissioned Liberty Ships and barges, still stand just off the bank.

Existing Conditions

While industrial debris revetments define the majority of the site's riverbank, many improvements have been made on or around the property since, or concurrent with, the redevelopment of the land immediately to the west.

In 2002, in accordance with the development agreement between the City of Portland and the current landowner (developer), the developer stripped the upper riverbank of debris and graded it back to 4H (horizontal): 1V (vertical) slope from elevation +18 feet landward.

At the south end of the project, between SW Gaines Street and SW Lane Street, the district developers constructed a large bioswale, which is now managed by the Bureau of Environmental Services. This stormwater cleaning and conveyance system treats district stormwater and conveys it to the river. It is planted predominantly with woody, native vegetation and its riverbank has been bioengineered with large woody debris and large semi-angular stone. At the end of the SW Gaines Street right-of-way, a cast-in-place concrete retaining wall exists above the bioswale's north end. This wall allows the southeast corner of the adjacent condominium (the Atwater) site work to remain contiguous with the street-level grade at SW Gaines while maintaining the integrity of the bioswale's functioning conveyance area and upper pipe outfall.

Between SW Curry Street and SW Pennoyer Street and between SW Pennoyer Street and SW Gaines Street the project abuts the site improvements at the Meriwether and Atwater buildings, respectively. In both instances, a precast concrete paver path constitutes this built edge condition. At each property, this paver path is consistent in color and pattern and furnished consistently with the benches, lighting and bollards.

Additionally, the project site meets the eastern termini of two constructed private streets at SW Curry and SW Gaines Streets and one constructed accessway SW Pennoyer Street, respectively. At SW Curry, an abbreviated concrete hammerhead jogs the street slightly north; at SW Pennoyer and SW Gaines, the paving is an unbroken field of concrete pavers that form the pedestrian path's western edge. The remainder of the site was roughly graded and seeded in lawn. A temporary asphalt path with seating runs the length of the site from the north end of the property (at SW Gibbs) south to the bioswale (at SW Gaines).

Zoning

The Central Commercial Zone (CX) 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 Design Overlay Zone [d] promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. 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 Zone – River General (g) is 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 'g' overlay allows for uses and development which are consistent with the base zoning, which allow for public use and enjoyment of the waterfront, and which enhance the river's natural and scenic qualities.

The SWGDP (SWGDP): In 2004, City Council adopted the SWGDP. The SWGDP establishes an alternative development strategy for owners of land adjacent to the river, furnishing them with a common vision for the ultimate build out of the Greenway. The larger vision the plan provides is intended to ensure cooperation between the City and the property owners who have contributed land in return for management in an effort to make the South Waterfront Greenway a wider and more ambitious project than that which is required by law. This schematic plan is a component of the approval criteria of the South Waterfront Greenway Review process. As such, it offers a means of conforming with municipal zoning requirements when proposed improvements within the Greenway Overlay Zone present alternatives to the Chapter 33.510.253 – Greenway Overlay Zone in the South Waterfront Subdistrict.

Definition of Terms

In the descriptions and responses that follow, the term “2002 Top of Bank Line” refers to the legal description codified in *Title 33* and identified in *Map 510-17*. Any reference to the “top of the riverbank” or “edge of the riverbank” refers only to the point at which the proposed improvements transition from flat upland to a regraded, sloping bank.

The term “Greenway Trail” refers to the system of twin paths—one dedicated for pedestrian use, the other for bicycle use—that run the length of the project site. This should not be confused with the term “path” which describes either the pedestrian path or the bicycle path but not the system composed of both.

The term “pedestrian connection” refers to those transverse pedestrian paths that connect the Greenway Trail to those points at which District streets and accessways terminate along the site's west edge.

Different documents propose different naming conventions for the various points of vehicular and pedestrian access to the Greenway. This report will refer to these connections as specified by *Map 510-15*, *South Waterfront Greenway Public Access*. This map addresses the streets as follows:

SW Gibbs Street – a right-of-way (street)
SW Whitaker Street– an accessway
SW Curry Street – a right-of-way (street)
SW Pennoyer Street – an accessway
SW Gaines Street – a right-of-way (street)
SW Lane Street – an accessway

On other documents and plans, SW Whitaker and SW Curry Streets are defined as “private driveways,” but for the sake of this review, the above nomenclature will be used.

All elevations discussed in the following narrative and review are City of Portland datum.

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

LU 09-115517 DZ, This Type III Design Review and Greenway Review was withdrawn. The request was for Central District Greenway improvements.

LU 08-123278 DZ, GW, This Type III Design Review and Greenway Review was withdrawn. The request was for Central District Greenway improvements.

LU 06-127426 DZ, This Type II Design Review approved the removal of a transmission tower in the greenway area of the South Waterfront District, roughly aligned with SW Whitaker Street.

LU 06-121780 DZ, This Type II Design Review and Greenway Review approved a new temporary trail within the South Waterfront Central District Greenway area. This current Type III Design Review and Greenway Review, LU 10-204930 DZ, GW, will replace this previously approved temporary work.

LU 05-124703 AS, This Type Ix Subdivision Amendment approved a replat of Waterfront Plat No. 2 to incorporate Tract E into the adjacent Lot 9 of Waterfront South Plat No. 2. Tract E and Lot 9 were created through a subdivision review process (LU 02-116252 SU GW) that created five lots and two open space tracts. During the final plat process for this case the lot identification system was changed so that the lots and tracts could be labeled sequentially beginning with the adjacent subdivision to the north, hence Tract B became Tract E and Lot 5 became Lot 9.

LU 04-046747 DZM, This Type II Design Review approved revisions to previously approved Meriwether (LU 04-04551 DZM). Approval of modification to parking stalls width.

LU 04-035377 DZ, This Type II Design Review denied the request to replace an existing electrical transmission steel truss tower with a new tubular steel monopole in the South Waterfront greenway area, roughly aligned with SW Gibbs. This case was withdrawn.

LU 04-004551 DZM, This Type III Design Review approved the Meriwether Condominium tower fronting the greenway at SW River Parkway, Curry and Pennoyer.

LU 03-171715 DZ GW: This Type II Design Review and Greenway Review approved excavation and construction activities in the "South Waterfront Greenway Area". [The "South Waterfront Greenway Area" is defined as Ordinary Low Water to 100' west of Top of Bank.] The following specific activities were approved:

- Installation of several sub-surface 3- to 4-foot diameter rock columns. The grid will extend two rows eastward past the building pads on the lots abutting the greenway, and thus the rock column "curtain" will extend into the greenway.
- Excavation into the greenway area for the foundations of buildings on the five adjacent lots.
- Up to four approximately 40-foot by 60-foot temporary gravel pads for construction cranes for four lots along the greenway within the South Waterfront No. 1 and No. 2 subdivisions.
- Removal of an existing high tension power line tower in the northeastern portion of the site adjacent to "Block 23." This work is intended to occur within 2004.
- Installation of a private storm drainage pipe
- Stockpiles of non-erodible materials such as pipe, iron, and wood.
- A 6' high chain link fence to delineate limits of disturbance area and to keep construction activity outside of the Greenway Area.
- Temporary concrete blocks for loading area adjacent to Block 23. These blocks will provide both a visual and physical barrier to the bulldozer operator so that material is not pushed too close to the riverbank.
- A revised temporary haul road location. [The temporary haul road location was originally approved under LU 03-117500 GW.]

LU 03-117500 DZ, This Type II Design Review and Greenway Review approved improvements and temporary activities. The following specific improvements and activities were approved:

- A vegetated stormwater filtration swale and outlet to the Willamette River;
- Riverbank restoration and stabilization in the vicinity of the proposed swale outlet, including removal of a concrete deck from an existing dock in that location;
- A temporary sediment control pond;
- A temporary material stockpile area to facilitate transfer of materials from the site to barges moored in the abutting river;
- A temporary haul road connecting various staging areas with the barge stockpile area; and
- A temporary web camera and weather station to be mounted on a utility pole that will be placed in the southeast corner of the site near the proposed water quality swale

LU 02-128184 SU, GW, Approval of an 8-lot subdivision with public streets and an open space tract (Tract A) with conditions. Approval with conditions of a concurrent Greenway Review for the proposed Tentative Plan, including: approval of the location and configuration of the proposed rights of way, easements, lots, and tracts - including Tract A, within which the future greenway trail will be located; and approval for the applicant’s Final Grading Plan (Exhibit C.3) – including grading of the street and driveway layout, lots, and the Greenway (Tract A). See Exhibit G.2 for further details

LU 02-124581 AD, GW, Approval of an Adjustment to 33.440.240 & 33.272 – Public Recreation Trails and 33.440.240 - Greenway Landscaping to defer improvements to the Greenway Trail and Greenway setback landscaping on the site, subject to conditions. Approval of a Greenway Review for site grading subject to conditions. See Exhibit G.2 for further details

LU 02-116252 SU, GW, Approval of a 5-Lot subdivision with public streets and two open space tracts (Tract A and B), in substantial conformance with the Tentative Plan and subject to conditions. Approval of a concurrent Greenway Review for the proposed Tentative Plan, including: approval of the location and configuration the proposed rights of way, easements, lots, and tracts - including Tract A, within which the future greenway trail will be located; and approval for the site preparation work shown on the applicant’s Grading Plan – including re-grading of the riverbank slope, street grading, raising the elevation of proposed lots above the 100-year floodplain, and grading of proposed stormwater management swales

LUR 01-00178 SU, This 2001 Subdivision is void.

LUR 01-00192 DZM, GW, This 2001 Design Review is void.

LU 96-00820 CU, This 1996 Conditional Use is void.

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed **January 13, 2012**.

- The Fire Bureau responded with no issue or concerns.
- The following Bureaus have responded:

The Bureau of Environmental Services (BES) responded with the following comment: Exhibit E-1

The following recommended conditions of approval and informational comments are based on the land use review documents and plans provided to the Bureau of Environmental Services (BES). The applicant may contact above listed staff with questions about the information presented in this memo.

A. RESPONSE SUMMARY

BES has the following comments related to the requested Design Review and South Waterfront Greenway Review. Note that the proposed development will be subject to BES standards and requirements during the permit review process.

B. STORMWATER MANAGEMENT

1. Existing Stormwater Infrastructure:

a. There is a 30-inch PVC/RCP public storm-only sewer and outfall located in SW Gaines St and west of the right-of-way (BES project # EP7562).

b. The 30-inch public storm-only sewer outfalls into a public stormwater swale located south of SW Gaines St, parallel to the Willamette River (BES project # 7555).

2. Sewer Easement Present: A sewer and water quality protection easement granted to the City of Portland exists over the public storm sewer and stormwater swale that cross the southern portion of this site. Please be aware, all sewer and water quality protection easements granted to the City of Portland are exclusive. No other utilities, facilities, or easements are to be located within the boundaries of these sewer easements without prior written consent of the Director of the Bureau of Environmental Services. Sewer easements granted to the City of Portland include the right of access for construction, inspection, maintenance, or other sewerage system activities, including activities related to stormwater detention, flood control, and water quality improvements. In addition, no building construction, material storage, grade reduction, or tree planting shall be permitted within these sewer and water quality protection easements without the prior written consent of the Chief Engineer of the Bureau of Environmental Services, City of Portland. Landscaping, which by its nature is shallow rooted and may be easily removed to permit access to sewer lines, shall be allowed to be planted within sewer easements granted to the City of Portland. However, no deep-rooted vegetation (such as certain trees) is to be located within the boundaries of these sewer easements.

a. There must be a minimum of 6 feet of cover over the public storm sewer at all times. Additional cover will be required if heavy equipment will be crossing the sewer during construction.

b. If the existing concrete over the sewer is to be demolished, BES requests a pre and post TV inspection of the pipe to ensure that it is not damaged. Inspection materials may be sent to the BES Maintenance Engineer for this district, Rob Cozzi (503-823-7086).

3. General Stormwater Management Requirements: All development and redevelopment proposals are subject to the requirements of the City of Portland Stormwater Management Manual (SWMM). The SWMM is periodically updated; projects must comply with the version that is adopted when permit applications are submitted. The 2008 SWMM may be obtained at the City of Portland Development Services Center (1900 SW 4th Ave) and from the BES website (www.portlandonline.com/bes/2008SWMM). Development projects are evaluated using the criteria described in Section 1.3 of the SWMM. The Stormwater Hierarchy guides the applicant in determining where stormwater runoff should be conveyed (i.e. infiltrated on-site or discharged off-site). The highest technically feasible category must be used. Regardless of the discharge point, vegetated surface facilities are required to the maximum extent feasible to meet SWMM pollution reduction and flow control requirements.

4. On-Site Stormwater Management Comments: BES reviews stormwater management facilities on private property for the feasibility of infiltration, pollution reduction, flow control, and off-site discharges. The Site Development Section of BDS determines if stormwater infiltration on private property is feasible when slopes on or near the site present landside or erosion related concerns, or where proximity to buildings might cause structural problems.

a. BES has reviewed the stormwater report from KPFF dated 12/21/11. The report includes Performance Approach calculations. The applicant proposes treatment and off-site discharge to the Willamette River via swales and sheet flow over surface vegetation. BES supports this approach with the following comments, to be incorporated into the design submitted for the building permit review:

- 1) *At depressions, storage should be maximized by keeping "freeboard" at around 2 inches. Currently the design shows a typical storage depth at approximately 2 inches, which is too little as it could easily be reduced by accident during installation.*
 - 2) *Check dams or other restraints should be added to further slow water for good design and added redundancy to the design assumptions.*
 - 3) *The grade beam should be anchored securely to avoid settlement or disturbance, perhaps using concrete or driven rebar stakes.*
 - 4) *An effort should be made by the engineer to quantify the "evenness" of the flow distribution. This could be done by quantifying the differing flow rates from one end of the flow spreader to the other assuming some nominal settlement. Values should be within 10%.*
 - 5) *The pathway edge needs to be tapered to facilitate water conveyance into the filter strip. Debris and sediment commonly build up along edges and function as a barrier. The tapered edge or equivalent "water entry assistance mechanism" is especially important given the longitudinal slope of the pathway.*
 - 6) *The pipe inlet appears adequately protected inside the area drain. A good O&M description, list of tasks, and maintenance schedule is important for proper function.*
 - 7) *The O&M should indicate that debris build-up and vegetation growth along the path edge needs to be removed frequently.*
 - 8) *Applicant should ensure that EC measures minimize erosion, which in turn minimizes sediment wash off. This could be done through good construction BMPs.*
 - 9) *Depending on the volume of water, it may be difficult to establish trees in close proximity downslope of the level spreader, as a number of the proposed facilities are located in the root zone of the trees. If a large volume of water is anticipated, trees may not survive and herbaceous plantings are recommended to further diffuse the flow.*
- b. At the time of permit review the applicant must demonstrate that permission has been granted to extend the private outfall in SW Lane and discharge to this line. BES believes the owner is North Macadam Investors (NMI) and the entity that maintains the line is South Waterfront Condo Association (SWCA). Dennis Wilde chairs the SWCA and may be able to help with the necessary approvals for the proposed SW Lane outfall line. Permission will need to be granted and documented prior to BES approvals at building permit.*
- c. The 18-inch storm line near SW Whitaker (cut and connect, sheet C2.0) is also a private line that was placed for construction purposes only, for the adjacent parcels. In conversations with Paul Dedyo at KPFF, disturbance of this line may not occur for this project. At the building permit stage, it will need to be clear if this line is going to be disturbed and if the proper approvals have been granted by the private owner.*
- d. Many of the surrounding parcels in this area are contaminated sites, and these parcels have been documented to contain fill materials containing debris (metal, concrete, etc); therefore, the soils and groundwater on these parcels are suspect contaminated sites. Before any type of infiltration facility can be approved for this project, a site map delineating the contaminated media areas and laboratory reports that include a chemical analysis of the contaminants of concern in the soils and groundwater must be provided to BES for review. At a minimum, the constituents listed in Chapter 4.3.4 of the SWMM must be analyzed. The DEQ project manager assigned to the site must approve of on-site infiltration as well as John O'Donovan with BES. Based on DEQ and/or BES assessment, BES may require the stormwater facilities to be constructed with an impervious liner so that they function as flow-through facilities instead of infiltration facilities.*
- 1) *Details of the level spreader/diffuser must be submitted and evaluated as part of the stormwater infiltration review.*
- e. If a new connection to the City of Portland's Municipal Separate Stormwater Sewer System (MS4) is proposed then, since this is a suspected contaminated property, the connection must meet current BES policy. The Policy requires compliance with water*

quality criteria at the point of discharge into the City's MS4. Stormwater analytical data must be submitted to show compliance with this policy. For contaminated sites, please see Section 4.11 of the SWMM for further details. Please contact Sebrina Nelson-Deal in BES Pollution Prevention (503-823-5843) with further questions or for a copy of this policy.

5. *TMDL Requirements: The project site is located in the Willamette River Watershed, in the Marquam-Woods subwatershed. Total Maximum Daily Load (TMDL) water quality requirements apply in the Willamette River Watershed, as required by Oregon DEQ. The Stormwater Management Manual (SWMM) requires that applicants use pollution reduction facilities that are capable of reducing TMDL pollutants. Vegetated facilities sized according to the Simplified or Presumptive Approaches meet these requirements.*

C. SITE CONSIDERATIONS

The following information relates to specific site conditions or features that may impact the proposed project.

1. *Plantings: Portland's Zoning Code (33.248) includes specific requirements for mitigation and restoration plantings, including that the plant materials must be native and selected from the Portland Plant List. Where mitigation and/or restoration plantings are not required, BES still recommends the use of native plants to help stabilize soils and minimize erosion, particularly within the Greenway. Sites located within the Greenway have the potential to provide habitat, and native plants provide more benefits than horticultural varieties. In addition, native plants do not require fertilizers or pesticides which can cause significant water quality issues, especially when used in close proximity to the river, nor do they require extensive irrigation. The proposed plant schedule includes several varieties that are not native, or are hybridized versions of native plants. BES recommends the use of native, non-hybridized varieties as hybrids may not provide the same level of support as natives do for native biological communities. Therefore BES recommends that the following plant species be replaced with native species:*

Non-native or hybrid trees: Acer Saccharum 'Comenemoration', Cornus Nuttallii 'Eddie's White Wonder', Facus Sylvatica 'Riversii', Nyssa Sylvatica

Non-native or hybrid shrubs: Ceanothus Gloriosus 'Point Reyes', Mahonia Aquifolium 'Compacta', Philadelphus X Virg. 'Dwarf Snowflake', Physocarpus Opulifolius "Summer Wine"

Non-native or hybrid groundcover: Carex Morrowii 'Variegata', Deschampsia Cespitosa 'Goldschleier', Deschampsia 'Northern Lights', Festuca Cinerea "Elijah Blue", Fragaria Chiloensis, Mahonia Repens

2. *100-Year Floodplain: This site is located in or near the delineated 100-year floodplain. The 100-year floodplain boundary is an estimate based on the best available data. BES recommends that the applicant coordinate with BDS Site Development for related requirements that may apply to this site.*

3. *Nature in Neighborhoods Inventory Information: The natural resources at this site were identified in Metro's Nature in Neighborhoods inventory of regionally significant riparian corridors and wildlife habitat. Specified resources and functions include the following:*

a. *Regionally Significant Wildlife Habitat: The Willamette River and its banks contain both aquatic and terrestrial resources. The Willamette River has been federally designated "Critical Habitat" for salmonid species listed as threatened under the Endangered Species Act. The near-shore shallow water areas provide important habitat for these ESA listed salmonids as well as macroinvertebrates.*

The river provides wildlife habitat and is an important wildlife migration corridor. The open water at the shore provides feeding areas for wildlife such as ducks, cormorants, gulls, kingfishers, herons, osprey, river otter, mink, and other species that feed on small fish and aquatic insects.

b. Regionally Significant Riparian Corridors: Vegetated riparian corridors provide important natural watershed functions. Tree canopy shades streams, helping to keep streams cool. Riparian vegetation helps to stabilize stream banks, capture sediment in stormwater runoff, support natural hydrologic flow processes and nutrient cycling, and provide a source of woody materials to the streams. Wood in streams enables natural channel-forming processes that support native aquatic species.

To protect the natural functions provided by these resources, BES recommends that the applicant minimize site disturbance and replant disturbed areas with native vegetation. Doing so will help minimize erosion, protect slope stability, and restore lost functions.

4. Large Wood Placement: The project involves anchoring (cabling) large wood to the riverbank. BES supports the addition of large wood, but suggests the applicant consider wood placement without cabling. BES restoration work typically does not involve anchoring wood because confining the wood can restrict natural streambank processes such as wood movement and sediment accretion and erosion. In cases where BES has anchored wood we have seen it damaged by campers and the replacement is made harder by the anchoring system. Downstream liability from large wood movement has not been an issue on the Willamette River; the system naturally supports a large amount of wood migration. Additionally, there are concerns that the cables could potentially have an effect on the stability of the vaults. If anchoring is pursued, it is suggested that this potential impact be evaluated and alternatives to cabling be considered.

5. Mitigation Area: A portion of the project is considered mitigation pursuant to an IGA with TriMet as mitigation for the Light Rail Bridge. BES supports the mitigation component and the design. The creation of over 25,000 sq. ft. of new beach habitat will provide tremendous restoration opportunity to salmonids. The design maximizes the beach habitat while trying to find unique engineering designs to increase the vegetation next to the beach by using the vault system. In addition, the mitigation is sufficiently protected from heavy use, but is accessible and a recreational part of the greenway in the summer time when there are fewer fish present. Finally, the creation of this beach will also facilitate any cleanup of residual contamination in the riverbank. This proposed design maximizes comprehensive habitat improvements and recreational use along the greenway. BES requests that this mitigation area be identified and delineated on plans prior to land use approval.

6. Osprey Nest: BES supports the location of a new osprey nest on one of the pilings. We have investigated the piling structure and believe it to be sound. In addition it is in a location that is not proposed for future access, docks or overlooks. Finally, its location satisfies most of the best management practices for relocation of osprey nests. We are working with Parks to secure the necessary permissions and permits to build the nest and affix it to the pilings prior to the construction.

D. CONDITIONS OF APPROVAL

BES has no recommended conditions of approval.

E. PERMIT INFORMATION

At the time of permit review the applicant should be aware of the following:

- 1. Connection Fees: Sewage system connection fees are assessed at the time of building plan review and change every fiscal year on July 1st. For additional information on these fees, visit the BES website or call the BES Development Review Team at 503-823-7761.*
- 2. Building Plans: Building plans for this project must include a detailed site utility plan which shows proposed and existing sanitary connections, as well as stormwater management that meets the requirements of the version of the SWMM that is in effect at the time permit applications are submitted.*

3. *1200-CA NPDES Permit – One Acre Exceeded: At building permit BES will verify that an issued 1200-CA was issued and it covers the proposed sites. The site development/building permit can not be signed off by BES until adequate erosion control measures as indicated in both the 1200CA permit and City Code are shown on the plans.*
4. *SWMM Chapter 4 Requirements: Design requirements from Chapter 4 of the SWMM (Source Controls) that may pertain to this project are briefly described below with the corresponding Chapter 4 section noted. BES recommends the applicant review Chapter 4 to help recognize other requirements that may apply to this project at the building permit review stage. BES recommends that requirements related to site contamination be addressed prior to submitting for building permit review to help avoid potentially long delays.*
 - a. *Temporary Dewatering (Section 4.4 and Title 17 Chapters 34, 36, 39): This area is served by public and private sewer systems. During construction, groundwater or precipitation water that is removed from the construction area and discharged to a City sewer requires pre-authorization/approval through the BES Batch Discharge Program. Fees are assessed for temporary construction discharges to the public sewer system - see the BES website for current rates and information about dewatering as it relates to construction projects. The fees apply to other bureau entities and jurisdictions as well.*
 - b. *Solid Waste and Recycling (Section 4.5): Solid waste (including grease bins/drums/boxes) and recycling (plastic, paper, glass, etc.) areas require a structural cover with a paved surface beneath the receptacles, a bermed or graded isolated area beneath the cover to protect from stormwater run-on, and a drain to the sanitary sewer within the isolated covered area.*
 - c. *Contamination in Surrounding Area (Section 4.11): The proposed development is located adjacent to a site with groundwater and/or soil contamination. Therefore, sampling data may be required to screen for any contaminants that may be present on this property. The analytical requirements can be found in Section 4.3.4 of the SWMM. In addition, if on-site infiltration facilities are proposed, BES will coordinate with DEQ to assess the feasibility of infiltration.*
 - d. *Infiltration on Contaminated Property (Section 4.11): BES Pollution Prevention has identified this property as suspect of being contaminated. Therefore, to meet the SWMM hierarchy discussed in the above Stormwater Management section, BES must be provided with specific site characteristic contaminant information in the areas where infiltration will take place. The site information must include analytical data that provides the chemical analysis for the contaminants of concern in the soils and groundwater. The information must be provided at the time of the permit review. BES and the DEQ project manager for the site, will assess the analytical data, and as a result may require stormwater facilities to be lined with an impervious liner and constructed as flow-through facilities or require above ground facilities.*
 - e. *Contaminated Soils (Section 4.11): Additional erosion control measures are required. Stockpiles of soil must have a barrier on all four sides, and covered to protect from stormwater contact. Contaminated soil piles must also have an impervious layer underneath the stockpile to inhibit contaminants from leaching back into the soil.*

The Bureau of Transportation Engineering responded with the following comment:
Exhibit E-2

Portland Transportation/Development Review has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.

Since there is no work proposed in public rights-of-way, PBOT has no concerns or objections.

Transportation System Development Charges (Chapter 17.15)

System Development Charges (SDCs) may be assessed for this development. The applicant can receive an estimate of the SDC amount prior to submission of building permits by contacting Rich Eisenhauer at 503-823-7080.

Driveways and Curb Cuts (Section 17.28)

Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits.

RECOMMENDATION

No objection to approval.

The Water Bureau responded with the following comment: Exhibit E-3

The Water Bureau has no objections at this time to the proposed project work and subsequent Design and Greenway Review, for the property located within what is shown in the LU 10-204930 DZ GW as the South Water Central District Greenway Review area.

There is water available to this site from the existing 8" DI water main in SW Curry St East of SW River Parkway. There is also an existing Water Bureau easement which goes from SW Curry St to SW Whitaker St and borders the West edge of the proposed project.

The static water pressure range at the end of the existing 8" DI water main in SW Curry St, at the West edge of the proposed project, is 67 psi to 84 psi at the elevation of 35 ft.

Conditions of Approval: None. Please call 503-823-7171 if you have any questions or comments.

The Bureau of Development Services, Life Safety responded with the following comment: Exhibit E-4

A separate Building Permit is required for the South Waterfront Greenway improvements such as pedestrian walkways, guardrails etc. to meet ADA and all applicable building codes and ordinances. More information regarding building code requirements can be obtained by visiting the Bureau of Development Services Development Services Center - 1900 SW 4th Ave, 1st floor. The Development Services Center is open Tuesday through Friday from 8:00 a.m. to 3:00 p.m. (closed on Mondays). No appointment is necessary. Building Code information is also available online at: <http://www.portlandonline.com/bds/>, or by calling (503) 823-1456.

The Site Development Section of BDS responded with the following comment: Exhibit E-5

Floodplain. The site is located in the 100-year floodplain and the Willamette River floodway. The base flood elevation is the FEMA 100 year flood elevation adjusted for the additional rise observed during the 1996 flood event (Base Flood Elevation =32.4' City datum). All development in the floodplain is subject to the applicable requirements of Chapter 24.50, Flood Hazards, and in particular, the no-rise hydraulic analysis for work in the floodway. The no-rise analysis was not submitted

at the time of this review but it appears that site grading and retaining wall construction will take place within the floodway. Site Development has no objection to the park improvements as shown, but prior to issuance of any building permits for the new park facilities, a no-rise analysis will be required. If the bank grading or retaining walls result in a net rise, the design will have to be modified so that no rise will occur due to the new improvements.

Applicant: Site Development is the department that will review projects for compliance with Chapter 24.50 requirements at the time of plan review. This chapter can be found on the BDS web site at www.portlandonline.com/bds.

Erosion control. *Erosion prevention and sediment control requirements found in Title 10 apply to both site preparation work and development. Full compliance with the erosion control requirements of Title 10, as well as maintenance of the erosion control elements, such as silt fences on private property, storm drain inlet protection and bio bags in the public right-of-way, is the responsibility of the property owner, the developer of the land division and the builders of structures on the individual lots. Please refer to the City of Portland Erosion and Sediment Control Manual for additional information regarding erosion and sediment control requirements.*

Erosion control requirements found in Title 10, apply to both site preparation work and development. The project area meets the criteria specified in City Code 10.30.030 as a Special Site with additional requirements for erosion, sediment and pollution control. An erosion control plan prepared by a Certified Professional in Erosion and Sediment Control (CPESC) or State of Oregon registered professional engineer, and special inspections by the CPESC or P.E. during construction, may be required at the time of building permit application.

DEQ permit required: A 1200-C permit from the Oregon Department of Environmental Quality is required for construction activities including clearing, grading, excavation, and stockpiling that will disturb one or more acres and may discharge to surface waters or conveyance systems leading to surface waters of the state.

Site Development requests that the following conditions of approval be required as part of the decision:

D. The following conditions are applicable to site preparation and the development of individual lots:

- 1. A hydraulic analysis confirming no rise in the base flood elevation, prepared by a professional engineer, shall be submitted at the time of building permit application.*
- 2. An erosion control plan prepared by a Certified Professional in Erosion and Sediment Control (CPESC) or State of Oregon registered professional engineer shall be submitted at the time of building permit application.*

The Bureau of Parks-Forestry Division responded with the following comment: Exhibit E-6

Urban Forestry has the following comments reviewed under Title 33:

- 1. Tree Protection Plan is needed to satisfy 33.248.068.*
- 2. Tree Survey is needed.*

Urban Forestry has the following comments regarding permitting under PCC 20.40:

1. *Street trees may be required on all right-of-way frontages.*
2. *A permit from Urban Forestry is required for all tree protection, pruning (above and below ground), removal and planting.*
3. *A Tree Protection Plan (TPP) is required for trees intended to remain within, and near, disturbance limits. Whether inside or outside work limits, all trees intended to remain on City-owned land and rights-of-way must be protected in accordance with 33.248.068.*
4. *Tree Survey is needed.*
5. *Tree removal table is needed. For trees less than 6" DBH to be removed, please also include a short narrative or separate table describing approximate quantity, size and species.*
6. *Tree Mitigation Plan is needed. Trees removed on City-owned land due to development require diameter inch for inch mitigation. The project may request prorated discounts based on tree condition or nuisance status if included in the tree survey. Mitigation required under 20.40 may not also be used to satisfy other tree planting requirements.*
7. *If applicable, salvaging wood and / or root wads from larger removed conifers is required under PCC 20.40.160. Please contact Urban Forestry for more information.*

Projects on Park managed lands must comply with current Park standards and guidelines including tree size at time of planting, trail surfaces, grading, construction materials and many others. A comprehensive Parks Plan Review will likely be needed as details become known.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **January 13, 2012.**

Extensive testimony was received at the February 2, 2012 hearing. Testimony centered around two main issues: (1) finding a mutually agreed upon solution for the osprey next location(s), and (2) including a dock in this application. Additional issues raised include: (1) wayfinding signs, (2) appropriateness of corten steel, (3) celebrating the Native American heritage, (4) children's play area, (5) a dog-free zone for adequate health and recreation, (6) appropriateness of lighting and lounge chairs.

February 2, 2012 Hearing summary: The first Type III Greenway Review (GW) and Design Review (DZ) hearing for the development of the South Waterfront Central District Greenway was held on February 2, 2012. At the conclusion of the hearing the Commission instructed PPR to: (1) explore a solution to the osprey that is acceptable to the testifiers, PPR and other review agencies and (2) find a way to include a dock as an alternate, formulate a plan to make the dock happen soon, or include the dock in this current application.

Progress since February 2, 2012: Regarding the osprey, for the entirety of the current 2012 nesting season, the existing nesting location on private property will remain. Beyond this year's nesting season PPR is moving forward with the Dolphin 8 nest location as originally proposed, and is now also including a second nest location at the north end of the Central District. This new location (the triangle site) was found acceptable by PPR, BES, Audubon and Oregon Department of Fish and Wildlife. Due to the need to avoid conflicts between construction and nesting seasons, PPR proposes a phased plan between 2012 and 2014 to implement these locations. During all nesting seasons adequate space for nest(s) will be available and when construction is complete, PPR will be providing 2 permanent nesting locations – Dolphin 8 and the triangle site.

Regarding the dock, the current application does not include a dock proposal. PPR has provided much more background information as to why the review of a specific dock at this time is not feasible, including the notion that if PPR was to propose specific dock designs in this application it would be without approval by other agencies and the time necessary to do that work could jeopardize the ability for Greenway construction in 2012. PPR did pursue a dock with the necessary reviewing agencies for quite some time. The outcome of that work resulted in decoupling a dock from the Greenway improvements for a variety of reasons, including the National Marine Fisheries requesting the City of Portland develop a comprehensive approach to water access along the entire reach of the Willamette in the City. Those City efforts are underway with OHWR and their River Recreation Strategy and BPS and their River Plan. At the very least more work is necessary with public outreach about the type of boats the dock will accommodate, more work is necessary with other agencies to balance the dock and habitat issues, more work is necessary to coordinate with the recently published River Recreation Strategy. PPR continues to be committed to pursuing a dock in this neighborhood and agrees to make a point of informing the Design Commission of that progress.

ZONING CODE APPROVAL CRITERIA

1. DESIGN REVIEW

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. The site is also designated with a greenway (g) overlay zone, therefore the proposal requires South Waterfront Greenway Design Review. The applicable design guidelines are the South Waterfront Greenway Design Guidelines.

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 South Waterfront Greenway Design Guidelines and Central City Fundamental Design Guidelines

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

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

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: All proposed seating, terraces, trail seating stations, and overlooks address the Willamette River. Pedestrian connections at all District streets and accessways extend to the Greenway Trail. At SW Whitaker Street, this connection is extended with a walkway to provide direct river access.

This Guideline is met.

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

Findings for A2: The forms and material selections for the proposed improvements at the South Waterfront Greenway Central District take their design cue from the site’s industrial past. The industrial character of the various design elements described by the SWGDP is intended to coordinate with the site’s local

context. It creates an identifiable theme for this stretch of Portland's Greenway and reminds the public of the City's history and the working river. The site itself is a tribute to Portland's commitment to healthy rivers, and the renaturalized riverbank will not only identify this place, but it will tie the site into its larger context.

This Guideline is 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 for A3: The greenway design responds to the various east-west connections at SW Gibbs, SW Whitaker, SW Curry, SW Pennoyer, SW Gaines and SW Lane. Large-scale gateways, using buildings along rights-of-way, will occur as adjacent properties develop at the site's west edge creates more conditions like that at SW Pennoyer Street—where the Atwater and Meriwether buildings frame the accessway—where one can understand the proposed planting plan aims to create gateways to the river. The maintained openings in the riverbank planting's canopy, at the end of each street and accessway, will frame the view to the river not just at the adjacent pedestrian connections, but westward into the district.

This Guideline is 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.*

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

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

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

Findings for A4, A4-1, A4-2, A5, A5-1, D2: The proposed improvements at the Central District will establish a cohesive and unified appearance through its use of materials and form. The corten steel walls, rust-colored concrete, overlook concrete with industrial fasteners, guardrails and custom benches are all derived from the SWGDP and will produce a unique and beautiful place that will speak to both the City's past as well as its future. Where the Central District greenway interfaces with or anticipates a built condition along its western edge, the district

pavers and benches are used, maintaining consistency with the District palette of materials.

The proposed improvements have been developed utilizing ecological principles. The site will become one portion of an ecological matrix whose increasingly connected character will dramatically improve habitat along the Willamette River for migratory fish and other species. The renaturalization of the riverbank with native species will initiate the return of ecological processes to a stretch of riverbank that is currently highly degraded. Plant communities that naturally occur along the Willamette River will be reintroduced to the site, their habitat constructed through an approach to bank stabilization that allows for dynamic stability and significantly increases the functional area of the riverbank. Together with the other ecological components in the vicinity, the proposed project will add to a sustainable ecological corridor along the river.

The proposed means of stormwater conveyance and treatment at the South Waterfront Greenway Central District takes advantage of the multipath Greenway Trail, locating vegetated swales between the paths. Adding another layer of function at the planting strip required by *Section 33.510.253 of Title 33*, this proposal makes the Central District's stormwater system visible for all park users. Stormwater is treated on-site prior to releasing it into the river. The variable nature of the space between the paths is used sometimes to reveal the water's flow and, at other times, to create temporarily inundated pockets. The water that does not naturally infiltrate into the soil will flow eventually to catch basins where it is directed to the riverbank and diffused through level spreaders, filtering once again through the lower bank soil and vegetation before flowing into the river.

The site's industrial heritage and the extant structures and industrial debris scattered across the property inspired both the forms and material palette of the proposed improvements. The lawn shelves and overlook walls are composed of curving sheets of corten steel reminiscent of the ship hulls that were constructed and later scrapped on or near the site. The overlook paving is impressed with industrial-scale metal fasteners which, when ground smooth, will serve as a literal reminder of the legacy of the site and lend a rusty patina to the concrete surface. The gabion and gabion walls will be backfilled with crushed concrete rubble cleared from the riverbank. The heavy timber decking at the west walk and the heavy timber benches at the street-end overlooks evoke the site's history of lumbering and sawmills. Pilings and dolphins remain, lending structural support to the riverbank and serving as a reminder of the river's past.

Public art is proposed at SW Curry Street with large logs and possibly salvaged industrial elements from the site, anchored by concrete pods. This sculptural installation serves to instill some sense of the Greenway's new role as an ecological corridor while reflecting upon both the industrial and the natural history of the site.

These guidelines are met.

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

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 B1, B1-1, B1-2, C6, D2: All existing and proposed public rights-of-way (streets and accessways) are directly linked to the Greenway Trail with wide concrete walks (and stairs when necessary). The west path is conceived to provide transition and definition to the public Greenway from the private development to the west. The transition from private gardens at the existing buildings, to the public west path with benches, to the public lawns and trails, characterizes the increasingly open and civic-scale nature of this space as one moves from west to east.

The pedestrian connections and upper overlooks—which serve as the Greenway's main entrances—link the district streets and accessways to the Greenway Trail, facilitating transit connections by networking District streets and their associated modes of transit (streetcar, Trimet Bus 35) into the Greenway. The Greenway path also provides local and regional connections for alternative modes of transit, including foot traffic and cycling.

Accessways are defined by *Map 510-15, South Waterfront Greenway Public Access*, at SW Whitaker, Pennoyer, and Lane Streets. Accessways are pedestrian-oriented connections that extend from the District to the Greenway. The proposed improvements include key components that will ensure the continued success of the built accessway at SW Pennoyer and the future success of the accessways at SW Whitaker and SW Lane. Specifically, at the west edge of the site, all streets and accessways that terminate or will terminate at the Greenway's west edge do so at gathering areas/overlooks. In this way, the proposed design embraces those planned pedestrian accessways and anticipates the network of sidewalks, pedestrian streets, streets and other connectors that will tie the neighborhood to its waterfront.

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.

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, B2-1, C12: While pedestrians do not encounter vehicular traffic on-site, measures have been taken to ensure safe pedestrian-cyclist interactions as those places where path types intersect. See response to Guideline 2, Greenway Design Guidelines for South Waterfront, for a description of the proposed approach to this potential conflict and for a summary of proposed lighting. Refer to Guideline C13-1, for a summary of proposed signage.

Photometric studies have been undertaken to ensure that the proposed lighting design will provide adequate coverage with a minimum of overcast and ambient light. The layout of the single line of light poles along the Greenway Trail and the selection of the lighting standard will safely light both the pedestrian and bicycle path. The selected poles will direct light downward, minimizing light spill at the renaturalized riverbank. The overlooks at the termini of District streets and accessways are also lit with pole lights that will softly diffuse light downward.

LED lighting in select locations at guardrails, beneath custom benches, and at significant overlook walls creates a unique nighttime atmosphere and highlights those improvements whose materials and form are inspired by the industrial relics scattered about the District. This also provides a visual marker at the intersections of the accessways and the trails.

These guidelines are met.

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

Findings for B4: The variety and hierarchy of seating and stopping places proposed at the Central District is evident. Included amongst the proposed improvements are heavy timber terraces with cast stone chaise lounge chairs and custom-made double-width high-back lounge chairs; greenway benches spaced regularly along the west walk; heavy timber benches at the overlooks that mark the east ends of the district streets and accessways; trail seating stations along the pedestrian path; corten steel shelves cut into the lawns; seating at specific trail overlooks; and room to stand out of traffic's way and look out to the river at each of the trail overlooks. All of the seating elements address the river, and those at the western (upper) edge of the Greenway afford views of the pedestrians and cyclists circulating through the park.

This guideline is 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 for B6: This guideline is intended to suggest an approach to elaborating an architectural design to protect the pedestrian zone immediately adjacent to a building. Whereas point number (8) suggests that this guideline might also be accomplished with a park structure, the passive open spaces of the Central District and the trail network remain open to the elements. Future phase site work (per the SWGDP) at the North and South Districts incorporates structures meant to enclose space and provide shelter.

This guideline does not apply at this time.

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

Findings for B7: The entire greenway is accessible. While individual pedestrian connections are completed with stairs, there is no portion of the South Waterfront Greenway Central District that is not accessible via one or more barrier-free routes.

This guideline is met.

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

Findings for C2: All of the proposed improvements are the product of carefully considered detail and material choices and are designed to be viable in the long term. The use of steel, concrete, and high quality wood will provide permanence and long-term value to the public.

This guideline is met.

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 C5: The hierarchy and composition of details at the Central District has been carefully considered. The consistent use of corten and galvanized steel and concrete relates proposed elements that vary in scale. For example, the river- and hull-inspired curving forms can be read at a variety of scales in the paths, overlooks, and seating terraces. Grounded in the same industrial vernacular and inspired by the same forms, the collection of improvements display coherence across scale and use.

This guideline is 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: Site signage at discreet locations will include courtesy signs and pavement markings. At each end of the project, courtesy signs will describe the Greenway Trail rules; pavement markings will clearly identify each path's designated use. The stated intent for signage will be in keeping with the

industrial character and material palette of the other proposed improvements and it will be designed to be visible yet unobtrusive.

These guidelines are met.

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

Findings for 1: Pedestrian and bicycle connections to the Greenway Trail are as direct as possible, extending east at the end of existing and proposed neighborhood streets and accessways. The project includes two separate paths for bicycles and pedestrians, separated by a planted zone. Tactile warning strips at the bicycle path's intersection with pedestrian crossings are intended to notify and slow the cyclists. The vantage points afforded by the site's west-to-east downward slope mean that pedestrians and cyclists entering the trail network will have a clear view of oncoming bicycle traffic as they move towards the Greenway Trail. All sloping paths are universally accessible and paths include guardrails as necessary and where appropriate. Where a substantial change in grade occurs between the east end of district streets and accessways and the Greenway Trail, concrete stairs facilitate the pedestrian connection. At the site's north end, a sloped cheek wall has been incorporated into the stairs, allowing cyclists to walk their bikes up or down the stairs safely and easily. This stair is intended to be removed with the future development of the Gibbs plaza to the north.

The curvilinear trail alignment maximizes user experience with a variety of views of the river and Ross Island, renaturalized riverbank and of the dense urban development of the District. Winding along the top of the riverbank, the riverward edges of the two paths overlook the bioswale and the renaturalized bank. From the pedestrian path, users can directly access the water access path located at SW Whitaker. Landward, the lawns slope up to the Atwater and Meriwether buildings, incorporating curving corten steel lawn terraces. The trail system will link the users physically and visually to the river, the environment, and the City.

Overlooks are aligned with the ends of the adjacent streets, becoming street indicators that reflect the pattern of the district for pedestrians and cyclists on the paths. These design elements will be combined with site signage, including courtesy signs, and pavement markings. At each end of the project, courtesy signs will describe the Greenway Trail rules; pavement markings will clearly identify each path's designated use. The stated intent for signage will be in keeping with the industrial character and material palette of the other proposed improvements and it will be designed to be visible yet unobtrusive.

This guideline is met.

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.*

Findings for 2, 2-1, 2-2, 2-3: Pedestrian and bicycle connections to the Greenway Trail extend east at the end of existing and proposed neighborhood streets and accessways, providing direct, universal access to the trail. Seating area overlooks highlight the terminus of Whitaker, Pennoyer, Curry and Gaines, incorporating lighting and overlook areas that clearly highlight the transition from the roadway to the greenway trails. The greenway trail connection extends East to overlooks and seating areas, aligned with the adjacent street grid system.

Gathering spaces are incorporated along the greenway trail providing opportunities for different activities and taking advantage of river views and connections. From Gibbs Street to Curry Street, a large open lawn allows for play and relaxation while enjoying views to the river. A large plaza is located at the intersection of the Greenway Trail and Pennoyer Street, creating an opportunity to host more formal public events.

Along the length of the path, smaller overlooks and seating areas provide many opportunities for visitors to enjoy views and access to the river, surrounded by renaturalized plantings that bring the river habitat up the bank and between the trails. The planting design includes selective areas where taller vegetation will not be planted. This creates variations in the views and experiences of the path users, as they walk or ride by closed, filtered or open views to the river and surrounding landscape.

This central stretch of the Greenway Trail, does not include physical connections to the bridges, however views to the Ross Island Bridge will be integrated throughout the trail design. Gatherings spaces are incorporated along the greenway trail providing opportunities for different activities including taking advantage of river and bridge views.

Along the length of the path, overlooks and seating areas provide many opportunities for visitors to enjoy views to the Ross Island Bridge, surrounded by renaturalized plantings that bring the river habitat up the bank and between the trails. To preserve the visual connections, the planting design includes selective areas where taller vegetation will not be planted. This creates variations in the views and experiences of the path users, as they walk or ride by closed, filtered or open views to the river and Ross Island Bridge. In the future, a pier will be added to the overlook at SW Pennoyer Street, providing an opportunity for park users to walk out over the bank and have clear, unimpeded views to the river, bridge and surrounding landscape.

These guidelines are met.

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 3: The project includes a wide range of open spaces and use areas, to take advantage of the river views, water access, and level open spaces. Along

the upland from SW Gibbs Street to SW Curry Street, is a large open lawn space. Steel forms in the landscape reflect the site's history in the shipping industry, and create spaces for people to sit and relax on the lawn.

The overlooks at SW Gibbs and SW Gaines are best described as "short-duration stops." They project riverward of the pedestrian trail and their guardrail height corten walls provide places for pedestrians to pause adjacent to the trail, lean against a rail, and look out over the riverbank.

At SW Whitaker, the overlook is split into two levels and serves as the transition between the Greenway Trail and a ramp for light watercraft access below. SW Curry Street is the location at which a public art installation will be incorporated. The SW Pennoyer Street trail overlook extends toward the renaturalized riverbank. As they are all physically contiguous with the Greenway Trail pedestrian path, these overlooks are easily understood as extensions of the Trail. While there are few industrial remnants remaining on site, the history of the site is evoked through the consistent use of thick corten steel plate at each overlook. The overlooks' paving is composed of concrete impressed with industrial scale metal fasteners. This material also serves as a tactile reminder of the site's heritage and a place marker identifying the overlooks as distinct eddies off the main path.

This guideline is 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 for 4: Materials selected for the greenway trail and adjacent spaces, will reflect the history of the site, enhance the river access and trail experience, and will be selected for their ability to be maintained in the district. The pedestrian trail will be made up of concrete paving, with a tight score pattern that will create a fine rhythm on the pedestrian path, differentiating it from the adjacent bike trail. The bicycle path will be paved with smooth asphalt, for ease of travel, and concrete crossings at the street grid termini, will provide a visual cue where pedestrians may enter the bike trail. Lighting throughout the South Waterfront District Greenway, will include a contemporary fixture, designed to direct light downward, onto the paths and overlooks. The consistency of fixtures in the district will create a system that's easy to maintain, while complimenting the district's industrial past.

The site's industrial heritage and the extant structures and industrial debris scattered across the property inspired both the forms and material palette of the proposed improvements. The lawn shelves and overlook walls are composed of curving sheets of corten steel reminiscent the ship hulls that were constructed and later scrapped on or near the site. The overlook paving is impressed with industrial-scale metal fasteners which, when ground smooth, will serve as a literal reminder of the nuts and bolts legacy of the site and lend a rusty patina to the concrete surface. The gabion walls will be backfilled with crushed concrete rubble cleared from the riverbank when possible. The heavy timber decking at the west walk and SW Pennoyer overlook structure and the heavy timber benches at the

street-end overlooks evoke the site's history of lumbering and sawmills. In addition, the overlook structure itself extends out over the riverbank much as the docks did in decades past.

Pilings and dolphins remain, lending structural support to the riverbank and serving as a reminder of the river's past. Public art is proposed at the SW Curry Street with a large log and salvaged rubble from the site, anchored by concrete pods. This sculptural installation sculpture serves to instill some sense of the Greenway's new role as an ecological corridor, while reminding users of the industrial and the natural history of the site.

This guideline is 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.*

Findings for 5: Rather than relying upon long stretches of engineered revetment, the proposed bank stabilization minimizes the amount of stone along the river, locating this treatment to the lowest bank elevations, where erosive forces are most significant (elevations and vegetation cannot be established). The proposal creates important shallow water habitat by using pre-cast planted structures to take up grade. The proposed riverbank renaturalization approach allows for planting at elevations not typically seen along urbanized sections of the waterway. Native trees and shrubs will be planted on the lower bank. Higher up on the bank the vegetation is varied, ranging from meadow to mixed fir and maple communities to patches of Oregon oak and madrone. This range of elevations and variety of plant community types will foster diverse riverbank habitats.

The design facilitates visual access to the riverbank and river at overlooks by minimizing tall shrub and tree cover at these locations. Between these overlooks, along the Greenway Trail, filtered and open views are created through plant selection and massing. The SW Whitaker Street overlook and trail to the river provides visual and physical access while protecting the riverbank plantings and habitat.

This guideline is met.

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 6: The bank renaturalization planting is composed of native plant assemblages planted in zones and modeled after local reference plant communities. Studies of riverbank vegetation at sites similar to the project site informed what elevations specific species can be reasonably expected to successfully establish themselves according to their tolerance for inundation. The distribution of planting zones at a range of elevations and with a diversity of species will ensure that ecological function is established.

Perhaps most importantly, the riverbank renaturalization is intended to be a dynamically evolving landscape. As the plants respond to the various environmental factors influencing the site, planted trees and shrubs establish themselves where optimal conditions exist. A phased approach to the planting

scheme will allow for future infill of species to complement established plants and contribute to the bank renaturalization.

The riverbank renaturalization will not detract from the security of the site or its connectivity to adjacent urban spaces. Because native and climate adaptive plants of a shorter stature are proposed adjacent to publicly accessible areas, user safety will not be compromised. Pathways and overlooks are held above the renaturalized areas, engaging them while also establishing a safe urban environment. Plantings at path junctions have been carefully selected to prevent impaired sight lines of the river beyond.

This guideline is met.

7. Define and Strengthen the Reaches. *Define and strengthen the identity and character of each reach using the following “Reach Guidelines” (7-1 – 7-3).*

7-2. Define and Strengthen the Central Greenway Reach. *Define and strengthen the identity and character of the Central Greenway Reach.*

Findings for 7, 7-2: The project is located within the Central Greenway Reach, extending from SW Gibbs to SW Lane. This stretch includes elements desired by the master plan, including the two curvilinear trails, terraced lawn with overlooks resembling bows of ships, and re-contouring of the slopes in selected areas to create a variety of habitat opportunities.

The Central Greenway Reach carries a historic identity of its industrial past, mixed with the new district redevelopment and societal shift toward reclaiming the natural integrity of our City through ecologically sustainable design. Remnants of the site’s industrial past reflect through the materials and forms of the site. The curved steel walls in the lawn derived from ship hulls, and the heavy timber furnishings will reflect the historic wooden structures of the site. The lawn terraces will extend from SW Gibbs Street to SW Curry Street. A second large curving terrace will occur at the terminus of SW Pennoyer Street. These open lawns allow for a variety activities and will serve as focal points where the district meets the greenway trails.

These guidelines are met.

8. Create and Enhance Habitat. *Create and Enhance habitat using specific habitat types (see pages 90-97 of the South Waterfront Greenway Design Guidelines) appropriate to each area. Provide a diversity of plantings within each habitat type.*

Findings for 8: To create a diverse habitat to the river’s edge, the design interweaves plantings from the South Waterfront Greenway Design Guidelines plant communities lists. The plant design carefully considers the microclimate and bank elevation along the river frontage, to select plant materials that will successfully create a diverse habitat, while still retaining a safe riverbank edge for the nearby trail users.

Above elevation 18’, the design incorporates plantings from the Douglas Fir/Big Leaf Maple, the Oregon White Oak/Pacific Madrone, the Upland Shrub, and the Meadow Communities. These plant materials include Big Leaf Maple, Oregon White Oak, Snowberry, Oregon Grape, and Oceanspray. In addition, a wide section of meadow grass is located along the upper bank, stretching from SW Curry St. to SW Gaines St.

Along lower portions of the bank, above elevation 16', the design incorporates plants from the Wetland Shrub and Western Red Cedar/Red Alder communities. These plant species include Red-Osier Dogwood, Red Alder and Oregon Grape. The plant communities are intermingled along the bank, creating a diversity of habitat types through the plantings.

Below elevation 16' the bank is required to be armored for structural stability. This armoring does not allow for planting of the lower water habitat communities, Oregon Ash/Willow and Emergent Marsh, however the armoring will protect the upper habitat areas from erosion over time, and will allow them to survive and thrive as a vibrant habitat on the urban waterfront edge.

This guideline is met.

2. SOUTH WATERFRONT GREEWAY REVIEW

Chapter 33.851 South Waterfront Greenway Review

33.851.010 Purpose

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

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

Introduction: The proposed design of the South Waterfront Greenway Central District presents an alternative to the current zoning code described by Section 33.510.253, Greenway Overlay Zone in South Waterfront Subdistrict. This alternative was developed and adopted by City Council to advance the purpose of Section 33.510.253 (see 33.510.253.A.) and provide a coherent vision for the full 1.2-mile South Waterfront Greenway that surpasses code minimums. The Central District is one of three components that will ultimately contribute to the South Waterfront Greenway. Because different portions of the 1.2-mile Greenway are expected to fulfill different roles, the Central District should not be expected to accommodate improvements that are more appropriately located elsewhere. The North District, for example, will provide the highest percentage of renaturalized riverbank as slack river currents and a more substantial Greenway width allow. The Central District's riverbank is steep and the river velocities here are stronger. While significant habitat and renaturalization work characterizes the work along the riverbank, the City Council adopted SWGDP focused on the Central District as one of Greenway's primary usable open space areas.

As noted below, the proposed alternatives to Section 33.510.253 do meet the South Waterfront Greenway Review approval criteria in Section 33.851.300. In the discussion that follows, proposed improvements that present an alternative to Section 33.510.253 include findings for relevant approval criteria in Section 33.851.300 to demonstrate

compliance through South Waterfront Greenway Review and congruence with the SWGDP.

Organization of this Section: The 33.851.300 approval criteria are written primarily as a comparison between the development standards of 33.510.253 and the proposed alternatives to those development standards. Therefore, this report had to include a detailed assessment of each development standard listed in 33.510.253 for readers to understand where the project is proposing an alternative to the 33.510.253 development standards. There is much overlap between responses to 33.510.253 and 33.851.300 for the proposed alternatives. For ease in reviewing this report, the 33.851.300 approval criteria are listed first. Within the 33.253.510 assessment that follows, findings against the relevant 33.851.300 approval criteria are made.

Section 33.851.300 Approval Criteria

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

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

1. *When compared to the development required by the standards of 33.510.253, the proposal will better enhance the natural, scenic, historical, economic, and recreational qualities of the greenway;*
2. *When compared to the development required by the standards of 33.510.253, the proposal will better ensure a clean and healthy river for fish, wildlife, and people;*
3. *When compared to the development required by the standards of 33.510.253, the proposal will better embrace the river as Portland's front yard; and*
4. *When compared to the development required by the standards of 33.510.253, the proposal will better provide for stormwater management.*

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

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

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

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

D. Not applicable

E. Trails, viewpoints, and pedestrian connections. *If the proposal will include trails, viewpoints, or pedestrian connections that do not meet the standards of Subsection*

33.510.253.E.5.d. or e. the proposal must meet approval criteria E.1. and E.2., and either E.3. or E.4.:

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

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

- 1. The proposal will mitigate for any reductions in vegetative cover through the use of methods including near shore and bank restoration work, bioengineering, or green building technologies, including innovative stormwater management, on the site; or*
- 2. The proposal meets one of the following:*
 - a. The proposal will better support the water quality goals of the City's Stormwater Management Manual;*
 - b. The landscaping standards cannot be met on the site because of existing bank and soil conditions such as the presence of riprap or other obstructions;*
 - c. The proposal is necessary to ensure bank stability; or*
 - d. The proposal will allow greater visual access between the trail and other segments of the greenway, and will enhance safety for trail users.*

Section 33.510.253 E.5. South Waterfront Greenway Development Standards

The following development standards must be met unless the applicant chooses South Waterfront Greenway Review. (Staff note: For the proposed Central District greenway improvements, the applicant chose South Waterfront Greenway Review because not all 33.510.253 development standards were met, as described below.)

a. Non-landscaped area. Limiting the percentage of non-landscaped area allowed in the South Waterfront Greenway Area ensures that the area will be configured to accommodate a minimum percentage of living plant cover. Non-landscaped area includes all aboveground structures and paving materials, including permeable paving materials.

(1). Subareas 1 and 2. Up to 20 percent of the portion of the site in subareas 1 and 2 may be covered by non-landscaped area; however, paved surfaces that are required under the provisions of Paragraph E.5.d., Public viewpoints, are exempt from this limitation. Non-landscaped area may be no closer than 10 feet of the top of bank line as shown on Map 510-17, South Waterfront 2002 Top of Bank Line;

Findings: Non-landscaped area covers approximately 12% of the site in subareas 1 and 2; as allowed by this development standard, up to 20% of the site in subareas 1 and 2 may be covered by non-landscaped area (33.851.300 F.1.).

At two general locations, portions of proposed non-landscaped area extend riverward of the 10' offset of the 2002 Top of Bank Line. At the north end of the project site, at the end of the SW Gibbs and SW Whitaker Street pedestrian connections, the trail overlooks and the pedestrian path connecting them are proposed east of the 2002 Top of Bank Line offset.

The SW Gibbs Street trail overlook and the pedestrian path project riverward in anticipation of the future public plaza and urban beach improvements outlined in the SWGDP. The two-tiered overlook at SW Whitaker extends riverward of this offset to provide a walkway to the river's edge for light watercraft access. (33.851.300 A.1., A.3., C.2.)

Whereas the SWGDP had located the dock and gangway at the end of the SW Curry Street pedestrian connection, the ramp location allows for a greater percentage of uninterrupted renaturalized riverbank. This larger contiguous habitat zone increases the habitat quality of the embayment areas and responds to concerns voiced by the National Marine Fisheries Service. It also protects the renaturalized riverbank by controlling river access and preventing the establishment of haphazard paths on the riverbank. (33.851.300 A.2, B.2., C.1.)

Portions of the pedestrian path also extend riverward into the landscape-only zone adjacent to the 2002 Top of Bank Line. At SW Pennoyer Street the proposed improvements push riverward to accommodate the lawns identified in the SWGDP (33.851.300 A.1., A.3., C.2.). Moving the site work east has the added benefit of increasing the stormwater treatment area between the pedestrian and bicycle path (33.851.300 A.4., F.2. a.), and it allows the SW Pennoyer Street pedestrian connection to remain accessible (851.300 F.2.d.).

The proposal will restore and enhance the natural character of the area adjacent to the river and will allow more significant creation of habitat for fish and wildlife that could aid in supporting the recovery of native species of fish because the shift of the river access walk allows for more contiguous, and thus higher quality, habitat (33.851.300 C.1.). The change in the river access walk's location does not affect 33.851.300 C.2.

Multiple approval criteria from 33.851.300 are met.

(2). Subarea 3. Up to 20 percent of the portion of the site in subarea 3 may be covered by non-landscaped area. However, required trail and pedestrian connection improvements are exempt from this limitation.

Findings: Excluding required trail and pedestrian connections, approximately 10% of the site in subarea 3 is covered by non-landscaped area.

This standard is exceeded.

b. Buildings. Buildings are allowed within the South Waterfront Greenway Area if they meet E.5.b.(1). and (2). and either E.5.b.(3) or (4). Other buildings or portions of buildings are not allowed within the South Waterfront Greenway Area.

Findings: No buildings are proposed. This standard does not apply.

c. Fences and walls. Fences and walls are allowed in subarea 3 of the South Waterfront Greenway Area if they are no more than 3 feet in height and do not obstruct the required pedestrian connections and trails. Fences and walls are not allowed in subareas 1 and 2 of the South Waterfront Greenway Area.

Findings: Within subarea 3, proposed walls exceed the 3-foot limitation where the improvements must accommodate an existing condition. Namely at the site's south end, the bioswale required a substantial gabion wall system along the Greenway Trail to protect its continued design function (33.851.300 A.4.). To

ensure that the Greenway Trail paths remain accessible, these walls reach a height of 9' (exposed wall face) at the north end of the bioswale. Immediately north and south of the bioswale, the gabion wall systems quickly end as the paths move away from this built condition.

Within subareas 1 and 2, the proposed improvements rely upon a hierarchy of wall systems (gabion walls at the riverbank and sheet pile walls at some of the overlooks) to better meet the approval criteria, including 33.851.300 B.1. The pre-cast planters in the central portion are instrumental in providing shallow water and inundation-prone habitat zones for fish (33.851.300 A.2., B.2.a., C.1.). And, importantly, they allow for a greater variety of plant community types on the re-contoured bank (33.851.300 A.1.). Excepting those locations where they play an integral structural role at the trail overlooks, the gabion wall systems are generally set well below riverward edge of the pedestrian path. This wall type is crucial to the success of the Greenway as an active public space as they allow the Greenway Trail to be located riverward, creating room for passive open space (33.851.300 A.1., A.3., C.2.); this separation between trail users and the river areas below maintains adequate separation between the river and people (33.851.300 B.2.). They also allow for the development of less severe slopes at the riverbank, effectively increasing the range of elevations available to plant types and thus increasing vegetative diversity (33.851.300 A.1.).

Multiple approval criteria from 33.851.300 are met.

d. Trails and pedestrian connections.

(1). Purpose. Public recreational trails provide public access to and along both sides of the Willamette River. Public recreational trails are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan. Pedestrian connections ensure that there is adequate, safe and direct pedestrian access from the adjacent development and from the district as a whole to the trails.

(2). Public recreational trails. Public recreational trails must meet the following standards. When required by Subsection D., sites with a public recreational trail symbol shown on the Official Zoning Maps must provide easements that would accommodate construction, maintenance, and public use of a trail that meets the following standards. See Figure 510-3.

- *Location. The trail must be located in the South Waterfront Greenway Area shown on Figure 510-2. All portions of the trail must be at least 10 feet and no more than 75 feet from the top of bank line as shown on Map 510-17, South Waterfront 2002 Top of Bank Line; however, any portion of the trail that is within 45 feet of the top of bank line as shown on Map 510-17, South Waterfront 2002 Top of Bank Line, is subject to the maximum non-landscaped area limitations of Paragraph E.5.a.;*
- *Width. The trail must consist of two paths, each at least 12 feet in width;*
- *Landscaped median. The two paths must be separated by a landscaped median at least 6 feet wide. Landscaping within this median must meet the requirements of Paragraph E.7. The landscaping may be interrupted by pedestrian connections between the two paths;*
- *Use. The path closest to the river must be designated for pedestrians only. The path farthest from the river must be designated for bicycles and other non-motorized transportation modes;*

- *Connectivity.*
 - *The trail or trail easement must connect to the existing trails or trail easements on adjacent sites; and*
 - *The trail or trail easement must connect to the required pedestrian circulation system on the site.*
- *Additional standards. In addition to the standards of this subparagraph, the standards of Chapter 33.272, must also be met.*

Findings: Portions of the trail are proposed within the 10' offset of the 2002 Top of Bank Line. See the findings for 33.510.253.E.5.a.(1), which describe the rationale behind the proposed Greenway Trail location and compliance through South Waterfront Greenway Review.

At the end of SW Gaines Street, south to the end of the project site, portions of the Greenway Trail are proposed west of the 75' offset of the 2002 Top of Bank Line. Due to the location of the existing bioswale, it is not possible for the Greenway Trail to meet the criteria outlined in 3.510.253.E.5.d.(2) as described above. The SWGDP had accounted for this existing condition and the proposed Greenway Trail alignment is based upon that plan.

The proposed alternate Greenway Trail alignment has no impact on the safety of expected users (33.851.300 E.1.). The proposed Greenway Trail will be composed of two paths and its paths will have a combined width of 22 feet (33.851.300 E.2.).

The narrowed Greenway Trail is understood as a response to the topographical constraints of the site, the desire to provide substantial planting, and a means of accommodating those improvements outlined in the SWGDP. That is, in order to develop the Central District as a "primary usable open space in the Greenway," and incorporate the open space lawn areas proposed in the Development Plan, the trail alignment should remain consistent with that shown in the plan. To retain the relationship between the lawns and Greenway Trail as specified in the Development Plan, while preventing the renaturalized riverbank from becoming overly steep and unstable, the trail width was established at 10 feet (33.851.300 E.3.).

The proposed Greenway Trail alignment, viewpoint locations, and pedestrian connection locations are based upon the SWGDP (33.851.300 E.4.).

The proposed paths are separated by a landscape median whose average width exceeds 6'. At the existing bioswale, the paths are forced closer together and, towards the north end of this stretch of Greenway Trail, the median strip averages approximately 4 feet wide. This narrower planting bed is necessary in order to provide for both the twin path Greenway Trail and the continued design function of the bioswale. Where the embayment areas and shallows have been constructed at the bank, the median strip also narrows for a short stretch, again averaging approximately 4' wide. In order to accommodate the significant efforts to re-establish shallow water habitat zones and significantly increase the ecological diversity of the renaturalized riverbank, the median was narrowed where the Greenway Trail approaches this condition.

Referring again to the approval criteria outlined in Chapter 33.851, it is clear that the narrower median strip complies with 33.851.300.E.: The median is sufficiently wide to physically separate the pedestrian and bicycle traffic. The

median will be developed as a vegetated swale to treat storm water. The plant material within the swale will aid in providing the feeling of separation between the trails (33.851.300 E.1.). The proposed Greenway Trail will still be composed of two paths and its paths will have a combined width of 22 feet (33.851.300 E.2.). The viewpoints and trail alignments are located based on the site’s topography, the goal of creating gently sloping habitat areas, and the desire to provide sufficient and regular views of the river. Connections to the trails are consistently located in relation to the District’s block grid to encourage use of the greenway (33.851.300 E.3.).

The proposed alignment of the paths landward of the bioswale and at the embayment areas is consistent with the SWGDP. The proposed Greenway Trail places the pedestrian path riverward of the bicycle path. The proposed Greenway Trail alignment anticipates future connections at the North and South Districts of the Greenway. The proposed Greenway Trail connects to all adjacent means of pedestrian circulation (33.851.300 E.4.).

Multiple approval criteria from 33.851.300 E. are met.

(3). Pedestrian connections. When a public recreational trail or trail easement is required, at least one pedestrian connection must be provided between the trail easement and any accessway that terminates on the site.

Findings: Existing and future streets and accessways have been accommodated and anticipated. All existing sidewalks and walkways will be connected to the Greenway Trail with pedestrian connections. At those streets and accessways that are not yet constructed, pedestrian connections are provided to ensure that all future circulation routes will be networked into the Greenway Trail.

This standard is met.

e. Public viewpoints.

(1). Purpose. Public viewpoints provide stopping places and clearings along the South Waterfront Greenway trail and the Willamette River where the public can view and enjoy the natural and scenic qualities of the Greenway and the river. Public viewpoints are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.

(2). Viewpoint requirements. A public viewpoint must be provided on sites designated with a viewpoint symbol on Map 510-15. There are two types of viewpoints within the district:

- *Minor viewpoint. Minor viewpoints are locations along the South Waterfront Greenway trail where views of the Willamette River are provided through the use of special landscaping standards. The standards discourage plantings that will grow to block views of the river. Sites with a minor viewpoint designation shown on Map 510-15 must meet the following standards:*
 - *A view corridor at least 20 feet wide must be provided and maintained between the trail and the river. See Figure 510-4;*
 - *If an accessway or street that is mapped as a special building height corridor on Map 510-15 terminates on the site, the view corridor must continue the projected centerline of the accessway or street;*
 - *Within the view corridor, landscaping must be no higher than 3 feet in height at maturity. The site must continue to meet the landscaping requirements of Paragraph E.5.f., below.*

- *Major viewpoint. Major viewpoints are locations along the South Waterfront Greenway trail where additional space is provided to allow people to safely stop and view the Willamette River and the Greenway.*

Findings: Whereas the proposed improvements provide views to the river at the end of each pedestrian connection that extends the District streets and accessways to the Greenway Trail, Map 510-15 only identifies minor viewpoints along the Greenway at SW Gibbs and SW Gaines Streets. Map 510-15 does not designate any major viewpoints within the project boundary. At both of the minor viewpoint locations, trees are located in such a manner as to ensure that a minimum 20-foot wide view corridor is maintained between the Trail and the river. Careful plant location ensures that plants that are a component of the riverbank renaturalization and naturally grow to a height of 3' or greater are located down the riverbank so that their canopies will not obscure views to the river. Adjacent to the overlooks at these locations, native and climate adaptive plants of short stature will not exceed 3' in height.

This standard is met.

f. Landscaping.

(1). Coverage. Eighty (80) percent of the area that is not covered by buildings, trails, or other allowed non-landscaped area must be covered by shrubs or ground cover, and all trees required by this paragraph must be installed in the ground and healthy;

(2). Existing landscaping. Existing plants may be used to meet the standards of this paragraph, if protected and maintained during construction as specified in Section 33.248.065. However, the following plants must be removed:

- *Plants listed as a nuisance or prohibited on the Portland Plant List;*
- *Plants listed in Table 510-4, South Waterfront Greenway Nuisance Plants.*

(3). Required landscaping in subarea 1. In subarea 1, the area beginning 3 feet above the ordinary low water line must meet the following requirements:

- *Shrubs. At least 80 percent of the required landscaped area must be planted in shrubs;*
- *Trees. Trees are not required, but are allowed;*
- *Ground cover. All of the required landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants;*
- *Plant list. Only plants listed in Table 510-2, Subarea 1 Plant List, may be planted; and*
- *Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within five years. Restoration size plant material, including bare-root, is allowed and recommended. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials. Planting is not allowed during the summer.*

Findings: All proposed trees will be installed directly in the ground and healthy as required.

See the descriptions that follow for percentages of vegetative cover per Greenway subarea. Where these proposed percentages differ from the requirements of this subsection, reference is made to Chapter 33.851, South Waterfront Greenway Review. Existing plants are almost exclusively invasive species and are not being used to meet the standards of Paragraph E.5.f.

Beginning at elevation +16 feet and extending up to ordinary high water (OHW), shrubs and groundcover will cover 100 percent of Subarea 1, except the area where existing concrete slurry is retained, and the existing bioswale, where bank plantings are already established.

Studies of existing vegetation at Willamette River sites in the Portland Metro Area found that woody vegetation grew, in some instances, down to elevation +10 feet. However, the locations at which trees and shrubs were observed at this elevation were more protected from the river current and wave action than the project site. Analysis of wave action at summer season water levels (that time of year when recreational boat traffic generates the greatest wave volume) indicated that the riverbank must be hardened to elevation +16 feet in order to attenuate wave energy and ensure the integrity of the riverbank, thus protecting the upland improvements. For this reason, the area between elevations +16 to +0 feet is stabilized with rock.

As a result, the proposed landscaping in subarea 1 is understood as planting nearly 100 percent of the site area capable of being planted and constitutes the most aggressive revegetation strategy possible. The area below elevation +16 feet must be protected from erosive forces in order to maximize the potential of the riverbank plantings above. The slurry is retained for the same purpose—it provides a hard point that protects the constructed embayment areas immediately downstream, allowing for the development of unique habitat areas along the riverbank.

As described above, the reduction in vegetative cover resulting from the proposed low bank stabilization techniques actually increases the diversity and quality of the riverbank restoration. It ensures a stable riverbank, which in turn allows for the proposed, innovative re-vegetation strategies (33.851.300 F.1.).

The proposed armoring of the riverbank between elevations +3 and +16 feet is necessary to ensure bank stability (33.851.300 F.2.c.). Trees are not proposed within Subarea 1. The only portion of Subarea 1 not planted in shrubs is the shallow water area between Whitaker and Pennoyer and where the existing concrete slurry will remain. The proposed planting palette is based on the plant list developed during the SWGDP. This approach is consistent with Chapter 33.510.253. Proposed planting is of sufficient size and number to meet either the coverage standards of this subsection or the SWGDP and Chapter 33.851 approval criteria within five years. Planting is not scheduled during the summer months.

Portions of this standard are met. For those not met, multiple approval criteria from 33.851.300 F. are met.

(4). Required landscaping in subarea 2. In subarea 2 the required landscaping is:

- *Shrubs. At least 80 percent of the landscaped area must be planted in shrubs;*

- *Trees. At least one tree must be planted for every 400 square feet of landscaped area. Trees may be clustered;*
- *Ground cover. All of the landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants*
- *Plant list. Only plants listed in Table 510-3, Subarea 2 and 3 Plant list, may be planted. At least eight different species must be planted; and*
- *Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within 5 years. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials.*

Findings: Shrub cover in subarea 2 is based upon the plant communities proposed in the SWGDP and over 80 percent of the vegetative area is planted in shrubs, with the exception of the 4,830 sf bioswale area between the two paths. All other portions of the ground plane will be planted in groundcovers and grasses.

The proposed improvements are based on the plant communities identified in the SWGDP. As with shrub cover, these communities vary in their percents of tree canopy cover per community type. The entire subarea 2 planting includes 57 trees. Tree species have been placed within the appropriate plant communities while positioning them to allow for views through to the river at key locations. This proposed alternative to 33.510.253.E.5.f.(4) is in keeping with section 33.851.300.F.2.d., as described below.

The limitation on trees will allow for better views along the riverbank, creating better safety by eliminating places for people to hide adjacent to the trail. In addition, during the long public process, it was important to the City that this portion of the plantings contains many clear views to the river, since physical water access would be greatly limited.

All of the area that is not planted with shrubs or trees will be fully covered with groundcovers and grasses.

Plant types in subarea 2 are native or climate adaptive plants, with the exception of approximately 3,000 sf of lawn near SW Gibbs St to Whitaker St and SW Pennoyer St where lawns from subarea 3 cross into subarea 2. Plant selection is consistent with the SWGDP plant list and plants have been located based on providing habitat value where appropriate, as well as providing a safe and viable public space. In order to provide this civic focus, subarea 3 is planted in lawn. These lawn areas provide passive open space in keeping with the Central District's defined role in the SWGDP as the South Waterfront Greenway's primary public open space.

No nuisance or prohibited plants are proposed.

All planting will be of sufficient size to meet the proposed percents cover listed above.

Portions of this standard are met. For those not met, multiple approval criteria from 33.851.300 F. are met.

(5). *Required landscaping in subarea 3. In subarea 3, the required landscaping is:*

- *Shrubs. At least 60 percent of the landscaped area must be planted in shrubs. At least 50 percent of the shrubs used to meet this requirement must be listed on Table 510-3, Subarea 2 and 3 Plant List;*
- *Trees. At least 1 tree must be planted for every 1,000 square feet of landscaped area. At least 50 percent of the trees used to meet this requirement must be listed on Table 510-3, Subarea 2 and 3 Plant List;*
- *Ground cover. All of the landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants. At least 50 percent of the ground cover plants must be listed on Table 510-2, Subarea 2 and 3 Plant List;*
- *Plant list. Except as allowed by (1), (2) and (3), only plants listed on Table 510-3, Subarea 2 and 3 Plant List, may be planted. The following plants are prohibited:*
 - *Plants listed as a nuisance or prohibited on the Portland Plant List;*
 - *Plants listed in Table 510-4, South Waterfront Greenway Nuisance Plants.*
- *Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within five years. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials.*

Findings: As described in the response to 33.510.253.E.5.f.(4)., the proposed improvements include significant portions lawn and meadow in subarea 3 in order to meet the SWGDP's goal of creating the South Waterfront Greenway's primary public open space at the Central District. This proposed alternative to the subarea 3 shrub coverage requirements complies with the South Waterfront Design Guidelines and South Waterfront Greenway Design Guidelines.

All of the shrubs proposed in subarea 3 are native or appropriate climate adaptive plants; the selection of these plants was based on the SWGDP's plant list.

Trees are proposed at a density of approximately 1 tree per 1,600 square feet of landscaped area for a total of 25 trees. Of these, 10 are found in table 510-3. Again, the open character of subarea 3 is intended to satisfy the SWGDP's goal of creating the Greenway's primary public open space at the Central District. This is in keeping with the goals of the South Waterfront Design Guidelines and the South Waterfront Greenway Design Guidelines.

All of the trees used to meet this requirement are native or climate adaptive species. Ten of the 25 trees selected are found on table 510-3. The remaining trees are based on the SWGDP's plant list.

Those areas not covered with shrubs or trees are often covered with lawn and meadow. See above response to 33.510.253.E.5.f.(4). for a description of compliance through South Waterfront Greenway Review (Chapter 33.851.300 F.) where lawn is proposed as an alternative to either percent shrub cover or required ground cover.

No prohibited or nuisance plants are proposed. Where proposed plants represent alternative species to those listed in Table 510-3, the proposal is congruent with the SWGDP plant list and in compliance with the South Waterfront Design Guidelines and South Waterfront Greenway Design Guidelines.

All planting will be of sufficient size to meet the proposed percents cover listed above.

Portions of this standard are met. For those not met, multiple approval criteria from 33.851.300 F. are met.

g. Other development. Other development is allowed within the South Waterfront Greenway Area if it meets Subparagraphs g.1. and 2., and either g.3. or g.4.

- 1. The site meets the non-landscaped area requirements under E.2., above;*
- 2. The development does not obstruct required pedestrian connections and trails; and*
- 3. The development is located in subarea 3; or*
- 4. The development is river-dependent or river-related.*

Findings: A concrete access walk to the water proposed at the end of the SW Whitaker Street alignment. The proposed walk has negligible impacts on the re-naturalized riverbank. The proposed water access path enhances access rather than obstruct the pedestrian connections to the river. It does not obstruct access to the trails. The proposed water access path is not located in subarea 3. The proposed water access path constitutes a river-related use.

The standard is 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.

CONCLUSIONS

The approval criteria are met.

TENTATIVE STAFF RECOMMENDATION

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

Staff recommends approval of Design Review and South Waterfront Greenway Review of the proposed South Waterfront Central District greenway improvements.

=====

Procedural Information. The application for this land use review was submitted on December 29, 2010, and was determined to be complete on June 27, 2011.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on December 29, 2010.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period, as stated with Exhibit (Exhibit #G.4).

Some of the information contained in this report was provided by the applicant.

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

This report is not a decision. The review body for this proposal is the Design Commission who will make the decision on this case. This report is a recommendation to the Design Commission by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Design Commission will make a decision about this proposal at the hearing or will grant a continuance. Your comments to the Design Commission can be mailed, c/o the Design Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201 or faxed to 503-823-5630.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. You may review the file on this case by appointment at the Development Services Building, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

Appeal of the decision. The decision of the Design Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the review body, only evidence previously presented to the review body will be considered by the City Council.

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

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

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

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034. For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

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

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

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

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

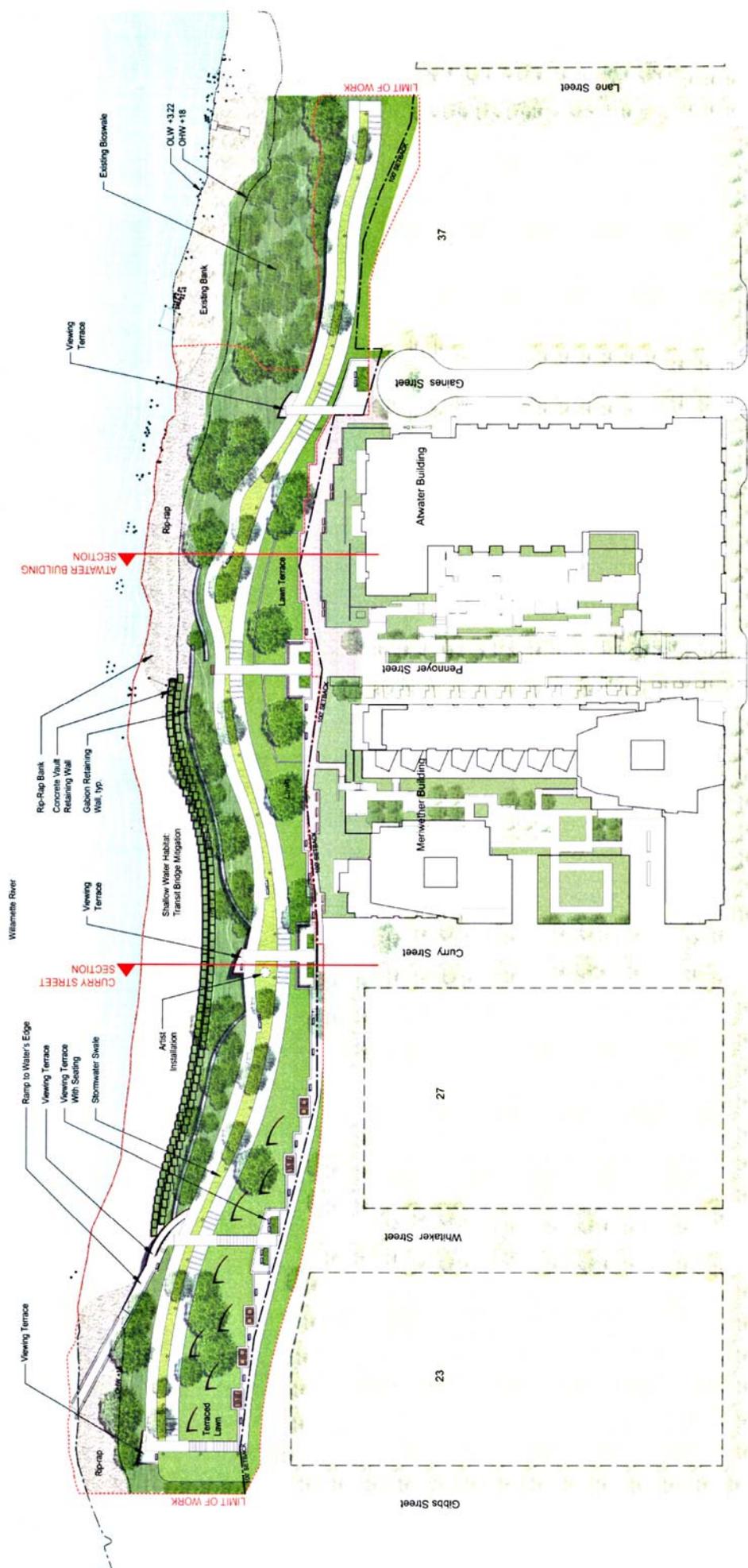
Kara Fioravanti
March 1, 2012

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 1. Initial submittal, dated 12-29-10
 - a. Transmittal
 - b. Drawings
 - c. Narrative

2. Updated submittal, dated 11-30-11 and 12-1-11
 - a. Drawings
 - c. Narrative
3. Final submittal, dated 2-2-12
 - a. Drawings, used for this Staff Report
 - b. Narrative, used for this Staff Report
4. Memo from Portland Parks and Recreation re: docks, dated 1-26-12
- B. Zoning Map (attached)
- C. Plan & Drawings
 1. Exhibit A.3.a. includes drawings reviewed in this Staff Report, site plan is attached
 2. Osprey nest location in the Greenway's triangle site
- 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. Bureau of Transportation Engineering and Development Review
 3. Water Bureau
 4. Bureau of Development Services, Life Safety
 5. Site Development Review Section of BDS
 6. Bureau of Parks, Forestry Division
- F. Letters
 1. Audubon, 2-1-12
 2. Urban Greenspaces Institute, 2-1-12
 3. Otis, 2-2-12
 4. South Portland Neighborhood Assoc., 2-1-12
 5. Goldingay, Otis, 2-1-12
 6. Goldingay, 2-1-12
 7. Luke, Kaib, 2-2-12
 8. South Waterfront Community Association, 1-31-12
 9. Audubon, 2-2-12
 10. Goldingay, Open Letter to City of Portland, 1-31-12
 11. Gertenrich, 2-2-12
 12. Otis, 2-2-12
- G. Other
 1. Original LUR Application
 2. Site History Research
 3. Incomplete Application Letter, 2-1-11
 4. Request for Application extension, 7-12-11
 5. February 2nd Staff Report and Recommendation
 6. Staff presentation at February 2nd hearing
 7. Staff notes from February 2nd hearing
 8. March 1, 2012 PPR talking points
 9. February 22, 2012 memo from Bureau of Planning and Sustainability re: dock
 10. February 16, 2012 memo from Office of Healthy Working Rivers (OHWR) re: dock
 11. June 30, 2011 memo from OHWR re: dock
 12. February 9, 2011 memo from Flowing Solutions re: dock
 13. November 22, 2010 memo from Flowing Solutions re: dock
 14. November 18, 2010 memo from Nick Fish and Amanda Fritz re: dock
 15. October 25, 2010 memo from South Waterfront Dock Committee re: dock

16. October 11, 2010 memo from Nick Fish and Amanda Fritz re: dock
17. February 23, 2012 memo from PPR and Bureau of Environmental Services (BES)
re: osprey
18. February 22, 2012 memo from Department of Fish and Wildlife (ODFW) re:
osprey
19. February 22, 2012 Department of State Lands permit issuance
20. February 2012 PPR South Waterfront Greenway Project Overview
21. February 9, 2004 South Waterfront Greenway Development Plan Goals
22. April 22, 2010 PPR South Waterfront Greenway Update
23. March 1, 2012 staff memo to Design Commission



LEGEND

	Pedestrian Trail		Upland Paving		Riverbank Planting		Lawn		Shrubs		Rip-rap		Existing Bank
	Bike Trail		Timber Paving		Swale Planting		Shallow Water Habitat						

Site Plan

Walker Macy

Thomas Balsley Associates

SOUTH WATERFRONT GREENWAY CENTRAL DISTRICT