



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

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**Date:** March 12, 2020  
**To:** Interested Person  
**From:** Benjamin Nielsen, 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 19-247650 DZ – DESIGN REVISIONS TO BLOCK 216**

**GENERAL INFORMATION**

**Applicant/ Representative:** Kyle Andersen, GBD Architects  
1120 NW Couch St, Suite 300  
Portland, OR 97209  
(503) 224-9656, [kyle@gbdachitects.com](mailto:kyle@gbdachitects.com)

**Owner:** Block 216 LLC  
920 SW 6th Ave, #223  
Portland, OR 97204

**Owner's Representative:** Brian Owendoff, BMO Commercial Real Estate LLC  
c/o 1455 SW Broadway, Suite 1700  
Portland, OR 97201

**Site Address:** 936 SW WASHINGTON ST

**Legal Description:** BLOCK 216 LOT 1-8 LOT 7&8, PORTLAND; BLOCK 216 LOT 3&4, PORTLAND; BLOCK 216 LOT 5&6, PORTLAND

**Tax Account No.:** R667723140, R667723180, R667723200

**State ID No.:** 1N1E34CC 05900, 1N1E34CC 06100, 1N1E34CC 06000

**Quarter Section:** 3029

**Neighborhood:** Portland Downtown, contact Wendy Rahm at [wwrahm@aol.com](mailto:wwrahm@aol.com)

**Business District:** Downtown Retail Council, contact at [lfrisch@portlandalliance.com](mailto:lfrisch@portlandalliance.com)

**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Plan District:** Central City - West End

**Zoning:** CXd – Central Commercial with Design overlay

**Case Type:** DZ – Design Review  
**Procedure:** Type II – an administrative decision with appeal to the Design Commission.

**Proposal:**

The applicant requests Design Review approval for proposed minor exterior alterations to the approved design for the new tower building on Block 216. Proposed alterations include:

- Replacement of two revolving entry doors into the building from the plaza area at the northwest corner of the site with a proposed Nanawall folding window system;
- Alterations to proposed canopies at the ground level to include lighting;
- The addition of in-ground lighting at the ground level on the east elevation of the site (on private property and not in the right-of-way);
- The addition of exterior lighting on the roof terraces from levels 3 to 8;
- Changing the extent of bird-friendly glazing on the building to stop at a consistent datum line, meeting limits required by PZC 33.510.223, rather than covering the entire podium; and,
- Alterations to the roof terrace at level 8, including a new frosted glass barbeque shelter and stair enclosure, changes to the design of the landscaping and decking on the terrace, and installation of a Nanawall folding window system in a portion of the building wall opening onto the terrace.

The applicant also requests Design Review approval for building and site components which required additional revision and further Design Review consideration through conditions of approval from case number LU 18-210124 DZM AD. These components include:

- Proposed catenary luminaires over SW 9<sup>th</sup> Ave and catenary wire attachments to the building on the east elevation, per Condition of Approval E; and,
- Proposed design of the plaza and water feature at the northwest corner of the site, per Condition of Approval F.

As part of this proposal, additional floor area is also proposed inside the building at level 2M and on the roof terrace at level 8, exceeding the approximately 844,117 SF approved through Design Review case number LU 18-210124 DZM AD. Total floor area will increase by approximately 6,708 SF for a total FAR of approximately 850,825 SF. Since this exceeds the maximum amount of base plus bonus FAR allowed by PZC 33.510, additional FAR will need to be transferred onto the site, pursuant to allowances in zoning code section 33.510.205.D.

Design Review approval is required for proposed alterations to the exterior of an approved proposal prior to issuance of permit approval (PZC 33.825.025.B). Design Review approval is also required for building components conditioned to need additional review through the previous Design Review approval for the overall proposal (case LU 18-210124 DZM AD). The transfer of floor area is nondiscretionary and not subject to Design Review approval; however, impacts of additional floor area on the building's exterior which result in exterior alterations require Design Review approval when they are in the design overlay zone of the Central City Plan District.

**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
- Oregon Statewide Planning Goals

## ANALYSIS

**Site and Vicinity:** The subject site is a full block in the West End Subdistrict of the Central City Plan District, bound by SW Alder Street on the south, SW 9<sup>th</sup> Avenue on the east, SW Washington Street on the north, and SW 10<sup>th</sup> Avenue on the west. The site was formerly

occupied by a surface parking lot, which, in addition to parked vehicles also hosted numerous food carts around the site's perimeter. The site is presently under construction, building a 35-story mixed-use tower that was approved under land use case number LU 18-210124 DZM AD. The site sits amidst several landmark structures, including the Stevens Building and Woodlark Building to the east, the Olds, Wortman, & King Department Store (Galleria) building to the south, the Pittock Block to the north, and the Seward Hotel building to the southwest.

The subject site also lies within the Midtown Park Blocks and adjacent to a segment of the Green Loop, both of which connect the South Park Blocks to the North Park Blocks.

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

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

The Central City Plan District implements the Central City 2035 Plan. The regulations address the unique role the Central City plays as the region's premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river. The site is within the West End Subdistrict of this plan district.

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

- CU 090-70 – Conditional Use approval with conditions for parking lot.
- CU 010-71 – Conditional Use approval to allow a 44-space parking lot.
- CU 062-82 – Revocable permit to allow a 44-space surface parking lot granted for a period of 3 years.
- DZ 5-84 – Design Review approval for signage.
- DZ 112-85 – Design Review approval for installation of a gas vent through the roof of the Pierre Building (since demolished).
- DZ 117-86 – Type 3 Design Review for a new building with conditions.
- Ordinance 158893 – Revocable permit for a 44-space surface parking lot on Lots 5 and 6, Block 216, granted August 15, 1986.
- CU 88-89 – Conditional Use approval for continued use of the 44-space surface parking lot.
- DZ 117-86 – See CU 129-86.
- CU 129-86 – Conditional Use approval to allow vehicle access from SW 10<sup>th</sup> Ave and a 270-space parking lot on Block 216.
- DZ 127-90 – Type 1 Design Review approval for a wall mural sign.
- LUR 93-00064 CU DZ – Denial of Conditional Use and denial of Design Review for a 64-space surface parking lot.

- LUR 93-00136 HL – Decision to deny Historic Landmark status to an unranked building on the Historic Resource Inventory at 901-917 SW Alder St and expiration of the demolition delay for the building.
- LUR 95-00501 DZ – Design Review approval for continued use of an existing 6-foot wide by 10-foot long by 8-foot high food concession trailer parked on SW 9<sup>th</sup> Ave between SW Washington and SW Morrison Streets.
- LUR 95-00550 CU DZ – Conditional Use and Design Review approval for Lots 3 and 4 to approve a 54-space parking lot on the southeast quadrant of the block.
- LUR 95-00660 CU DZ – Type 3 approval for a 54-space surface parking lot.
- LUR 96-00596 DZ – Design Review approval for an existing food service vending trailer in the corner of a parking lot fronting the intersection of at SW 9<sup>th</sup> & Alder.
- LUR 96-00713 PR – Conversion of existing surface parking lot from Conditional Use status to Central City Parking Review status.
- PC 02-000494 – Pre-Application conference for a Type 3 Central City Parking Review.
- LU 02-110928 PR – Withdrawn/void Type 3 renewal of a CCPR for a permit for surface parking lot.
- LU 09-104325 DZM – Design Review with Modifications approval for improvements to the perimeter landscape area of an existing full-scale parking lot.
- LU 18-210124 DZM AD – Design Review with Modifications and concurrent Adjustment Review approval with conditions of a proposed 35-story, 460-foot tall mixed-use building comprising approximately 844,117 SF in the West End Subdistrict of the Central City Plan District and approval of proposed non-standard improvements in the right-of-way for the entire length of SW 9<sup>th</sup> Ave.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **December 20, 2019**. The following Bureaus have responded with no issues or concerns:

- Water Bureau
- Site Development Section of BDS

The Bureau of Environmental Services responded with no objections to the proposed alterations and with information about sanitary sewer, stormwater management, and permitting requirements. Please see Exhibit E.1 for additional details.

The Bureau of Transportation Engineering (PBOT) responded with no objections to the proposed alterations, with the exception that the proposed catenary luminaires over SW 9<sup>th</sup> Ave and the catenary wire attachments to the building are currently prohibited by City Code. Please see Exhibit E.2 for additional details. PBOT followed up with another response, noting that PBOT staff are currently preparing an exemption ordinance to allow the proposed catenary lighting which will require City Council approval. PBOT staff noted that an encroachment permit will also need to be approved. For these reasons, PBOT withdrew its earlier objection to the approval of the catenary lighting, pending approval of both the ordinance and the encroachment permit. Please see Exhibit E.3.

*Staff notes that conditions of approval requiring both adoption of the aforementioned ordinance by City Council and approval of the encroachment permit for the proposed catenary light fixtures are included in the Findings below.*

The Fire Bureau responded with comments noting that all applicable Fire Code requirements shall apply at the time of permit review and development. Please see Exhibit E.4.

The Life Safety Review Section of BDS responded with no objections to approval and with general life safety comments noting that a plans examiner has been in contact with the applicant. Please see Exhibit E.5.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on December 20, 2019. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- 1) Wendy Rahm, Downtown Neighborhood Association LUT Chair, 1221 SW 10<sup>th</sup> Ave, Portland, OR 97205, 02/24/2020: Letter concerned about the effects of proposed lighting fixtures under the canopies, in-ground on SW 9<sup>th</sup> Ave, and on the roof terrace. The letter also expressed disappointment at the reduction in bird-friendly glazing area.

*Staff Response:* Staff forwarded the comments to the applicant. Full findings address these comments, below. Staff notes that the proposed in-ground light fixtures at the ground level and roof terraces are not approved.

## 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.

#### 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. Staff has also grouped the guidelines under three broad categories comprising area Context, the Public Realm, and Quality & Permanence of the proposal.*

**Context**

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

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

**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.

**D1. Park Blocks.** Orient building entrances, lobbies, balconies, terraces, windows, and active use areas to the Park Blocks. In the South Park Blocks, strengthen the area's emphasis on history, education, and the arts by integrating special building elements, such as water features or public art. In the Midtown Park Blocks, strengthen the connection between the North and South Park Blocks by using a related system of right-of-way elements, materials, and patterns. In the North Park Blocks, strengthen the area's role as a binding element between New China/Japantown and the Pearl District.

**Findings for A2, A4, A5, & D1:** The proposed new catenary lights over the SW 9<sup>th</sup> Ave right-of-way will help to further define and reinforce this block of the Green Loop, which will be among the first to be designed and built in Portland, and they will further serve to reinforce the pedestrian and bicycle focus of the larger Green Loop and, more specifically, of this block of SW 9<sup>th</sup> Ave. Furthermore, as with the other design elements used on this unique street segment, the catenary lights proposed could serve as "elements of continuity" that could be used along other portions of the Green Loop, helping to unify the individual blocks and developments into a larger whole.

As noted in the Findings for A7 & C10 below, however, two separate city processes remain to be completed before the proposed catenary light fixtures may be approved and permitted. Should approval/adoption of one or both of these steps not be achieved, Condition of Approval J from the original Design Review approval (LU 18-210124 DZM AD) would not be met, as the catenary light fixtures (or other hanging ornamentation) are an integral part of securing a Modification to the Required Building Lines, Standards for the Park Blocks development standard (33.510.215.B.5). Because of this, a separate Design Review to consider new/different streetscape elements would be necessary. Reconsideration of the Modification to 33.510.215.B.5 in LU 18-210124 DZM AD would also be required. A condition of approval stating this requirement must therefore be included with this Design Review in order to ensure that these guidelines, and Condition of Approval J from LU 18-210124 DZM AD, are fully met.

*With the following condition of approval, these guidelines will be met: If the proposed city Ordinance to allow the installation of catenary light fixtures (aka: string lights) over SW 9th Ave is not adopted by City Council, and/or if the necessary encroachment permit to extend catenary light fixtures over SW 9th Ave is not approved by PBOT, then another Design Review will be required prior to the issuance of the main building permit to consider new/different streetscape elements for SW 9th Ave. Additionally, reconsideration of the Modification to zoning code standard 33.510.215.B.5. would also be required as part of such a future Design Review, since Condition of Approval J from LU 18-210124 DZM AD would not otherwise be met.*

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

**Findings:** Most of the proposed design revisions to the previously approved proposal continue to complement the context of existing buildings:

- The addition of down-casting lighting to the underside of canopies projecting over the street will help to complement the character of active streetscapes found in the vicinity.
- Replacement of revolving entry doors at the northwest corner plaza with a proposed Nanawall folding window system will complement the West End context of rejuvenated storefronts, some of which have large operable storefront windows.
- The addition of another stair enclosure and proposed barbeque shelter on the level 8 terrace, along with revisions to the design of the landscaping on the terrace and the addition of a Nanawall folding window at the terrace all contribute to further activating the roof, which is a common design element of newer developments throughout the Central City.

Some aspects of the proposal do not serve to complement the context of existing buildings:

- Proposed up-lighting in the landscape planters on the roof terraces, identified as lighting fixture E09, will highlight trees in a way that is not typical in the Central City; typically, trees in the Central City are illuminated only by miniature string fixtures placed within the branches of trees. Therefore, a condition of approval denying this portion of the proposal is needed to meet this guideline.
- Proposed in-ground up-lighting, used at ground level along the building's east elevation and at the main lobby entries on the west elevation and identified as lighting fixture E10, is not a feature typically found in buildings in the West End Subdistrict, or in the Central City in general. Rather, architectural lighting at the ground level typically shines downward. Only when used on upper stories is up-lighting typical in the local design vocabulary. For this reason, a condition of approval denying this portion of the proposal is needed to meet this guideline.

*With the condition of approval that the proposed up-lighting in the landscape planters on the roof terraces shall not be installed; and,*

*With the condition of approval that the proposed in-ground up-lighting at the ground level on the east and west elevations shall not be installed, this guideline will be met.*

### **Public Realm**

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

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

**Findings:** The proposed design revisions to the previously approved proposal continue to help define public rights of way and maintain a sense of urban enclosure in the following ways:

- Proposed new lighting in the canopies around the building will help to further articulate and define the edges of the building.
- The proposed new catenary lighting over SW 9<sup>th</sup> Ave will visually and physically enhance the pedestrian environment in the pedestrianized streetscape of this street segment. Such catenary is currently prohibited under Title 17 in the City Code; however, a separate legislative process is presently under way to approve an

Ordinance allowing the proposed catenary light fixtures to be installed over this street segment. Assuming this Ordinance is to be adopted by City Council, an encroachment permit will still be required to allow these light fixtures to encroach over the right-of-way of SW 9<sup>th</sup> Ave. Conditions of approval are, therefore, required to ensure that both steps are required to be completed.

- The proposed new catenary lighting over SW 9<sup>th</sup> Ave will help to create a virtual “ceiling” over the pedestrianized streetscape. Two different options for organizing the catenary lighting were proposed as part of this review: one aligned the catenary light fixtures such that they were aligned in four columns running parallel to the street. The second option staggers the catenary light fixtures to help break up the linearity of the fixtures. This second option provides a greater sense of urban enclosure over the street and will be approved with a condition of approval requiring this pattern rather than the linear pattern.

*With the following conditions of approval, these guidelines will be met:*

- *If the proposed city Ordinance to allow the installation of catenary light fixtures (aka: string lights) over SW 9th Ave is not adopted by City Council, and/or if the necessary encroachment permit to extend catenary light fixtures over SW 9th Ave is not approved by PBOT, then another Design Review will be required prior to the issuance of the main building permit to consider new/different streetscape elements for SW 9th Ave. Additionally, reconsideration of the Modification to zoning code standard 33.510.215.B.5. would also be required as part of such a future Design Review, since Condition of Approval J from LU 18-210124 DZM AD would not otherwise be met.*
- *The catenary lights over the SW 9<sup>th</sup> Ave right-of-way shall be staggered, as shown on Exhibit C.25, rather than aligned into four linear columns.*

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

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

**Findings for A8 & C7:** The proposed design revisions to the previously approved proposal continue to allow it to contribute to a vibrant streetscape and build active intersections in the following ways:

- The proposed fountain along the south edge of the northwestern plaza will create additional visual and auditory interest at this important corner and add vibrancy to the plaza and adjacent sidewalks.
- The proposed new catenary lighting over SW 9<sup>th</sup> Ave will visually and physically enhance the pedestrian environment and will help to create a virtual “ceiling” over the pedestrianized streetscape of this street segment. This lighting and the additional enclosure it helps to create will add to the vibrancy already created by the previously-approved active storefronts facing SW 9<sup>th</sup> Ave. Two different options for organizing the catenary lighting were proposed as part of this review: one aligned the catenary light fixtures such that they were aligned in four columns running parallel to the street. The second option staggers the catenary light fixtures to help break up the linearity of the fixtures. This second option provides a greater sense of urban enclosure over the street, and therefore greater vibrancy, and will be approved with a condition of approval requiring this pattern rather than the linear pattern.

- Following several revisions and iterations of the steps leading to the plaza at the northwest corner, one option presented by the applicant stands out as best activating the intersection and contributing to a vibrant streetscape at the northwest corner of the site. Option 1, as shown on renderings provided for Exhibit C.111, balances the need to accommodate a changing grade along SW 10<sup>th</sup> Ave with the guidelines' desire for openness and activation at the corner. The lower granite pylon at the very northwest corner in this design option helps to keep the corner open, opening up views into the plaza from the sidewalk along SW 10<sup>th</sup> Ave, while also providing for informal seating opportunities. The taller, angled pylons in the middle help to integrate the rails into the overall composition. Option 1, as shown in Exhibit C.111 will therefore be required as a condition of approval.

*With the condition of approval that the design of the stairs at the northwestern plaza shall be that shown in "Option 1" on Exhibit C.111, these guidelines will be met.*

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

**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.

**Findings for B1 & B2:** The proposed design revisions to the previously approved proposal continue to reinforce and enhance the pedestrian system and protect the pedestrian in the following ways:

- Proposed lights under canopies around the building will provide sidewalk-oriented night-lighting that will help to increase safety and interest at the ground level of the building.
- Proposed catenary lighting over the pedestrianized streetscape of SW 9<sup>th</sup> Ave will further help to identify this space as a primarily pedestrian realm while also providing additional safety and interest for pedestrians on this street.

One aspect of the proposal does not sufficiently protect the pedestrian, however:

- Proposed in-ground up-lighting, used at ground level along the building's east elevation and at the main lobby entries on the west elevation and identified as lighting fixture E10, appears to cast light upward in a generally symmetrical circular pattern, according to photometrics found online. While these light fixtures will serve to emphasize and highlight the building's architecture at the ground floor, it is equally likely that the light will project onto pedestrians, causing undesirable glare rather than interest. For this reason, a condition of approval denying this portion of the proposal is needed to meet this guideline.

*With the condition of approval that the proposed in-ground up-lighting at the ground level on the east and west elevations shall not be installed, these guidelines will be 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.

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

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

**C6. Develop Transitions between Buildings and Public Spaces.** Develop transitions between private development and public open space. Use site design features such as movement zones, landscape element, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

**Findings for B4, B5, & C6:** The proposed design revisions to the previously approved proposal continue to make plazas, parks, and open spaces successful in the following ways:

- The proposed new catenary lighting over SW 9<sup>th</sup> Ave, with the light fixtures arranged in a staggered pattern, as conditioned in the Findings for A7, will help to create a virtual “ceiling” over the pedestrianized streetscape. In addition to helping to reinforce the specialness and identity of this segment of the Green Loop—a proposed linear open space loop through the Central City—the catenary lighting helps to visually draw the eye, and consequently pedestrians, along the Loop from nearby O’Bryant Square, and possibly even from Director Park a few blocks to the south.
- The catenary light fixtures proposed for SW 9<sup>th</sup> Ave, the Selux Lanova LED Catenary luminaire, are proposed to be provided in a variant that includes a half-frosted, long cylinder rather than a clear cylinder. This is an important specification for two reasons: the first is that the half-frosted portion of the cylinder will help to disperse light and create a pattern of lighting above the streetscape when viewed from the sides. This will further reinforce the perceived “ceiling” over the street while also helping to draw the eye from points north and south. Secondly, the manufacturer also requires that a special “diffuser bowl” be provided with the half-frosted cylinder model. This diffuser bowl will shield and diffuse the individual LED, providing a softer and more pleasing light source when viewed from below, as opposed to the harsher, individual LEDs that would otherwise be visible.
- The information provided on Exhibit C.25 is somewhat conflicting, however. While the applicants demonstrate that the design intent is for the half-frosted cylinders to be used on the streetscape, the same exhibit also notes a model which incorporates a clear cylinder (the “CL” in the model number provided—which should instead be “FL”), and which does not incorporate the “diffuser bowl” optics (the “R4” in the model number provided—which should instead be “DB”). For these reasons, a condition of approval must be included to ensure the installation of the half-frosted cylinder with the diffuser bowl optics.
- Drawings on the lighting plan for the catenary lights, Exhibit C.25, indicate that the proposed fixtures nearest to the buildings on either side of the street will have shields “at the house side”. This would have the undesirable effect of creating dark spots on the fixtures, many of which will be located near the middle of the street (on the catenary lines with only three fixtures). The pedestrianized streetscape on SW 9<sup>th</sup> Ave, a link in the proposed Green Loop, would be better enhanced without the proposed shields. A condition of approval stating that no shielding can be used will be included to reinforce this finding.
- There is no indication provided in the submitted materials as to how long the proposed catenary lights will remain on during the evening and nighttime. In order to best support the pedestrianized streetscape and developing Green Loop, the catenary lights should remain on at some level from at least dusk until 2:00am—though ideally they would remain on, perhaps in a dimmed state, until dawn. Therefore, a condition of approval requiring that the proposed catenary light fixtures shall remain illuminated from dusk until at least 2:00am (the intensity of illumination will not be specified) will be included to best meet these guidelines.

- For the plaza at the northwest corner of the site, the stair design in Option 1, as shown on renderings provided for Exhibit C.111, best supports the proposed plaza and its function as a transition point between the public sidewalk and the semi-private interior of the building. The lower granite pylon at the very northwest corner in this design option helps to keep the corner open, opening up views into the plaza from the sidewalk along SW 10<sup>th</sup> Ave, while also providing for additional informal seating opportunities on the plaza's edge. The taller, angled pylons in the middle help to integrate the rails into the overall composition and reinforce the sense of transition from the sidewalk. Option 1, as shown in Exhibit C.111 will therefore be required as a condition of approval.
- The proposed fountain along the south side of the plaza at the northwest corner of the building is a well-integrated water feature, as described in Findings for C2, C3, C5, & C11 below, that will help to make this plaza a more successful and pleasant space with the sound of cascading water.

One aspect of the proposal does not support the proposed plaza at the northwest corner of the building, however:

- The proposed Nanawall facing the plaza is intended to replace the originally approved revolving doors. When open, this Nanawall system will both physically and visually connect the exterior plaza space with the building's interior, reinforcing the activity of the plaza and the transition area of the plaza between the public sidewalk and the building's semi-private interior. However, when closed, the connections between the building's interior and exterior are substantially degraded, with only one swing door providing access between the plaza and the building's interior. Without a greater sense of entry into the building, the plaza loses its sense of serving as a transition zone between the semi-private interior and the public sidewalk at a vibrant corner in the West End subdistrict. The plaza also becomes increasingly cut-off from the building's interior, making the plaza less successful overall. Therefore, a condition of approval is needed to ensure that multiple doors are provided to allow for a greater connection between the building's interior and the plaza. These doors could be provided as the originally approved revolving doors, or they may be provided as swing doors that match the swing door already proposed.

*With the condition of approval that the proposed catenary light fixture over SW 9th Ave shall use a half-frosted cylinder with "diffuse bowl" optics;*

*With the condition of approval that no shielding shall be used on the proposed catenary light fixtures over SW 9<sup>th</sup> Ave;*

*With the condition of approval that the proposed catenary lights shall be illuminated from at least dusk until at least 2:00am;*

*With the condition of approval that the design of the stairs at the northwestern plaza shall be that shown as "Option 1" on Exhibit C.111; and,*

*With the condition of approval that, on the west-facing plaza elevation, either the originally approved revolving doors plus the swinging person door or at least two pairs of swing doors to match that already used facing the northwestern plaza shall be installed rather than the proposed Nanawall system, these guidelines will be met.*

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

**Findings:** The proposed new Nanawall system on the ground floor at the northwestern plaza will not impact the originally approved building's response to this guideline. The originally proposed revolving doors are limiting in that people with mobility issues or using wheelchairs, for example, would not be able to use them. A swing door to the side

instead provided barrier-free access, and this remains with the proposed revisions. Access to the plaza also remains the same as shown in the originally approved design, with at-grade access provided from the sidewalk along SW Washington St.

*Therefore, this guideline is met.*

### **Quality & Permanence**

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

**C3. Respect Architectural Integrity.** Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal’s architectural integrity.

**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.

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

**Findings for C2, C3, C5, & C11:** The proposed design revisions to the previously approved proposal will continue to promote quality and permanence in the development, respect the architectural integrity of the originally approved design, and retain overall coherency in the building’s composition.

- Proposed changes to the extent of bird-friendly glazing on the building’s facades will retain overall architectural coherency and maintain the integrity of the of its design, as the bird-friendly glazing will still terminate at logical locations on the building’s facades. The proposed bird-friendly glazing system is also designed to be a high-quality system of enduring quality.
- The proposed Nanawall systems at the ground level and eighth floor terrace are high-quality folding window systems. They also integrate well with the existing curtain wall and storefront systems proposed in the original building design.
- Proposed light fixtures—underneath canopies, hung over SW 9<sup>th</sup> Ave, and integrated into landscaping on the roof terraces, are high quality lighting systems. Findings related to the integration of these systems into the originally approved design of the building are explained in Findings for C12.
- The proposed fountain at the northwest plaza is well integrated into the overall design of the plaza and relates directly in its length to the large storefront window above it. Its proposed surface materials complement those used across the building’s base. Proposed details for the fountain indicate that its construction and operation is well-considered, ensuring that it will be of high quality.
- Following several revisions and iterations of the steps leading to the plaza at the northwest corner, one option presented by the applicant stands out as best activating the intersection and contributing to a vibrant streetscape at the northwest corner of the site. Option 1, as shown on renderings provided for Exhibit C.111, balances the need to accommodate a changing grade along SW 10<sup>th</sup> Ave with the guidelines’ desire for openness and activation at the corner. The lower granite pylon at the very northwest corner in this design option helps to keep the corner open, opening up views into the plaza from the sidewalk along SW 10<sup>th</sup> Ave, while also providing for informal seating opportunities. The taller, angled pylons in the middle help to integrate the rails into the overall composition. Option 1, as shown in

Exhibit C.111 will therefore be required as a condition of approval.

- Proposed alterations to the roof terrace at level 8, including the proposed stairwell and barbeque shelter, use high quality materials that are detailed to ensure both their quality and integration with the rest of the terrace elements and the building overall. Any impacts to the city’s skyline will be minimal, given the locations and low height of most of the changes on the terrace. Stormwater functions of the landscaping, though altered from its originally approved design, continue to facilitate stormwater management. Proposed plantings, however, still appear to lack the flowering plant species required by Condition of Approval L from the original Design Review approval (LU 18-210124 DZM AD) to increase habitat opportunities for pollinators. Therefore, this condition of approval will herein be reiterated. Findings regarding the integration of proposed lighting are explained in Findings for C12, below.

*With the condition of approval that the design of the stairs at the northwestern plaza shall be that shown in “Option 1” on Exhibit C.111; and,*

*With a reiteration of condition of approval “L” from LU 18-210124 DZM AD that the planted areas shall include flowering plant species to increase habitat opportunities for pollinators, these guidelines will be met.*

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

**Findings:** Some of the proposed design revisions to the previously-approved proposal continue to integrate exterior lighting in a manner that is sensitive to its impacts on the skyline at night:

- The addition of low LED strip lighting (fixtures E06) and ground-washing landscape lighting on the rooftop terraces (fixtures E08) provide accent illumination and useful lighting on the roof terraces, while keeping the lighting low, reducing impacts on the skyline at night.
- The addition of down-casting light fixtures to the underside of canopies projecting over the street will help to complement the character of active streetscapes found in the vicinity, and the downward-facing direction of the lighting will help to ensure that impacts to the skyline at night are minimal. These fixtures are also well-integrated into the designs of the proposed canopies, concealing the fixtures’ structural and electrical components well.
- Handrail lighting is proposed on the underside of the railings leading from SW 10<sup>th</sup> Ave to the northwestern plaza. These are seamlessly integrated into the design of the rails, are low on the building, and face downwards so as to have no impact on the skyline at night.
- Proposed catenary lighting strung over SW 9<sup>th</sup> Ave will integrate well with the proposed pedestrianized streetscape, creating a virtual “ceiling” over the pedestrianized streetscape. Two different options for organizing the catenary lighting were proposed as part of this review: one aligned the catenary light fixtures such that they were aligned in four columns running parallel to the street. The second option staggers the catenary light fixtures to help break up the linearity of the fixtures. This second option provides a greater sense of urban enclosure over the street, thereby integrating more fully with the other streetscape elements, as well as better complementing the ground level storefronts along SW 9<sup>th</sup> Ave, and will be approved with a condition of approval requiring this pattern rather than the linear pattern.
- Proposed catenary lighting connections to the previously approved building are well-integrated into the building’s eastern façade: the steel plates to which the catenary cables will attach will be colored with a high-performance coating to

match the adjacent louvers through which most of the connections will be made. The corner detail, however, does not indicate that a high-performance coating will be used on those plates; a condition of approval requiring the plates be colored to match the adjacent façade with a high-performance coating will help them better integrate with the building. Details provided on Exhibit C.35 show that these are also constructed with high-quality.

Some aspects of the proposed revisions to the previously approved proposal will increase impacts on the skyline at night, however.

- Proposed up-lighting in the landscape planters on the roof terraces (fixtures E09) will highlight trees in a way that is not typical in the Central City, and these upward-directed floodlamps will place too much emphasis on the landscaping on the building's terraces to the detriment of the building's architecture and to the detriment of the skyline at night. These fixtures will, therefore, be denied with a condition of approval.

*With the condition of approval that the catenary lights over the SW 9<sup>th</sup> Ave right-of-way shall be staggered, as shown on Exhibit C.25, rather than aligned into four linear columns;*

*With the condition of approval that the steel attachment plates for the catenary wires shall be finished to match the adjacent façade; and,*

*With the condition of approval that the proposed up-lighting in the landscape planters on the roof terraces shall not be installed, this guideline will be met.*

## **Oregon Statewide Planning Goals**

### **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 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 *Goal 3 and Goal 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. Natural and scenic resources are identified by the Environmental Protection (“p”), Environmental Conservation (“c”), and Scenic (“s”) overlay zones on the Zoning Map. The Zoning Code imposes special restrictions on development activities within these overlay zones. Historic resources are identified on the Zoning Map either with landmark designations for individual sites or as Historic Districts or Conservation Districts. This site is not within any environmental or scenic overlay zones 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:** Compliance with Goal 6 is achieved through the implementation of development regulations such as the City’s Stormwater Management Manual at the time of building permit review, and through the City’s continued compliance with Oregon Department of Environmental Quality (DEQ) requirements for cities. 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, as mentioned earlier in this report. *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 this proposal is not related to housing or to land zoned for residential use, *Goal 10 is not applicable.*

#### **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. *Therefore, the proposal is consistent with Goal 11.*

### **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 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.” The extent to which a proposal affects the City’s transportation system and the goals of the TSP is evaluated by the Portland Bureau of Transportation (PBOT). As discussed earlier in this report, PBOT evaluated this proposal and found that no additional transportation demands will be made by the proposed exterior alterations. *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 by applying Greenway overlay zones

which impose special requirements on development activities near the Willamette River. The subject site for this review is not within a Greenway 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.*

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

**ADMINISTRATIVE DECISION**

Approval for proposed minor exterior alterations to the approved design for the new tower building on Block 216, including:

- Replacement of two revolving entry doors into the building from the plaza area at the northwest corner of the site with a proposed Nanawall folding window system;
- Alterations to proposed canopies at the ground level to include lighting;
- The addition of exterior lighting on the roof terraces from levels 3 to 8;
- Changing the extent of bird-friendly glazing on the building to stop at a consistent datum line, meeting limits required by PZC 33.510.223, rather than covering the entire podium; and,

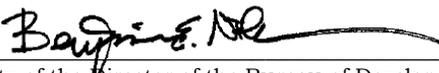
- Alterations to the roof terrace at level 8, including a new frosted glass barbeque shelter and stair enclosure, changes to the design of the landscaping and decking on the terrace, and installation of a Nanawall folding window system in a portion of the building wall opening onto the terrace.
- Proposed catenary luminaires over SW 9<sup>th</sup> Ave and catenary wire attachments to the building on the east elevation; and,
- Northwest plaza and water feature revisions and details.

Approval per the approved site plans, Exhibits C.5 through C.111, signed and dated 03/10/2020, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through N) 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 19-247650 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.
- D. If the proposed city Ordinance to allow the installation of catenary light fixtures (aka: string lights) over SW 9th Ave is not adopted by City Council, and/or if the necessary encroachment permit to extend catenary light fixtures over SW 9th Ave is not approved by PBOT, then another Design Review will be required prior to the issuance of the main building permit to consider new/different streetscape elements for SW 9th Ave. Additionally, reconsideration of the Modification to zoning code standard 33.510.215.B.5. would also be required as part of such a future Design Review, since Condition of Approval J from LU 18-210124 DZM AD would not otherwise be met.
- E. The proposed up-lighting in the landscape planters on the roof terraces shall not be installed.
- F. The proposed in-ground up-lighting at the ground level on the east and west elevations shall not be installed.
- G. The catenary lights over the SW 9th Ave right-of-way shall be staggered, as shown on Exhibit C.25, rather than aligned into four linear columns.
- H. The design of the stairs at the northwestern plaza shall be that shown in "Option 1" on Exhibit C.111.
- I. The proposed catenary light fixture over SW 9th Ave shall use a half-frosted cylinder with "diffuse bowl" optics.
- J. No shielding shall be used on the proposed catenary light fixtures over SW 9th Ave.
- K. The proposed catenary lights shall be illuminated from at least dusk until at least 2:00am.
- L. On the west-facing plaza elevation, either the originally approved revolving doors plus the swinging person door or at least two pairs of swing doors to match that already used facing the northwestern plaza shall be installed rather than the proposed Nanawall system.

- M. The planted areas shall include flowering plant species to increase habitat opportunities for pollinators.
- N. The steel attachment plates for the catenary wires shall be finished to match the adjacent façade.

**Staff Planner: Benjamin Nielsen**

**Decision rendered by:**  **on March 10, 2020.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: March 12, 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 October 31, 2019, and was determined to be complete on December 12, 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 October 31, 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 requested that the 120-day review period be extended by 60 days, as stated with Exhibit G.11. Unless further extended by the applicant, **the 120 days will expire on: June 9, 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 March 26, 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 **March 27, 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.

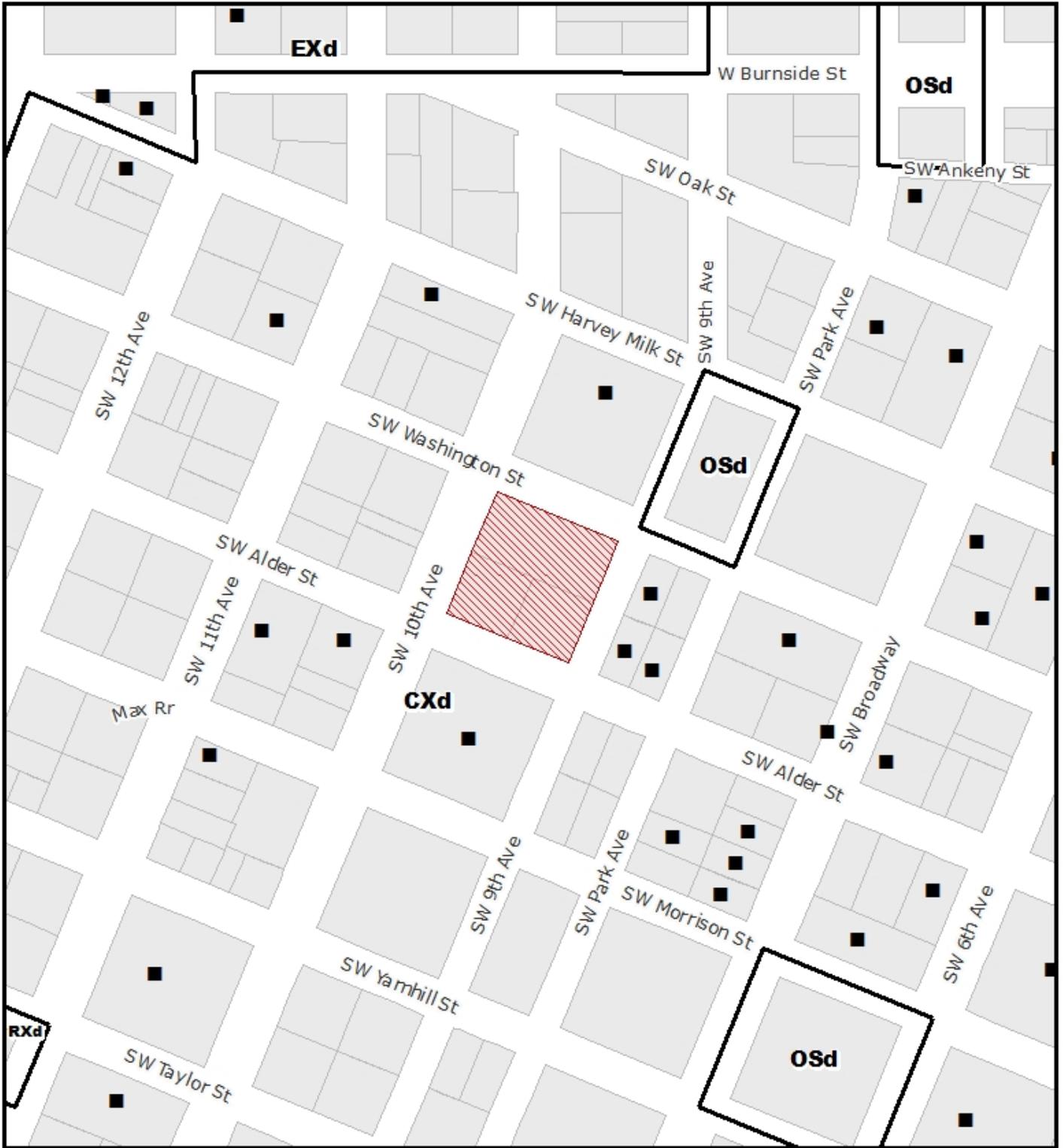
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
  - 1. Drawing Set, dated 10/25/2019
  - 2. Narrative Summary, dated 10/28/2019
  - 3. Revised Drawing Set, dated 12/09/2019 and received 12/12/2019
  - 4. Revised Narrative Summary, dated 12/09/2019 and received 12/12/2019
  - 5. Catenary Lighting Revisions, received 01/21/2020
  - 6. Stormwater Report, dated 02/10/2020 and received 02/19/2020
  - 7. NW Plaza Drawing Revisions, received 02/21/2020
  - 8. NW Plaza Drawing Revisions, received 03/06/2020
  - 9. NW Plaza Drawing Revisions, received 03/09/2020
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1-4. *Not used.*
  - 5. Ground Floor Plan / Site Plan (attached)
  - 6. *Not used.*
  - 7. NW Entry Study
  - 8-24. *Not used.*
  - 25. Plan Diagram | Catenary Lights (attached)
  - 26. Landscape Site Details
  - 27-31. *Not used.*
  - 32. Proposed Elevations (attached)
  - 33-34. *Not used.*
  - 35. Details
  - 36-52. *Not used.*
  - 53. Current Design | Terrace Landscape
  - 54. Level 08 Floor Plan – Roof Deck (attached)
  - 55. L08 Roof Deck | Sections and Elevations
  - 56. Cabana Product Cut Sheet | Kettal Pavilion H
  - 57. North Elevation | With Stair and Cabana and East Elevation | With Stair and Cabana
  - 58. South Elevation | With Stair and Cabana and Cabana + Stair Enclosure elevations
  - 59-75. *Not used.*
  - 76. Details
  - 77. Level 03 | Lighting Plan
  - 78. Level 04 | Lighting Plan
  - 79. Level 05 | Lighting Plan
  - 80. Level 06 | Lighting Plan
  - 81. Level 07 | Lighting Plan
  - 82. Level 08 | Lighting Plan
  - 83. Light Fixture E06 Cut Sheet – GEN LED Acolyte
  - 84. Light Fixtures E08 Cut Sheet – LED on-ground luminaire
  - 85-87. *Not used.*
  - 88. Site Plan | Lighting Plan
  - 89. *Not used.*
  - 90. Canopy Details
  - 91. Type 3 Canopy – Entry
  - 92. Light Fixture E02 Cut Sheet – Vestalux V1 Façade Outliner
  - 93. Light Fixture E03 Cut Sheet – X00Line Static White/Tunable White/RGB
  - 94-98. *Not used.*
  - 99. Zoning | Bird-Safe Glazing Analysis
  - 100. Zoning | Bird-Safe Glazing Analysis
  - 101. W-1 | Enlarged West Elevation
  - 102. W-2 | Enlarged West Elevation
  - 103. S-1 | Enlarged South Elevation
  - 104. S-2 | Enlarged South Elevation

105. E-1 | Enlarged East Elevation
  106. E-2 | Enlarged East Elevation
  107. E-3 | Enlarged East Elevation
  108. N-1 | Enlarged North Elevation
  109. N-2 | Enlarged North Elevation
  110. N-3 | Enlarged North Elevation
  111. NW Plaza – Option 1
- D. Notification information:
1. Mailing list
  2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
  2. Bureau of Transportation Engineering and Development Review
  3. Bureau of Transportation Engineering and Development Review, 02/04/2020
  4. Fire Bureau
  5. Life Safety Review Section of BDS
- F. Correspondence:
1. Wendy Rahm, Downtown Neighborhood Association LUT Chair, 02/24/2020, letter with concerns re: lighting and bird-friendly glazing
- G. Other:
1. Original LU Application
  2. Incomplete Application Letter, 11/15/2019
  3. Email from applicant re: staff comments pertaining to northwestern plaza, 11/15/2019
  4. Email from applicant re: additional floor area, 12/09/2019
  5. Revised LU Application, received 12/12/2019
  6. Email from applicant re: additional fees, 12/12/2019
  7. Email from BES re: ecoroof changes, 01/10/2020
  8. Email from applicant re: catenary light and bird-safe glazing samples, 01/13/2020
  9. Email threads among BES, applicant's civil engineer, and applicant re: stormwater report and stormwater management on roof terraces, 01/13 – 01/14/2020 and 01/13-02/07/2020
  10. Email thread between applicant and BDS re: glass samples, catenary light fixture sample, and extension form, 01/17/2020
  11. Email thread between applicant and BDS re: design revisions and signed Request for Extension of 120-Day Review Period, 01/17 – 01/22/2020
  12. Email from PBOT re: exemption to City Code for string lighting, 01/27/2020
  13. Email thread between applicant and BDS staff re: northwestern plaza and condition of approval related to catenary lighting, 01/27 – 02/17/2020
  14. Email thread between PBOT and applicant re: code exemption for string lighting, 01/28/2020
  15. Email from PBOT to applicants re: question about using Belgian blocks, 02/04/2020
  16. Email thread between applicant and BDS staff re: NW Plaza revisions, 03/06 – 03/09/2020

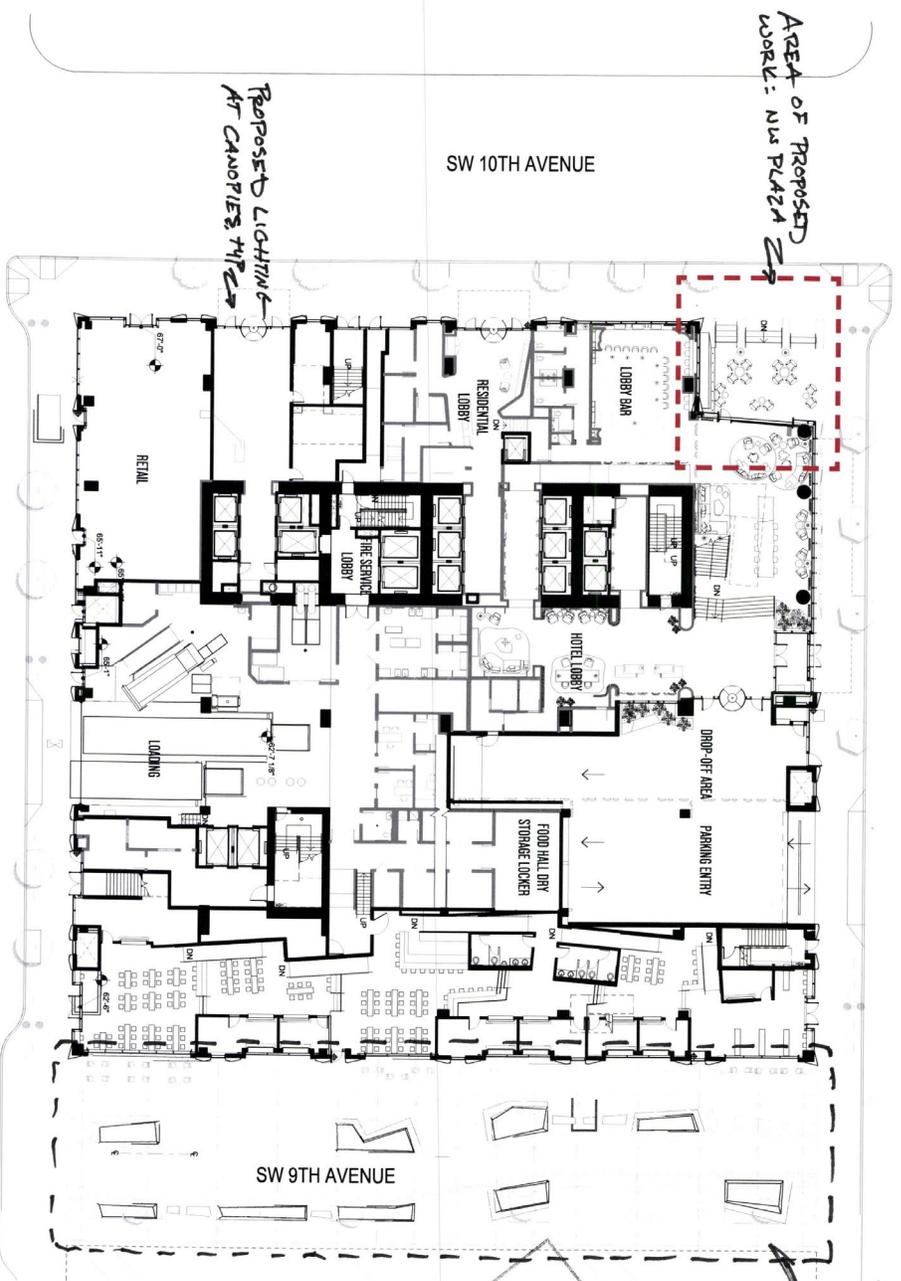
**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



**ZONING**   
 CENTRAL CITY PLAN DISTRICT  
 WEST END SUB DISTRICT

 Site  
 Historic Landmark

File No.	LU 19 - 247650 DZ
1/4 Section	3029
Scale	1 inch = 200 feet
State ID	1N1E34CC 5900
Exhibit	B Nov 01, 2019



AREA OF PROPOSED WORK: NEW PLAZA

REPOSED LIGHTING AT CANOPIES TYP

SW WASHINGTON STREET

SW 10TH AVENUE

SW ALDER STREET

SW 9TH AVENUE

1" = 32' - 0"

AREA OF PROPOSED WORK: CATERING LUMINAIR, CATERING CONNECTIONS, CANOPY LIGHTING

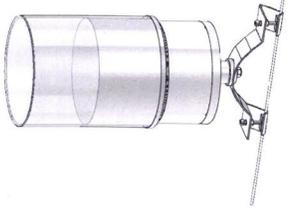
\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner: *Redding*  
 Date: *03/10/2020*  
 This approval is valid only to the applicant and is subject to all applicable rules and regulations.

SEE CONDITIONS OF APPROVAL, TYP.

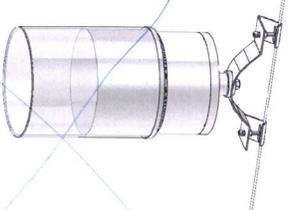
GROUND FLOOR PLAN | AREA OF REFERENCE C.3



 A - LED W/FROSTED LENS.



 B - LED W/FROSTED LENS AND WITH SHIELD AT HOUSE SIDE.



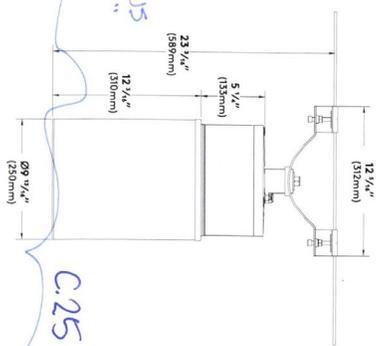
**\*Approved\***  
 Bureau of Development Services  
 City of Portland  
 Planner: *[Signature]*  
 Date: *02/10/2020*  
 \*This approval applies only to the project referenced and is subject to all relevant rules and regulations that apply.

*SEE CONDITIONS OF APPROVAL "F"*

*SEE CONDITIONS OF APPROVAL "D" & "G"*

PLAN DIAGRAM | CATENARY LIGHTS

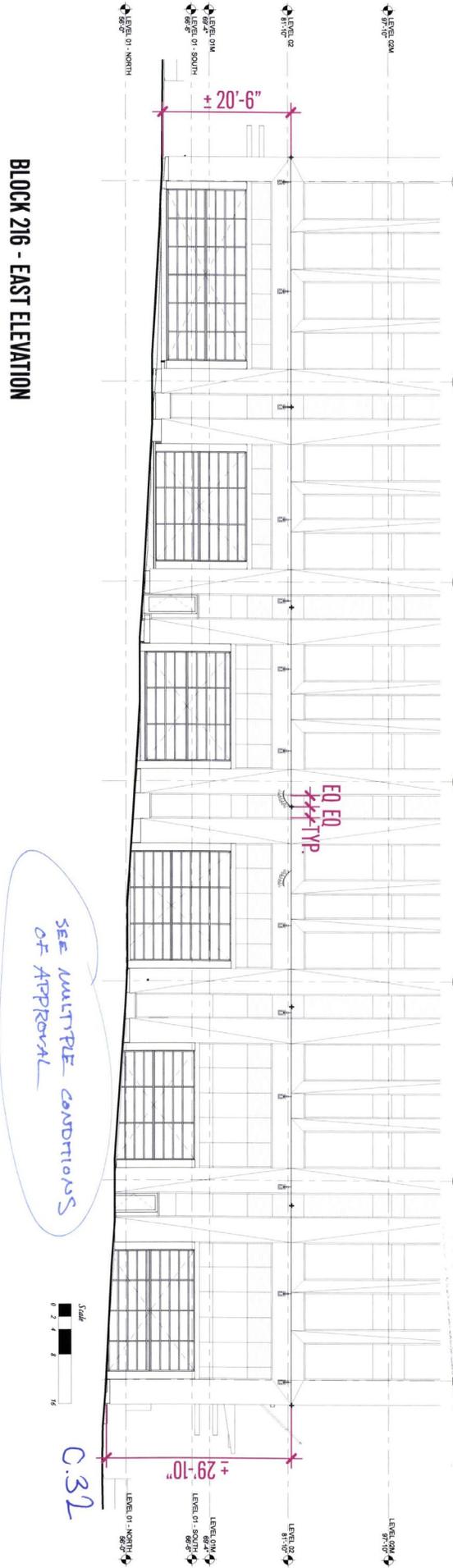
SELUX - LALC-R4-CL-5G350-XX-30-...-DM-/DM-HS





STEVENS BUILDING - WEST ELEVATION

WOODLARK BUILDING - WEST ELEVATION



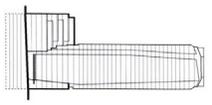
BLOCK 216 - EAST ELEVATION



AREA OF PROPOSED WORK

\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner *Budney*  
 Date *05/10/2020*  
 \*This document is the property of the City of Portland and is loaned to all participants in the design review process. It is not to be distributed outside the design review process.\*

1" = 32' - 0"



LEVEL 08 FLOOR PLAN - ROOF DECK

C54