



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

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**Date:** February 10, 2020  
**To:** Interested Person  
**From:** Arthur Graves, Land Use Services  
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**NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

**CASE FILE NUMBER: LU 19-249975 DZM: EXTERIOR ALTERATIONS**

**GENERAL INFORMATION**

**Primary Contact:** Li Alligood | Otak, Inc | 503.415.2384  
 808 SW 3rd Ave #300 | Portland OR 97204

**Owner/Applicant:** Susan L Gilbert | American Plaza Towers | 503.719.4305  
 2211 SW First Ave | Portland OR 97204

**Owner/Applicant:** Amy Edwards | Prosper Portland | 503.823.3225  
 222 NW 5th Ave | Portland OR 97209

**Site Address:** 2211, 2221, and 2309 SW 1<sup>st</sup> Avenue and Portland Center Park

**Legal Description:** GENERAL COMMON ELEMENTS EXC PT IN ST, AMERICAN PLAZA TOWERS CONDOMINIUM; BLOCK C LOT 1 TL 700, SOUTH AUDITORIUM ADD; BLOCK C LOT 1 TL 600, SOUTH AUDITORIUM ADD

**Tax Account No.:** R023000006, R777501000, R777501170  
**State ID No.:** 1S1E03CC 90000, 1S1E03CC 00700, 1S1E03CC 00600, 1S1E03CC1 90000

**Quarter Section:** 3229  
**Neighborhood:** Portland Downtown, contact Wendy Rahm at [wvrahm@aol.com](mailto:wvrahm@aol.com)  
**Business District:** None  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Plan District:** Central City Plan District and South Auditorium Plan Districts, University District Sub-District

**Zoning:** RX, OSd: Central Residential (RX), Open Space (OS), and Design (d) overlay

**Case Type:** DZM: Design Review with Modifications  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

**Proposal:**

The applicant requests Design Review for site alterations and the removal and replacement of trees for a site area located in the South Auditorium Plan District and the University District Sub-District of the Central City Plan District.

Proposed alterations include:

- Removal of 52 trees: 22 trees located within the above-ground planters within the American Plaza Towers plaza and 30 trees on the western boundary of Portland Center Park.
- Installation of 61 trees: 33 new trees in new concrete above-ground planters, and 28 trees within the Portland Center Park.
- Removal of existing surface level lighting located above the below-grade structured parking garage.
- Removal of the Lincoln Plaza fountain.
- Installation of additional plantings to bring parking lot landscaping closer into conformance with landscaping requirements.
- Installation of new L-1 landscaping along the pedestrian walkway to the south of the existing landscaping.
- Installation of new site lighting.
- Installation of 18 new short-term bicycle parking spaces.

Design Review is required for proposed non-exempt alterations to development in the “d” Design overlay zone of the Central City Plan District and South Auditorium Plan District. (See section 420.045 for alterations exempt from Design Review.) Design Review is required for the removal of trees in the South Auditorium Plan District (PZC 33.420.041.E)

The applicant also requests three Modifications to zoning code development standards:

- **Modification #1: Landscape Area – Installation, PZC 33.248.040.A** – All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Bureau of Environmental Services stormwater management requirements. Proposed landscaping is to match existing, which is not in-ground but in planters on the “roof” of structured parking.
- **Modification #2: Parking Area Setbacks and Landscaping – Perimeter Parking Lot Landscaping, PZC 33.266.130.G.2.a.(2)** – Maintain the landscape bed depth for proposed beds (which vary) to be the same as existing beds in areas on the west edge of the vehicle area. Current bed depths vary but are all proposed to be less than the standard 5 feet.
- **Modification #3: Landscape Area – Pedestrian malls/open area, PZC 33.580.110** – Maintain the landscape bed depth for proposed beds (which vary) in four locations to be the same as existing beds in those locations. Current bed depth in the four locations are all less than the 6-foot depth of the standard.

**Relevant Approval Criteria:**

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

- Central City Fundamental Design Guidelines
- Section 33.580.130 – Preservation of Existing Trees
- Oregon Statewide Planning Goals
- 33.825.040 Modifications That Will Better Meet Design Review Requirements

## ANALYSIS

### Site and Vicinity:

The large site is situated at the southern edge of the South Auditorium Plan District, between SW Lincoln Street to the north and the 405 Highway to the south. The project site includes the plaza areas adjacent to the American Plaza Towers as well as the adjacent pedestrian walkway and Open Space park that is home to the Lee Kelly sculpture, *Leland*.

The three American Plaza Towers: Madison Tower, Grant Tower and Lincoln Tower were constructed in the early 1970's in the New Brutalism Style. The surrounding landscaping resembles, but is not a part of, the Halprin Open Space Sequence which is across SW Lincoln Street to the north.

As mentioned, the site is part of the South Auditorium Plan District, an award-winning development, with its high-rise buildings, generous setbacks and landscaping, numerous plazas and fountains, and elaborate pedestrian walkway system. Maintenance of this character is partially achieved by requiring the preservation of existing trees.

Regarding transportation amenities around the site: SW 1<sup>st</sup> Avenue is a Major Transit Priority Street per the Transportation Service Plan (TSP), SW Lincoln is a Regional Transitway / Major Transit Priority Street. The MAX Light Rail runs on SW Lincoln Street. Bus service to the site is provided on SW 1<sup>st</sup> Ave with the #19, #35, #36, #43 and #99 and on SW Lincoln Street with the #9, #17, #19, #43 and #291. SW 1<sup>st</sup> Avenue and SW Lincoln Street are City Bikeway; the site is within the Downtown Bicycle District and Downtown Pedestrian District.

### Zoning:

The Central Residential (RX) zone is a high-density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of housing development will be medium and high rise apartments and condominiums, often with allowed retail, institutional, or other service oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby. RX zones will usually be applied in combination with the Central City plan district.

The Open Space (OS) zone is intended to preserve public and private open, natural, and improved park and recreation areas identified in the Comprehensive Plan. These areas serve many functions including: providing opportunities for outdoor recreation; providing contrasts to the built environment; preserving scenic qualities; protecting sensitive or fragile environmental areas; preserving the capacity and water quality of the stormwater drainage system; and providing pedestrian and bicycle transportation connections.

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

The Central City Plan District implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation management Plan. The Central City plan district implements portions of these plans by adding code provisions which

address special circumstances existing in the Central City area. The site is within the Downtown Subdistrict of this plan district.

The South Auditorium Plan District protects the unique character of the former South Auditorium urban renewal district. The district is an award-winning development, with its high-rise buildings, generous setbacks and landscaping, numerous plazas and fountains, and elaborate pedestrian walkway system. Maintenance of this character is achieved by requiring additional landscaping requirements, the preservation of existing trees, screening of roof-top equipment, and additional regulations which limit the type, number, and size of signs.

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

- LU 79-002334 CU (Ref. # CU 057-79) – Conditional use review and height variance approval to construct off street parking and a 22 floor, 223.5 feet high apartment condominium.
- LU 16-164045 DZ – Design Review approval of new pipe enclosure soffits on the Grant Tower and Lincoln Tower and a new vertical pipe enclosure in an existing alcove on the Grant Tower.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **January 13, 2020**.

1. Bureau of Development Services Site Development: Jason Butler-Brown, January 24, 2020. With no objections to approval. (Exhibit E-1).
2. Bureau of Development Services Life Safety/Building Code Section: Sloan Shelton, January 24, 2020. With no objections to approval. (Exhibit E-2).
3. Fire Bureau: Dawn Krantz, January 27, 2020. With no concerns. (Exhibit E-3).
4. Bureau of Environmental Services: Emma Kohlsmith, January 31, 2020. With no objections to approval. (Exhibit E-4).
5. Bureau of Transportation: Robert Haley, February 04, 2020. With no objections to approval. (Exhibit E-5)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on January 13, 2020. A total of 115 written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

Note: As stated in the second paragraph of the “Notice of the Type II Proposal” (mailed January 13, 2020), public comments must have been received by 5pm on February 03, 2020. One email and five letters were received after the 5pm, February 03, 2020 deadline, and so have not been included in the below list of community responses and will not be included in the record for this submittal.

- January 15, 2020, Cynthia Solberg, resident at Grant Bldg American Plaza Towers, in support of the project. See Exhibit F-1 for more details.
- January 15, 2020, David Langan, resident of American Plaza Towers, in support of the project. See Exhibit F-2 for more details.
- January 15, 2020, Gary Pearlman, resident of American Plaza Towers, in support of the project. See Exhibit F-3 for more details.
- January 15, 2020, Judy Hedreen, resident at Grant Bldg American Plaza Towers, in support of the project. See Exhibit F-4 for more details.

- January 15, 2020, Mary Giddens, resident of American Plaza Towers, in support of the project. See Exhibit F-5 for more details.
- January 15, 2020, Phil Gilbertson, resident of American Plaza Towers, in support of the project. See Exhibit F-6 for more details.
- January 15, 2020, Phil Marchbanks, Community response in support of the project. See Exhibit F-7 for more details.
- January 15, 2020, Steven Zimmerman, resident of American Plaza Towers, in support of the project. See Exhibit F-8 for more details.
- January 15, 2020, Susan Nummery, resident of American Plaza Towers, in support of the project. See Exhibit F-9 for more details.
- January 16, 2020, Anne Woodbury, resident of American Plaza Towers, in support of the project. See Exhibit F-10 for more details.
- January 16, 2020, Carol Turtle, resident of American Plaza Towers, in support of the project. See Exhibit F-11 for more details.
- January 16, 2020, Gary Tharler, resident of American Plaza Towers, in support of the project. See Exhibit F-12 for more details.
- January 16, 2020, Helen Smith, resident of American Plaza Towers, in support of the project. See Exhibit F-13 for more details.
- January 16, 2020, Viveca and Jim Leusch, residents of the American Plaza Towers, in support of the project. See Exhibit F-14 for more details.
- January 16, 2020, Joan Johnson, resident at the Lincoln Tower in the American Plaza Towers, in support of the project. See Exhibit F-15 for more details.
- January 16, 2020, Angela and Jon Greenblatt, residents at the Madison Tower in the American Plaza Towers, in support of the project. See Exhibit F-16 for more details.
- January 17, 2020, Diane and John Howieson, residents of American Plaza Towers, in support of the project. See Exhibit F-17 for more details.
- January 17, 2020, Linda and Charlie Williams, residents of American Plaza Towers, in support of the project. See Exhibit F-18 for more details.
- January 18, 2020, Mark Goodell, resident of American Plaza Towers, in opposition to the project. See Exhibit F-19 for more details.
- January 18, 2020, Sharon Miles, resident of American Plaza Towers, in support of the project. See Exhibit F-20 for more details.
- January 19, 2020, Thomas Ray, resident of the American Plaza Towers, in support of the project. See Exhibit F-21 for more details.
- January 19, 2020, Ed Beck, Community response in support of the project. See Exhibit F-22 for more details.
- January 19, 2020, Graham and Claudia Dickson, residents at the Lincoln Tower of the American Plaza Towers, in support of the project. See Exhibit F-23 for more details.

- January 19, 2020, Mary Ann Wish, resident of the American Plaza Towers, in support of the project. See Exhibit F-24 for more details.
- January 20, 2020, John Shields, resident in the Grant Tower of the American Plaza Towers, in support of the project. See Exhibit F-25 for more details.
- January 20, 2020, Karen Cameron, resident of American Plaza Towers, in support of the project. See Exhibit F-26 for more details.
- January 20, 2020, Lewis Sprunger and Elaine Durst, residents of American Plaza Towers, in support of the project. See Exhibit F-27 for more details.
- January 20, 2020, Linda Mann, resident of American Plaza Towers, in support of the project. See Exhibit F-28 for more details.
- January 21, 2020, Charles Dibert and John Mock, residents of American Plaza Towers, in support of the project. See Exhibit F-29 for more details.
- January 21, 2020, Joyce Lockwood, resident of American Plaza Towers, in support of the project. See Exhibit F-30 for more details.
- January 21, 2020, Lee Anne Barham, resident at Lincoln Bldg in the American Plaza Towers, in support of the project. See Exhibit F-31 for more details.
- January 21, 2020, Muriel Lezak, resident of American Plaza Towers, in support of the project. See Exhibit F-32 for more details.
- January 21, 2020, Robert and Sylvia Sutherland, residents of American Plaza Towers, in support of the project. See Exhibit F-33 for more details.
- January 22, 2020, Anne Raunio and Scott Gilbert, residents of the American Plaza Towers, in support of the project. See Exhibit F-34 for more details.
- January 22, 2020, Charlene Jones, resident of American Plaza Towers, in support of the project. See Exhibit F-35 for more details.
- January 22, 2020, Kathryn Belknap, resident of American Plaza Towers, in support of the project. See Exhibit F-36 for more details.
- January 22, 2020, Sammie and Jack McGlasson, residents in the Grant Tower of the American Plaza Towers, in support of the project. See Exhibit F-37 for more details.
- January 24, 2020, Judy Heltzel, resident of American Plaza Towers, in support of the project. See Exhibit F-38 for more details.
- January 24, 2020, Mark Fromm, resident of American Plaza Towers, in support of the project. See Exhibit F-39 for more details.
- January 24, 2020, Peter Spencer, resident of American Plaza Towers, in opposition to the project. See Exhibit F-40 for more details.
- January 25, 2020, Candy King, resident at Lincoln Tower of the American Plaza Towers, in opposition to the project. See Exhibit F-41 for more details.
- January 25, 2020, Judy Lyons, resident of American Plaza Towers, in support of the project. See Exhibit F-42 for more details.

- January 25, 2020, Paul and Dawn Trimble, residents of American Plaza Towers, in support of the project. See Exhibit F-43 for more details.
- January 25, 2020, Peggy McComb, resident of the American Plaza Towers, in support of the project. See Exhibit F-44 for more details.
- January 25, 2020, Roberta Ruimy, resident of American Plaza Towers, in support of the project. See Exhibit F-45 for more details.
- January 25, 2020, Tracey Corbett, resident of American Plaza Towers, in support of the project. See Exhibit F-46 for more details.
- January 26, 2020, Jeanine Cavagnaro, resident of American Plaza Towers, in support of the project. See Exhibit F-47 for more details.
- January 26, 2020, Linny and Dennis Stovall, residents of American Plaza Towers, in support of the project. See Exhibit F-48 for more details.
- January 26, 2020, William and Janet Craswell, residents of American Plaza Towers, in support of the project. See Exhibit F-49 for more details.
- January 27, 2020, Cary Doucette, resident at the Lincoln Tower of the American Plaza Towers, in support of the project. See Exhibit F-50 for more details.
- January 27, 2020, Cindy and Bruce Fitzwater, residents at the Grant Tower of the American Plaza Towers, in support of the project. See Exhibit F-51 for more details.
- January 27, 2020, Franklin Evans, owner of a property at the American Plaza Towers, in support of the project. See Exhibit F-52 for more details.
- January 27, 2020, Jo Ann L. Schwartz, resident of the American Plaza Towers, in support of the project. See Exhibit F-53 for more details.
- January 27, 2020, JoAnna and Roy Simmons, owners of a unit in the Lincoln Tower of the American Plaza Towers, in support of the project. See Exhibit F-54 for more details.
- January 27, 2020, Mary Meek, resident of the American Plaza Towers, in support of the project. See Exhibit F-55 for more details.
- January 27, 2020, Michelle Rohr, owner of a unit at the American Plaza Towers, with concerns about the proposal. See Exhibit F-56 for more details.
- January 27, 2020, Patrick Young, owner of a property at the American Plaza Towers, in support of the project. See Exhibit F-57 for more details.
- January 27, 2020, R. Curry, community member, in support of the project. See Exhibit F-58 for more details.
- January 27, 2020, Steve Hallock, resident of the American Plaza Towers, in support of the project. See Exhibit F-59 for more details.
- January 27, 2020, William Matarazzi and Barbara Bousum, residents of the American Plaza Towers, in support of the project. See Exhibit F-60 for more details.
- January 28, 2020, Elke Poehling, resident at Grant Tower of the American Plaza Towers, in opposition to the location of bike racks. See Exhibit F-61 for more details.

- January 28, 2020, Gulzoda Seidova, resident of American Plaza Towers, in support of the project. See Exhibit F-62 for more details.
- January 28, 2020, Sarann Benson, community resident, in support of the project. See Exhibit F-63 for more details.
- January 28, 2020, Scott Gilbert, resident of the American Plaza Towers, in support of the project. See Exhibit F-64 for more details.
- January 28, 2020, Susan Kozdon, resident of American Plaza Towers, in support of the project. See Exhibit F-65 for more details.
- January 29, 2020, Gerald and Joyce Kelly, residents of American Plaza Towers, in support of the project. See Exhibit F-66 for more details.
- January 29, 2020, Jerold Wikoff and Charlotte Armster, residents of the American Plaza Towers, in support of the project. See Exhibit F-67 for more details.
- January 29, 2020, Joan Smith, resident of the Madison Tower in the American Plaza Towers, in support of the project. See Exhibit F-68 for more details.
- January 29, 2020, Robert J. Bennett, resident of American Plaza Towers, in support of the project. See Exhibit F-69 for more details.
- January 29, 2020, Rosalinda Maesner, community resident, in support of the project. See Exhibit F-70 for more details.
- January 30, 2020, Doug Darling, resident at Grant Tower of the American Plaza Towers, in opposition to the location of the bike racks. See Exhibit F-71 for more details.
- January 30, 2020, Jerry Burger, resident of American Plaza Towers, in support of the project. See Exhibit F-72 for more details.
- January 30, 2020, Kaja Guttormson, resident of American Plaza Towers, in support of the project. See Exhibit F-73 for more details.
- January 30, 2020, Merrily Burger, resident of the American Plaza Towers, in support of the project. See Exhibit F-74 for more details.
- January 30, 2020, Merrily Burger, resident of American Plaza Towers, in support of the project. See Exhibit F-75 for more details.
- January 31, 2020, Carl & Carole Reddick, residents of American Plaza Towers, in support of the project. See Exhibit F-76 for more details.
- January 31, 2020, Doug Darling, resident at the Grant Tower of the American Plaza Towers, in opposition to the bicycle parking. See Exhibit F-77 for more details.
- January 31, 2020, Elke Poehling, resident of American Plaza Towers, in opposition to the project. See Exhibit F-78 for more details.
- January 31, 2020, Joan and Dan Kvitka, resident of American Plaza Towers, in support of the project. See Exhibit F-79 for more details.
- January 31, 2020, Juliet Williams, resident at the Madison Tower of the American Plaza Towers, in support of the project. See Exhibit F-80 for more details.

- January 31, 2020, Lynne hartshorn, resident of the American Plaza Towers, in opposition to the project. See Exhibit F-81 for more details.
- January 31, 2020, Mary Kay Brennan, community member, in support of the project. See Exhibit F-82 for more details.
- January 31, 2020, Mary Warren, resident of American Plaza Towers, in support of the project. See Exhibit F-83 for more details.
- January 31, 2020, Peter Kozdon, resident of the American Plaza Towers, in support of the project. See Exhibit F-84 for more details.
- February 01, 2020, Bill Coffey, community member, in support of the project. See Exhibit F-85 for more details.
- February 01, 2020, Elke Poehling, resident of Grant Tower in the American Plaza Towers, in opposition to the project. See Exhibit F-86 for more details.
- February 01, 2020, Joanne Jene, resident of American Plaza Towers, in support of the project. See Exhibit F-87 for more details.
- February 01, 2020, John Lambert, resident of American Plaza Towers, in support of the project. See Exhibit F-88 for more details.
- February 012020, Kris Bennett, resident of American Plaza Towers, in support of the project. See Exhibit F-89 for more details.
- February 01, 2020, Malcolm McLean, resident at the American Plaza Towers, in support of the project. See Exhibit F-90 for more details.
- February 01, 2020, Mary Lucero-Larsen and Susan Abate, residents of the American Plaza Towers, in support of the project. See Exhibit F-91 for more details.
- February 01, 2020, Merrily Burger, resident of American Plaza Towers, in support of the project. See Exhibit F-92 for more details.
- February 01, 2020, Rosemary Hutchinson, resident of American Plaza Towers, in support of the project. See Exhibit F-93 for more details.
- February 02, 2020, Alan Hoffer, resident of the American Plaza Towers, with concerns about the project. See Exhibit F-94 for more details.
- February 02, 2020, Brian C. Setzle, resident of American Plaza Towers, in support of the project. See Exhibit F-95 for more details.
- February 02, 2020, Downer Johnson, resident of American Plaza Towers, in support of the project. See Exhibit F-96 for more details.
- February 02, 2020, Landi Sonia & Peter Veerman, residents at the Grant Tower of American Plaza Towers, in support of the project. See Exhibit F-97 for more details.
- February 02, 2020, Mary McGilvra, residents of American Plaza Towers, with concern for the removal of trees required by the project. See Exhibit F-98 for more details.
- February 02, 2020, Sandy Keiter, resident at the Grant Tower of the American Plaza Towers, in support of the project. See Exhibit F-99 for more details.

- February 02, 2020, Sherry Dunnihoo, resident at the Lincoln Tower of the American Plaza Towers, in support of the project. See Exhibit F-100 for more details.
- February 02, 2020, Thomas Marlitt, resident at the Grant Tower of the American Plaza Towers, in support of the project. See Exhibit F-101 for more details.
- February 03, 2020, Sven and Barbara Fagerstrom, residents at the Grant Tower of the American Plaza Towers, in support of the project. See Exhibit F-102 for more details.
- February 03, 2020, Barbara W Fleming, resident of the American Plaza Towers, in support of the project. See Exhibit F-103 for more details.
- February 03, 2020, Charles Coate, resident at the Grant Tower of the American Plaza Towers, in support of the project. See Exhibit F-104 for more details.
- February 03, 2020, Dan Baker, community member, in support of the project. See Exhibit F-105 for more details.
- February 03, 2020, Debra Johnson, resident of the American Plaza Towers, in support of the project. See Exhibit F-106 for more details.
- February 03, 2020, Boyd & Dorothy Osgood, residents of the American Plaza Towers, in support of the project. See Exhibit F-107 for more details.
- February 03, 2020, Frances Johnston, resident of the American Plaza Towers, in support of the project. See Exhibit F-108 for more details.
- February 03, 2020, Gary Hartshorn, resident of the American Plaza Towers, in opposition to the project. See Exhibit F-109 for more details.
- February 03, 2020, Joe & Lois Haley, residents of the American Plaza Towers, with concerns about the removal of trees for the project. See Exhibit F-110 for more details.
- February 03, 2020, Lynne Hartshorn, resident of the American Plaza Towers, in opposition to the project. See Exhibit F-111 for more details.
- February 03, 2020, Martha K. Sharp, resident of the American Plaza Towers, in support of the project. See Exhibit F-112 for more details.
- February 03, 2020, Pat Baker, resident of the American Plaza Towers, in support of the project. See Exhibit F-113 for more details.
- February 03, 2020, Raymond & Catherine Honerlah, residents at the American Plaza Towers, in support of the project. See Exhibit F-114 for more details.
- February 03, 2020, Geoff and Susan Gilbert, residents at the American Plaza Towers, in support of the project. See Exhibit F-115 for more details.
- February 03, 2020, Lynne Hartshorn, resident of the American Plaza Towers, in opposition to the project. See Exhibit F-116 for more details.

Staff Response:

*While the majority of responses are in support of the project there are a number of those who have concerns and/or are in opposition. Issues include frustration with, the lack of a clear alternative plan, the lack of transparency and with the handling of the process by the American*

*Plaza Towers Board. Because these are internal process within the American Towers, staff is not able to comment.*

*Comments regarding bicycle parking and its associated noise impacts have been reviewed by staff and discussed with both the applicant and with some of those that submitted concern. Staff spoke with the applicant and directed them to review the site for alternative locations that are still fully compliant with the current bicycle code per Portland Zoning Code (PZC) 33.266. To those who wrote with concerns, staff discussed the current bicycle code (Portland Zoning Code 33.266) and its standards that must be met, explaining the difficulties of alternatives locations on the project site. Staff further advised the resident to review PZC 33.266 to also look for alternative locations that fully meet the standards of the code. Currently alternative locations that do not impact planter locations have not been proposed by either the residents of the applicant.*

*Comments have also been received that call into question the need to remove trees due to dead-weight issues, and tree health. Trees that are dead, dying and dangerous are allowed to be removed without Design Review. Design Review, which for a significant time the applicant team did not feel was necessary, is required for tree removal in South Auditorium Plan District for trees that are not dead, dying or dangerous, and provides a path/process to remove trees, provided the approval criteria (PZC 33.580.130.1-3) are met. While staff cannot speak to the integrity of the dead-weight issues, staff is understanding of the effects that a mature landscape can have when located next to, and in this case, on top of, a building. Note: if the applicant's proposal were to remove trees with anything less than a tree-for-tree (1-for-1) replacement, staff would not approve the submittal. However, the applicant and the applicant's Landscape Architect (a protégé of Halprin) have provided a design that is successful in meeting the approval criteria while maintaining the landscape aesthetic of the American Tower Plaza, adjacent park area, and the South Auditorium Plan District.*

## **PROCEDURAL HISTORY**

- **Early Assistance (EA) Appointment: EA 18-165352 APPT: May 23, 2018:**  
Questions raised at the EA largely addressed what would trigger a Design Review. The removal of trees from the site, which is the South Auditorium Plan District, was specifically addressed as requiring Design Review.
- **Land Use Application: Submitted on November 06, 2019:**  
Deemed complete on December 19, 2019.

## **ZONING CODE APPROVAL CRITERIA**

### **Chapter 33.825 Design Review**

#### **Section 33.825.010 Purpose of Design Review**

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

#### **Section 33.825.055 Design Review Approval Criteria**

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

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

### **Section 33.580.130.A Design Review Approval Criteria for Trees in South Auditorium Plan District**

#### **South Auditorium Plan District**

##### **33.580.010 Purpose of the South Auditorium Plan District**

The South Auditorium plan district protects the unique character of the former South Auditorium urban renewal district. The district is an award-winning development, with its high-rise buildings, generous setbacks and landscaping, numerous plazas and fountains, and elaborate pedestrian walkway system. Maintenance of this character is achieved by requiring additional landscaping requirements, the preservation of existing trees, screening of roof-top equipment, and additional sign regulations which limit the type, number, and size of signs.

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

##### **33.580.130 Preservation of Existing Trees**

A. Unless exempt under Section 33.580.130.B, removal of existing trees 6 or more inches in diameter is allowed only when approved through a design review, using the following approval criteria:

1. The location of the tree to be removed is needed for development of a new building or an arborist finds that the tree will be affected by proposed development in a manner that is likely to cause significant damage or death to the tree. (see Exhibit A-9)
2. The proposal is consistent with the purpose of the plan district.
3. Each tree removed will be replaced with a new tree elsewhere in the plan district in accordance with the adopted landscaping plan for the plan district or as determined by the design review.

**Findings for 1, 2 and 3:** The South Auditorium Plan District consists of a unique character of high-rise buildings, generous setbacks and landscaping, numerous plazas and fountains, and elaborate pedestrian walkways systems. The American Towers: Madison Tower, Grant Tower and Lincoln Tower, were built in the early 1970's in the New Brutalism style and contain 337 condominium units while being surrounded by plazas, pedestrian paths and an established landscape that echo many of the design treatments and aesthetics found in the Halprin Open Space Sequence of the same era and located immediately north of SW Lincoln Street. Unique to the American Towers is the 3-story below grade parking structure that is under much of the adjacent plaza area and landscaping in the central area of the towers. Due to the apparent failure of the parking structure regarding water intrusion and corrosion, the demolition of the "roof" of the parking garage is necessary. Through this process the applicant will remove existing hardscape, planters, etc. and replace them with new hardscape, planters, etc. in exactly the same design, dimension, material construction and location (see C Exhibits). Repair, maintenance, and replacement with comparable materials is exempt from Design Review, per Portland Zoning Code 33.420.045. The removal of trees in the South Auditorium Plan District is not exempt from Design review. As a result of the proposed garage demolition 52 trees ("tree" as defined by the Portland Tree and Landscaping Manual) will be removed from the project site (see Exhibit C-11 through Exhibit C-15), to be replaced with 61 new trees in approximately the same location(s) on the project site (see Exhibit C-11 through Exhibit C-15).

The proposed tree planting plan is consistent with the purpose of the Plan District in that: the area will continue to be significantly landscaped with a greater than 1-to-1 replacement; new trees will be located in approximately the same area on the project site as trees that are being removed; the tree palette maintains and builds on the Plan District tree palette by including and incorporating genus that are consistent with the existing design (Acer, Cornus, Pinus, and Platanus), while including new genus that provide additional year round interest (Cercis, Nyssa, Magnolia, Lagerstroemia and Stewartia)

while being more appropriately sized for their location on site.

*Therefore, these criteria have been met.*

### **Central City Fundamental Design Guidelines**

These guidelines provide the constitutional framework for all design review areas in the Central City.

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

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

This set of goals are those developed to guide development throughout the Central City. They apply within all of the Central City policy areas. The nine goals for design review within the Central City are as follows:

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.

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

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

**Findings:** As mentioned previously, proposed hardscape areas and features (paving, planters, etc.) will match (regarding design, material, construction, location, etc.) existing hardscape areas and features (see C Exhibits) allowing the review of those aspects of the project to be exempt from Design Review.

Due to the consistency with the aspects of this project that are being removed and replaced, the area will remain an integrated and unified design.

*Therefore, this guideline has been met.*

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

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

**B5. Make Plazas, Parks and Open Space Successful.** Orient building elements such as main entries, lobbies, windows, and balconies to face public parks, plazas, and open spaces.

Where provided, integrate water features and/or public art to enhance the public open space. Develop locally oriented pocket parks that incorporate amenities for nearby patrons.

**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:** The comprehensive lighting plan includes ground lighting, bollard lighting, perimeter lighting, post lighting and lighting to illuminate key aspects of the landscape. Proposed lighting will improve night-time visibility allowing for improved wayfinding, ease of movement through the site, connections to the adjacent Open Space parks area, and safety. In addition, the enhanced lighting scheme will allow for greater activation of the exterior areas revitalizing areas of the site for viewing and socializing.

*Therefore, these guidelines have been met.*

### **Oregon Statewide Planning Goals findings for site in the Central City plan district**

#### Goal 1: Citizen Involvement

Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

**Findings:** The City of Portland maintains an extensive citizen involvement program which complies with all relevant aspects of Goal 1, including specific requirements in Zoning Code Chapter 33.730 for public notice of land use review applications that seek public comment on proposals. There are opportunities for the public to testify at a local hearing on land use proposals for Type III land use review applications, and for Type II and Type Ix land use decisions if appealed. For this application, a written notice seeking comments on the proposal was mailed to property-owners and tenants within 150 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 400 of the site. There is also an opportunity to appeal the administrative decision at a local hearing.

The public notice requirements for this application have been and will continue to be met, and nothing about this proposal affects the City's ongoing compliance with Goal 1. Therefore, the proposal is consistent with this goal.

#### Goal 2: Land Use Planning

Goal 2 outlines the basic procedures of Oregon's statewide planning program. It states that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

**Findings:** Compliance with Goal 2 is achieved, in part, through the City's comprehensive planning process and land use regulations. For quasi-judicial proposals, Goal 2 requires that the decision be supported by an adequate factual base, which means it must be supported by substantial evidence in the record. As discussed earlier in the findings that respond to the relevant approval criteria contained in the Portland Zoning Code, the proposal complies with the applicable regulations, as supported by substantial evidence in the record. As a result, the proposal meets Goal 2.

#### Goal 3: Agricultural Lands

Goal 3 defines “agricultural lands,” and requires counties to inventory such lands and to “preserve and maintain” them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

#### Goal 4: Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will “conserve forest lands for forest uses.”

**Findings for Goals 3 and 4:** In 1991, as part of Ordinance No. 164517, the City of Portland took an exception to the agriculture and forestry goals in the manner authorized by state law and Goal 2. Since this review does not change any of the facts or analyses upon which the exception was based, the exception is still valid and Goals 3 and 4 do not apply.

#### Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5 relates to the protection of natural and cultural resources. It establishes a process for inventorying the quality, quantity, and location of 12 categories of natural resources. Additionally, Goal 5 encourages but does not require local governments to maintain inventories of historic resources, open spaces, and scenic views and sites.

**Findings:** The City complies with Goal 5 by identifying and protecting natural, scenic, and historic resources in the City’s Zoning Map and Zoning Code.

The only Goal 5 natural resources in the Central City plan district are located near the Willamette River. Therefore, natural resource protection in the Central City is carried out by the River overlay zones discussed below in the findings for Statewide Planning Goal 15. Per OAR 660-023-0240(2), Goal 15 supersedes Goal 5 for natural resources that are also subject to Goal 15.

Protection of scenic resources is implemented through the Scenic (“s”) overlay zone on the Zoning Map or by establishing building height limits within view corridors as shown on Map 510-3 and 510-4.

Historic resources are identified on the Zoning Map either with landmark designations for individual sites or as Historic Districts or Conservation Districts.

The Zoning Code imposes special restrictions on development activities within the River overlay zones, the Scenic overlay zone, view corridors, and designated historic resources.

This site is not within any River overlay zone, Scenic overlay zone, or designated view corridor, and is not part of any designated historic resource. Therefore, Goal 5 is not applicable.

#### Goal 6: Air, Water and Land Resources Quality

Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

**Findings:** The Bureau of Environmental Services reviewed the proposal for conformance with sanitary sewer and stormwater management requirements and expressed no objections to approval of the application with conditions, as mentioned earlier in this report. Staff finds the proposal is consistent with Goal 6.

#### Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 7 requires that jurisdictions adopt development restrictions or safeguards to protect people and property from natural hazards. Under Goal 7, natural hazards include floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires. Goal 7 requires that local governments adopt inventories, policies, and implementing measures to reduce risks from natural hazards to people and property.

**Findings:** The City complies with Goal 7 by mapping natural hazard areas such as floodplains and potential landslide areas, which can be found in the City's MapWorks geographic information system. The City imposes additional requirements for development in those areas through a variety of regulations in the Zoning Code, such as through special plan districts or land division regulations. The subject site is not within any mapped floodplain or landslide hazard area, so Goal 7 does not apply.

#### Goal 8: Recreation Needs

Goal 8 calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expediting siting of destination resorts.

**Findings:** The City maintains compliance with Goal 8 through its comprehensive planning process, which includes long-range planning for parks and recreational facilities. Staff finds the current proposal will not affect existing or proposed parks or recreation facilities in any way that is not anticipated by the zoning for the site, or by the parks and recreation system development charges that are assessed at time of building permit. Furthermore, nothing about the proposal will undermine planning for future facilities. Therefore, the proposal is consistent with Goal 8.

#### Goal 9: Economy of the State

Goal 9 calls for diversification and improvement of the economy. Goal 9 requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

**Findings:** Land needs for a variety of industrial and commercial uses are identified in the adopted and acknowledged Economic Opportunity Analysis (EOA) (Ordinance 187831). The EOA analyzed adequate growth capacity for a diverse range of employment uses by distinguishing several geographies and conducting a buildable land inventory and capacity analysis in each. In response to the EOA, the City adopted policies and regulations to ensure an adequate supply of sites of suitable size, type, location and service levels in compliance with Goal 9. The City must consider the EOA and Buildable Lands Inventory when updating the City's Zoning Map and Zoning Code. Because this proposal does not change the supply of industrial or commercial land in the City, the proposal is consistent with Goal 9.

#### Goal 10: Housing

Goal 10 requires local governments to plan for and accommodate needed housing types. The Goal also requires cities to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

**Findings:** The City complies with Goal 10 through its adopted and acknowledged inventory of buildable residential land (Ordinance 187831), which demonstrates that the City has zoned and designated an adequate supply of housing. For needed housing, the Zoning Code includes clear and objective standards. Since approval of this application will enable an increase in the City's housing supply, the proposal is consistent with Goal 10.

#### Goal 11: Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

**Findings:** The City of Portland maintains an adopted and acknowledged public facilities plan to comply with Goal 11. See Citywide Systems Plan adopted by Ordinance 187831. The public facilities plan is implemented by the City's public services bureaus, and these

bureaus review development applications for adequacy of public services. Where existing public services are not adequate for a proposed development, the applicant is required to extend public services at their own expense in a way that conforms to the public facilities plan. In this case, the City's public services bureaus found that existing public services are adequate to serve the proposal, as discussed earlier in this report.

#### Goal 12: Transportation

Goal 12 seeks to provide and encourage "safe, convenient and economic transportation system." Among other things, Goal 12 requires that transportation plans consider all modes of transportation and be based on an inventory of transportation needs.

**Findings:** The City of Portland maintains a Transportation System Plan (TSP) to comply with Goal 12, adopted by Ordinances 187832, 188177 and 188957. The City's TSP aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs."

Under the Oregon Transportation Planning Rule (TPR), which helps to implement Goal 12, the Central City is designated as a Multi-Modal Mixed-Use Area (MMA). The MMA designation is intended to foster a mixed-use, pedestrian-friendly center that allows a high intensity of uses. Development proposals are evaluated for their anticipated impacts to the safety of the transportation system.

The extent to which a proposal affects the City's transportation system is evaluated by the Portland Bureau of Transportation (PBOT). As discussed earlier in this report, PBOT evaluated this proposal and has no concerns. Therefore, the proposal is consistent with Goal 12.

#### Goal 13: Energy

Goal 13 seeks to conserve energy and declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

**Findings:** With respect to energy use from transportation, as identified above in response to Goal 12, the City maintains a TSP that aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." This is intended to promote energy conservation related to transportation. Additionally, at the time of building permit review and inspection, the City will also implement energy efficiency requirements for the building itself, as required by the current building code. For these reasons, staff finds the proposal is consistent with Goal 13.

#### Goal 14: Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

**Findings:** In the Portland region, most of the functions required by Goal 14 are administered by the Metro regional government rather than by individual cities. The desired development pattern for the region is articulated in Metro's Regional 2040 Growth Concept, which emphasizes denser development in designated centers and corridors. The Regional 2040 Growth Concept is carried out by Metro's Urban Growth Management Functional Plan, and the City of Portland is required to conform its zoning regulations to this functional plan. This land use review proposal does not change the UGB surrounding the Portland region and does not affect the Portland Zoning Code's compliance with Metro's Urban Growth Management Functional Plan. Therefore, Goal 14 is not applicable.

Goal 15: Willamette Greenway

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

**Findings:** The City of Portland complies with Goal 15 in the Central City by applying River overlay zones to areas near the Willamette River. These overlay zones impose special requirements on development activities.

The subject site for this review is not within a River overlay zone near the Willamette River, so Goal 15 does not apply.

Goal 16: Estuarine Resources

This goal requires local governments to classify Oregon's 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those "management units."

Goal 17: Coastal Shorelands

This goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for "water-dependent" or "water-related" uses.

Goal 18: Beaches and Dunes

Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

Goal 19: Ocean Resources

Goal 19 aims "to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf." It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19's main requirements are for state agencies rather than cities and counties.

**Findings:** Since Portland is not within Oregon's coastal zone, Goals 16-19 do not apply.

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

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

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

**Modification #1: Landscape Area – Installation, PZC 33.248.040.A** – All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Bureau of Environmental Services stormwater management requirements. Proposed landscaping is to match existing, which is not in-ground but in planters on the "roof" of structured parking.

**Modification #2: Parking Area Setbacks and Landscaping – Perimeter Parking Lot Landscaping, PZC 33.266.130.G.2.a.(2)**

Maintain the landscape bed depth for proposed beds (which vary) to be the same as existing beds in areas on the west edge of the vehicle area. Current bed depths vary but are all proposed to be less than the required 5-foot standard.

**Modification #3: Landscape Area – Pedestrian malls/open area, PZC 33.580.110 –**

Maintain the landscape bed depth for proposed beds (which vary) in four locations to be the same as existing beds in those locations. Current bed depth in the four locations are all less than the required 6-foot depth of the standard.

**Modification #1: Landscape Area – Installation, PZC 33.248.040.A** – All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Bureau of Environmental Services stormwater management requirements. Proposed landscaping is to match existing, which is not in-ground but in planters on the “roof” of structured parking.

*Standard:* 33.248.040.A.

Installation. All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Bureau of Environmental Services stormwater management requirements.

*Purpose Statement:*

The City recognizes the aesthetic, ecological, and economic value of landscaping and requires its use to:

- Preserve and enhance Portland’s urban forest;
- Promote the reestablishment of vegetation in urban areas for aesthetic, health, and urban wildlife reasons;
- Reduce stormwater runoff pollution, temperature, and rate and volume of flow;
- Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;
- Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting uses;
- Unify development, and enhance and define public and private spaces;
- Promote the retention and use of existing non-invasive vegetation;
- Aid in energy conservation by providing shade from the sun and shelter from the wind;
- Restore natural communities and provide habitat through removal of nuisance plants and reestablishment of native plants; and
- Mitigate for loss of natural resource values.

**Better meets design guidelines.** The resulting development will better meet the applicable design guidelines (Central City Fundamental Design Guidelines; A4, B5 and C5) allowing for continued design coherency, continuity and unifying elements within the plaza area and adjacent park. The proposed modification will allow for replacement landscape areas to be installed in the same areas/locations that are proposed to be removed due to the required repairs to the existing structured parking garage roof. In short, landscaping areas in the site area will be significantly reduced without this modification.

**Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested. The proposed design intends to remove existing hardscape (paving, planters, etc.) to be replaced with new hardscape in the same design, construction, location, etc. The modification will allow for landscaping to be installed and established so that the current heavily vegetated aesthetic can be maintained.

*Therefore, these Modifications merit approval.*

**Modification #2: Parking Area Setbacks and Landscaping – Perimeter Parking Lot**

**Landscaping, PZC 33.266.130.G.2.a.(2)** – Maintain the landscape bed depth for proposed beds (which vary) to be the same as existing beds in areas on the west edge of the vehicle area. Current bed depths vary but are all proposed to be less than the required 5-foot standard.

*Standard:* 33.266.130.G.2.a.(2)

Parking area setbacks and landscaping, Setbacks and perimeter landscaping - Any portion of structured parking areas where the parking area is within 4 feet of adjacent grade and there is no roof over it. Per Table 266-5: 5 feet of L2 landscaping is required.

*Purpose Statement:*

The development standards promote vehicle areas that are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones.

Together with the transit street building setback standards in the base zone chapters, the vehicle area location regulations for sites on transit streets and in Pedestrian Districts:

- Provide a pedestrian access that is protected from auto traffic;
- Create an environment that is inviting to pedestrians and transit users.
- Create a strong relationship between buildings and the sidewalk; and
- Create a sense of enclosure on transit and pedestrian street frontages.

The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Provide flexibility to reduce the visual impacts of small residential parking lots;
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution.

**Better meets design guidelines.** The resulting development will better meet the applicable design guidelines (Central City Fundamental Design Guidelines; A4, B2, B5 and C5) allowing for continued design coherency, continuity and unifying elements within the plaza area and adjacent park. The proposed modification will allow for replacement landscape areas to be installed in the same areas/locations that are proposed to be removed due to the required repairs to the existing structured parking garage roof. The modification allows the hardscape areas and features to be installed to match existing which will allow for these areas to be landscaped (see C Exhibits) with new plantings that are similar to what is existing and maintain the heavily landscaped aesthetic of the site area.

**Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested. The site is heavily landscaped and will meet or exceed the L2 planting standard for perimeter landscaping in all areas except the west edge of the vehicle area that is immediately south of Lincoln Tower. Proposed landscaping, which is consistent through the site, will ensure the parking area and plazas

will continue to be landscaped softening the appearance of the parking area and be inviting to pedestrians.

*Therefore, these Modifications merit approval.*

**Modification #3: Landscape Area – Pedestrian malls/open area, PZC 33.580.110 –**

Maintain the landscape bed depth for proposed beds (which vary) in four locations to be the same as existing beds in those locations. Current bed depth in the four locations are all less than the required 6-foot depth of the standard.

*Standard:* 33.580.110.C

A 6-foot-deep area landscaped to at least the L1 standard is required along lot lines abutting a pedestrian mall or open area, as shown on Map 580-3.

*Purpose Statement:*

The South Auditorium plan district protects the unique character of the former South Auditorium urban renewal district. The district is an award-winning development, with its high-rise buildings, generous setbacks and landscaping, numerous plazas and fountains, and elaborate pedestrian walkway system. Maintenance of this character is achieved by requiring additional landscaping requirements, the preservation of existing trees, screening of roof-top equipment, and additional sign regulations which limit the type, number, and size of signs.

**Better meets design guidelines.** The resulting development will better meet the applicable design guidelines (PZC 33.580.130), which are in support of the purpose statement for the South Auditorium Plan District stating in part, “The district is an award-winning development, with its high-rise buildings, generous setbacks and landscaping, numerous plazas and fountains, and elaborate pedestrian walkway system.” The intent is to have the proposed development, in particular the hardscape areas and features (paving, planters, etc.), exactly match (regarding design, material construction, location, etc.) that which is being removed. The modification allows the hardscape areas and features to be installed to match existing which will allow for these areas to be landscaped (see C Exhibits) with new plantings that are similar to what is existing, maintain the heavily landscaped aesthetic of the site area. In all areas where this modification applies adjacent planting, either existing or proposed, will exceed either the 6 feet depth, or the L1 standard, or both.

**Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested. As mentioned previously, the areas where this modification applies are adjacent to the areas with existing landscaping or proposed landscaping that will allow this standard to be better met regarding the landscaped character of the South Auditorium Plan District.

*Therefore, these Modifications merit approval.*

## **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all requirements of Title 11 can be met, and that all development standards of Title 33 can be met or have received an Adjustment or Modification via a land use review, prior to the approval of a building or zoning permit.

## CONCLUSIONS

The alterations to the site area of the American Plaza Towers, located in the South Auditorium Plan District, maintain the character and integrity of the existing area while allowing for replacement of the existing failing "roof" of the below grade structured parking garage.

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. As indicated in detail in the findings above, the proposal meets the applicable design guidelines and therefore warrants approval.

## ADMINISTRATIVE DECISION

Design Review approval of alterations to the plaza areas adjacent to the American Plaza Towers, including tree removal and replacement, the removal of a small water fountain, the addition of lighting and the installation of short-term bicycle parking. The site is located in the South Auditorium Plan District as well as the University Subdistrict, of the Central City Plan District.

Approval, per the approved site plans, Exhibits C-1 through C-19, signed and dated February 06, 2020, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 19-249975 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. NO FIELD CHANGES ALLOWED.

**Staff Planner: Arthur Graves**



**Decision rendered by:** \_\_\_\_\_ **on February 06, 2020.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: February 10, 2020**

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on November 6, 2019, and was determined to be complete on December 19, 2019.

*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 November 6, 2019.

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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: April 17, 2020.**

**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 decision of the Bureau of Development Services with input from other City and public agencies.

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

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on February 24, 2020** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded on or after **February 25, 2020** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

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

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

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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

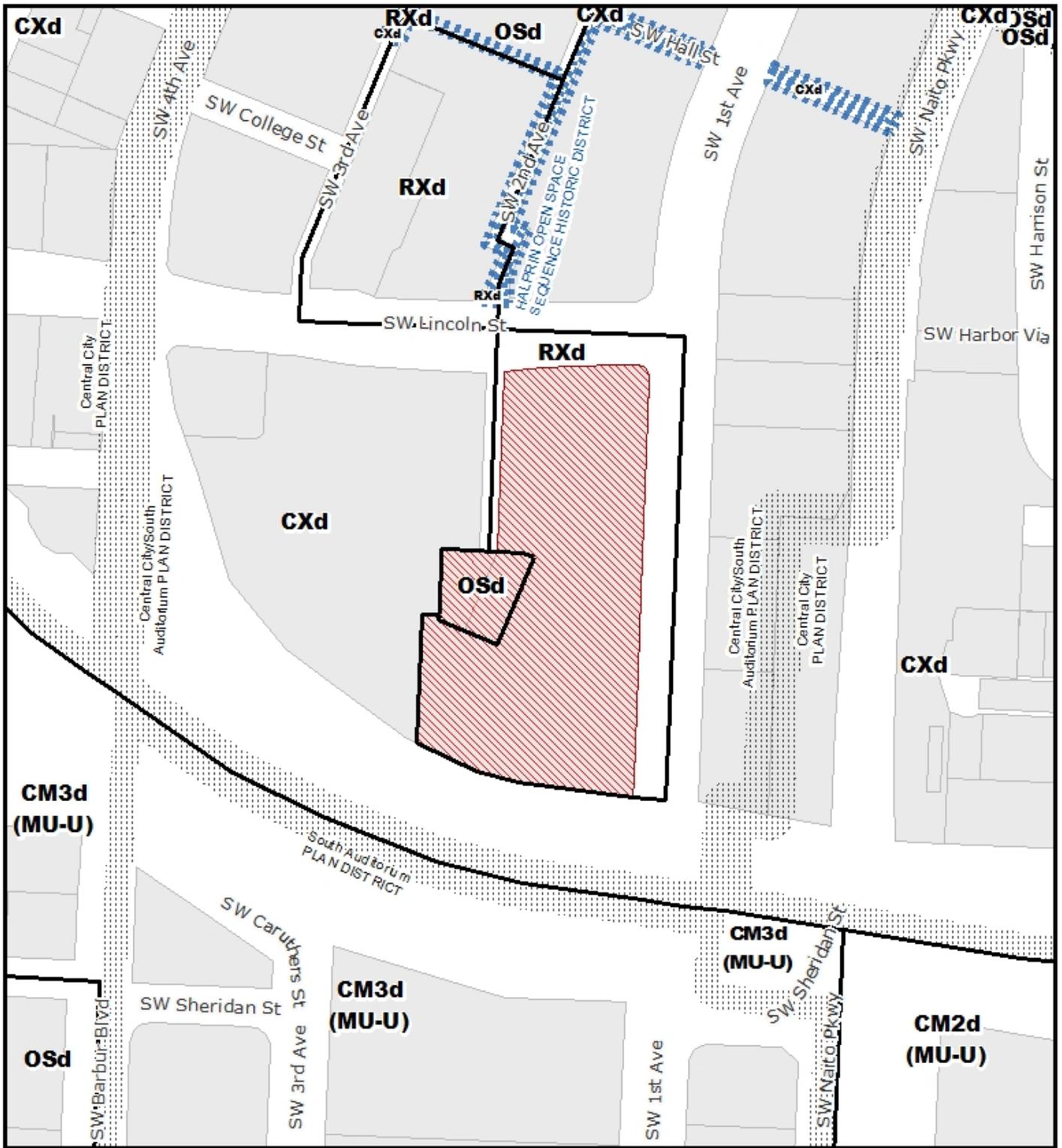
- A. Applicant's Submittal
  1. Initial Narrative: 11.06.2019
  2. Initial Drawings: 11.06.2019 (superseded)
  3. Revised Drawings: 01.15.2020 (superseded)
  4. Revised Narrative: 01.27.2020
  5. Revised Drawings: 01.27.2020
  6. Appendix Submittals: 01.31.2020
  7. Revised Narrative: 02.04.2020
  8. Applicant Confirmation of Modification Locations: 02.04.2020
  9. Arborists Report: June 23, 2019
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Title Page – Vicinity Map
  2. Site Plan – Existing Conditions
  3. Site Plan – Demolition Plan
  4. Site Plan – Proposed (attached)
  5. Site Plan – Non-Conforming Development
  6. Enlarged Site Plan – Lincoln
  7. Enlarged Site Plan – Grant
  8. Enlarged Site Plan – Madison
  9. Vestibule Plans
  10. Exterior Details
  11. Tree Plan – Existing (attached)
  12. Tree Inventory
  13. Tree Protection and Removal Plan

14. Tree Density Plan
  15. Planting Plan – Proposed (attached)
  16. Planting Schedule
  17. Landscape Details
  18. Lighting Drawings
  19. Modifications
- D. Notification information:
1. Mailing list
  2. Mailed notice
- E. Agency Responses:
1. Bureau of Development Services- Site Development: Jason Butler-Brown: January 24, 2020.
  2. Bureau of Development Services Life Safety/Building Code Section: Sloan Shelton, January 24, 2020.
  3. Fire Bureau: Dawn Krantz: January 27, 2020.
  4. Bureau of Environmental Services: Emma Kohlsmith, January 31, 2020.
  5. Bureau of Transportation: Robert Haley, February 04, 2020.
- F. Correspondence:
1. Cynthia Solberg, January 15, 2020
  2. David Langan, January 15, 2020
  3. Gary Pearlman, January 15, 2020
  4. Judy Hedreen, January 15, 2020
  5. Mary Giddens, January 15, 2020
  6. Phil Gilbertson, January 15, 2020
  7. Phil Marchbanks, January 15, 2020
  8. Steven Zimmerman, January 15, 2020
  9. Susan Nummery, January 15, 2020
  10. Anne Woodbury, January 16, 2020
  11. Carol Turtle, January 16, 2020
  12. Gary Tharler, January 16, 2020
  13. Helen Smith, January 16, 2020
  14. Viveca and Jim Leusch, January 16, 2020
  15. Joan Johnson, January 16, 2020
  16. Angela and Jon Greenblatt, January 16, 2020
  17. Diane and John Howieson, January 17, 2020
  18. Linda and Charlie Williams, January 17, 2020
  19. Mark Goodell, January 18, 2020
  20. Sharon Miles, January 18, 2020
  21. Thomas Ray, January 19, 2020
  22. Ed Beck, January 19, 2020
  23. Graham and Claudia Dickson, January 19, 2020
  24. Mary Ann Wish, January 19, 2020
  25. John Shields, January 20, 2020
  26. Karen Cameron, January 20, 2020
  27. Lewis Sprunger and Elaine Durst, January 20, 2020
  28. Linda Mann, January 20, 2020
  29. Charles Dibert and John Mock, January 21, 2020
  30. Joyce Lockwood, January 21, 2020
  31. Lee Anne Barham, January 21, 2020
  32. Muriel Lezak, January 21, 2020
  33. Robert and Sylvia Sutherland, January 21, 2020
  34. Anne Raunio and Scott Gilbert, January 22, 2020
  35. Charlene Jones, January 22, 2020
  36. Kathryn Belknap, January 22, 2020
  37. Sammie and Jack McGlasson, January 22, 2020
  38. Judy Heltzel, January 24, 2020
  39. Mark Fromm, January 24, 2020
  40. Peter Spencer, January 24, 2020

41. Candy King, January 25, 2020
42. Judy Lyons, January 25, 2020
43. Paul and Dawn Trimble, January 25, 2020
44. Peggy McComb, January 25, 2020
45. Roberta Ruimy, January 25, 2020
46. Tracey Corbett, January 25, 2020
47. Jeanine Cavagnaro, January 26, 2020
48. Linny and Dennis Stovall, January 26, 2020
49. William and Janet Craswell, January 26, 2020
50. Cary Doucette, January 27, 2020
51. Cindy and Bruce Fitzwater, January 27, 2020
52. Franklin Evans, January 27, 2020
53. Jo Ann L. Schwartz, January 27, 2020
54. JoAnna and Roy Simmons, January 27, 2020
55. Mary Meek, January 27, 2020
56. Michelle Rohr, January 27, 2020
57. Patrick Young, January 27, 2020
58. R. Curry, January 27, 2020
59. Steve Hallock, January 27, 2020
60. William Matarazzi and Barbara Bousum, January 27, 2020
61. Elke Poehling, January 28, 2020
62. Gulzoda Seidova, January 28, 2020
63. Sarann Benson, January 28, 2020
64. Scott Gilbert, January 28, 2020
65. Susan Kozdon, January 28, 2020
66. Gerald and Joyce Kelly, January 29, 2020
67. Jerold Wikoff and Charlotte Armster, January 29, 2020
68. Joan Smith, January 29, 2020
69. Robert J. Bennett, January 29, 2020
70. Rosalinda Maesner, January 29, 2020
71. Doug Darling, January 30, 2020
72. Jerry Burger, January 30, 2020
73. Kaja Guttormson, January 30, 2020
74. Merrily Burger, January 30, 2020
75. Merrily Burger, January 30, 2020
76. Carl & Carole Reddick, January 31, 2020
77. Doug Darling, January 31, 2020
78. Elke Poehling, January 31, 2020
79. Joan and Dan Kvitka, January 31, 2020
80. Juliet Williams, January 31, 2020
81. Lynne Hartshorn, January 31, 2020
82. Mary Kay Brennan, January 31, 2020
83. Mary Warren, January 31, 2020
84. Peter Kozdon, January 31, 2020
85. Bill Coffey, February 01, 2020
86. Elke Poehling, February 01, 2020
87. Joanne Jene, February 01, 2020
88. John Lambert, February 01, 2020
89. Kris Bennett, February 01, 2020
90. Malcolm McLean, February 01, 2020
91. Mary Lucero-Larsen and Susan Abate, February 01, 2020
92. Merrily Burger, February 01, 2020
93. Rosemary Hutchinson, February 01, 2020
94. Alan Hoffer, February 02, 2020
95. Brian C. Setzle, February 02, 2020
96. Downer Johnson, February 02, 2020
97. Landi Sonia & Peter Veerman, February 02, 2020
98. Mary McGilvra, February 02, 2020

99. Sandy Keiter, February 02, 2020
  100. Sherry Dunnihoo, February 02, 2020
  101. Thomas Marlitt, February 02, 2020
  102. Sven and Barbara Fagerstrom, February 03, 2020
  103. Barbara W Fleming, February 03, 2020
  104. Charles Coate, February 03, 2020
  105. Dan Baker, February 03, 2020
  106. Debra Johnson, February 03, 2020
  107. Boyd & Dorothy Osgood, February 03, 2020
  108. Frances Johnston, February 03, 2020
  109. Gary Hartshorn, February 03, 2020
  110. Joe & Lois Haley, February 03, 2020
  111. Lynne Hartshorn, February 03, 2020
  112. Martha K. Sharp, February 03, 2020
  113. Pat Baker, February 03, 2020
  114. Raymond & Catherine Honerlah, February 03, 2020
  115. Geoff and Susan Gilbert, February 03, 2020
  116. Lynne Hartshorn, February 03, 2020
- G. Other:
1. Original LU Application
  2. Historic Information: Ordinance #147584
  3. Lee Kelly – Leland Sculpture Information
  4. EA 18-165352 Appt – Planner Response
  5. Site Pictures: 05.21.2018
  6. Incomplete Letter: November 20, 2019
  7. Site Pictures: 01.23.2020
  8. Refund Request Form: 01.10.2020

**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).**

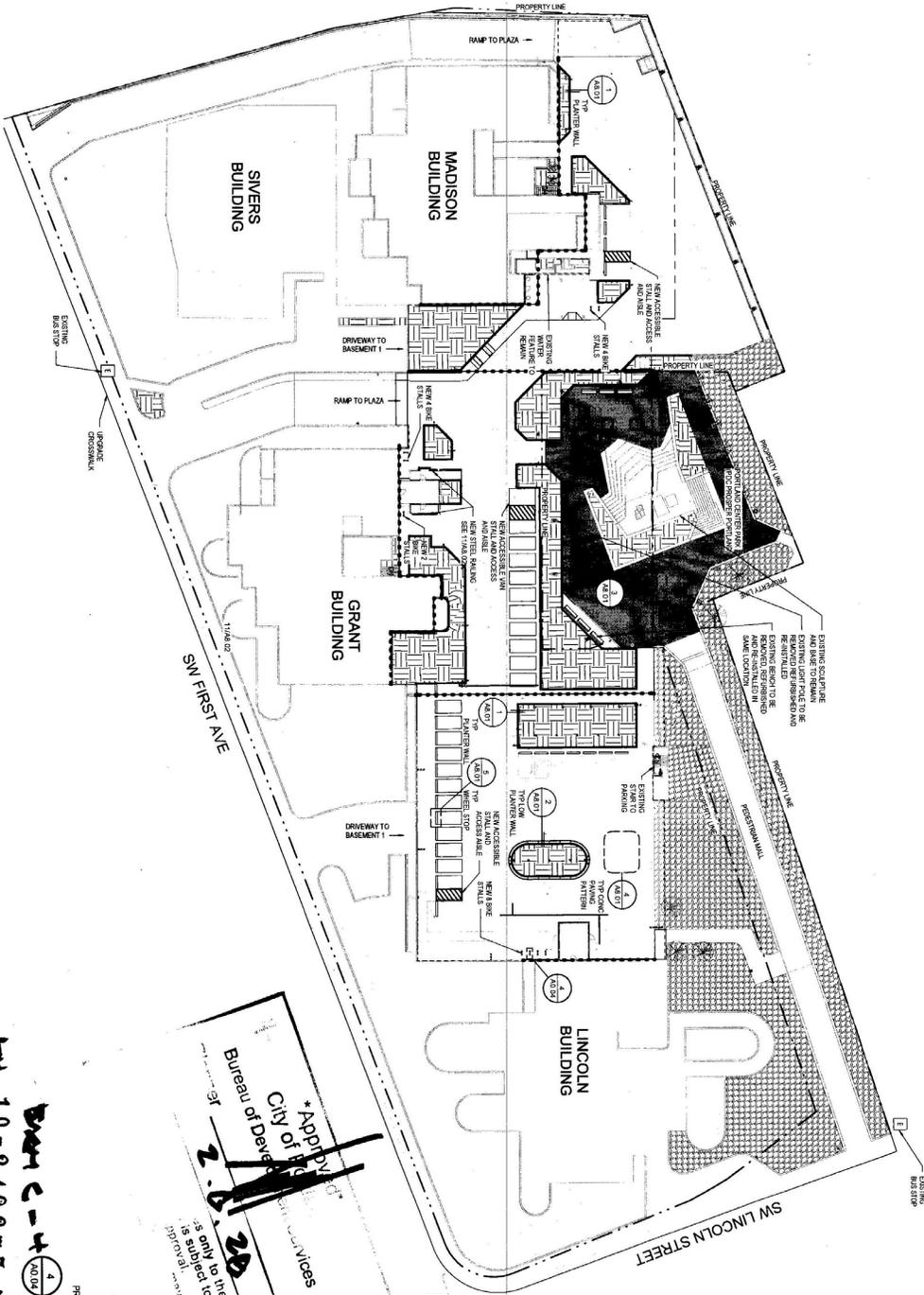


**ZONING**   
 CENTRAL CITY/  
 SOUTH AUDITORIUM PLAN DISTRICT  
 UNIVERSITY DISTRICT/  
 SOUTH DOWNTOWN SUB DISTRICT

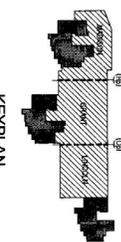
 Site

File No.	LU 19 - 249975 DZM
1/4 Section	3229
Scale	1 inch = 200 feet
State ID	1S1E03CC 90000
Exhibit	B Nov 12, 2019

1 OVERALL PLAZA PLAN  
SCALE: 1"=30'-0"



19-249975  
 Bureau of Development Services  
 City of Denver  
 Approved  
 2/20/20  
 is subject to all  
 applicable codes



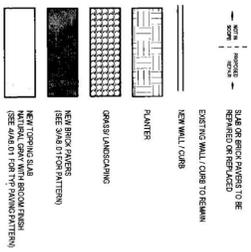
PROPOSED SHORT TERM BIKE STALL - HITCO® BURNSIDE STAINLESS STEEL  
 SCALE: 12"=1'-0"



PLAN NOTES

1. ALL DIMENSIONS AND SPACING ARE TO FACE OF CONCRETE WALL
2. FOR ARCHITECTURAL ABREVIATIONS & SYMBOL, REFER TO SHEET A-01
3. SEE PLAN FOR ALL DIMENSIONS AND SPACING. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
4. SEE EQUIPMENT PLAN FOR ALL DIMENSIONS AND SPACING.
5. SEE PLAN FOR ALL DIMENSIONS AND SPACING.
6. ALL TYPES OF PLANTER WALLS TO BE LEVEL UNO.

LEGEND



BIKE PARKING COUNT

EXISTING BIKE STALLS - 4 STALLS  
 PROPOSED BIKE STALLS - 18 STALLS

SITE AREA

SITE AREA - 10,000 SQ FT  
 TOTAL BIKE STALLS - 22  
 TOTAL BIKE STALLS - 22



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