

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

**IN THE MATTER OF AN APPEAL BY SCOTT A. SCHAFFER, PRESIDENT, GOOSE HOLLOW  
FOOTHILLS LEAGUE, OF A TYPE III DESIGN REVIEW AT THE FULL BLOCK BOUNDED BY  
SW MADISON ST, SW MAIN ST, SW 20<sup>TH</sup> AVE, & SW 19<sup>TH</sup> AVE**

**LU 21-038539 DZ**

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**FINDINGS AND CONCLUSIONS**

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**ADOPTED BY THE CITY COUNCIL ON  
JANUARY 12, 2022**

**(DENIAL OF THE APPEAL OF A TYPE III DESIGN REVIEW APPROVAL)**

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**FINDINGS AND CONCLUSIONS**

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

**GENERAL INFORMATION**

**Applicant/  
Representative:** Francis Dardis, Ankrom Moisan Architects  
38 NW Davis St, Ste 300, Portland, OR 97209  
(503) 997-9372, francisd@ankrommoisan.com

**Owner's Agents:** Sam Rodriguez & Cassidy Bolger, Mill Creek Residential Trust  
720 SW Washington St #720, Portland, OR 97205

**Owner on Record:** MAC Block 7 LLC  
1849 SW Salmon St, Portland, OR 97205-1726

**Site Address:** **Full Block bounded by SW MADISON ST, SW MAIN ST, SW 20<sup>th</sup> AVE,  
& SW 19<sup>th</sup> AVE**

**Legal Description:** BLOCK 7 TL 9300, AMOS N KINGS; BLOCK 7 TL 9400, AMOS N KINGS;  
BLOCK 7 TL 1800, AMOS N KINGS; N 1/2 OF N 1/2 OF SE 1/4 BLOCK  
7, AMOS N KINGS; BLOCK 7 TL 1700, AMOS N KINGS; BLOCK 7 TL  
1600, AMOS N KINGS; BLOCK 7 TL 1500, AMOS N KINGS; BLOCK 7 TL  
2000, AMOS N KINGS; BLOCK 7 TL 2100, AMOS N KINGS; BLOCK 7 TL  
9500, AMOS N KINGS

**Tax Account No.:** R024401010, R024401030, R024401070, R024401090, R024401110,  
R024401130, R024401150, R024401170, R024401190, R024401210

**State ID No.:** 1N1E33CD 09300, 1N1E33CD 09400, 1S1E04BA 01800, 1S1E04BA  
01900, 1S1E04BA 01700, 1S1E04BA 01600, 1S1E04BA 01500,  
1S1E04BA 02000, 1S1E04BA 02100, 1N1E33CD 09500

**Quarter Sections:** 3027, 3127

**Neighborhood:** Goose Hollow, contact [planning@goosehollow.org](mailto:planning@goosehollow.org).

**Business District:** Goose Hollow Business Association, contact Angela Crawford at 503-223-6376.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Plan District:** Central City - Goose Hollow  
**Zoning:** RM4d – Multidwelling Residential 4 with Design Overlay  
**Case Type:** DZ – Design Review  
**Procedure:** Type III – with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

**Proposal:**

The applicant requests Design Review approval for a proposed 17-story, approximately 175'-0" tall residential apartment building with 337 residential dwelling units, comprising a mix of studio to 3-bedroom apartments and structured parking, totaling approximately 434,720 square feet of new floor area. Structured parking proposed on the site includes 403 spaces spread across levels B2 (basement 2) to 5, and it includes a tunnel under SW Main St to the MAC parking garage to the north of the site. (Note: this tunnel, which is not subject to Design Review approval, has been evaluated under a separate Major Encroachment Review under case number 20-211803 TR, and approved by City Council through emergency Ordinance No. 190495 on 7/14/2021.) The proposal also includes a large amenity deck for residents on level 6 and another amenity deck on level 17. Together, these two amenity decks include outdoor seating areas, barbeque ranges, fire pits, and a small pool.

As part of the Design Review, the applicant also requests an exception to the Window Projections Into Public Right-of-Way Code Guide standards (<https://www.portlandoregon.gov/bds/article/68600>) to allow window projections on the north side of the building to be separated by fewer than the required 12 feet. Two pairs of window projections on the north elevation each have separations between windows within each pair of approximately 4'-0".

Design Review is required for proposed new development in the design overlay zones of the Goose Hollow Subdistrict in the Central City Plan District and for requested exceptions to the Window Projections Into Public Right-of-Way Code Guide standards.

**Relevant Approval Criteria:**

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

- 33.825 Design review
- Central City Fundamental Design Guidelines
- Goose Hollow District Design Guidelines

Both sets of guidelines may be found online here: <https://www.portland.gov/bps/design-guidelines>.

## ANALYSIS

**Site and Vicinity:** The subject site is a 43,556 square foot city block, known as “Block 7”, in the Goose Hollow Subdistrict of the Central City Plan District. The site is currently undeveloped with lawn, shrubs, and trees as well as small on-site parking areas. The block is bound by SW Main St, SW 19<sup>th</sup> Ave, SW Madison St, and SW 20<sup>th</sup> Ave.

Directly north of the subject site, across SW Main St, lies the Multnomah Athletic Club (MAC) Salmon Street parking structure. Properties to the west of the subject site are primarily

developed with residential uses, including multistory towers, courtyard apartments, and single-dwelling scale residences. Portions of development in this area lie within the Kings Hill Historic District.

A row of single-dwelling scale buildings in the Queen Anne style lie to the south of the site, across SW Madison St. Though not designated with historic resource protections, four of these structures are listed on the city's Historic Resource Inventory. Development to the east of the site across SW 19<sup>th</sup> Ave includes the 11-story tall Legends Condominium and a row of single-dwelling scale structures fronting SW Main Ave.

SW 20<sup>th</sup> Ave is classified as a City Bikeway and Neighborhood Walkway in the city's Transportation System Plan. It is classified as local service for all other transportation modes. SW 19<sup>th</sup> Ave, SW Main St, and SW Madison St are all classified as local service for all transportation modes. The entire site lies within the Central City Pedestrian District.

**Zoning:**

The RM4 zone is a high density, urban-scale multi-dwelling zone applied near the Central City, and in town centers, station areas, and along civic corridors that are served by frequent transit and are close to commercial services. It is intended to be an intensely urban zone with a high percentage of building coverage and a strong building orientation to the pedestrian environment of streets, with buildings located close to sidewalks with little or no front setback. This is a mid-rise to high-rise zone with buildings of up to seven or more stories. The Design overlay zone is applied to this zone.

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 Goose Hollow Subdistrict of this plan district.

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

- **CU 039-65:** Conditional Use Review with recommended conditions to construct additions to two parking lots accessory to Multnomah Athletic Club.
- **CU 080-80:** Approval with conditions of a Conditional Use Review to an athletic club in order to construct a parking and athletic facility.
- **LUR 91-00740 CU:** Approval of a Conditional Use Master Plan for the MAC. While the Master Plan is no longer in effect following the change in zone on the MAC site from RH to CXd in 1995 (LUR 95-00743 ZC), note that the boundaries of the Master Plan included the site (Block 7) that is the subject of this pre-application conference, and identified the development of mixed-use or residential on this block.
- **LUR 92-00813:** Approval of proposed Multnomah Athletic Club Master Plan goals, as submitted, per Exhibit A.

- **LUR 95-00743 ZC:** Approval of a Zoning Map Amendment from RH to CXd. This land use review includes a condition of approval (Condition A) that references Block 7.
- **LUR 97-00184:** Zoning Use Determination to provide clarification of allowed square footage of west addition to clubhouse.
- **LUR 10-146374 TPA:** Approval of a Traffic and Parking Analysis for an expansion to the MAC, and approval of a revision to Condition A from LUR 95-00743 ZC.
- **LU 14-105474 CP ZC:** Withdrawn Comprehensive Plan Map and Zoning Map Amendment to change the zoning on the subject properties from RHd to CXd. The effect of the applicant's withdrawal of the application and the Council's action is that the site's comprehensive plan designation remains High Density Multi-Dwelling and the zoning remains RH.
- **20-211803 TR** – Major Encroachment Transportation Review for the proposed MAC tunnel under SW Main St. This encroachment was approved by City Council Ordinance No. 190495 on July 14, 2021 as an emergency ordinance.

**Agency Review:** A “Notice of proposal in Your Neighborhood” was mailed **July 16, 2021**. The following Bureaus have responded with no issue or concerns:

- Water Bureau

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

The Bureau of Transportation Engineering with no objections and with information about permitting requirements, approval of the Major Encroachment Review for the tunnel, and conditions associated with the Driveway Design Exception for the parking garage overhead door. Please see Exhibit E.2 for additional details.

The Fire Bureau's response states that all applicable Fire Code requirements shall apply at the time of permit approval. Please see Exhibit E.3 for additional details.

The Site Development Section of BDS responded with no objections and with details about information that will be required at the time of building permit review. Please see Exhibit E.4 for additional details.

The Bureau of Parks—Urban Forestry Division responded with a recommendation to deny the proposal at this time, citing the proposed removal of healthy trees on the north side of SW Main St to build the proposed tunnel connection under SW Main St. Urban Forestry also notes that numerous young trees planted in recent years have died due to climate change. Urban Forestry notes that the development is “counter to the city’s stated goals of increasing the canopy coverage, reducing emissions, and retaining trees where feasible.” Notably, however, Urban Forestry notes that the proposed removal of all street trees adjacent to the subject site has already been approved through the Public Works permitting process, and that 14 replacement street trees are required to mitigate for their loss. Please see Exhibit E.5 for additional details.

*City Council finds that although the language in the Urban Forestry response is somewhat confusing, it is clear that their objection is based only on the proposed removal of trees on the north side of SW Main St in association with construction of the proposed tunnel under SW Main St. The tunnel encroachment was subject to City Council review and approval as a Major Encroachment under the City’s Encroachment Policy. By Ordinance 190495, the Council unanimously approved the tunnel encroachment on July 14, 2021 through emergency ordinance. Because the tunnel is not identified in the City’s Encroachment Policy as requiring design review, it was not subject to design review. PCC 33.420.041.D. Further, the planting and removal of*

*street trees are standard improvements in the right-of-way that are also not subject to Design Review approval under PCC 44.420.041.C. As a result, Council finds that the proposed removal of trees on the north side of SW Main St is not relevant to the Design Review proposal or the applicable criteria and is expressly exempt from Design Review. Any authorization for removal of trees on the north side of SW Main St should be evaluated by Urban Forestry during the building permit process for the proposed tunnel.*

*Regarding the required mitigation of 14 replacement street trees, to the extent that a review body disagrees with Council's plausible interpretation of its code, Council finds that the proposal includes 29 street trees, well in excess of the 14 replacement street trees required by Urban Forestry.*

The Life Safety Review Section of BDS responded with general life safety comments. Please see Exhibit E.6 for additional details.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **July 16, 2021**.

A total of 76 written responses were received from either the Neighborhood Association or notified property owners in response to the proposal before the August 5, 2021 Design Commission hearing. Brief summaries of these responses are as follows:

1. Steve Witten, 1234 SW 18<sup>th</sup> Ave #309, Portland, OR 97205, 06/29/2021. Testimony in opposition citing the need for the MAC to justify the need for additional parking, among other issues. See Exhibit F.1.
2. Scott A. Schaffer, Goose Hollow Foothills League (GHFL) President, 07/06/2021. Request for information provided by the applicant and follow-up comments. See Exhibit F.2.
3. Melanie Yoo-Gott, SW Main & 19<sup>th</sup>, 07/08/2021. Testimony in opposition citing concerns about shading caused by the proposed development. See Exhibit F.3.
4. Thomas and Elizabeth Cooksey, 1132 SW 19<sup>th</sup> Ave, Unit 607, Portland, OR 97205, 07/11/2021. Testimony in opposition citing loss of green space and trees on the subject site. See Exhibit F.4.
5. David Delaney, 07/12/2021. Testimony in opposition citing the amount of floor area proposed, scale and height of the proposed building, and safety issues from increased traffic. See Exhibit F.5.
6. Linda L. Blakely, 1132 SW 19<sup>th</sup> Ave #901, Portland, OR 97205, 07/12/2021. Testimony in opposition to the proposal and removal of trees on the subject site and surrounding street trees. See Exhibit F.6.
7. Karl Reer, 07/13/2021. Testimony requesting reduction in size and number of parking spaces in the proposed development. See Exhibit F.7.
8. Eva Kutas, 1132 SW 19<sup>th</sup> Ave, Portland, OR 97205, 07/13/2021. Testimony in opposition citing concerns about height and mass of the building, increased traffic, use of parking spaces, loss of mature trees, and shading that will be caused by the building. See Exhibit F.8.
9. Jason Hobson, 1234 SW 18<sup>th</sup> Ave, Apt. 411, Portland, OR 97205, 07/14/2021. Testimony citing concerns about the size of the building in relation to the neighborhood, number of parking spaces and resultant increase in traffic, and loss of trees. See Exhibit F.9.

10. Charles & Irene Cancilla, 07/14/2021. Testimony in opposition citing bulk and scale of the building, obstruction of views, diminished property values and ambience of neighborhood, and exacerbation of existing parking problems. See Exhibit F.10.
11. Melanie Yoo-Gott, 07/14/2021. Additional testimony regarding massing and shading from the proposed development. See Exhibit F.11.
12. Nylah Brooks, 07/15/2021. Testimony in opposition to building on indigenous land and loss of open space and the natural ecosystem on the subject site. See Exhibit F.12.
13. Marilyn Weber, 1132 SW 19<sup>th</sup> Ave #805, Portland, OR 97205-1744, 07/15/2021. Testimony in opposition citing loss of existing mature trees, scale of the proposed building, and increase in traffic. See Exhibit F.13.
14. Leslie Cagle, 07/15/2021. Testimony with concerns about increase in traffic, loss of mature trees, height and scale of the building, and number of parking spaces. See Exhibit F.14.
15. Bruce Marcel, 07/15/2021. Testimony in opposition citing how proposed development does not complement existing architecture or character in the neighborhood, inappropriate scale of development, impact on pedestrians from cars, obstruction of scenic viewpoints, exceeded maximum FAR, and need for Central City Parking Review. See Exhibit F.15.
16. Scott A. Schaffer, GHFL President, c/o Neighbors West-Northwest, 2257 NW Raleigh St, Portland, OR 97210, 07/15/2021. Testimony in opposition citing the incompatible scale of the proposed building—particularly along SW Main St and at the northeast corner of the building—lack of parking dedicated to residents of the building, lack of human scale and interest, and dead pedestrian realm along SW Main St. See Exhibit F.16.
17. Caroline “Kaki” Brenneman, 07/16/2021. Testimony in opposition citing how proposed development does not complement existing architecture or character in the neighborhood, inappropriate scale of development, impact on pedestrians from cars, obstruction of scenic view corridors, loss of property value and livability. See Exhibit F.17.
18. Chrys Martin and Jack Pessia, 07/18/2021. Testimony in opposition citing change in times of use at the MAC since the start of the pandemic, out of scale height and mass of the proposed building, how proposed development does not complement existing architecture or character in the neighborhood, pedestrian safety, loss of open space, shading caused by the proposed building, and obstruction of scenic view corridors. See Exhibit F.18.
19. Ben Whiteley, 2020 SW Market Street Drive, Portland, OR 97201, 07/18/2021. Testimony in opposition citing out-of-character scale of the proposed building, increase in traffic, reduced quality of life, shading by the proposed building, and obstruction of scenic views. See Exhibit F.19.
20. Connie Humphries, 7/18/2021. Testimony citing concerns about the scale of the proposed building, shading, and increased traffic. See Exhibit F.20.
21. Ellen Levine, 1234 SW 18<sup>th</sup> Ave, Unit 209, Portland, OR 97205, 7/18/2021. Testimony in opposition noting the proposal’s incompatibility with the character of the neighborhood, increase in traffic and decrease in pedestrian safety, and removal of existing trees and loss of open space. See Exhibit F.21.
22. Tyler Krauss, 2211 SW Park Place, Portland, OR 97205, 07/19/2021. Testimony in opposition citing out-of-context mass and height of the proposed building, increase in traffic and conflict with pedestrians, removal of trees and open space, and shadows cast by the proposed building. See Exhibit F.22.

23. Jim and Anne Bethell, 07/19/2021. Testimony in opposition citing height and lack of compatibility with the neighborhood, increased traffic, loss of sunlight and trees, and decrease in livability. See Exhibit F.23.
24. Becky & Joe Patterson, 1132 SW 19<sup>th</sup> Ave, Portland, OR 97205, 07/19/2021. Testimony in opposition citing height and scale and possible conflicts with view corridors. Includes attached testimony from Scott Shaffer. See Exhibit F.24.
25. Warren Bull, 07/19/2021. Testimony in opposition citing scale and height of the proposed development, lack of parking for building residents, and increase in traffic. See Exhibit F.25.
26. Richard Friedmar, 07/19/2021. Testimony citing agreement with attached comments from Rick Potestio and John Etter. See Exhibit F.26.
27. Laurie Goldsmith, 1132 SW 19<sup>th</sup> Ave #508, Portland, OR 97205, 07/20/2021. Testimony in opposition citing scale and height of building—including excessive FAR—out-of-scale character, and lack of human scale along walkways. See Exhibit F.27.
28. Sandee Blank, 07/20/2021. Testimony with no objections, citing provision of needed parking and increased property taxes. See Exhibit F.28.
29. Ayesha Khan, 07/21/2021. Testimony in opposition citing incompatible height and mass of the proposal, increase in traffic, loss of open space and trees, and shade cast by the proposed building. See Exhibit F.29.
30. Janet Elgin, 07/21/2021. Testimony in opposition. See Exhibit F.30.
31. Ron Demele, 07/21/2021. Testimony in opposition citing loss of sunlight, large scale and height, increased traffic and noise, loss of mature trees, and reduced quality of life. See Exhibit F.31.
32. Greata T. Beatty, 1132 SW 9<sup>th</sup> Ave #603, Portland, OR 97205, 07/21/2021. Testimony in opposition citing out-of-scale and out-of-character development, lack of human scale, increased traffic and air pollution, and loss of a potential park in the neighborhood. See Exhibit F.32.
33. Leslye Epstein, 1132 SW 19<sup>th</sup> Ave #911, Portland, OR 97205, 07/21/2021. Testimony in opposition citing the loss of the open space and trees. See Exhibit F.33.
34. Jeff Bell, 2020 SW Main St, Portland, OR 97205, 07/21/2021. Testimony in opposition citing out-of-scale character of proposed building and increase in traffic. See Exhibit F.34.
35. Danielle Fischer, 2211 SW Park Place, Unit 604, Portland, OR 97205, 07/21/2021. Testimony in opposition citing inappropriate scale, increase in traffic and capacity on roads, incompatibility of the proposed building, and lack of human scale. See Exhibit F.35.
36. Fred Ross, 588 S Vista Oro, Palm Springs, CA 92264, 07/21/2021. Testimony in opposition citing the scale and height of the proposed building and increase in parking contradicting climate goals. See Exhibit F.36.
37. Helen B. Dennis, 1132 SW 19<sup>th</sup> Ave #404, Portland, OR 97205, 07/21/2021. Testimony in opposition increased traffic and resultant impacts to pedestrian safety and overall size of the proposed building. See Exhibit F.37.
38. Ethan Matthews, 07/21/2021. Testimony in opposition citing scale and height of the proposed building, increase in traffic, and loss of open space. See Exhibit F.38.
39. Reba Stromme, 1132 SW 19<sup>th</sup> Ave, Portland, OR 97205, 07/21/2021. Testimony in opposition citing increase in traffic and loss of trees and open space. See Exhibit F.39.

40. Alan Willis, 1132 SW 19<sup>th</sup> Ave, Unit 801, Portland, OR 97205, 07/21/2021. Testimony in opposition citing disproportionate bulk and height of proposed building. See Exhibit F.40.
41. Joanne L. Ross, 1132 SW 19<sup>th</sup> Ave, Unit 105, Portland, OR 97205, 07/21/2021. Testimony in opposition criticizing the building's design and citing concerns about traffic. See Exhibit F.41.
42. Seth C. Leavens, 07/22/2021. Testimony in opposition citing MAC's need for additional parking for their event business. See Exhibit F.42.
43. Rachel Clark, 1225 SW 19<sup>th</sup> Ave, Portland, OR 97205, 07/22/2021. Testimony in opposition citing the building's poor relationship to the neighborhood's context and negative impacts on the public realm. See Exhibit F.43.
44. C. Antoinette Winterspring, 1811 NW Couch St, Portland, OR 97209, 07/22/2021. Testimony in opposition citing the scale of the building, impacts on walkability, and loss of trees, open space, and sunlight. See Exhibit F.44.
45. Annette Guido, 1132 SW 19<sup>th</sup> Ave, Portland, OR 97209, 07/22/2021. Testimony in opposition citing out-of-scale building. (Email received twice.) See Exhibit F.45.
46. Carolyn Ofiara, 1132 SW 19<sup>th</sup> Ave, Portland, OR 97209, 07/22/2021. Testimony in opposition citing impact on pedestrians and "impression of a huge brick 'cliff'". See Exhibit F.46.
47. Jeff Malmquist, 2020 SW Main St #408, Portland, OR 97205, 07/22/2021. Testimony in opposition citing height and mass of the building, impacts to the pedestrian system, and increase in traffic. See Exhibit F.47.
48. Melanie Yoo-Gott, 07/22/2021. Testimony in opposition citing impacts to sky, light, and air; pedestrian, traffic, and climate impacts caused by the parking garage; building's ugliness; and on-going impacts to the neighborhood of current construction projects along SW 18<sup>th</sup> Ave. See Exhibit F.48.
49. Amanda Hays, 07/22/2021. Testimony demanding withdrawal of the development plan, citing concerns about the building's scale, impacts to pedestrian safety and walkability, increased traffic and pollution, and loss of open space, trees, and oxygen. See Exhibit F.49.
50. Steven Blair, 1132 SW 19<sup>th</sup> Ave #912, Portland, OR 97205, 07/22/2021. Testimony in opposition citing reputation of the developer, increased on-street parking demands, loss of established trees, and design and scale of the building. See Exhibit F.50.
51. Jerald M. Powell, 1924 SW Madison St, Portland, OR 97205, 07/22/2021. Testimony in opposition citing the building's overall scale, lack of compatibility with the neighborhood, impacts to public viewpoints, and misuse of zoning provisions of underutilized private residential parking. (Email received twice.) See Exhibit F.51.
52. Bob Blanchard, 1132 SW 19<sup>th</sup> Ave, Unit 812, Portland, OR 97205, 07/22/2021. Testimony in opposition citing concerns about the scale of the building and the impacts to pedestrians of increased traffic. See Exhibit F.52.
53. Judith E. Widen, 1132 SW 19<sup>th</sup> Ave, Unit 809, Portland, OR 97205, 07/22/2021. Testimony in opposition citing the size, height, and mass of the building; lack of articulation along SW Main St and portions of SW 19<sup>th</sup> and 20<sup>th</sup> Avenues; increased traffic and risk to pedestrians and cyclists; and loss of open space. Testimony also identifies various errors in the documents submitted with the application and concern about possible influence of the developer (Sam Rodriguez) over other Design Commissioners. See Exhibit F.53.

54. Joe Patterson, 07/22/2021. Testimony in opposition to the scale of the building and need for more setbacks. See Exhibit F.54.
55. Warren Gerald Gast, 2020 SW Main St #708, Portland, OR 97205, 07/22/2021. Testimony in opposition citing increase in traffic congestion, degradation of living conditions in the neighborhood, and destruction of mature street trees. Testimony also notes errors in the stormwater report. See Exhibit F.55.
56. Richard Potestio, 221 SW Park Place #502, Portland, OR 97205, 07/22/2021. Testimony in opposition citing the scale of the proposal and its relation to the MAC's parking program and subsequent increase in traffic that runs contrary to PBOT goals. See Exhibit F.56.
57. Eileen Yumibe, 2211 SW Park Place, Portland, OR 97205, 07/22/2021. Testimony with concerns about pedestrian safety from increased traffic and loss of mature trees. See Exhibit F.57.
58. Daniel A. Salomon, 1701 SW Columbia St #118, Portland, OR 97201, 07/22/2021. Testimony in opposition citing removal of mature trees on the subject site and in the rights-of-way and the impacts this will have to people without air conditioning in the neighborhood. See Exhibit F.58.
59. Byron Palmer, 1234 SW 18<sup>th</sup> Ave, Unit 310, Portland, OR 97205, 07/22/2021. Testimony objecting to the increase in traffic generated by the proposal and the climate change impacts from the increase in parking spaces and removal of trees. See Exhibit F.59.
60. Michael Leis, 1840 SW Main St, Portland, OR 97205, 07/22/2021. Testimony in opposition citing lack of response to neighborhood context and human scale, imposition of shadow, lack of sufficient ground-level setbacks, and low quality of the building. The testimony also questions why alternative solutions to provide MAC parking and retain open space were not considered by the city. See Exhibit F.60.
61. Scotty Iseri, 2021 SW Main St, Portland, OR 97205, 07/22/2021. Testimony in opposition citing the building's inconsistency with the character of the neighborhood, the height of the building, and increased traffic. See Exhibit F.61.
62. Amy Marks, 100 SW Birdshill Rd, Portland, OR 97219, 07/22/2021. Testimony in opposition citing height of the building and providing information about nearby buildings on SW Main. See Exhibit F.62.
63. Renae Bell, 2020 SW Main St, Apt 505, Portland, OR 97205, 07/22/2021. Testimony in opposition citing the height and scale of the building, loss of open space, and noting many vacant apartment buildings and offices in nearby parts of town. See Exhibit F.63.
64. Sarah Marks, 1826 SW Main St, Portland, OR 97205, 07/22/2021. Testimony with concerns about the height of the proposed building and loss of trees, habitat, and open space. See Exhibit F.64.
65. Sean O'Donnell, 2020 SW Main St, Unit 406, Portland, OR 97205, 07/22/2021. Testimony in opposition citing incompatibility of the proposed building, increased traffic and impacts to pedestrian safety, shading caused by the building, building's ugliness, and removal of mature trees. See Exhibit F.65.
66. Catherine E. Sims, 2188 SW Park Place, Suite 301, Portland, OR 97205, 07/22/2021. Testimony in opposition citing size and scale of the building, increase in traffic and related decrease in walkability, loss of open space and trees, and shadows cast by the proposed building. The testimony also cites misrepresentation of renderings, notes the site lies within view corridors, and challenges the city's "growth parking" concept. See Exhibit F.66.

67. Cuylie Johnson, 07/22/2021. Testimony in opposition citing carbon emissions from new parking spaces, displacement of wildlife and destruction of open space and habitat, and harm to the community. See Exhibit F.67.
68. Alison Heryer, 07/22/2021. Testimony in opposition citing the out-of-scale building, impacts of traffic, and questioning the integrity of the Design Commission since the developer is a commissioner. See Exhibit F.68.
69. Myriam Zagarola, 07/22/2021. Testimony in opposition citing increase in traffic and resultant danger to pedestrians, size of the building, and removal of mature trees. See Exhibit F.69.
70. Darcy Henderson, 07/23/2021. Testimony noting that granting a zoning change to MAC to allow for underground parking with open space and landscaping above would have been a better option. See Exhibit F.70.
71. Stephanie A, 07/25/2021. Testimony in opposition citing the need for deeper setbacks from the street, need for replacement green space, and the replacement of a character-defining element of the neighborhood with a non-descript development. See Exhibit F.71.
72. Priscilla Seaborg, 07/28/2021. Testimony in opposition citing increases in traffic, difficulty finding parking, loss of trees and green space, and past agreements between City Council and MAC to leave this site undeveloped. See Exhibit F.72.
73. Sybil Hedrick Park, 909 SW 18<sup>th</sup> Ave, Portland, OR 97205, 07/30/2021. Testimony with concerns about lost street parking during construction and need for additional Zone A parking options. See Exhibit F.73.
74. Sean O'Donnell, 2020 SW Main St, Portland, OR 97205, 08/04/2021. Request for a continuance of the hearing, pursuant to ORS 197.763(6)(b). See Exhibit F.74.

*The Design Commission granted a continuance at the request of the testifier and the applicant, pursuant to ORS 197.763(6)(b).*

75. Tina Wyszynski, Stadium District Business Association, 1711 SW Clay St, Portland, OR 97201, 08/05/2021. Testimony in support of the proposal citing 2018 code amendments, compliance with height and density allowances, increase in residents in neighborhood, and shared parking. See Exhibit F.75.
76. Robert Goodwin, 1000 SW Vista Ave, Portland, OR 97205, 08/05/2021. Testimony in support citing need for housing and noting the proposal should respond better to minimizing traffic, loss of trees, and loss of sunlight. See Exhibit F.76.

The Design Commission heard oral testimony from the public at the August 5, 2021 Design Commission hearing. The following written public testimony was also received during that hearing:

1. Judith E. Widen, 1132 SW 19<sup>th</sup> Ave, Portland, OR 97205, 08/05/2021. Testimony in opposition citing errors in applicant's submittals and influence of MAC on the proposal. See Exhibit H.3.
2. Mary MacIntyre, 1914 SW Madison St, Portland, OR 97205, 08/05/2021. Testimony in opposition citing removal of trees and greenery on the site and scale and design of the proposed building. See Exhibit H.4.
3. Jerald Powell, 1924 SW Madison St, Portland, OR 97205, 08/05/2021. Request to hold the record open. See Exhibit H.5.

*The Design Commission granted a continuance at the request of the testifier and the applicant, pursuant to ORS 197.763(6)(b).*

4. Scott Schaffer, GHFL President, 08/05/2021. Testimony in opposition citing issues that remain uncorrected from the two Design Advice Requests for the proposal, large amount of FAR for a site with a maximum base FAR of 4:1, and lack of public amenity in return. See Exhibit H.6.
5. Jon Beil, 2914 NE 55<sup>th</sup> Ave, Portland, OR 97213, 08/05/2021. Testimony in opposition citing height of the building and validity of prior agreements between MAC and the city to not build more surface parking. See Exhibit H.7.

Additional public testimony was received after the August 5, 2021 Design Commission hearing and the August 19, 2021 continued hearing:

1. David Delaney, 08/06/2021. Question for BDS staff regarding size of other large residential structures in Portland and an associated table showing square footage of such structures. See Exhibit H.8.
2. Elizabeth Cooksey, 1132 SW 19<sup>th</sup> Ave, Unit 607, Portland, OR 97205, 08/06/2021. Written of testimony in opposition presented during the August 5, 2021 hearing. See Exhibit H.10.
3. Marilyn Weber, 08/07/2021. Request for written hard copy of the 16 people who testified. See Exhibit H.11.

*The BDS Hearings Clerk sent Marilyn Weber a copy of the transcript of the August 5, 2021 hearing in response to this request. See Exhibit H.14.*

4. David Delaney, 08/09/2021. Testimony in opposition citing the size and scale of the building, providing illustrations of the proposed building in context and a table of other large residential developments in the city. See Exhibit H.16.
5. Jerald M. Powell, 1924 SW Madison St, Portland, OR 97205, 08/12/2021. Testimony in opposition citing how the proposal deviates from the rhythm of the surrounding streetscape, scale of development along SW Main St and SW 19<sup>th</sup> Ave, misapplication of city policy to encourage shared parking in the Central City, and the misapplication of zoning code section 33.510.261.F.4 in allowing parking spaces to be divided into separate sections within the parking garage to serve different tenants. See Exhibit H.19. *Council finds, as further detailed below under findings discussing the development standard in PCC 33.510.261, that the 403 Growth Parking spaces proposed as part of the overall development, are allowed by PCC 33.510.261, Table 510-1, which states that Residential Uses may provide 1.2 spaces of Growth Parking per dwelling unit. PCC 33.510.261.F.4 states: "Operation. Growth Parking may be operated as either accessory or commercial parking at all times." Council finds that Title 33 does not prescribe how this parking is physically divided or integrated within the parking structure and podium. Council also finds, as further described below, that the parking within the structure qualifies as Growth Parking based on the definition of Growth Parking under PCC 33.510.261, and is permitted outright at a Growth Parking ratio of 1.2 spaces per residential unit within the project. With 337 units, the 1.2 parking spaces per unit ratio yields 404 permitted Growth Parking spaces in the project. The applicant has proposed 403 spaces in compliance with this development standard.*
6. Rachel Clark, 1225 SW 19<sup>th</sup> Ave, Portland, OR 97205, 08/12/2021. Testimony in opposition citing concerns with window quality and the building wall along SW Main St and its negative impact on the pedestrian realm. See Exhibit H.20.
7. Judith E. Widen, 1132 SW 19<sup>th</sup> Ave, Portland, OR 97205, 08/12/2021. Testimony in opposition noting that the proposal is a parking garage designed as a proposal for housing. See Exhibit H.21.
8. Melanie Yoo-Gott, 08/17/2021. Testimony in opposition citing building height and scale, questioning why a shade and traffic studies are not required, and questioning if it

is possible to set up a construction area in the neighborhood without having negative impacts on the neighborhood. See Exhibit H.22.

9. Greg Plummer, 08/17/2021. Testimony in agreement with Exhibit H.22. See Exhibit H.24.
10. Tina Wyszynski, 08/17/2021. Testimony noting threatening email message from member of Goose Hollow Foothills League Board of Directors with request to include it in the record. See Exhibit H.25.
11. Melanie Yoo, 08/18/2021. Testimony in opposition citing the effects of urban heat islands and lack of public amenity space. See Exhibit H.27.
12. Judith E. Widen, 1132 SW 19<sup>th</sup> Ave, Portland, OR 97205, 08/18/2021. Request for clarification about emergency Ordinance No. 190495 and questioning why it was an emergency and asking questions about the Major Encroachment Review. The comments also included an appendix of information cited as sources of testifier's questions. See Exhibit H.29.

*Council finds that Ordinance 190495 approved a Major Encroachment review for an underground tunnel below the SW Main Street right of way. The Ordinance was adopted as an emergency ordinance as permitted by Section 2-120 of the City Charter. As Council finds above, the Major Encroachment is not relevant to this Design Review proceeding and was approved under a separate process pursuant to the June 10, 1982 Major Encroachment Policy adopted by the City. Ordinance 190495 was final and effective on July 14, 2021.*

13. Judith E. Widen, 1132 SW 19<sup>th</sup> Ave, Unit 809, Portland, OR 97205, 08/19/2021. Testimony noting changes between the Request for Response notice and Notice of a Proposal notices sent by the city, specifically noting the approval of Major Encroachment Review 20-211803 TR and emergency Ordinance No. 190405. Testifier expressed concern that BES did not have a chance to review that encroachment and questioned why it was an emergency. See Exhibit H.30.

*Council finds that PBOT addressed these questions in Exhibit H.31, incorporated herein by reference. The Major Encroachment Review 20-211803 TR is not subject to approval by the Design Commission under Section II.A.3 of the June 10, 1982 Encroachment Policy and PCC.*

The Design Commission heard additional oral testimony at the continued hearing on August 19, 2021. Additional written testimony was received during this continued hearing:

1. Sean O'Donnell, 2020 SW Main St, Portland, OR 97205, 08/19/2021. Request for a continuance of the hearing. See Exhibit H.32.

*The Design Commission did not grant the continuance, but pursuant to ORS 197.763(6)(c) and Portland zoning code section 33.730.100.B.3, the Design Commission held the record open for additional evidence, testimony, and arguments for 7 days, which period ended at 3:30pm on August 26, 2021. The Design Commission also held the record open for another 7 days beyond this point, ending at 3:30pm on September 2, 2021, for responses to new evidence, arguments, and/or testimony submitted during the period following the continued hearing to 3:30pm on August 26, 2021.*

2. Melanie Yoo, 08/19/2021. Question for staff regarding where car exhaust is being expelled. See Exhibit H.33.

As noted above, following the end of the continued hearing at 3:30pm on August 19, 2021, the Design Commission held the record open for the submittal of additional evidence, testimony,

and arguments concerning the proposal until 3:30pm on August 26, 2021. The following public testimony was received during that period:

1. Glynis Watkins, 08/24/2021. Testimony in opposition citing loss of old-growth trees and green space. See Exhibit H.35.
2. David Delaney, 08/25/2021. Testimony in opposition citing the size and scale of the building, providing illustrations of the proposed building in context and a table of other large residential developments in the city. See Exhibit H.36.
3. Melanie Yoo, 08/25/2021. Testimony in opposition citing lack of vibrant streetscape and loss of mature trees, increase in traffic and subsequent pedestrian conflicts, poor response to context, car exhaust, and lack of public amenity. See Exhibit H.37.
4. Marilyn Weber, 1132 SW 19<sup>th</sup> Ave #805, Portland, OR 97205, 08/25/2021. Testimony in opposition. See Exhibit H.38.
5. Jerald M. Powell, GHPL Planning Committee Co-chair, 08/26/2021. Testimony in opposition (received twice) questioning whether zoning code section 33.510.261.F.4 permits the proposed parking to be operated as commercial parking and citing code commentary from the Central City 2035 Plan code amendments for this section. Testimony also cites failure to meet several guidelines and the building's height and bulk in proximity to the Kings Hill Historic District. See Exhibit H.39.

During this period, the applicant also submitted additional evidence about proposed public art on the site. See Exhibit H.40.

As noted above, the Design Commission granted a second 7-day period for the submittal of responses to new evidence, testimony, and arguments submitted between 3:30pm on August 19 and 3:30pm on August 26, 2021. This 7-day period ended at 3:30pm on September 2, 2021. Only responses that were received before the close of the record are exhibited. These responses did not *directly* address any evidence, testimony, or argument submitted during the first seven days:

1. Melanie Yoo, 09/01/2021. Testimony in opposition noting loss of sunlight and green. See Exhibit H.42.
2. Alyssa Kirkbride, 09/01/2021. Testimony in opposition noting loss of green space, calm, habitat, and carbon offset. See Exhibit H.43.
3. Rachel Clark, 09/02/2021. Testimony in opposition citing building's non-contextual size and massing, inadequacy of landscaping, and misreading of zoning code regarding parking. See Exhibit H.44.

During this period, Design Commissioner Santner also submitted an email as the Design Commission's representative on the Regional Arts & Culture Commission citing other works of art designed and fabricated by sculptor Ivan McLean which have been installed in the city. See Exhibit H.41.

#### **Procedural History.**

- Pre-Application Conference (EA 19-267776 PC): February 5, 2020.
- Design Advice Request (EA 20-193235 DA): November 5, 2020.
- Design Advice Request (EA 20-222284 DA): January 7, 2021.
- Design Review Application filed: April 19, 2021.
- Incomplete letter sent: May 18, 2021.
- Deemed complete: June 16, 2021.
- Hearing #1 (within 51 days): August 5, 2021.

- Requests were made for a continuance of the hearing by the public and the applicant.
- A request was also made by a member of the public to hold the record open for the submittal of additional evidence.
- The Design Commission chose to continue the hearing.
- Hearing #2: August 19, 2021.
  - Requests were made by the public to continue the hearing and to hold the record open for the submittal of additional evidence.
  - The Design Commission chose to hold the record open for additional evidence for seven days, ending at 3:30pm on August 26, 2021, and to further hold the record open for responses to new evidence submitted during that time, closing the record at 3:30pm on September 2, 2021. The applicant waived their right to final rebuttal in support of the application.
- Hearing #3: September 23, 2021. (This hearing was originally scheduled for 4:00pm on September 2, 2021; however, this hearing was postponed due to lack of a quorum.)
- Design Commission Decision vote: September 23, 2021.
- Final Findings & Decision mailed: October 8, 2021.
- Appeal filed by the Goose Hollow Foothills League: October 22, 2021.
- Public Notice of Appeal Hearing mailed: October 28, 2021.
- De novo City Council Appeal Hearing held: December 1, 2021. After accepting public testimony, the Council deliberated on the appeal and voted tentatively to deny the appeal and uphold the Design Commission decision. The item was continued to January 12, 2022, 10:30 a.m. time certain for the final vote and adoption of findings.
- Final vote of City Council and adoption of findings: January 12, 2022.

## 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 district guidelines.

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

Design Review is a land use review in which applicable guidelines must be met for approval. As a threshold matter it is important for Council to explain how it interprets the text of the design guidelines and what Council considers to be the purpose and policies of

the guidelines, which provide context for Council’s interpretation. The applicable guidelines do not contain objective standards that must be satisfied in a singular way, and they do not require a specific project element. Instead, the guidelines are succinct, yet broad concepts. The *Central City Fundamental Design Guidelines* explain in the “Using Design Guidelines in the Design Review Process” section, “The design review process is flexible. It is intended to encourage designs that are innovative and appropriate for their locations. For this reason, design guidelines are qualitative statements. Unlike objective design standards, there are typically many acceptable ways to meet each design guideline. It is not the City’s intent to prescribe any specific design solution through the design guidelines.” The introduction to the *Goose Hollow District Design Guidelines* contains a similar statement of flexibility.

While the guidelines themselves are considered the approval criteria, each guideline is supported by its own background statement and possible examples of ways to satisfy the guideline, which provide the most relevant context to explain the purpose and overall intent of the guideline. The *Central City Fundamental Design Guidelines* explain that “the background statement outlines the reasons for the design guideline and the goals that the City wishes to achieve. The background statement also provides clarification among related or similar design guidelines or adds more detail to the guideline language. The background text is not adopted and can be adjusted and/or updated as new design issues arise.” Additionally, each guideline section provides multiple examples of possible ways to accomplish the guideline that includes both a written description and an image, which also provides context for how a particular guideline should be interpreted and applied. The *Central City Fundamental Design Guidelines* explain that “[t]he examples are provided to illustrate each guideline. They are preceded by captions that describe the way the guideline is, or could be, met as shown by the example. The examples must **not** be considered as the **only** possible design solution. They are intended to stimulate new ideas and provide direction for designers and developers. The captions and examples are not adopted and can be easily updated as new proposals get built.” (emphasis in original)

While the examples do not contain specific requirements and should not be seen as the only options for guideline compliance, as noted, they do provide important context for interpreting the intent of the broadly worded guidelines. This Council is charged with interpreting the intent of the guidelines as drafted, and as discussed, both the background and the examples provide context for that interpretation. Until the City amends the background narrative and/or examples, both remain applicable context for interpreting the guidelines despite subsequent changes to development standards in PCC Title 33.

The *Goose Hollow District Design Guidelines* are independently applicable criteria, but they also provide an additional source of context for the *Central City Fundamental Design Guidelines*. The *Goose Hollow District Design Guidelines* correlate to *Central City Fundamental Design Guidelines*, but with a geographically specific emphasis. For example, Central City Fundamental Design Guideline A5 (Enhance, Embellish, and Identify Areas) applies across the Central City. Context for how Guideline A5 should be interpreted and applied in the Goose Hollow Subdistrict are Goose Hollow District Design Guideline A5-2 (Strengthen the Identity of the Jefferson Street Station Area). Not all Central City Design Guidelines have corresponding *Goose Hollow District Design Guidelines*, but when they do, the *Goose Hollow District Design Guidelines* are helpful context for interpreting the *Central City Fundamental Design Guidelines*.

Council interprets the text and framework of design guidelines as support for the conclusion that the design review process is flexible and there are many acceptable ways to meet each guideline. This flexibility and the subjective nature of design guidelines means that design review is a discretionary process. As with any discretionary process, participants can have differences of opinion about whether a qualitative design guideline is met. Many of the issues raised in this appeal are based upon opinions, and even if

reasonable minds may disagree about whether this project satisfies certain subjective standards, that does not mean that the guidelines are not met.

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

Under the current *Central City Fundamental Design Guidelines*, the Council does not find that each term or phrase in a guideline is necessarily a required element for this Project. Neither the text nor context of guidelines support such a rigid reading of the guidelines given that the guidelines are intended to guide, not prescribe, development and the fact that some terms in a guideline may not be applicable to a given project. Under the current *Central City Fundamental Design Guidelines*, the Council does not find persuasive testimony that (1) elevates a guideline's background section or example as applicable approval criteria or (2) testimony that argues a guideline is not met because the project does not include a feature included in an example, or does not include a detailed element of the example.

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

#### Goose Hollow District Design Guidelines and Central City Fundamental Design Guidelines

The Goose Hollow District is envisioned to be a predominantly urban residential, transit-oriented community located on the western edge of the Central City between Washington Park and Downtown Portland. When riding light rail through the West Hills tunnel to the Central City, it is the first neighborhood experienced before entering downtown Portland. The Urban Design Vision celebrates the sense of arrival from the west at Jefferson Street Station and Collins Circle, and from the north at the Civic Stadium Station and Fire Fighter's Park. This is done by integrating the history of the community with its special natural and formal (man-made) characteristics.

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.

#### Goose Hollow District Design Goals

The Goose Hollow District Design Goals are specific to the Goose Hollow District. These urban design goals and objectives are to:

- Enhance mixed-use, transit-oriented development around the light rail stations to make it a pedestrian-friendly station community.
- Provide open spaces to accommodate active public life.
- Strengthen connections to adjacent neighborhoods through light rail, bike and pedestrian access and assure a safe and pleasant bike/pedestrian environment.
- Preserve and enhance the community's history and architectural character.

### 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 topic areas: Context, Public Realm, and Quality & Permanence.*

### **Context**

**A1. Integrate the River.** Orient architectural and landscape elements including, but not limited to lobbies, entries, balconies, terraces, and outdoor areas to the Willamette River and Greenway. Develop access ways for pedestrians that provide connections to the Willamette River and Greenway.

**Findings for A1:** The project site is located over 18 blocks west of the Willamette River and therefore has no direct connection to the River. However, despite this distance from the River, the proposal meets this guideline in the following ways:

- The project includes a 17<sup>th</sup>-floor roof terrace which is oriented towards, and affords views to, the Willamette River to the east. This terrace and outdoor area is a significant design feature of the project that responds to Guideline A-1 despite the relative distance to the River from the project site.
- Similarly, residential balconies are incorporated into the design along the east side of the tower and are also oriented towards the river to provide an opportunity for views to the River.

*Therefore, this guideline is met.*

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

**A2-1. Recognize the Historic Tanner Creek Theme.** Recognize the course of the historic Tanner Creek and emphasize the District's connection with the Creek on site developments of 20,000 square feet or more, including and immediately adjacent to the historic course of the Creek. This guideline may be accomplished by any or all of the following:

- a. Exposing the Creek using water features and fountains; or
- b. Incorporating interpretive trails, artwork, murals or sculptures that describe and symbolize the relation between the district and the history of Tanner Creek.

**Findings for A2 and A2-1:** The proposal meets this guideline in the following ways:

- The site does not include or lie immediately adjacent to the historic course of Tanner Creek, thus this guideline is not directly applicable to this development.

However, the design includes a stream feature which includes a water course and associated landscaping along the west side of the subject site which highlights the site's topography and helps to emphasize the historic flows of water from the surrounding hills into the Central City.

- As provided in the background narrative for Guideline A2, there are “many themes unique to Portland’s culture and geography that promote the City’s identity and image.” The examples provided include the rose, the great blue heron, water features, bridges, trees, mountain views, rain, and the natural environment. The design integrates several Portland-related themes, including water, traditional building materials and the natural environment. Noting that Portland’s strong connection to the river is a defining feature of the Goose Hollow District, the Project integrates “water” as a theme and evokes the historic flows of water in the area. The proposed building is clad primarily in brick, which is a traditional building material in the Central City. The building sits above a parking podium, with a heavily landscaped and active use ground floor and includes significant massing changes that respond to the context of the surrounding development. The stream element on the western frontage, together with the significant ground floor landscaping setbacks all reflect the Portland theme of integrating water and the natural environment with pedestrian friendly design at the base of a full block development. The full block design minimizes the frontage dedicated to vehicle access by limiting access to one drive entrance at grade and creates several areas around the building for stopping and resting, including the sculpture plaza in an open area north of the lobby.

*Therefore, these guidelines are met.*

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

**Findings for A3:** The proposal occupies a full, established block in the Goose Hollow subdistrict that approximates the standard 200-foot by 200-foot blocks that are typical in the Central City. The site is not a superblock. By proposing a full block development, the project maintains and extends the traditional 200-foot block pattern and preserves the Central City’s ratio of open space to built space.

*Therefore, this guideline is met.*

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

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

**A5-2. Strengthen the Identity of the Jefferson Street Station Area.** This guideline may be accomplished by any or all of the following:

- a. Integrating Lincoln High School and the First United Methodist Church into the Jefferson Street Station area by providing pedestrian-friendly treatment along the surrounding streets. Streets lacking the pedestrian-friendly treatment of the light rail alignment can use elements such as street trees, landscaping, street furniture, art work, awnings,

- seating, special lighting and textured paving to improve the pedestrian environment;
- b.** Recognizing the historic “Goose” theme and incorporating it in projects within the station area, where appropriate, in the form of art work, symbols or other design features;
- c.** Strengthening the neighborhood focal point located in the station area. Arcades, awnings and/or balconies can provide pedestrian scale along all developments facing the Circle and can enhance pedestrian access to the Circle. To emphasize the Circle’s importance as a focal point adjacent development can orient their entrances and ground level windows towards the Circle and garage entries can be avoided on the streets fronting it where feasible;
- d.** Orienting buildings around the public plaza to create an enclosed public place and providing seating and other amenities to ensure safety and convenient pedestrian access;  
or
- e.** Using architectural vocabulary and materials that maintain continuity with existing developments and add to the character of the station area.

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

**Findings for A4, A5, A5-2, and C4:**

When interpreting guidelines requiring consideration of an area’s character, including Central City Design Guideline A5, it is necessary to first define the “area” to which the Guideline is applied. For this Project, the City Council finds that is the relevant “area” for purposes of compliance with these guidelines is the Jefferson Street Station Area of the Goose Hollow Subdistrict. The former is defined by the map on page 13 in the *Goose Hollow District Design Guidelines*, and the latter by Map 510-1 in PCC Chapter 33.510.

It is also necessary to define or describe the “character” and “identity” of the subject area. The City Council finds that there is not a clear distinction between these terms in the guidelines as they are largely used either interchangeably or in connection with one another. Existing development in the Goose Hollow Subdistrict is characterized by a mix of low, mid, and high rise residential and commercial development. This character is expected to continue to evolve in response to the higher density and heights allowed by rezoning under the updated Central City Plan (Central City 2035), which established maximum bonus height limits (above base heights) that range from 25 feet in the southwestern portion of the Jefferson Street Station Area to 250 feet in the northeast portion (Map 510-4, PCC Chapter 33.510). Maximum allowed bonus heights rise even taller still in the adjacent Civic Stadium Station Area of the subdistrict.

Additionally, in considering the character or identity of the subject area, the background for Guideline A5-2 says that “new mixed use and residential developments should respect the low to mid-rise (4-5 stories) scale and character of other existing buildings within the station area” and that “[n]ew development adjoining the Kings Hill Historic District should provide a transition to the scale and character of the rich collection of 1890’s and turn of the century residences...” The background further identifies that “mid and high rise existing buildings have openings that maximize opportunities for viewing and bringing in light, such as bay windows and balconies.”

City Council therefore finds that “respecting” and “complementing” existing low to mid-rise scale development does not mean that new development is limited to a lower maximum height or smaller scale than zoning code standards allow. New development may respect existing low to mid-rise development through design features, as discussed in more detail below. Council also finds that the identity and character of the Goose Hollow Subdistrict and, specifically, the Jefferson Street Station Area, is already defined by a mix of building scales and heights, as identified in the background statement for Guideline A5-2, and as discussed in more detail below.

Under Guideline A4 there are several architectural elements that successfully unify and

connect individual buildings and different areas. First, the proposed development incorporates landscaped setbacks along the south, east, and west frontages that set the building back at the ground plane and create a soft and more generous transition to adjacent developments across each right of way. Second, special design features are incorporated on select facades to unify and connect the new development to other buildings. For example, the project includes a rowhouse/townhouse-style design of the podium with entries facing SW Madison St, SW 19<sup>th</sup> Ave, and SW 20<sup>th</sup> Ave which create a smaller scale massing that relates to adjacent residential development patterns. The three- to five-story townhouse design at the base of the podium is consistent with the lower scale design of the existing uses along these adjacent frontages. Further, the landscape setback and individual residential entries along SW Madison St also reflect the pattern of entries across this street, helping to maintain continuity with existing development in the station area.

While there are some smaller scale uses in the area, the area is also developed with many larger scale buildings such as the Legends Condominiums, the Multnomah Athletic Club, Zion Lutheran Church, Providence Park and Lincoln High School. Consistent with these different areas, the proposed building utilizes brick cladding as its primary material, maintaining continuity with other recent large-scale multi-dwelling developments within the district, including the Legends Condominium, and other nearby institutional buildings. The building setback on the northeast terrace provides another scale reducing element that provides more light, air, and views from and through the site and allows a unifying visual connection to the Willamette River, while the stream feature along NW 20<sup>th</sup> is a new element that creates a sense of unity with the historic Tanner Creek and a reminder of the River, 19 blocks to the east. Together, the ground floor landscaping, townhouse style scale on three of the frontages and individual residential entries along SW Madison, along with the brick cladding, terraced setbacks and stream feature on the SW 20<sup>th</sup> frontage successfully integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas, consistent with Guideline A4.

Under Guideline A5, the project successfully enhances the area by reflecting the local character within the right-of-way, embellishes the area by integrating elements that build on the area's character and identifies an area's special features or qualities by integrating them into new development. The first element of Guideline A5 relates to enhancing an area by reflecting the local character within the right-of-way. The guidelines include "enhance an area by reflecting the local character within the right-of-way" but does not require a development to encompass specific activities or uses within the right-of-way. Furthermore, the background describes the addition of elements in the right-of-way such as streetlights and special paving rather than specific uses or activities that occur or could potentially occur in the future within the right-of-way. The Council finds that the proposed development satisfies this guideline through compliance with right-of-way standards.

The second and third elements of Guideline A5 call for embellishing an area by integrating elements in new development that build on the area's character and integrating an area's special features into the development. These guideline provisions must be considered in the context of the character of the Goose Hollow District Neighborhood identified above. Within that context a development does not need to include each element of the area's character or incorporate each special feature. Instead, the guideline calls for integrating special features and elements that build on the character. In addition to all of the unifying elements described above and in the applicant's design review submittal, the streetscape design includes "tree lawns", which are more commonly known in Portland as vegetated planter strips. Council finds that the lawns both better match the context of development across the street than the more-urban tree wells, and that they would lead to healthier trees, due to the extra area of soil allowing for air and ground water to penetrate to the trees' root systems.

The simple block massing of the tower, brick facades, and steel canopies, are consistent with the design character of the area. Many of these same features are found on buildings in the immediate vicinity and throughout Goose Hollow and the Central City. The project integrates these features into the design and therefore continues to embellish the area by drawing on elements that derive from the area's character. Special features have also been included in the project to highlight the area's special qualities. These features include a townhouse style design along the east, west and south frontages that reflect the special residential quality of adjacent uses such as the Victorian style homes across SW Madison. This response to A5 reduces the scale of the proposed building, and the townhomes together with the individual residential entries reflect the special nature of the uses across the right of way and successfully integrates those special features into the new development. On the west side of the site, the landscape setback together with the stream feature reflective of the historic Tanner Creek and a reminder of the Willamette River also successfully draw on the area's character and appropriately reflect that character in the design. These features together with the material palette that draws from the area, result in a design that is consistent with Guideline A5.

Guideline A5-2 addresses the Jefferson Street Station Area. The light rail station itself is located two blocks south of the subject site. The project shares no frontage with the Collins Circle, to the east of the light rail station. However, by providing pedestrian-friendly treatment along all four frontages of the project site through the use of street trees, landscaping, street furniture, artwork, awnings, and lighting, the project improves the pedestrian connection and the pedestrian environment within two blocks of the Circle in support of this Guideline. The project also uses both canopies and balconies to provide pedestrian scale along its development site even though that site is not facing the Circle. These features can nonetheless enhance pedestrian experience and access to the Circle. Lastly, the project draws from the architectural vocabulary of the Circle and the neighborhood, as detailed above to maintain continuity with existing developments and therefore adds to the character of the station area, consistent with this Guideline.

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

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

Neither the text nor context of “local design vocabulary” or “context” suggest that the use of a building is relevant to the compliance with guideline. The City Council finds no meaningful difference between “local design vocabulary” and “context,” because both describe what is considered when evaluating whether buildings have a common expression of design themes or details. The Council further finds that “character,” as defined and applied in Guideline A5 addressed above, is a closely related, but not interchangeable, term or concept with “context” and “local design vocabulary” as applied in Guideline C4. While there are some overlapping elements between the terms, such as materials, as compared to context/local design vocabulary, character relates to the past, present, and future of a defined area, rather than merely the current built environment. Context, not character, is relevant when interpreting and applying Guideline C4. Additionally, unlike the A5 guideline, the area to be evaluated when considering context and local design vocabulary is not as clearly defined. In this case the City Council finds that the best radius for context and local design vocabulary is generally a two to three block radius, though the entire Goose Hollow Subdistrict also provides important points of reference in defining the context of the subject site. However, the Council finds that it is not necessary for a development to complement every building within that area.

The project opponents testified that in their opinions, the building does not complement the context of existing buildings. The Council does not agree. The project successfully responds to this Guideline in many ways. Some of these elements are discussed above under A-4 and A-5 and are incorporated herein by reference. In addition, the project first contributes to the context of the streetscapes on all frontages, including SW Main Street. This is achieved by layering of multiple strategies that combine to create a rich environment for pedestrians. These include concentrating the activity at the corners, increased active use programming, minimizing the impact of motor vehicles, façade articulation, and enhanced landscaped areas. These measures complement the existing built environment by continuing and enhancing the pedestrian friendly streetscape along building frontages and by adding these elements to the local design vocabulary. Council finds that complementing the context of existing buildings does not require mimicry of context. Instead, this guideline expects a project to both complement context and add to the local design vocabulary.

The building itself includes several design elements that further complement the context of the existing built environment. As detailed above, the building contains setbacks on the north, east and west facades to create a generous “buffer” between adjacent uses that are across each of the rights of way. In each case along these frontages, the building includes a townhouse style podium presented in a 3 to 5 story height that respects, is consistent with and complements the residential scale of development across the rights of way. Individual residential entries along SW Madison complement the Victorian style entrances across this street and complement the scale and use of the existing and adjacent built environment.

There are four existing curb cuts on this site. The project will close three of these access points and limit the singular 20'-0” wide vehicle access driveway to SW Main Street, across from the MAC garage. With this limitation, the project will not require vehicle access on the east, west and south frontages, and in this way complements and recognizes the residential uses along these frontages. Additionally, Council finds that trash removal and required loading spaces are also located internally within the parking garage and rely on the same vehicular access point from SW Main Street, further complementing the residential uses on the other three building frontages. The record shows that the development team met with the opponents, Goose Hollow Foothills league, several times and participants voiced a strong preference to consolidate the garage entrance points on SW Main Street since there are no existing residences across from the project on Main Street. Council finds that the development accommodates this request, along with locating trash removal and loading spaces internal to the parking garage,

further allowing this project to rely on a single, standard-sized curb cut for this full block development.

The code limits the amount of Retail Sales and Service uses in a multi-dwelling building to 1,000 square feet and prohibits exterior doors and signage for these uses. The project must observe this restriction on SW Main Street and along all other frontages of the building. Council finds that this restriction supports and complements the residential context of the site frontages as it ensures that the project will not present the kind of conflicting uses of concern to the opponents such as sidewalk cafes and florist shops which are not allowed on this site.

The building offers further context enhancements through articulation of the building facades and landscape design. Three areas of the north elevation, comprising of 29% of the wall area, are recessed from the main façade to reduce scale and complement the existing built environment. The base of the building is articulated with more rusticated brick and bay windows that engage the pedestrian level. The entire building has also been set back from the property line by approximately 1'-6" to contribute to a planting area that varies between 3' and 5' in depth. This space will be planted with a lush and layered variety of shrubs and small trees consistent with other frontages, further enhancing visual continuity and complementing the surrounding neighborhood.

Council further finds that this project is within the planned density and height for the Goose Hollow Subdistrict of the Central City Plan District ("CCPD"). Pursuant to PCC 33.510.200.C.1 and PCC 33.510.205.C.2a, the site has a maximum base floor area ratio of 4:1 and is permitted to earn a maximum of 3:1 in bonus FAR if the project includes Inclusionary Housing (IH), for a total of 7:1 in base and bonus FAR. The code also allows the applicant to transfer an unlimited amount of FAR to the site over the 3:1 IH FAR bonus from an eligible site(s) in the CCPD, as long as the development is within the maximum bonus height limit. PCC 33.510.210.D.3; PCC 33.510.205.D.1. The applicant is permitted to make use of each of these density enhancements as proposed in this development. Because the project will earn the 3:1 Inclusionary Housing FAR bonus, the code allows the project to utilize the mapped bonus height of 175 feet reflected on Map 510-4. For these reasons, the project is within the code-prescribed and permitted density and height for the site. The proposal has successfully presented a development that utilizes these height and density entitlements and integrates the above-described design features that complement the context of the existing built environment.

With these elements, the Council finds that the project successfully satisfies Guideline C4.

*Therefore, these guidelines are met.*

**A5-5. Incorporate Water Features.** Incorporate water features or water design themes that enhance the quality, character, and image of the Goose Hollow District.

**Findings for A5-5:** The proposal meets this guideline with a proposed running water feature between the sidewalk and building face along SW 20<sup>th</sup> Ave, helping to emphasize the site's topography and providing a sense of the long-buried and piped creeks and springs which used to flow down the hills through the neighborhood, thereby enhancing the quality, character and image of the Goose Hollow District.

*Therefore, this guideline is met.*

**A5-6. Incorporate Works of Art.** Incorporate works of art or other special design features that increase the public enjoyment of the District.

**Findings for A5-6:** The proposal includes a space immediately north of the lobby entry

plaza for a sculpture. Council finds that the applicant submitted a proposal for a sculpture for this area that satisfies this guideline and he will increase public enjoyment of the district. The record contains a description of the art by selected sculptor, Ivan Mclean: “The initial inspiration for this piece came from the sculptural installation at Collins Circle, the traffic circle at 18th and Jefferson by the late Robert Murase. I’ve used circles in many of my sculptures and especially like them when they are unfinished or bisected; both conditions can be seen at Collins. The [submitted photos] show my initial concepts and while they are interesting some verticality seemed necessary to better fit the building design, so I stretched it out with three legs representing Tanner Creek and the many streams that connect the West Hills to downtown. The majority of the sculpture will be built using Cor-Ten steel for its durability and subtle earth toned finish. The circular elements will be stainless steel finished with a sweeping pattern. It will sit flush to the planted grade with a skirt of Basalt cobbles. The height will be 13’ 6”, 4’ 6” wide and 20” thick.” The record also presents an elevation of the east façade with the concept sculpture presented in the forecourt to the north of the lobby entrance. This description of the work, together with its proposed location and submitted detailing, will increase public enjoyment of the district. The artwork is of substantial and complementary proportion to the eastern ground floor façade and within a pedestrian scale that is readily visible from the adjacent right of way.

*Therefore, this guideline is met.*

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

**Findings for C1:** Council finds that the proposal meets this guideline in the following ways:

- Windows on the lower levels of the building are oriented towards their adjacent street frontages. These windows also create visual connections between the building and the adjacent public realm.
- Windows on upper stories are oriented to provide views to the surrounding hills, more-distant mountains, the river, and the greater Central City. Rooftop terraces on Levels 6 and 17 are oriented to provide similar views. Balconies are oriented to the public realm and the adjacent streetscape.
- Council interprets the view protection afforded by Guideline C1 to extend only to significant views and view corridors identified in the City’s Scenic Resources Plan and existing public views from rights of way or public spaces, as those views and view corridors have been implemented through mapped view corridors on Map 510-20 of PCC Chapter 33.510. The guideline does not protect private views. As stated in the C1 background narrative, existing public views are preserved through building height limitations and other mechanisms adopted to implement the city Scenic Resources Plan. The project site is not within the Scenic Resource overlay, and the proposal meets the code-established building height limitations that were adopted, in part, to implement protected views and view corridors.

Two view corridors through the site are codified and mapped into zoning code chapter 33.510, Central City Plan District. This code chapter, PCC 33.510.210.B.2 (Map 510-20), limits the bonus height of the building to 175 feet in order to protect two view corridors and also prohibits any extensions above the bonus height limit due to these corridors. As such, at 175’-0” tall (the maximum bonus height), the building does not intrude into the protected view corridor CC-SW16, which focuses on a view to Mt. Saint Helens as viewed from a vantage point at SW Vista Avenue at the top of a public staircase just north of SW Montgomery Drive (approximate elevation of 358’-360’).

Council finds that the project complies with the view protective height of 175 feet and does not include any of the prohibited extensions.

A sliver of the northern portion of the site also lies within the protected view corridor CC-SW02, located at the Lewis & Clark Monument at the entrance to Washington Park at SW Park Place and providing a partially obscured view to Mt. Hood. (The view appears to be obscured by the Vista St. Clair tower.) This viewpoint has a similar elevation as CC-SW16, at approximately 356', and similarly, by complying with zoned height limits, Council finds that the building does not further obscure the view of the mountain from this viewpoint.

Public testimony also identifies viewpoints CC-SW15 and CC-SW21 as being impacted by the proposed development. CC-SW15 is a viewpoint located on the Vista Bridge and providing a view to Mt Hood (partially blocked by existing development) and the downtown skyline. Council finds that, unlike the views from CC-SW02 and CC-SW16, neither this viewpoint nor a view corridor extending from it are adopted into zoning code-defined view corridors on Map 510-20, and these public views are therefore not subject to the same level of protection. Additionally, Council further finds that the view from CC-SW15 describes views not just of natural features but also the downtown skyline, and that the proposed building will add to the skyline while maintaining views toward Mt Hood.

Viewpoint CC-SW21 is a view from SW Montgomery Drive at Frank L Night City Park that looks out over the Central City to Mt Hood and Mt St Helens. The Scenic Resources Inventory of Central City 2035 notes this "view is mostly obscured by overgrown vegetation, even during leaf-off" and is not easily accessible. The view corridor associated with this viewpoint does not cross the subject site, and neither the viewpoint nor its associated corridor are adopted into zoning-code defined view corridors on Map 510-20. As described above, Council finds that this view is therefore not subject to the same level of protection as those that are adopted and mapped into the zoning code. Regardless, Council further finds that the proposed development is not located within the view corridor described from this viewpoint in the Scenic Resources Inventory.

Council finds the proposal is sized and placed to protect existing views and view corridors.

As described above under Guidelines A4, A5 and C4, incorporated herein by reference, the proposal also includes building façades that create visual connections to adjacent public spaces. There are several building facades that connect visually to adjacent public spaces. The balconies and terraces provide views to and beyond the public right of way with the longest views to the River from the 17th floor terrace. Large windows and glazed door entries also visually connect and activate sidewalks and streets to the building interiors.

*Therefore, this guideline is 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.

**Findings for A7:** Council finds that the proposal meets this guideline in the following ways:

- The podium level of the building extends approximately 4-6 stories from grade level, depending upon where one measures on the steeply sloped site. Although the building is setback from the edge of the sidewalk along SW 20<sup>th</sup> Ave, SW Madison St, and much of SW 19<sup>th</sup> Ave, the podium serves to define the edges of

the rights-of-way along these streets and, together with existing development on the other side of all three streets, creates a sense of urban enclosure along these streets.

- The sense of enclosure is heightened on the north side of the building where the tower extends up from near the edge of the sidewalk. Large windows at the corners of the north elevation and recessed bays with planters at the ground levels help to create a sense of human scale. Projecting bay windows on podium levels above the sidewalk also help to create a sense of enclosure.
- The proposed building also has edges within the pedestrian sphere that are well-articulated and give the urban enclosure created by the building a more-human scale. Bay windows create articulation on the north, west, and south facades of the building. The podium massing on the east, south, and west facades is broken down into rowhouse-scaled components, providing additional articulation along the adjacent sidewalks.

*Therefore, this guideline is met.*

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

**Findings for A8:** Council finds that the proposal meets this guideline in the following ways:

- The building's main residential lobby is located on its east elevation, and the entry into this active space is delineated with a large canopy, a recess in the building's façade with a combined change in material, large windows, public art adjacent to the lobby entrance, and a two-level atrium on the building's interior. The combination of elements reveal that this is an important interior space, and the large windows reveal the activities happening inside while maintaining a cohesive overall composition.
- Residential dwelling units at the sidewalk levels of the building are oriented towards the sidewalk and set behind layers of landscape plantings on the building's east, south, and west facades. Windows in these units provide visual connections into these active residential spaces from the adjacent sidewalks.
- Patios and individual unit entries provided at sidewalk-level residential units on the south façade help to bring additional connection, activity, and vibrancy to the streetscape along SW Madison St.
- The stream and related landscape feature are provided within a setback on the west side of the building, adjacent to the sidewalk. As discussed above, the entire building has been set back from the property line by approximately 1'-6" to contribute to a planting area that varies between 3' and 5' in depth. This space will be planted with a lush and layered variety of shrubs and small trees consistent with other frontages. These features create passive visual respite for pedestrians along the public sidewalk and increase the space along this frontage for public enjoyment from the right of way.
- Secondary lobbies at the northeast and northwest corner of the building, supportive office spaces, and residential dwelling units screen nearly the entire parking structure—with the exception of the single garage door entry and an adjacent person door—on the north elevation of the building. Large windows across the three ground floor levels on this elevation afford views into these active

use spaces from the adjacent sidewalk.

- Appellant argues that the project does not support the guideline's title: "Create a vibrant streetscape" due to the amount of parking in the project. However, as described in the section of the Central City Fundamental Design Guidelines entitled "Using the Guidelines," the applicable criteria are contained in the guideline language, not the title. For Guideline A8, the specific guideline language describes how an applicant demonstrates that a project contributes to a vibrant streetscape and the examples listed in the guidelines provide context to explain the purpose and intent of the guideline. In relation to A8, Council finds that neither the height of a structure nor the amount of parking in the project is relevant to the intent and purpose of the guideline. The guideline is instead focused on the relationship of the project's setbacks and visual connections to active interior uses from the pedestrian environment. The Council finds, as described above, that the project meets guideline language for A8.
- Appellant appears to assert that the examples for A8 are criteria for meeting the guideline. As described in these findings, the examples provide context, but are not themselves criteria. Further, Council finds that it is not necessary for every individual element of the development to meet the requirements of this, or any, guideline; rather, the proposal as a whole should meet this guideline. Council disagrees that elements of the SW Main Street frontage of the proposal fail to meet this guideline, but even assuming for the sake of argument that they did, Council finds that the proposal as a whole meets guideline A8 as described in the findings above.

*Therefore, this guideline is met.*

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

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

**Findings for B1 and B1-1:** Council finds that the proposal meets these guidelines in the following ways:

- The proposal includes public sidewalks along all four streets that are designed to city standards and include clearly distinguished zones of the sidewalk. The frontage zones lie adjacent to the property lines on all four sides of the building and are often shown planted with ground cover plantings, as allowed by the Bureau of Transportation's "Encroachments in the Public Right-of-Way" document, and which transition to taller plantings behind on the subject site itself. At areas of increased pedestrian use, such as at the main and secondary lobby entrances and individual dwelling unit entries, the frontage zones are paved to provide an extension of the sidewalk, facilitating movement of the higher number of pedestrians expected in these locations. Movement zones occupy the middle area of the sidewalks on all four street frontages and are shown as being 6'-0" wide, in accordance with city standards. The furnishing zones of the sidewalks lie close to the curbs which, in this proposal, are primarily landscaped with ground cover and planted with street trees. These planting strips are interrupted with paving at the main lobby entrance, where additional pedestrian use is expected, and near the northwest and northeast corners of the building,

where water connection and meter vaults are located below the sidewalk, in accordance with city standards. These public sidewalks maintain convenient access routes for pedestrians around the subject site.

- The subject site is approximately the size of a standard Central City block and, as such, is not a superblock. Furthermore, the subject site has no vacated rights-of-way or portions of vacated rights-of-way within it. Therefore, Council finds that no additional public pedestrian connections are required through the block.
- Building walls are articulated at the sidewalk levels (and above) with recesses and setbacks in the building's massing along all four street frontages. On the south façade and large portions of the west and east facades, this massing is further arranged into rowhouse or townhouse-like masses. Combined, these articulations, which break the building's massing into smaller components, help to create a more human scale to this building along adjoining sidewalks. On the north façade, similar recesses at window bays at the ground level provide room for planters and help to break down the building massing to a human scale along this frontage.
- A series of large windows with views to active interior spaces, bay window projections, entry doors, and landscape planters and plantings provides for additional human scale and visual interest in the proposed development along surrounding sidewalks on all four elevations. Additional human scale and visual interest is created along the building's western frontage with a linear water feature that cascades down the hill at or below eye level of passing pedestrians. A similar intervention occurs on the building's eastern frontage, where a sculptural work of art at approximately 13'-6" tall, 4'-6" wide and 20" thick, accentuates the main lobby entrance and serves to mediate between the height of the building's tower, which is prominent in this location, and the human scale.
- Regarding proposed landscaping and landscape planters, the appellants argue that these "do nothing to mitigate" the massing of the building. These planters and landscaped areas include ground cover plants and shrubs, including vine maples, on all four sides of the building. In areas where the building is set farther back from the sidewalk edge on the west, south, and east frontages, small trees are also included in addition to ground cover plants and shrubs. In addition to providing greenery and a variety of textures, many of these plants also either flower or change color with the seasons, creating additional visual interest at the pedestrian level. While none of these plants will reach the scale of a 17-story tower, Council finds that the proposed landscaping around the building, in combination with articulation and shifts in the building's massing, as described above, helps to provide human scale to the project in addition to creating visual interest.
- The appellants argue that the proposal includes "surplus" parking spaces that diminish pedestrian activity at and around the subject site by "encouraging more cars and traffic in violation" of these guidelines. Council finds that neither guideline discusses or limits the number of parking spaces on a given site, and neither addresses the number of cars or traffic circulating around a site. As discussed elsewhere in the findings, the proposal is consistent with development standards allowing up to 404 Growth Parking spaces.
- The approval criterion requires the "proposal" to meet the guideline, not every individual element of the building. Council finds that the strength of the proposal's overall response to reinforcing and enhancing the pedestrian system meets Guideline B1. Council recognizes that the SW Main Street facade has fewer pedestrian-oriented elements than the other three facades, but by reducing vehicular access to the proposal to one, singular 20'-0" wide entry on the north

facade, the proposal can more fully emphasize the pedestrian experience on three full sides of the block. Similarly, Council finds that the strength of the proposal's overall response to providing human scale and interest along the subject site's sidewalks meets Guideline B1-1 on the whole and that variations in the depth of landscaped areas appropriately and better responds to adjacent site conditions, such as the scale of historic single-dwelling scaled buildings across SW Madison St and SW 20th Ave, than would distributing these areas more evenly across the site.

*Therefore, these guidelines are met.*

**B1-2. Orient Building Entries to Facilitate Transit Connections.** Orient primary building entries at pedestrian circulation points which conveniently and effectively connect pedestrians with transit services.

**Findings for B1-2:** Council finds that the proposal meets this guideline in the following ways:

- The building's main lobby and primary entrance is oriented towards SW 19<sup>th</sup> Ave, which provides a direct and convenient connection to the Goose Hollow/SW Jefferson St MAX stop and bus stops along SW Jefferson St.
- An entrance to one of the building's bike rooms is located at the southwest corner of the subject site, providing a convenient connection for cyclists who are also using the transit system.

*Therefore, this guideline is 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.

**Findings for B2:** Council finds that the proposal meets this guideline in the following ways:

- As described above, the proposal has only one driveway into the parking garage for the entire block—including parking and loading access—which limits vehicular conflicts across the sidewalk and reduces multiple points of potential cross traffic between pedestrians and vehicles. The garage entry and design meets the Bureau of Transportation's safety, setback and operational standards.
- Exterior lighting is provided in the form of recessed downlights in canopies and soffits near building entries, bollards at some egress pathways, and wall-mounted step lights along pathways and at unit patios.
- Nearly all building equipment is located on the roof of the tower portion of the building, keeping it out of the pedestrian realm, in a manner that does not detract from and protects the pedestrian realm.
- Exhaust systems for the dwelling units are handled at the dwelling-unit level utilizing through-wall systems that are elevated above sidewalk level. Exhaust for the parking garage is routed through large vents at Level 5 of the building, well away from the pedestrian realm.
- Building service areas are generally located in the subterranean levels rather than being placed the building face, affording more room for active uses at the building's edges along its four block faces.

- Most of the exhausting for the structured parking garage is handled through large louvers at Level 5, which are well away from the pedestrian environment.
- The building's generator is located at the sidewalk level (which is Level 2 at the generator location) along the north façade of the building with louvers and the exhaust flue for the generator located on Level 3 of the building, above head height of pedestrians on the sidewalk. Council finds that these locations protect the pedestrian environment along SW Main St and satisfy this guideline.
- Most of the venting for the structured parking garage occurs at Level 5, and the louvers for parking garage intake air are located above windows (and well above head height) at Level 2, with the air intake shaft behind proposed active office space on Levels 1 and 2. These locations are protective of and improve the pedestrian environment along SW Main St. The venting, louvers, and intake are removed from the pedestrian level environment in these locations and therefore satisfy this guideline.

*Therefore, this guideline is met.*

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

**Findings for B3:** Council finds that the proposal does not include any alterations within its surrounding rights-of-way that would trigger Design Review. Under PCC 33.420.041.C, standard improvements in the right of way are not subject to design review. The proposal lies upon a relatively standard-size Central City block (and is not a superblock) along streets with standard 60-foot rights-of-way. Proposed sidewalk designs align with city standards, creating a standard movement zone with defined frontage and furnishing zones that help to keep the sidewalks obstacle free, and are not subject to Design Review approval.

The proposal includes sidewalk improvements on each frontage of the site that meet City standards for ADA access and will connect this site to the larger pedestrian system with consistent sidewalk design and safety lighting.

Although not relevant to this review, the City Council also approved a Major Encroachment beneath the right of way of SW Main Street through a separate and distinct approval process under the 1982 Major Encroachment policy. The tunnel is contained below the SW Main Street right of way and will include a subgrade street that connects an existing parking garage with the new parking garage on the proposed project site. Some level of trips to and from the new parking structure will occur subgrade further reducing the potential for conflicts at grade between pedestrians and vehicles.

While some opponents requested a traffic study be conducted as part of this Design Review application, Council finds that there is no traffic study required by the applicable approval criteria for Design Review under PCC 33.825.035 and .055. Instead, the applicant will be required to submit a public works permit for all the work in the public right of way that ensures that the sidewalks and driveway entrance are designed and will operate consistent with PBOT safety standards. Council finds that such improvements are considered "standard improvements in the right-of-way," and are not subject to Design Review approval under PCC 33.420.041.C.

*Therefore, this guideline is met.*

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

**Findings for B4:** Council finds that the proposal meets this guideline in the following ways:

- The proposal includes a wide-open space with benches adjacent to the main lobby entrance off SW 19<sup>th</sup> Ave, providing space off the public sidewalk for people to stop, sit and rest, and socialize. This off-sidewalk area will not conflict with other sidewalk uses.
- Stoops leading into individual dwelling unit entries from SW Madison St are over 7 feet wide, providing space for residents and their guests to sit, rest, and socialize on the steps leading to these units.
- Landscape areas, including the stream improvements along SW 20<sup>th</sup>, also create opportunities to view and socialize along the sidewalk and public right of way.
- None of these and other opportunities conflict with typical sidewalk uses.

*Therefore, this guideline is met.*

**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.

**Findings for B5:** Council finds that there are no public plazas, parks, or open spaces near the subject site.

*Therefore, this guideline does not apply.*

**B5-1. Enhance the Design of Pocket Parks.** Design pocket parks in residential areas with a variety of experiences that encourage their use all year round. This guideline may be accomplished by any or all of the following:

- a. Providing some shaded places protected from the wind and rain as well as generous sunny areas that will allow its use during different times of the day and year;
- b. Providing seating, trees, grass, flowering plants, paved or textured areas and/or water features; or
- c. Providing for children’s play equipment with protected soft surfaces, seating and water fountains.

**Findings for B5-1:** Council finds that the subject site does not lie “at or near designated [pocket park] locations”, according to the Goose Hollow Station Community Plan.

*Therefore, this guideline does not apply.*

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

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

**Findings for B6 & C6:** Council finds that the proposal meets these guidelines through multiple means. Based on the setbacks from the street and the elements of the proposal that break down the massing from the street, the proposal has very few areas where integrated weather protection systems—typically those that extend over public sidewalks

or entry points to buildings—would typically be placed, primarily due to the building setbacks and ground level residential uses along the south, west, and most of the east sides.

However, weather protection is provided at the building's three main entries—the main lobby entry on the east elevation, the garage lobby entry on the north elevation, and the mail room lobby entry on the west elevation. These canopies are appropriately scaled for a residential building and provide for weather protection for people entering or exiting the building. In a similar manner, ground level entries into individual dwelling units along SW Madison St are setback from the building face, providing for a covered area that helps to shelter residents and their guests from the effects of rain and sunlight at these entries. In both situations—canopies and setback entries at individual units—these systems help to delineate and provide for transitions between the private development and the public realm along the sidewalks.

Finally, under Guideline C6 the public sidewalks and streets serve as the only dedicated public open space adjacent to the site. There are several site design features such as movement zones in the public right of way within the sidewalk corridors, the landscape elements along all frontages within the increased setbacks, gathering places east of the lobby, and seating opportunities east of the lobby that all offer transition areas where private development directly abuts the ROW. Further the Council finds that this Guideline is fully accomplished through the provision of lush landscaping consisting of trees, shrubs, and groundcover plants along the building's western, southern, and eastern frontages. These landscape elements in particular provide an important buffer and transition zone between the ground level residential units and public sidewalk, leading to both increased privacy for residents and increased activation of the public sidewalks, via open windows, curtains, and blinds, for passing pedestrians.

*Therefore, these guidelines are met.*

**B6-1. Provide Outdoor Lighting at Human Scale.** Provide outdoor lighting at a human scale to encourage evening pedestrian activity.

**Findings for B6-1:** Council finds that exterior lighting is provided in the form of recessed downlights in canopies and soffits near building entries, bollards at some egress pathways, and wall-mounted step lights along pathways and at unit patios. These fixtures are all located along the ground level floors of the building and are human in scale, and their presence helps to encourage pedestrian activity in these locations in the evening.

To further improve safety and evening activity along sidewalks in these areas, and to place lighting that is at a human scale, recessed downlights were also added to the underside of projecting window bays on the north elevation, and step lights were added at the high points of the retaining wall of the water feature on the west elevation of the building. These are incorporated into the Council decision as conditions of approval.

*With the following conditions of approval, Council finds that this guideline is satisfied:*

- *One step light shall be installed near the high point of each step of the retaining wall in the water feature along SW 20<sup>th</sup> Ave.*
- *One recessed can light shall be installed under each window projection along SW Main St.*

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

**Findings for B7:** Council finds that the proposal provides for at-grade access at all primary public entries into the building, and, although individual dwelling unit entries along the south elevation have a few steps in some locations, accessible access to these units is also obtained through internal corridors.

*Therefore, this guideline is met.*

**C1-1. Integrate Parking.** Design surface parking and parking garage exteriors to visually integrate with their surroundings. This guideline may be accomplished by any or all of the following:

- a. Designing street facing parking garages to not express the sloping floors of the interior parking;
- b. Designing the sidewalk level of parking structures to accommodate active uses, display windows, public art or other features which enhance the structure's relationship to pedestrians; or
- c. Accommodating vending booths along sidewalks adjacent to parking facilities when active ground level uses are not possible.

**C7-1. Reduce the Impact of Residential Unit Garages on Pedestrians.** Reduce the impact on pedestrians from cars entering and exiting residential unit garages by locating garage access on alleys, wherever possible, and active spaces on ground floors that abut streets.

**Findings for C1-1 and C7-1:** Council finds that the proposal meets these guidelines in the following ways:

- The proposed parking garage is almost entirely wrapped by active uses at the ground floor and floors above. As such, it does not express its sloping floors on the building's exterior, and the building provides active uses along most of the sidewalk levels around the parking garage.
- The garage access frontage along Main Street includes significant glazing and residential and accessory office uses and secondary lobbies that completely obscure the parking structure from the public right of way, but for the singular access point. The parking structure is wrapped with a combination of landscaping, sculptural art, and podium level residences, clad in brick and glass, such that no area of the parking structure is revealed or visible on the east, west or south frontages.
- The proposal consolidates all parking access into one garage accessed only from SW Main St. Although access to this garage is not provided from an alley, the amount of total street frontage occupied by the garage entry is only about 30 feet out of approximately 770 feet of building perimeter. There are no alleys on the site, and alley access is not prevalent in the Goose Hollow subdistrict. Council also finds that this guideline encourages but does not require alley access for residential unit garages and is more relevant when a project includes multiple residential units with multiple garage entries. In this case, all access to the parking garage for all uses is through a singular access along SW Main Street.

*Therefore, these guidelines are met.*

**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 C7:** Council finds that the proposal meets this guideline in the following

ways:

- Stairs and elevators are located away from the corners of the building, leaving space at all four corners for active uses in the form of lobbies, entries, and residential dwelling units facing the street.
- On the tower portion of the building, balconies are placed at the corners, which gives the corners more prominence.
- At the sidewalk levels of the building, the building massing has varying planes at the southeast and southwest corners. Large windows and balconies are used at the northeast and northwest corners.
- The design highlights corners and builds active intersections by the layering of multiple strategies that combine to create a rich environment for pedestrians. These include concentrating the activity at the corners, increased active use programming, minimizing the impact of motor vehicles, façade articulation, and enhanced landscaped areas.
- The building design includes lobbies with large windows at both the northeast and northwest corners. At the northeast corner, there is a 2-story tall lobby for people accessing the lower levels of parking and supporting office space. At the northwest corner, a double height residential lobby and adjoining mail room, provide convenient pedestrian access for the new residents of this neighborhood and emphasize this primary pedestrian entrance.
- SW Main Street is not designated as a ground floor active use street. The code defines active uses to include lobbies, retail, commercial, and office uses. The RM4 zoning limits the amount of retail sales and service use in a multi-dwelling building to 1,000 square feet and prohibits exterior doors and signage for these uses. The project must observe this restriction on SW Main Street and along all other frontages of the building. The project maximizes this office allowance in response to this guideline but is not permitted to include uses such as sidewalk cafes and florist shops on this site with exterior entrances.

*Therefore, this guideline is met.*

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

**Findings for C8:** Council finds that the proposal meets this guideline in the following ways:

- As discussed in detail above, on the south façade and large portions of the west and east facades, the building’s massing is arranged into rowhouse or townhouse-like masses that help to define the podium, or sidewalk, levels of the building, in contrast with the tower.
- Projecting bay windows, large windows at semi-public spaces within the building, individual dwelling unit entries, and canopies at primary entries all help to differentiate the sidewalk levels of the building in varying combinations across all four facades.
- A simple coping band, change in brick color and texture, and stepped back massing of the tower on the building’s south and east facades combined help to provide further differentiation to the sidewalk levels of the building.
- The same coping band and change in brick color and texture continue around the north façade. Slightly recessed bays are used at the sidewalk level and projecting window bays on upper floors of the podium level to help further define the

sidewalk levels of the building along this elevation.

- The upper floors are distinguished from the sidewalk levels through contrasting plane forms and materials.

*Therefore, this guideline is met.*

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

**Findings for C9:** Council finds that a variety of active uses at the sidewalk-level are proposed at the site. The proposed structure has only residential household living uses, with associated amenity spaces, and parking uses, and this is consistent with the site's RM4 zoning. Thus, ground level commercial/retail spaces that would typically occupy the ground levels of buildings in the Central City are not proposed or appropriate. That said, the sidewalk levels of the proposed building include street-facing residential dwelling units and, along the east side of the building in particular, a lobby, offices, and amenity spaces—all of which provide for some measure of flexibility in their uses and interior layouts. As described above, the proposal maximizes the permitted 1,000 square feet of retail use and is not permitted to include signage or retail entrances from the adjacent sidewalks under PCC 33.120.100.B.1(a)(2). Council therefore finds that the active uses proposed along the ground floors accommodate a variety of uses that are permitted by the code including residential lobbies and other related amenity spaces and offices.

*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.

**Findings for C2:** Council finds that the proposal meets this guideline in the following ways:

- Modular brick veneer is used as the building's primary cladding system. Brick cladding is a high-quality, time-tested system.
- Honeycomb-backed metal panels are proposed for use as accent cladding. The honeycomb backing helps to prevent oil-canning, pillowing, and warping and makes this material a high-quality and durable material.
- Glass guardrails are proposed at unit balconies and at terraces. These are high-quality rails that should weather well and be long-lasting.
- Proposed detailing of the primary building materials demonstrates that the building will be built and clad in a manner that results in high-quality construction that will be durable and enduring.
- VPI Endurance vinyl windows are proposed for windows and balcony/terrace doors at individual dwelling units. The applicant submitted evidence from their engineer that the proposed VPI Endurance vinyl windows would meet and exceed code required minimums for strength and performance. Council agrees with the Design Commission and also finds based on the engineer's report that this window product would provide satisfactory permanence and quality in the proposed tower.
- The project design includes an aluminum PTHP louver system finished with a dark color to match the window system and metal trims around them. This same system has been installed at the Alta Peak apartment building at SW 16<sup>th</sup> Ave &

Burnside. Council finds that the proposed system, specifically with its dark color, would provide the necessary quality and permanence needed to both integrate the louvers well into the overall window system and to be enduring components that will not show wear.

- Venting for individual units was initially proposed to be provided via through-wall PVC exhaust vents. However, at the request of staff, the applicant revised the proposal to include a sheet metal louver system, similar to the one used on the Modera Buckman apartment building at SE 12<sup>th</sup> Ave & Belmont St. Council agrees with the Design Commission that this system would be of sufficient quality and permanence to meet this guideline.
- Metal copings and exposed metal flashings are used frequently across the building's facades. These are important components that require high-quality, higher-gauge metal to help ensure that they do not pillow, oil-can, or warp, as these effects would lessen the overall quality of the building. As such, metal copings and exposed metal flashings shall be of 22-gauge thickness or thicker when they have exposed faces of 10 inches or less, and 20-gauge or thicker when the exposed face is greater than 10 inches. With a condition of approval requiring these gauges, Council finds this guideline is fully met.

*With the following condition of approval, this guideline will be met:*

- *Metal copings and exposed metal flashings shall be at least 22-gauge in thickness when they have exposed faces of 10 inches or less, and they shall be of least 20-gauge thickness when they have exposed faces greater than 10 inches.*

**C5. Design for Coherency.** Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

**Findings:** Council finds that this proposal meets this guideline in the following ways:

- The overall building composition is relatively simple and straightforward and reads clearly as a multi-dwelling residential building. The building's massing and articulation is logical and consistent with the goals both are trying to achieve—particularly at the sidewalk levels. In a similar vein, the building's cladding and patterning, generally follow a regular rhythm that helps to create a cohesive composition overall.
- Standard brick veneer is the primary cladding material and is used consistently throughout the design. Windows and metal elements are integrated to create a coherent unified composition.
- Council finds that the design of the building's elevations presents a coherent design consistent with this guideline, including consistent use of large glass openings at the lobbies and entrances, residential scale window treatments on the tower, as well as consistently patterned high quality brick and metal cladding and louver systems that integrate with the overall composition in color and permanence.

*Therefore, this guideline is met.*

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

**Findings for C10:** Council finds that the proposal meets this guideline in the following ways:

- One canopy at the northeast corner of the building projects over the right-of-way. The canopy's height, at approximately 8'-6" above grade, ensures that it will protect pedestrians from rain by being low enough to the sidewalk. This canopy is also well-integrated within the overall design of the building and therefore visually and physically enhances the pedestrian environment.
- A column of balconies, also at the northeast corner, projects slightly over the right-of-way. These are also well-integrated within the overall design of the building. They enhance the pedestrian environment by providing space for building residents to relax outside, helping to enliven the street in this area.
- Bay windows project over the right-of-way on the north elevation of the building. These are well integrated within the overall design of the building's north façade and help to provide human scale to the pedestrian realm on this side of the building.

As noted in the proposal, some of these do not meet the "Window Projections Into Public Right-of-Way Code Guide" standards (henceforth referred to as Code Guide), since the projecting window bays near the middle of the block are arranged in pairs, and within each pair, the bay windows are separated by approximately 4'-0", which is less than the required 12'-0"

- From the Code Guide: Standard G, Separation. Minimum separation of 12 feet measured from other projecting window elements on the same elevation or plane of wall. When approved through Design Review, required separation may vary provided the area of all projecting window elements on a wall does not exceed 40% of the wall's area and the width of any single projecting window element over the right-of-way does not exceed 50% of its building wall's length.
- The total area of the pair of projecting windows on the eastern side of the garage opening on the north elevation cover approximately 15% of the wall's area, and the pair on the western side of the garage opening on the north elevation cover approximately 11% of the wall's area. Taken across the whole of the north elevation, minus the penthouse level, both pairs, along with individual projecting window bays at the northeast corner and northwest corner of the building cover approximately 5% of the area of the façade.
- Each of the window projections within both pairs of projecting windows is approximately 11'-8" in width. The walls from which they project are approximately 33'-4" in width. Therefore, the width of each projecting bay for which an exception is requested is less than 50% (at approximately 35%) of the wall length of the project.
- *Therefore, Council finds that the requested design exception to the Code Guide standards merits approval.*
- As noted above, Council finds that, the proposed tunnel under SW Main St is not subject to Design Review approval (per zoning code paragraph 33.420.041.D) and is instead subject to Major Encroachment Review (under permit number 20-211803 TR). That review was approved by City Council on July 14, 2021, per emergency Ordinance No. 190495.

*Therefore, Council finds that this guideline has been satisfied and the exception is merited.*

**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 C11:** Council finds that the proposal meets this guideline in the following ways:

- Roof terraces on Level 6 and Level 17 provide usable outdoor space for tenants to recreate and relax as well as providing planters and landscaped areas and provide views from other buildings or vantage points.
- Building mechanical equipment is also located within screened enclosures on the Level 6 and 17 roof terraces as well as the tower roof. These enclosures are well integrated in form, being simple boxes, with the rest of the building; however, some of the proposed metal paneling at the Level 6 and Level 17 enclosures (which also include stairwells) initially varied from the standard “charcoal/black” color and flat panel texture used for the building’s penthouses and metal accents and appears pale in color. These enclosures are better integrated if the panels all matched the “charcoal/black” color used across the rest of the enclosure. The applicant provided revisions for the August 19, 2021 hearing before the Design Commission showing charcoal metal panels in place of the original light-colored panels at these locations.
- Levels 16 and 17 include penthouses that are set back from the edge of the tower massing, providing space for outdoor terraces and helping y to reduce the overall massing and height. These penthouses are clad with the building’s “charcoal/black” accent metal panels, which helps to integrate them into the overall composition while providing for a more traditional “base-middle-top” composition.
- As stated above, Council also finds that the proposal does not include any projections above the maximum height limit consistent with the view corridor restrictions that applies to this site.

*Therefore, this guideline is 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 for C12:** Council finds that the proposal uses exterior lighting rather judiciously, which helps to reduce impacts of lighting on neighboring residents. Most lighting is located at the sidewalk levels of the building, as described in Findings for B2. These fixtures are well-integrated into the building’s architectural elements and landscaping and, being so close to the ground, will have little impact on the skyline at night.

A series of string lights is proposed at the center of the Level 17 roof terrace. Such lights have become increasingly common features on multi-dwelling development in the city. They typically feature bulbs with lower light output than more utilitarian fixtures. This combined with their placement towards the center of the roof terrace helps to limit their impact on the skyline at night.

*Therefore, this guideline is met.*

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

## **DEVELOPMENT STANDARDS**

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

Opponents argued before Council that the proposal does not meet the parking requirements of PCC 33.510.261. Council finds that the proposal complies with the parking requirements of PCC 33.510.261.

Council finds that PCC 33.700.070 establishes the general rules for application of the code language and applies to Council's findings and conditions of this land use approval. Under Subsection (A), "literal readings of the code language will be used. Regulations are no more or less strict than as stated." Under Subsection (B), where the language is ambiguous or unclear, the Director of BDS may issue a statement of clarification processed through a Type III procedure or initiate an amendment to Title 33 as stated in Chapter 33.835, Goal, Policy, and Regulation Amendments.

Council finds that a literal reading of the code, interpreting the subject regulation to be no more or less strict than stated, results in the conclusion that the parking proposed under this application is Growth Parking, allowed outright at a ratio of 1.2 spaces per residential unit and the Growth Parking can be used as commercial or accessory parking at all times.

As a threshold issue, the parking code requires three inquiries: (1) the type of parking; (2) the allowed ratio for that type of parking; and (3) the regulations for how that parking can operate. PCC 33.510.261.C (Organization of Parking Regulations) describes the organization of parking regulations and provides a framework for understanding the relationships between the regulations. Subsection (C) states that "generally, Growth Parking and Preservation Parking are allocated based on net building area of buildings or dwelling units.... Each type of parking is regulated differently. For some types of parking, there are no limits on who may park there, even though the parking may have been created in conjunction with a particular development." How Council applies and interprets the code determining the parking type and operation is discussed below.

PCC 33.510.261.B.1 defines Growth Parking in the following manner:

*Growth Parking is created in conjunction with additions of net building area. Net building area is added either as part of new development or by adding floor area to existing development. PCC 33.510.261.B.1.*

Under a plain and literal reading of these simple and defined terms, Council finds that this project is "net building area added as part of new development." Net building area is defined as "gross building area, excluding parking areas" and gross building area is defined in relevant part as "the total area of all floors of a building, both above and below ground. Gross building area is measured from the exterior faces of a building or structure." PCC 33.910.030. The project is a new residential tower with 434,720 square feet of residential tower containing 337 dwelling units above a subgrade parking structure to be added to the site as new development. These 337 units literally and plainly meet the definition of net building area added as part of new development. Therefore, the parking proposed with this application is "Growth Parking" because it will be created in conjunction with additions of net building area. PCC 33.510.261.F.1.

Next, the code provides clear and objective standards for the amount of Growth Parking that is permitted with the new residential tower. For new residential towers in the Central City Plan District (CCPD) and within the Goose Hollow Subdistrict of the CCPD, Growth Parking is permitted at a ratio of 1.2 parking spaces per residential unit. (PCC 33.510.261, Table 510-1). The residential tower contains 337 dwelling units. At a ratio of 1.2 allowed spaces per unit, the Growth Parking allowance on this site is 404 parking spaces. The project includes 403 Growth Parking spaces in strict compliance with the code.

Finally, the code provides rules for the allowed operation of this permitted Growth Parking. PCC 33.510.261.F.4 plainly provides:

“Operation. Growth Parking may be operated as either accessory or commercial parking at all times.”

Council finds that this operational allowance means exactly what it says: that Growth Parking, at the ratio allowed by Table 510-1, can be operated as accessory or commercial parking at all times. The terms accessory and commercial parking are also defined by city code under PCC 33.910.030 and 33.920.210, respectively.

*Accessory Parking Facility. A parking facility that provides parking for a specific use or uses. The facility may be located on or off the site of the use or uses to which it is accessory. A fee may or may not be charged. An accessory parking facility need not be in the same ownership as the specific uses to which it is accessory. See also Commercial Parking in Chapter 33.920, Descriptions of Use Categories. (Emphasis added).*

*33.920.210 Commercial Parking A. Characteristics. Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility. (Emphasis added).*

These definitions expressly allow Growth Parking to be operated for any specific use or uses that are located on or off the proposed Growth Parking structure site. The parking structure need not be in the same ownership as those accessory uses, or the Growth Parking can be operated as commercial parking that is not accessory to a specific use. For example, the proposed parking structure would be permitted under PCC 33.510.261.F.4 to serve both the residential units in the proposed tower, serve specific and identified uses in the area that are off-site and under different ownership, or serve unspecified commercial parking needs that are also located off-site. This literal reading of the operational allowances is also consistent with the organizational rules for parking established under PCC 33.510.261.C which state: “each type of parking is regulated differently. For some types of parking, there are no limits on who may park there, even though the parking may have been created in conjunction with a particular development.” That is the case with Growth Parking. There are no limits under the parking regulations for who may park in Growth Parking, even though the parking may have been created in conjunction with a particular development.

Therefore, Council finds that a literal reading of the code requires an interpretation that the parking created under this Design Review application is Growth Parking that is permitted outright at a ratio of 1.2 parking spaces per residential unit and it can be operated for a specific accessory use or uses on or off site or an unspecified use that is also off-site. There are no other code restrictions on the operation of this Growth Parking. To insert any further restrictions would run afoul of PCC 33.700.070 (A), under which “literal readings of the code language will be used. Regulations are no more or less strict than as stated.”

Opponents argue that the parking should be defined as Preservation Parking and not Growth Parking because the parking can be used to serve uses that are located within existing buildings in the area, such as the Multnomah Athletic Club. The Council rejects this interpretation for several reasons.

The proposed parking is not Preservation Parking as that term is defined by city code. Preservation Parking is defined as parking “created to serve existing buildings. The ratios for Preservation Parking are based on the needs of both employees and those who come to the building for other reasons, such as customers and clients.” PCC 33.510.261.B.2. The code further states that “existing buildings with Residential or hotel uses that have 0.5 or fewer parking stalls per unit or room are eligible to apply for Preservation Parking...other existing buildings that have fewer than 0.7 parking stalls per 1,000 square feet of net building area are eligible to apply for Preservation Parking.” PCC 33.510.261.G.1.

The parking proposal in this case is not parking created to serve existing buildings. In fact, the parking proposed here is “created in conjunction with net building area” added to the site as part of new development and is therefore Growth Parking. The opponents’ argument conflates the type of parking, Growth or Preservation, with how it can be operated. The code does not conflate the type and the nature of the ultimate parking operation. Instead, the code clearly reaches the opposite conclusion: “Each type of parking is regulated differently. For some types of parking, there are no limits on who may park there, even though the parking may have been created in conjunction with a particular development.” PCC 33.510.261.C. That is the case with Growth Parking. While Growth Parking can be created, as here, in conjunction with net new building area in residential use, the code puts no limits on who may park there, even though the parking may have been created in conjunction with a particular development. PCC 33.510.261.F.4 expressly and plainly states that Growth Parking can be operated as commercial or accessory parking at all times. This operational allowance does not convert the parking to Preservation Parking because it may serve a use within an existing building in the area. Rather it remains Growth Parking and may serve any commercial or accessory use, existing or future.

Further, the opponents’ arguments would also render PCC 33.510.261.F.4 meaningless. If one cannot use Growth Parking for any commercial or accessory use at any time, then the code language that allows exactly that would mean nothing. Such an interpretation directly contradicts the well-established rules of statutory construction which require that the decisionmaker give meaning to each provision of the code.

The Appellant also cites several Comprehensive Plan policies and related commentary relevant to the subject parking regulations to support an argument that the City’s interpretation is not consistent with the policies that resulted in the codified Growth Parking code under PCC 33.510.261. Council finds that the policies cited by the opponents are not relevant or applicable approval criteria in this Design Review application. None of the approval criteria require the City to apply policies or commentary from the Central City Plan District code adoption process to the Design Review application or parking proposal. However, Council also disagrees with the opponents’ conclusions based on the cited policies and commentary. To summarize, the cited policies call for a reduction in vehicle miles traveled, a reduction in auto trips to the Central City, and an overall recognition that encouraging more multi-modal travel will reduce emissions and support better climate strategies. The policies also call for support of Central City parking needs. Council finds that those policies (including those cited by appellants: Comprehensive Plan policies 9.55, 9.58 and 9.59, Central City Policies 3.13 and 3.GH-2) are implemented by and resulted in the adoption of the plain language of the Central City Plan District parking code and are therefore reflected in the parking regulations that are at issue here, including lower maximum parking ratios and flexible use of Growth Parking.

The Growth Parking ratio of 1.2 spaces per residential unit is a low parking ratio that applies throughout the Central City Plan District. In order to discourage overbuilding of parking in the

Central City and to encourage shared use of parking structures, the code permits this Growth Parking to be used by any accessory or commercial use. This multiple use allowance is intended to incentivize and maximize the efficient use of allowed parking so that new or older uses in the area do not themselves have to build new parking but can share existing parking that is built at this low ratio. This project is an example of how those policies can be achieved. The Growth Parking at issue here is located within blocks of the Multnomah Athletic Club, Lincoln High School, and Providence Park. All these uses have parking needs, and new uses in the future will likely also have parking demand that can be at least partially satisfied by allowing the shared use of the Growth Parking permitted by this proposal. Council therefore rejects the argument that shared use of parking that is built at the permitted ratio for Growth Parking is inconsistent with any of the city's parking policies or prior commentary. Rather, Council finds that interpreting the code to consider this proposal's parking to be Growth Parking is consistent with relevant commentary and policies.

The Appellant also argues that the shared parking is required to be made available to multiple users. The code simply states that Growth Parking, once created in conjunction with a particular development, can be operated for any accessory or commercial use at all times. Under this plain language, the residents of the new residential tower can use this parking, the MAC can use this parking, the MAC can facilitate other users accessing the parking, and any other accessory or commercial use is also allowed to use this parking, of course with the agreement of the property owner. These parking users are destined to change over time, and the code recognizes that inevitable change by not restricting the operation or use of the parking in the manner the opponents would suggest.

In conclusion, PCC 33.700.070 provides the general rules for application of code language. Under Subsection (A), literal readings of the code language will be used. Regulations are no more or less strict than as stated. The Council's interpretation of the parking code is correct and plausible, it offers a literal reading of the code and it renders the regulation no more or less strict than stated.

Conversely, the opponents' proposed interpretation is highly inconsistent with the plain and literal reading of the code and offers an interpretation of the code that would be far stricter than stated (proposing limits on the types of commercial and accessory uses that are allowed to share parking). For these reasons, Council rejects this interpretation.

The opponents make several other arguments we address here. They argue that the parking element of the proposal makes the building too big. This is factually and legally incorrect. The 403 spaces are permitted outright as Growth Parking and will take up the same volume in the project regardless of how they are used. The building would be the same size if the allowed parking was all used by the residential units or shared with other accessory or commercial uses. As detailed above, the building is also within the allowed FAR and height requirements of the code and has earned the 3:1 FAR bonus for Inclusionary Housing.

The Appellant also argues that the entrance to the parking creates pedestrian conflicts. A review of the proposal defeats this claim. Council finds that the project closes 3 existing curb cuts and leaves only one curb cut along SW Main, as the applicant testified was requested by the Goose Hollow Foothills League. This curb cut is designed according to PBOT standards and was approved by both PBOT and the Design Commission.

The Appellant argues that the Design Commission did not consider the parking proposal. Council finds to the contrary. The Design Commission recognized that the parking type, allowed quantity, and operation are permitted outright by the code, just like the residential units themselves. The Design Commission then reviewed the design of the parking, podium, and tower and determined that the project as designed, including the parking element, met all the applicable design guidelines.

Project opponents also generally argue that the building is too big for the neighborhood. The Council does not agree, as described above, that the project is too big or out of context. The building is located in the Goose Hollow Subdistrict of the CCPD. It is a full block development at a height of 175 feet. The heights that are permitted in this area of the CCPD, on blocks directly adjacent to this site, well exceed the proposed height of this building. For example, the code permits a height of 225 to the north, 325 feet to the northeast and 250 to the east. (Map 510-4). To suggest that 175 feet, which is the allowed height on this site, exceeds the planned context for this area under the CCPD is not consistent with the code-allowed height and density in the area.

The project also proposes Inclusionary Housing and therefore earns the 3:1 FAR bonus and related height bonus specifically designed by the City to incentivize that housing. The project will include 10% of the units at 60% MFI and in this case provide 14 three-bedroom family units, all of which are either 1065 or 1083 square feet, and one studio. In adopting a code with Inclusionary Housing bonuses, the Council has placed an emphasis on responding to the housing crisis by allowing additional height and density. As discussed in response the design guidelines above, Council finds that the proposal with bonus height and density is designed to complement the context of the area's built environment.

### **Issues Not Relevant to the Approval Criterion**

Appellants and others objecting the project raised several issues that the City Council determines are not relevant to the applicable approval criterion, compliance with the applicable design guidelines. As discussed below, no party identified how these issues are relevant to the approval criterion, and the City Council finds that they are not. Some of these issues are discussed above, and some are discussed in this section, if additional issues raised during the proceedings are not addressed in these findings, the City Council finds that those issues are not relevant to the approval criterion or to the appeal.

Some opponents testified that the Design Commission's decision to approve the proposal was impacted by the fact that the developer for this project, Sam Rodriguez of Mill Creek Residential Trust, is a member of the Design Commission. He, however, did not participate in any Design Commission proceedings, either as a member of the Design Commission or as a member of the development team, and submitted no testimony or evidence on behalf of the project. Council finds no evidence that Mr. Rodriguez had any influence on the Design Commission's decision of approval with conditions. Further, opponents did not assert that Mr. Rodriguez's status as a Design Commissioner and developer affected Council's decision-making. Council finds that Mr. Rodriguez's status as both a Design Commissioner and developer did not in any way impact its final decision.

Some opponents testified that a shadow/shading study was required but not provided. None of the approval criteria require shadow studies or discuss the impact of shading from new development on existing neighborhoods, and no zoning code standards applicable to this site and development require shadow studies. Council therefore finds that the proposal may be approved without these studies.

Many opponents testified against the loss of existing trees on the subject site and the loss of a de facto green, open space in the neighborhood. Council finds that the subject site is privately owned, is not zoned for open space, and none of the approval criteria or zoning code standards require that the site be retained as open space available for public use. Regarding the loss of existing trees on the site, Council finds that tree removal is permitted in development situations in accordance with the standards set forth in PCC 11.50.040.

## CITY COUNCIL DECISION

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.

The City Council denies the appeal of the Design Commission’s decision and approves Design Review for a proposed 17-story, approximately 175’-0” tall residential apartment building with 337 residential dwelling units and 403 structured parking spaces in the Goose Hollow Subdistrict of the Central City Plan District and approves the requested exception to the Window Projections Into Public Right-of-Way Code Guide standards.

Approvals per Exhibits C.1 – C.97, signed, stamped, and dated September 23, 2021, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B – F) 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 21-038539 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. Metal copings and exposed metal flashings shall be at least 22-gauge in thickness when they have exposed faces of 10 inches or less, and they shall be of least 20-gauge thickness when they have exposed faces greater than 10 inches.
- E. One step light shall be installed near the high point of each step of the retaining wall in the water feature along SW 20<sup>th</sup> Ave.
- F. One recessed can light shall be installed under each window projection along SW Main St.

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**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.

## APPEAL INFORMATION

### Appeals to the Land Use Board of Appeals (LUBA)

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

**EXHIBITS – NOT ATTACHED UNLESS INDICATED**

- A. Applicant's Submittals
  - 1. Narrative/Zoning Summary
  - 2. Original Drawing Set
  - 3. Neighborhood Contact Information
  - 4. Completeness Response, received 06/16/2021
  - 5. Stormwater Report, received 06/16/2021
  - 6. Revised Drawing Set, received 06/16/2021
  - 7. Revised Drawing Set, received 07/15/2021
  - 8. Revised Drawing Set, received 07/20/2021
  - 9. Revised Stormwater Report, received 07/21/2021
  - 10. Revised Drawing Set, received 07/22/2021
  - 11. Tree plan for Modera Main St, received 07/26/2021
  - 12. North wall louvers diagram and email, 07/26/2021
  - 13. North wall louvers diagram and email, 07/27/2021
  - 14. North elevation and generator room and mail room plan, 07/28/2021
  - 15. Revised sheets C9-C17, C57, C61, C75-78, and C81, 07/28/2021
  - 16. North Elevation Clarification diagram, 07/29/2021
  - 17. Revised enlarged north elevation and VPI Endurance email thread, 08/03/2021
  - 18. Revised sheets C.50, C.86, and C.37B, 08/04/2021
  - 19. PTHP Grille photos, 08/04/2021
  - 20. Cutsheets for PTHP/PTAC Grilles from Reliable, 08/04/2021
- B. Zoning Map (attached)
- C. Plan & Drawings
  - 1. Vicinity Plan
  - 2. Block Plan
  - 3. Site Plan (attached)
  - 4. Basement B2 Plan
  - 5. Basement B1 Plan
  - 6. Level 1
  - 7. Level 2
  - 8. Grade Level Plan (attached)
  - 9. Level 3
  - 10. Level 4
  - 11. Level 5
  - 12. Level 6
  - 13. Level 7 - 10
  - 14. Level 11 - 15
  - 15. Level 16
  - 16. Level 17
  - 17. Roof Level
  - 18. West Elevation (Color) (attached)
  - 19. South Elevation (Color) (attached)
  - 20. East Elevation (Color) (attached)
  - 21. North Elevation (Color) (attached)
  - 22. North-South Section
  - 23. East-West Section
  - 24. B/W West Elevation
  - 25. B/W South Elevation
  - 26. B/W East Elevation
  - 27. B/W North Elevation
  - 28. Enlarged Elevation | Madison St

29. Enlarged Elevation | Madison St
30. Enlarged Elevation | Madison St
31. Enlarged Elevation | SW 19th Ave
32. Enlarged Elevation | SW 19th Ave | Lobby Entry
33. Enlarged Section | SW 19th Ave Main | Lobby Entry
34. Enlarged Elevation | SW 19th Ave
35. Enlarged Elevation | Main St
36. Enlarged Section | Main St Parking Lobby
37. Enlarged Elevation | Main St | Garage Entry
38. Enlarged Section | Main St | Garage Entry
39. Enlarged Elevation | Main St
40. Enlarged Elevation | SW 20th Ave
41. Enlarged Section | SW 20th Ave | Mail Room Lobby
42. Enlarged Elevation | SW 20th Ave
43. Enlarged Elevation | Courtyard - West
44. Enlarged Elevation | SW Madison St
45. Enlarged Elevation | SW 19th Ave
46. Enlarged Elevation | SW 19th Ave
47. Enlarged Elevation | SW 20th Ave - North
48. Enlarged Elevation | Main St - West
49. Building Details | Typical Spandrel
50. Building Details | Typical Window Plan & Exhaust Vents
51. Building Details | Level 6 Parapets
52. Building Details | Level 6 Parapet and Level 16 Brick Coping
53. Building Details | Level 16 Roof Terrace Parapet
54. Building Details | Level 18 /Roof Edge
55. Building Details | Typical Mechanical Screen & Typical Balcony
56. Exterior Materials & Colors
57. Landscape | Street Level Plan
58. Landscape | SW 20th Ave
59. Landscape | SW Madison St
60. Landscape | SW 19th Ave
61. Landscape | SW Main St
62. Landscape | SW Ave Water Feature
63. Landscape | Patio Sections along SW Madison St
64. Landscape | Street Level Planting Images
65. Landscape | Street Level Materials
66. Landscape | Street Level Planting
67. Landscape | Street Level Grading Plan
68. Landscape | Level 6 Plan
69. Landscape | Level 6 Planting
70. Landscape | Level 17 Plan
71. Landscape | Level 17 Materials
72. Landscape | Level 17 Planting
73. Landscape | Details
74. Landscape | Details
75. Existing Street Tree Conditions
76. Existing Tree Canopy & Root Protection
77. Post-development Landscape & Tree Canopy
78. Exterior Lighting
79. Civil | 30% PBOT | Site Utility
80. Civil | 30% PBOT | Stormwater
81. Civil | 30% PBOT | SW Main St
82. Civil | 30% PBOT | SW 19th Ave
83. Civil | 30% PBOT | SW Madison St

84. Civil | 30% PBOT | SW 20th Ave
  85. Exterior Products Cutsheets
  86. Exterior Products Cutsheets
  87. Exterior Products Cutsheets
  88. Exterior Lighting Cutsheets
  89. Bicycle Rack Cutsheets
  90. Forecourt Art Sheets
  91. Exterior Products | Windows | VPI Endurance Series
  92. Exterior Products | PTHP Louvers
  93. Exterior Products | PTHP Louvers
  94. Enlarged Elevation | Courtyard – West
  95. Site Plan | Planting Strip
  96. Enlarged Elevation | Main St | Garage Level
  97. Enlarged Elevation | Main St | Garage Level
- D. Notification information:
1. Request for response
  2. Posting letter sent to applicant
  3. Notice to be posted
  4. Applicant's statement certifying posting
  5. Mailed notice
  6. Mailing list
- E. Agency Responses:
1. Bureau of Environmental Services
  2. Bureau of Transportation Engineering and Development Review
  3. Fire Bureau
  4. Site Development Review Section of BDS
  5. Bureau of Parks, Forestry Division
  6. Life Safety Review Section of BDS
- F. Letters
1. Steve Witten, 06/29/2021, testimony in opposition
  2. Scott A. Schaffer, 07/06/2021, Request for information
  3. Melanie Yoo-Gott, 07/08/2021, testimony in opposition
  4. Thomas and Elizabeth Cooksey, 07/11/2021, testimony in opposition
  5. David Delaney, 07/12/2021, testimony in
  6. Linda L. Blakely, 07/12/2021, testimony in opposition
  7. Karl Reer, 07/13/2021, testimony requesting reduction in size and number of parking spaces
  8. Eva Kutas, 07/13/2021, testimony in opposition
  9. Jason Hobson, 07/14/2021, testimony with concerns
  10. Charles & Irene Cancilla, 07/14/2021, testimony in opposition
  11. Melanie Yoo-Gott, 07/14/2021, testimony in opposition
  12. Nylah Brooks, 07/15/2021, testimony in opposition
  13. Marilyn Weber, 07/15/2021, testimony in opposition
  14. Leslie Cagle, 07/15/2021, testimony with concerns
  15. Bruce Marcel, 07/15/2021, testimony in opposition
  16. Scott A. Schaffer, 07/15/2021, testimony in opposition
  17. Caroline "Kaki" Brenneman, 07/16/2021, testimony in opposition
  18. Chrys Martin and Jack Pessia, 07/18/2021, testimony in opposition
  19. Ben Whiteley, 07/18/2021, testimony in opposition
  20. Connie Humphries, 7/18/2021, testimony citing concerns
  21. Ellen Levine, 7/18/2021, testimony in opposition
  22. Tyler Krauss, 07/19/2021, testimony in opposition
  23. Jim and Anne Bethell, 07/19/2021, testimony in opposition
  24. Becky & Joe Patterson, 07/19/2021, testimony in opposition
  25. Warren Bull, 07/19/2021, testimony in opposition

26. Richard Friedmar, 07/19/2021, testimony in opposition
  27. Laurie Goldsmith, 07/20/2021, testimony in opposition
  28. Sandee Blank, 07/20/2021, testimony with no objections
  29. Ayesha Khan, 07/21/2021, testimony in opposition
  30. Janet Elgin, 07/21/2021, testimony in opposition
  31. Ron Demele, 07/21/2021, testimony in opposition
  32. Greata T. Beatty, 07/21/2021, testimony in opposition
  33. Leslye Epstein, 07/21/2021, testimony in opposition
  34. Jeff Bell, 07/21/2021, testimony in opposition
  35. Danielle Fischer, 07/21/2021, testimony in opposition
  36. Fred Ross, 07/21/2021, testimony in opposition
  37. Helen B. Dennis, 07/21/2021, testimony in opposition
  38. Ethan Matthews, 07/21/2021, testimony in opposition
  39. Reba Stromme, 07/21/2021, testimony in opposition
  40. Alan Willis, 07/21/2021, testimony in opposition
  41. Joanne L. Ross, 07/21/2021, testimony in opposition
  42. Seth C. Leavens, 07/22/2021, testimony in opposition
  43. Rachel Clark, 07/22/2021, testimony in opposition
  44. C. Antoinette Winterspring, 07/22/2021, testimony in opposition
  45. Annette Guido, 07/22/2021, testimony in opposition
  46. Carolyn Ofiara, 07/22/2021, testimony in opposition
  47. Jeff Malmquist, 07/22/2021, testimony in opposition
  48. Melanie Yoo-Gott, 07/22/2021, testimony in opposition
  49. Amanda Hays, 07/22/2021, testimony demanding withdrawal of the development plan
  50. Steven Blair, 07/22/2021, testimony in opposition
  51. Jerald M. Powell, 07/22/2021, testimony in opposition
  52. Bob Blanchard, 07/22/2021, testimony in opposition
  53. Judith E. Widen, 07/22/2021, testimony in opposition
  54. Joe Patterson, 07/22/2021, testimony in opposition
  55. Warren Gerald Gast, 07/22/2021, testimony in opposition
  56. Richard Potestio, 07/22/2021, testimony in opposition
  57. Eileen Yumibe, 07/22/2021, testimony with concerns
  58. Daniel A. Salomon, 07/22/2021, testimony in opposition
  59. Byron Palmer, 07/22/2021, testimony objecting to the increase in traffic
  60. Michael Leis, 07/22/2021, testimony in opposition
  61. Scotty Iseri, 07/22/2021, testimony in opposition
  62. Amy Marks, 07/22/2021, testimony in opposition
  63. Renae Bell, 07/22/2021, testimony in opposition
  64. Sarah Marks, 07/22/2021, testimony with concerns
  65. Sean O'Donnell, 07/22/2021, testimony in opposition
  66. Catherine E. Sims, 07/22/2021, testimony in opposition
  67. Cuylie Johnson, 07/22/2021, testimony in opposition
  68. Alison Heryer, 07/22/2021, testimony in opposition
  69. Myriam Zagarola, 07/22/2021, testimony in opposition
  70. Darcy Henderson, 07/23/2021, testimony with ideas about alternatives
  71. Stephanie A, 07/25/2021, testimony in opposition
  72. Priscilla Seaborg, 07/28/2021, testimony in opposition
  73. Sybil Hedrick Park, 07/30/2021, testimony with concerns
  74. Sean O'Donnell, 08/04/2021, request for a continuance of the hearing
  75. Tina Wyszynski, 08/05/2021, testimony in support
  76. Robert Goodwin, 08/05/2021, testimony in support
- G. Other
1. Original LUR Application
  2. Signed Request for an Evidentiary Hearing and Waiver of Right to a Decision within 120 Days

3. Incomplete application letter, 05/18/2021
4. Emailed copy of summary notes from EA 20-222284 DA, 05/19/2021
5. PBOT preliminary response emailed to applicant, 05/19/2021
6. Email from staff to applicant re: deadlines and hearing date, 06/17/2021
7. Email thread between staff and applicant re: posting board text, 07/01/2021
8. Email thread between BDS and Urban Forestry staff re: Exhibit E.5, 07/23 – 07/26/2021
9. Email from Urban Forestry to BDS staff re: Exhibit A.11, 07/26/2021
10. Email thread between Christe Carlson White and staff re: Exhibit E.5, 07/26 – 07/29/2021
11. Email thread between staff and applicant re: north wall louvers, (see also Exhibits A.12 & A.13), 07/26 – 07/27/2021
12. Email from applicant re: staff concerns, 07/27/2021
13. Staff Report, 07/28/2021
14. Email thread between applicant and staff re: staff report, 07/28 – 7/29/2021

H. Hearing

1. Staff Presentation to Design Commission
2. Applicant Presentation to Design Commission
3. Written testimony in opposition from Judith E. Widen, 08/05/2021
4. Written testimony in opposition from Mary MacIntyre, 08/05/2021
5. Written request to hold the record open by Jerald Powell, 08/05/2021
6. Written testimony in opposition from Scott Schaffer, GHFL President, 08/05/2021
7. Written testimony in opposition from Jon Beil, 08/05/2021
8. Question for BDS staff from David Delaney, 08/06/2021
9. Email from Commissioner McCarter re: request for composite drawing of north elevation, 08/06/2021
10. Written testimony in opposition from Elizabeth Cooksey, 08/06/2021
11. Request for hardcopy of 16 people who testified at hearing by Marilyn Weber, 08/07/2021
12. Email thread between Commissioner McCarter and staff re: Exhibit H.6, 08/08 – 08/19/2021
13. Email thread between applicant and staff re: planter strips in the ROW, 08/09 – 08/10/2021
14. Copy of transcript of the August 5, 2021 hearing sent to Marilyn Weber, 08/09/2021
15. Email thread between developer and staff re: hearing timeline and procedures, 08/09 – 08/19/2021
16. Written testimony in opposition from David Delaney, 08/09/2021
17. Email from applicant re: design revisions and public art, 08/10/2021
18. Email thread between applicant and staff re: revised drawings, 08/12/2021
19. Written testimony in opposition from Jerald M. Powell, 08/12/2021
20. Written testimony in opposition from Rachel Clark, 08/12/2021
21. Written testimony in opposition from Judith E. Widen, 08/12/2021
22. Written testimony in opposition from Melanie Yoo-Gott, 08/17/2021
23. Email thread between applicant and staff re: generator exhaust, 08/17/2021
24. Written testimony in opposition from Greg Plummer, 08/17/2021
25. Written testimony from Tina Wyszynski, 08/17/2021
26. Drawing set for August 19, 2021 continued hearing, received 08/18/2021
27. Written testimony in opposition from Melanie Yoo, 08/18/2021
28. Revised Site Plan | Planting Strip sheet for August 19, 2021 hearing, received 08/18/2021
29. Written testimony from Judith E. Widen, 08/18/2021
30. Written testimony from Judith E. Widen, 08/19/2021
31. PBOT response to Exhibits H.29 and H.30, 08/19/2021
32. Written request for a continuance by Sean O'Donnell, 08/19/2021
33. Question for BDS staff from Melanie Yoo, 08/19/2021

34. Applicant Presentation at August 19, 2021 hearing
35. Written testimony in opposition from Glynis Watkins, 08/24/2021
36. Written testimony in opposition from David Delaney, 08/25/2021
37. Written testimony in opposition from Melanie Yoo, 08/25/2021
38. Written testimony in opposition from Marilyn Weber, 08/25/2021
39. Written testimony in opposition from Jerald M. Powell, 08/26/2021
40. Drawings re: art/sculpture material for September 2, 2021 hearing, received 08/26/2021
41. Email from Commissioner Santner re: RACC thoughts on the proposed artist Ivan McLean, 08/31/2021
42. Written testimony in opposition from Melanie Yoo, 09/01/2021
43. Written testimony in opposition from Alyssa Kirkbride, 09/01/2021
44. Written testimony in opposition from Rachel Clark, 09/02/2021
45. Revised Staff Report, 09/21/2021
46. Testifier Sign-in Sheets

I. Appeal

1. Appeal Submittal
2. Appealed Decision
3. Amended Appeal Fee Waiver Request, received 10/22/2021
4. Notice of Appeal, mailed 10/28/2021
5. Notice of Appeal Mailing List
6. Testimony in support of appeal from Jinjia Chang, 11/01/2021
7. Testimony in support of appeal from Don Demele, 11/10/2021
8. Email thread between applicant and staff re: rebuttal documents, 11/11 – 11/16/2021
9. Testimony in support of appeal from Caroline Brenneman, 11/15/2021
10. Email thread between Laurie Goldsmith and staff re: posting boards, 11/15 – 11/23/2021
11. Testimony in support of appeal from Caroline Brenneman, 11/15/2021
12. Director Transmittal Memo, 11/15/2021
13. Email thread between applicant and staff re: appeal hearing procedure, 11/16/2021
14. Email from applicant re: Level 17 revisions, 11/16/2021
15. Testimony in support of appeal from Leslie Cagle, 11/16/2021
16. Testimony in support of appeal from Leslie Cagle, 11/16/2021
17. Email thread between Daniel Kearns and staff re: exhibits and 120-day clock, 11/17 – 11/18/2021
18. Commissioners' Assistants Briefing Memo, 11/17/2021
19. Email from owner's agent re: appeal statement, 11/18/2021
20. Staff Presentation to Commissioners' Assistants, 11/22/2021
21. Testimony in support of appeal from Chrys A. Martin, 11/22/2021
22. Testimony in support of appeal from Leslie Cagle, 11/22/2021
23. Testimony in support of appeal from Dennis P. Swiercinsky, 11/23/2021
24. Testimony in support of appeal from Greaty T. Beatty, 11/23/2021
25. Testimony in support of appeal from Ben Whiteley, 11/23/2021
26. Testimony in support of appeal from Sherry Salomon, 11/23/2021
27. Testimony in support of appeal from Daniel A. Salomon, 11/23/2021
28. Testimony in support of appeal from Stephen Salomon, 11/23/2021
29. Testimony in support of appeal from Sherry Salomon, 11/23/2021
30. Testimony in support of appeal from Bill & Nancy Collins, 11/24/2021
31. Testimony in support of appeal from Alan Willis, 11/24/2021
32. Testimony in support of appeal from Seth C. Leavens, 11/24/2021
33. Testimony in support of appeal from Marilyn Weber, 11/24/2021
34. Testimony in support of appeal from Judith Widen, 11/24/2021

35. Testimony in support of appeal from Greg Plummer, 11/24/2021
36. Testimony in support of appeal from David Delaney, 11/25/2021
37. Testimony in support of appeal from Marilyn Weber, 11/26/2021
38. Testimony in opposition to appeal from Ken Hurst, 11/27/2021
39. Testimony in support of appeal from Karl Reer, 11/28/2021
40. Testimony in support of appeal from Eva Kutas, 11/28/2021
41. Testimony in support of appeal from Rachel Clark, 11/29/2021
42. Email thread between staff and development team re: inclusionary housing, 11/29/2021
43. Appellant testimony submitted by Daniel Kearns, 11/29/2021
44. Testimony in support of appeal from Greg Plummer, 11/29/2021
45. Testimony in support of appeal from Caroline Brenneman, 11/29/2021
46. Testimony in support of appeal from Linda Rankin, 11/30/2021
47. Testimony in support of appeal from Jerald Powell, 11/30/2021
48. Testimony in support of appeal from Melanie Yoo-Gott, 11/30/2021
49. Testimony in support of appeal from Bob Joondeph, 11/30/2021
50. Staff Council Presentation Slides, 11/30/2021
51. Applicant testimony submitted by Brittany Spicher and Christe White, 11/30/2021
52. Applicant Council Presentation Slides, 11/30/2021
53. Testimony in support of appeal from Greata Beatty, 12/01/2021
54. Testimony in support of appeal from Michael Leis, 12/01/2021
55. Testimony in support of appeal from P. Gregory Wyeth, 12/01/2021
56. Testimony in support of appeal from Helen Gundlach, 12/01/2021
57. Testimony in support of appeal from Arianne Jacques, 12/01/2021
58. Testimony in opposition to appeal from Tina Wyszynski, 12/01/2021