

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

**IN THE MATTER OF AN APPEAL BY WALTER WEYLER ON BEHALF OF THE DOWNTOWN
NEIGHBORHOOD ASSOCIATION OF THE TYPE III RIVERPLACE CENTRAL CITY MASTER
PLAN FOR AN 8-ACRE SITE IN THE UNIVERSITY/SOUTH DOWNTOWN SUBDISTRICT OF
THE CENTRAL CITY**

LU 21-053731 CCMS

FINDINGS AND CONCLUSIONS

**ADOPTED BY THE CITY COUNCIL ON
JUNE 15, 2022**

(DENIAL OF THE APPEAL OF A TYPE III CENTRAL CITY MASTER PLAN)

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FINDINGS AND CONCLUSIONS

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

GENERAL INFORMATION

Applicant: Agustin Enriquez, GBD Architects Inc.
1120 NW Couch St, Suite 300, Portland OR 97209
Agustin@gbdachitects.com Tel. (503) 224-9656

Owner: NBP River Drive Investments LLC
9 SE 3rd Ave #100, Portland, OR 97214-1247

Owner: NBP 0150 S Montgomery LLC
1640 NW Irving St., Portland, OR 97209-2213

Site Address: **150 S MONTGOMERY ST**

Legal Description: BLOCK 104&105 TL 1100, PORTLAND; BLOCK 104&105 TL 1000, PORTLAND; LOT 1&2 SPLIT MAP R326736 (R991030290), SOUTH WATERFRONT EXTN; LOT 2 LAND ONLY, CANCEL INTO R273071 / SOUTH WATERFRONT EXTN; TL 1200 3.28 ACRES LAND & IMPS SEE R326737 (R991030291) FOR AIRSPACE SPLIT MAP R273071 (R779900200), SECTION 03 1S 1E

Tax Account No.: R667709430, R667709440, R779900200, R779900250, R991030290, R991030290, R991030290, R991030290

State ID No.: 1S1E03CA 01100, 1S1E03CA 01000, 1S1E03CD 00500, 1S1E03CD 00600, 1S1E03CA 01200, 1S1E03CA 01200, 1S1E03CA 01200, 1S1E03CA 01200, 1S1E03CA 01200, 1S1E03CA 01200, 1S1E03CA 01200, 1S1E03CA 01200

Quarter Section: 3229

Neighborhood: Portland Downtown, contact Wendy Rahm at wwrahm@aol.com

Business District: NONE

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

Plan District: Central City - University District

Other Designations: Master Plan Site

Zoning: **CXd, g*** - Central Employment (CX) with Design (d) and River General (g*) overlays
Case Type: **CCMS** - Central City Master Plan Review
Procedure: **Type III**

Proposal:

Central City Master Plan for an 8.03-acre (349,708 square foot) site located in the University/ South Downtown Subdistrict of the Central City Plan District. The Central City Master Plan will establish the framework for future development proposals within the Master Plan boundary (South Harbor Way/ South Harbor Trail, South Montgomery Street, South River Drive and South River Parkway). The site will ultimately be home to approximately three (3) million square feet of new commercial, employment, and residential development, as well as approximately 70,000 square feet of new open space.

The proposed framework includes phased development. “Phase 1” is focused on redeveloping the RiverPlace Athletic Center (RAC) site while maintaining existing RiverPlace Parcel 2 Douglas Apartments and Douglas Townhomes developments to the east of the RAC. The final “Conceptual Buildout” shows redevelopment of the remainder of the site.

A Central City Master Plan Review is required because this site was identified in Map 510-19 of the Portland Zoning Code as requiring a Central City Master Plan Review prior to development of the site.

Relevant Approval Criteria:

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

- 33.510.255.H [Central City Master Plan] Approval criteria

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. This application was submitted on **June 3, 2021** and was determined to be complete on **August 9, 2021**.

ANALYSIS

Site and Vicinity: The subject property is an 8.03-acre site (349,708 square feet) located within the University District/ South Downtown subdistrict of the Central City Plan District. The site is bound by South Harbor Way/ South Harbor Bike Path at the west, South Montgomery Street at the north, South River Drive at the east, and South River Parkway at the south.

Existing development on the site includes:

- RiverPlace Athletic Center, RAC (1986): At 105 S Montgomery Street, at the west side of the site, lies the 2-story, 20,520 sq. ft. former RiverPlace Athletic Center building, constructed in 1986.
- RiverPlace 2, the Douglas Apartments (1992): At 0308-0320 S Montgomery Street, at the north end of the site, lies the RiverPlace Parcel 2 plus the 5-story Douglas Apartment development constructed in 1992. It consists of an at-grade 1-story structured parking podium (visitor parking) with some retail frontage. Above this podium lies the Douglas Apartments over another floor of structured parking (resident parking), as well as 2-3 story townhomes, most with built-in garages.
- RiverPlace 2, the Douglas Townhomes (1993): At 2025 S River Drive, at the south end of the site, lies the 3-4 story RiverPlace 2 Douglas Townhomes constructed in 1993, which contain limited retail frontage (facing the Plaza at River Drive) and 2-3 story townhomes, most with built-in garages.

The total existing development is 583,726 gross square feet, which includes 528,264 gross square feet in the residential buildings, and 55,462 gross square feet in the RAC building, for a 1.67:1 FAR. The total existing uses include 290 existing residential units, 68,300 gross square feet of sales and service and 722 parking spaces (Exhibit C.39). Existing parking on site is located in two parking structures: one located roughly at the grade of S River Drive and the other located a level above it in the Douglas Apartments building, and most of the townhouses have a built-in garage (Exhibit C.79).

This site is located in the Downtown Pedestrian District. The City's Transportation System Plan has identified the following for the perimeter streets:

- South River Parkway: Considered a Major Transit Priority Street, Traffic Access Street, Major City Bikeway, and a Major City Walkway.
- South River Drive: Considered a City Bikeway, City Walkway, and a Local Service Street for Transit and Traffic.
- South Montgomery Street: Considered a City Bikeway, City Walkway, and a Local Service Street for Transit and Traffic.
- South Harbor Way/ South Harbor Bike Path: Considered a Major City Bikeway, Major City Walkway, and a Local Service Street for Transit and Traffic.

Note: The multi-use South Harbor Bike Path is considered a "street" per Portland Zoning Code Section 33.910, which defines "street" as "A right-of-way that is intended for motor vehicle, pedestrian or bicycle travel or for motor vehicle, bicycle or pedestrian access to abutting property".

The site is located within the University District/ South Downtown subdistrict of the Central City Plan District and the neighborhood around the RiverPlace site includes a marina, a park, and the greenway, as well as offices, three hotels, condominiums, apartments, and retail development, including retail spaces along Tom McCall Waterfront Park's esplanade.

Zoning:

The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's

role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

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

The River Overlay zones implement the land use pattern identified in the Central City 2035 Plan (2018). There are two River Overlay zones each with their own purpose:

- The River General “g*” overlay zone allows for uses and development that are consistent with the base zoning and allows for public use and enjoyment of the riverfront.
- 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 University District/ South Downtown Subdistrict of this plan district.

Land Use History: City records indicate that relevant prior land use reviews may include the following. An attempt has been made to sort these per parcel:

Recent Land Use History for this entire site:

- EA 21-048786 PC. Pre-application Conference meeting held on June 3, 2021.
- EA 19-111108 PC. Pre-application Conference meeting held on February 19, 2019. With Land Use Planner Response, dated March 10, 2019.
- EA 19-215959 DA: Two Design Advice Request meetings held on October 3, 2019, and December 5, 2019.

Development on the west part of the site, at 0150 SW Montgomery Street, called the RiverPlace Athletic Club, was constructed in 1986. This includes the building, on tax account number R246187 (R667709440), and the private access drive to the east, referred to as S Harbor Place, on tax account number R246186 (R667709430):

- LU 12-214842 DZ, (2012) Approval of 2012 Design Review for a LED, internally illuminated wall sign 13’-4” wide and 3’-8” high, approximately 49 sq. ft. in area.
- LU 08-112793 DZ, (2008) Approval of 2008 Design Review to install rooftop mechanical equipment, a 3’-0” x 3’-0” x 3’-0” rooftop condenser unit.
- LU 05-129602 DZ, (2005) Approval of a 2005 Design Review for two pairs of French doors, multi-sliding doors, and patio improvements.
- LU 97-014100 (LUR 97-00054), (1997) Approval of 1997 Design Review to construct a one-story building addition to enclose an existing deck.
- LU 97-00763 DZ and LU 98-00274 DZ, (1997) Approval of Design Review to remove “tiffany” lights and install white neon tubing.
- VZ 208-65, Approval of a 1965 Variance to have more than one sign in an “S” zone.

Development on the north part of the site, initially referred to as the first element of RiverPlace Parcel 2 development, includes a one-story parking podium with the Douglas Apartments and townhomes above, and was constructed in 1991. This includes tax account numbers R326736 (R991030290) and R326737 (R991030291):

- LU 10-124265 DZ, (2010) Approval of a 2010 Design Review for railing change to balconies.
- LUR 94-00025 DZ, Approval of a 1994 Design Review for plantings of trees, shrubs, and groundcover, and installation of streetlights for a new City Street system.
- LUR 93-00604, Approval of a 1993 Design Review with a Modification so as not to require conformance with the Required Retail Standard of 33.510.225 at all but the SW River Drive frontage, and a Modification to the Ground Floor Windows standards of 33.130.230 in order to significantly reduce both the length and area of ground level windows at all of the proposed buildings, and a Greenway Review, for a 182-unit residential development.
- LUR 93-00603, Approval of a 1993 Conditional Use for parking within the Downtown Subdistrict and an Adjustment to the Southwest Waterfront Maximum Interim Parking Space Ratios of the Downtown Parking and Circulation Policy, in order to increase the number of parking spaces from the allowed 182 spaces to the proposed 212 spaces.
- LU 92-00006 CU, (1992) Approval for 1992 Conditional Use for a 3-year request to provide 124 valet parking spaces on the roof deck of the RiverPlace garage as a Commercial Parking use in the Downtown Subdistrict of the Central City Plan District.
- LU 89-005412 GP / LU 89-005551 DZ (GP 12-89), (1989) Approval of 1989 Greenway and Design Review for 108 new apartments and 136 parking spaces on Parcel 2. The parking and housing will be constructed above a one-story parking structure (currently not built) that was approved in 1988. Design Review Approval (DZ 56-89) and CU approval (CU 51-89) were processed separately.
 - LU 89-004897 DZ (DZ 56-89), (1989) Approval of 1989 Design Review for a blank wall for the west relating to GP 12-89 RiverPlace Project, subject to conditions A-J, including: *A. The east/ west public pathway through the project shall be located and designed in such a way as to facilitates its use, and C. SW River Drive shall be designed and constructed in accordance with the standards and requirements of the city engineer. The street cross section shall be a minimum of 36 feet curb to curb width, with drainage facilities, hard surface paving, street lighting, street trees, and sidewalks on both sides of a 12 feet minimum width. On-street parking on SW River Drive will not be permitted if access activities to adjacent off-street parking areas creates queuing of vehicle on this street.*
 - LU 89-003936 (CU 51-89), (1989) Approval of a 1989 Conditional Use review to relocate a previously approved parking lot (CU 19-88) and increase from the allowed 108 spaces to 136 spaces. *Subject to conditions A-I, including: A. The 136 new spaces being requested shall be used solely by residents of the residential units. G. Twenty-seven interior, convenient bicycle parking spaces shall be provided.*
- LU 88-004587 DZ (DZ 26-88), (1988) Approval of a 1988 Design Review for a parking structure east of the athletic club. *Approval subject to conditions including: 1) No blank walls shall be allowed, and 2) Public pedestrian access in the east-west direction at the elevation 39-foot courtyard level shall be provided.* See also: GP 005-88 & CU 19-88
 - LU 88-005328 GP (CU 19-88/GP 005-88), (1988) Approval of a 1988 Conditional Use and Greenway Review to construct a partially below-grade single-story parking structure for 301 cars with retail space of approximately 7,275 sf and residential lobby space of approximately 3,000 sq. ft. This will serve as the first element of Phase II of the “South Waterfront Redevelopment” on Parcel 2. The parking structure will serve the marina, retail shops and restaurants that were built during Phase I of the “South Waterfront Redevelopment”. Residential units will be constructed above the proposed garage in a future phase. *Approval subject to conditions including: D) The use of the parking structure will shall be primarily for short-term parking (under 4 hours).* See also: DZ 26-88.
- LU 88-100132 MP (MP 46-88), 1988 Review of a Minor Partition for SW Montgomery east of Harbor Way - Block 104 & 105, TL 1 of TL's 18, 29, 47, 60, 65
- LU 88-026777 SU (32-88 SU), (1988) Approval of 1988 Subdivision Review with conditions regarding construction of new ROW's, including River Drive.
- CU 43-86, (1986) Approval of a 1986 Conditional Use review to allow off-street parking within the Greenway.

- CU 86-83, (1983) Approval of a Conditional Use for Willamette Greenway Review and for off-street parking for 771 vehicles.
- LU 83-000859/83-000860 CU (CU 13-83), Approval of a 1983 Conditional Use review for a temporary heliport.
- CU 46-81, (1981) Approval of a Conditional Use review for temporary parking lot for construction purposes.
- CU 58-80, (1980) Approval of a Conditional Use review for a terrace bowl, esplanade and a marina.

Development on the south part of the site, at 2025 S River Drive, was constructed in 1993. This includes tax account numbers R273071 (R779900200) and R273072 (R779900205). A number of the earlier land use cases listed above also apply to this part of the site.

- LU 05-131173 DZ, (2005) Approval a 2005 Design Review for a new glass canopy and storefront system including entry door at a central storefront bay, re-wrapping and minor alterations to existing awning frames, an area of sidewalk replacement, and construction of two interior walls at end bays.
- LU 97-014670 DZ (LUR 97-00624 DZ), (1997) Approval of 1997 Design Review for replacement awnings.
- 77-89 DZ, (1988) Approval of a 1989 Design Review for a sign.

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed **September 13, 2021**. The following Bureaus responded with comments:

The **Bureau of Environmental Services (BES)** responded on 9/10/2021 with a preliminary response indicating they do not yet support the proposal “due to insufficient information provided to show that the proposal complies with the approval criteria found in Portland City Code Chapter 33.510.255.H.10 demonstrating adequate and timely infrastructure for the proposed development”. (Exhibit E-1).

On 1/12/2022 BES provided an additional response based on revised proposal indicating they still cannot yet support the proposal “due to insufficient information provided to show that the proposal complies with the approval criteria found in Portland City Code Chapter 33.510.255.H.10 demonstrating adequate and timely infrastructure for the proposed development”. (Exhibit E.12).

On 2/3/2022 BES provided an additional response (Exhibit E.15) stating that “With the conditions recommended in this memo, BES can support approval of the Central City Master Plan (CCMP) application for the RiverPlace development.” An excerpt from their response is copied below:

This memo is an addendum to the initial BES Land Use Response issued by Bureau of Environmental Services (BES) staff on January 12, 2022, and is in response to the following new information that was received subsequent to those initial comments:

- *Revised RiverPlace Central City Master Plan Complete Land Use Submittal drawings (Exhibit H.5) from GBD Architects dated January 27, 2022*
- *Revised Land Use Submittal drawings (sheets 24, 26, 31, 55-56, 68, 96) from GBD Architects dated February 2, 2022*
- *Revised Public Works Permit (PWP) Concept Development Concept Plan design set from DOWL submitted January 27, 2022*
- *Summary of Changes memo from GBD Architects dated January 27, 2022*
- *Summary of Changes memo from GBD Architects dated February 2, 2022*

A. COMMENTS

After review of the above submitted materials, the revisions made to the Land Use Submittal - including the utility plan drawings (pages 95-97 of the Appendix) - accurately depict existing

public infrastructure and align with proposed public infrastructure improvements for each development phase as approved by BES under the Public Works Permit Concept Development Plan submittal (project #TB0112, EP643). The applicant has resolved the discrepancies between the Land Use plans and PWP plans, and no additional information is requested from BES.

Proposed development within the master plan boundary will be subject to BES standards and requirements, and applicable conditions of approval, during future development review processes, including land use and building permit reviews.

B. CONDITIONS OF APPROVAL

The conditions from BES have been listed under Approval criteria H.10, below.

The **Bureau of Transportation Engineering (PBOT)** responded on 9/8/2021, with a preliminary response indicating they do not yet support the proposal noting that “The applicant has not demonstrated that all transportation-related approval criteria have been satisfied. Accordingly, at this time, PBOT must recommend denial of the subject land use request. PBOT has been working with the development team for many months, well prior to the submittal of the formal land use application and since, with regard to multiple challenging issues related to the complex Transportation Impact Study (TIS) and the phasing of the right-of-way (ROW) improvements that will be triggered by the proposed development.” PBOT also highlighted that “In association with approval criteria 8 and 10 above, PBOT is one of the multiple City service bureaus that has identified that approval of the Public Works/Concept Development Phase (30% plans) for the ROW improvements associated with the proposed CCMP must be obtained prior to a decision being rendered on the subject land use review. Although the review of Public Works Permits EP643/TB0112 has begun, the City review agencies have yet to provide concept approval.” (See Exhibit E-2 for full details).

On 1/12/2022, PBOT provided an additional response based on revised proposal indicating that at this time, PBOT is unable to provide a recommendation to approve the subject land use request. (Exhibit E.13 for further detail).

On 2/2/2022 PBOT provided an additional response, stating “...PBOT is able to recommend approval of LU 21-053731, subject to the following conditions...” (Exhibit E.14). An excerpt from their response is copied below:

This memorandum has been prepared to provide the Design Commission with a current update of PBOT’s review of the subject land use review. In PBOT’s most recent written recommendation for this project dated January 13, 2022, PBOT was unable to provide support given some outstanding issues. This memo concludes with PBOT now able to recommend approval of LU 21-053731.

Since the last public hearing on this matter, the applicant’s team has worked with City staff to address the previously outstanding issues related to the Public Works Permit (TB 0112-EP643) submitted in association with the development proposal. In that the City has been able to provide its approval of the Public Works Permit Concept Development Phase plans (30% plans) for the Riverplace Central City Master Plan, the remaining relevant approval criterion (“H.10”) can be satisfied.

The findings and conditions from PBOT have been listed under Approval criteria H.10, below.

The **Water Bureau** responded on 9/9/2021 indicating support with conditions of approval. (See Exhibit E.3 for additional details).

On 1/7/2022, Water provided a new response removing the earlier conditions of approval (Exhibit E.13). They noted:

- Phase 1. Water is available to the Proposed Parcel 1 from the 12" main in S Montgomery St. The P1.3 – Phase 1 plans show proposed services from the S Montgomery water main.
- Additional Phase/s. Provided for informational purposes only. A water main extension would be required to achieve the proposed Conceptual Buildout. Fees for the new main would be required for public works final plan approval. Fees will not be accepted prior to public works design approval.

The **Site Development Section of BDS** responded on 9/13/2021, noting that Site Development Section staff take no exception to approval of the land use Design Review, however, please note the following copied below. (See Exhibit E-4 for additional details.)

- Floodplain. "A portion of the site is located in the Special Flood Hazard Area as mapped by FEMA... An elevation certificate will be required in conjunction with the building permit for any structure located within the Special Flood Hazard Area. Site Development will review projects for compliance with Chapter 24.50 Flood Hazard Area requirements at the time of building permit review."
- Geotech report. "In order to evaluate whether the foundation design of a proposed structures complies with the Oregon Structural Specialty Code, at the time of building permit plan review the applicant must submit a geotechnical report... Deep undocumented fill, compressible soils, contaminated soils, soils subject to liquefaction and lateral spreading, and existing subsurface structural elements are likely to be present under the project site. The geotechnical report must include an assessment of all geologic hazards and provide recommendations for hazard mitigation and foundation design in accordance with City of Portland Title 24 and the Oregon Structural Specialty Code."

The **Fire Bureau** responded on 9/21/21, noting that all applicable Fire code requirements shall apply at the time of permit review and development. They also indicted that "Specific to Phase 1, the applicant will be required to obtain approval from the Fire Bureau for ...any new proposed fire department access. The current plan does not clearly demonstrate how fire department access or water supply location and fire flow will be provided to Phase 1". (See Exhibit E-5 for additional details.)

On 1/7/22, the **Fire Bureau** provided a new response noting that "The development proposed will be required to meet all applicable Fire Code requirements at the time of permit review and development. The proposed street dedication will require a review and approval from the Fire Bureau." (Exhibit A.10)

The **Bureau of Parks-Forestry Division** responded on 9/21/21 that they do not object to approval of the proposed development; however, "The development will be subject to Urban Forestry standards and requirements during the permit review process". (See Exhibit E-6 for additional details).

On 9/27/21, the **Bureau of Parks-Forestry Division** responded again, adding in details for the S Harbor Trail. They once again noted that they do not object to approval of the proposed development; however, "The development will be subject to Urban Forestry standards and requirements during the permit review process". (See Exhibit E-6.b for additional details).

The **Life Safety Development Section of BDS** responded on 9/21/21, noting that "A complete Life Safety plan review will be provided at the time of Building Permit submittal." (See Exhibit E.7 for additional details).

On 12/13/2021, the **Life Safety Development Section of BDS** responded that "Life Safety Plan Review does not object to the approval of this proposal. Based on the information provided, there appears to be no conflicts between the proposal and applicable building codes." (Exhibit E.9).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **September 13, 2021**. Written responses were received from the Neighborhood Association and notified property owners in response to the proposal.

1. Diana Stuart and Tom Ray, Downtown Neighborhood Association, 6/15/2021, wrote with concerns about FAR, requested meetings with staff and copies of the TIS, and to know hearing date.
2. Philip Gilbertson, 9/7/2021, wrote with concerns with proposal providing sufficient multimodal access, traffic, community and emergency services connectivity, and social amenities.
3. Andrea Simpson, 9/8/2021, wrote with concerns with loss of amenities the current development on site offers, and with Noticing timeline.
4. Gerald and Joyce Kelly, 9/8/2021, wrote with concerns with increased traffic with added density and lack of adequate transit options.
5. Susan Gilbert, 9/10/2021, wrote with concerns with lack of planning for services and the truck traffic required to support size of development in an area with limited ingress and egress.
6. Walter Weyler and Wendy Rahm representing the Downtown Neighborhood Association, 9/15/2021, wrote with concerns that the current application fails to adequately address a number of code requirements critical to ensure that this complex proposal “positively contributes to the existing and desired urban form.” Letter lists 6 general areas which lack sufficient evidence. (Please refer to full letter for details).
7. Michelle Barnard, 9/15/2021, wrote with concerns with the displacement of existing residents.
(Received after first staff report)
8. Kris Bennett, 10/4/2021, wrote with concerns about vehicle access and affordability.
9. Wendy Rahm representing the DNA, 10/6/2021, wrote with written version of DNA oral testimony for 10/7/2021.
10. Pamela Smith, letter dated 10/6/2021, stating concerns with height and massing, and lack of details on usage, and open space.
11. Bev Voytko, letter dated 10/6/2021, stating concerns with heights and scope of shadow studies.
12. Arleen Zucker, letter 10/6/2021, stating concerns with TIS modeling inadequacies.
13. Richard Teutsch, letter 10/6/2021, stating concerns with effects on subterranean water flow.
14. DAR 1 & 2 testimony
15. Joe Filardo, letter 10/6/2021, stating concerns with the density and data basis of the TIS
16. Lana Griffith, letter 10/6/2021, stating concerns with lack of specificity of proposal, including uses and building sizes.
17. Peter Rapley, letter 10/6/2021, stating concerns with size and height, lack of adequate infrastructure, and need for community gym uses.
18. Debra Wood, letter 10/6/2021, stating concern with need for inclusionary housing.
19. Janet Guggenheim, letter 10/6/2021, stating concerns with not meeting CC2035 goals and policies and the need for large trees on site.
20. Carolyn Whitney, letter 10/6/2021, stating concerns with density and the TIS, plus lack of parking, need for better transit, and traffic impacts.
(Received at first hearing, held on 10/7/2021)
21. Jules Goodwin, letter 10/7/2021, concerns with lack of connection to Hall, inadequacy of the TIS, and increase of commercial vehicle traffic.
22. Pam Hellings, letter 10/7/2021, concerns, asking for a complete neighborhood
23. Judith Trenberth, letter 10/7/2021, concerns with height and mass and lack of specificity of uses.
24. Rhonda Barton, letter 10/7/2021, concerns with density, transportation, and issues concerning livability and lack of a complete neighborhood.
25. Naomi Wamacks, letter 10/7/2021, concerns with TIS, added density and inadequate transit.

26. Richard Teutsch, letter 10/7/2021, stating concerns with effects on subterranean water flow.
27. Brent Neilsen, letter 10/7/2021, stating concerns with TIS, and limited transit availability.
28. Ron Doctor, letter 10/7/2021, stating concerns with disturbing existing hazardous waste on site.
29. Amy Caplan, letter 10/7/2021, stating concerns with sustainability of proposal and affordability of housing.
(Received prior to return of first hearing, scheduled for 10/21/2021)
30. DNA, letter 10/14/2021, response to Hearing 1, stating concerns with findings, incorrect assumptions, and questions for applicant.
31. Rudolf Barton, letter 10/13/2021, stating concerns with shadow studies.
32. Rudolf Barton, letter 10/13/2021, stating concerns with FAR and Phase 1.
33. LaJune Thorson, letter 10/14/2021, stating concerns with fitting into the neighborhood, traffic congestion, and benefit to the city.
34. Amy Caplan, letter 10/17/2021, stating concerns with sustainability of proposal.
35. Ron Doctor, letter 10/19/2021, concerns with compliance with CC2035 Goals, including solar energy policies.
36. Samuel Shoen, letter 10/18/2021, stating alignment with DNA concerns, and concerns with lack of complete information provided for review.
(Received at return of first hearing, held on 10/21/2021)
37. Amy Caplan, letter 10/21/2021, stating concerns with losing views from the Harrison Towers.
38. DNA, letter 10/21/2021, stating concerns with not including CC2035 Goals and policies in approval criteria.
39. Ron Doctor, letter 10/21/2021, stating concerns with compliance with CC2035 Goals, including solar energy policies.
40. Ron Doctor, letter 10/21/2021, stating concerns with disturbing existing hazardous waste on site.
41. Ron Doctor, letter 10/21/2021, stating concerns with subterranean water flow issues.
(Received prior to second hearing, scheduled for 1/20/2022)
42. DNA, letter 10/31/2021, requesting a continuance for hearing 2.
43. DNA, Letter to DZC, 11/10/2021, stating concerns with considering the redevelopment of the plaza open area, questioning height bonuses and community benefits, and concerns with the TIS and infrastructure capacity.
44. DNA, Request for setover, 1/7/2022
45. DNA, Memo, 1/7/2022
46. DNA, Memo for 1-20-22 hearing
(Received prior to third hearing, scheduled for 2/10/2022)
47. DNA, Memo for 2-10-22 hearing, 2/9/2022
(Received prior to fourth hearing, scheduled for 3/3/2022)
48. DW Letter for 2/10/2022 hearing, concern with bonus heights, open areas and affordability of housing.
49. JT Letter for 2/10/2022 hearing, 2-17-2022, stating concerns with transit and traffic capacity for added density, and insularity of site.
50. DNA letter to the DZC, 2/18/2022 with additional evidence, noting concerns with assumptions in findings, and a request to add 9 conditions of approval related to: each building addressing CC2035 goals, phasing, required DAR for each building, additional TIS requirements, a required TIS update, residential and commercial program of each building, FAR restrictions, shadow studies, and a tree plan.

General Response:

Criterion 33.510.255.H.1 specifically states that “*the CCMS must be consistent with the applicable subdistrict goals and policies of the CC2035 Plan*”; therefore, the general Central City 2035 Goals and Policies are not part of the approval criteria for this land use review.

Responses to issues directly related to the relevant CCMS approval criteria in 33.510.255.H.1-H.15 are addressed in the findings below and in the Council Approval Criteria Matrix, which is incorporated by reference as further findings and attached as Exhibit I.1.

Procedural History:

EA 19-111108 PC. A Pre-application Conference meeting was held on February 19, 2019. (Exhibit G.6)

EA 19-215959 DA. 2 Design Advice Request meetings (DAR) were held. Per 33.510.255.F, “A design advice request is required prior to submitting an application for a Central City Master Plan review”. In this case, the applicant chose to do a second voluntary Design Advice Request meeting with the Commission. (Refer to Exhibit G.8 for the full Summary Memos). **DAR #1 was held on October 3, 2019. DAR #2 was held on December 5, 2019.**

EA 21-048786 PC. A second Pre-application Conference meeting was held on June 3, 2021. (Exhibit G.6). This Conference was required to be held because the previous PC held in 2019 (EA 19-111108) had expired prior to submittal of this Type III Land Use application.

LU 21-053731 CCMS. The application was submitted on June 3, 2021, and was deemed to be complete on August 9, 2021. Per the applicant’s request (Exhibit A.5), the first hearing was scheduled for October 7, 2021, which is more than 52 days from completeness.

Hearing #1 began on October 7, 2021, and was continued to October 21, 2021, to provide sufficient time for extensive public testimony and for commission deliberation. The Staff Report, dated September 27, 2021, did not yet recommend approval (Exhibit G.10). The Design Commission listened to public testimony on October 7, 2021 (Exhibit G.14) and returned for deliberation on October 21, 2021. In addition to a requesting further information about the massing and the surrounding context, the Commission noted approvability concerns with the massing, open area design, connections, activation and infrastructure (Refer to Exhibit G.17 for Staff Summary Notes). A return hearing was scheduled for December 2, 2021. On November 8, 2021, the applicant requested the return date to be changed to January 20, 2022 (Exhibit A.20). From Staff Summary Notes (Exhibit G.17) the deliberation included:

1. Site needs to be shown in context. Approval criteria speak about connections to context and about views to and from, so there is a need to better show how this proposal sits within this context, from all sides.
2. Massing. (Refer to approval criteria, including 2.UD-2, 3.UD-1,3.UD-2, 5.UD-3, A1, A3, A7, A9, C1, C.4, C6, C7, D2, H.5, H.7, H.9). The CCMS must make sense as a cohesive master plan, with a clear response of stepping down towards the river, connecting through towards the river, downtown, proposed open areas and surrounding open areas to respond to the approval criteria. More direction/ constraints needed for orientation of future building massing, sculpting, ROW’s and open spaces. This should also include limits to control the orientation of taller buildings in relation to the river (see 33.510.251 for further direction) and to proposed open spaces.
 - Information needed. Provide a massing envelope diagram showing all blocks together, with context showing massing of a 3 blocks radius, and include up to Harrison. Provide detailed information of massing of each block, defining podium heights, setbacks, tower heights and size limits, etc.
 - Blocks 1, 2,3 and 4. If a block is proposed larger than 200 x 200, this should be done so deliberately and with justification.
 - Block 1. Block 1 should be broken at 200’ to align with Harrison at the ground plane to meet numerous GLs (especially A3 Respect the Portland Block). Conceptual

- massing should also reflect 33.510.210.D.3.e.(2) max 10,000 sq. ft. over 100', at a minimum.
- Block 2. The oversized block and massing create a barrier to the south, and connections are needed to the south from Harbor. The massing doesn't have to follow the block size, rather, it needs to respond to the criteria. Additionally, as noted by BES, ensure all drawings and calcs of proposed massing on Block 2 show chamfer in response to the sewer pipe (or request it moved through this 30% PW).
3. Open Areas. (Refer to approval criteria, especially 1.UD-2, 5.UD-3, 5-UD.5, A1, A3, A8, B5, B7, C1, C6, D2, H.7, H.9, H.10). Use the Open Areas to orient towards the river and connect towards the rest of the city, in response to this important context. All open area used for these calculations must be fully integrated into the public realm.
- Phase 1, Block 1. The entirety of Phase 1/ Block 1 must be complete onto itself.
 - Phase 1, Plaza. The existing Plaza at the NE corner of the site is at the most prominent location of the site. It would be great to see this plaza improved, however, the entirety of Phase 1/ block 1 must be complete onto itself.
 - Festival Street. Location of festival street doesn't orient to river or provide permeability through the site. As shown, it pulls activity away from the river and River Drive open areas. Consider relocating to B Street to reinforce connection between the city and the river. Festival street needs more definition, what will happen here, what part is extension of retail and what is for connectivity, and what is for the general public.
 - Open Area "slivers" at Montgomery and River Drive. Success of these open areas will be tied to how the adjacent buildings respond to these spaces, so the CCMS must provide more direction as to the expectations for future adjacent development. As noted for the festival street, more definition is needed as to what will happen here, what part is extension of retail and what is for the general public.
 - Block 6. Do not show FAR at area used for open area calculations unless there are clear constraints provided demonstrating the approval criteria are met.
4. Connections (Refer to approval criteria, including 1.UD-2, 2.UD-2, 3.UD-1, 3.UD-3, 5.UD.3, 5.UD-5, A1, A3, B7, D2, H.6, H.7, H.9, H.10) Refer to comments above regarding massing and open areas, which effect connectivity.
- Block 1. The part of the block in alignment with B street must be connected, at grade, to both sides - use ramping/ stairs as needed to attain this. All frontages must be activated. Work with PBOT to provide connection towards the south.
 - Block 2. Must provide permeability and visibility to the south.
 - ROW. Work with PBOT and BES to ensure building design is integrated with ROW design, at each phase.
 - Phase 1. All approval criteria must be demonstrated to be met at phase 1. Phase 1 must be complete entity, and all frontages must be activated and resolved. Provide connections to both the east and the west. If the plaza is to be redeveloped, study how to provide an interim path through the site to it. While the Commission understands that this is outside the property lines, the cul-de-sac to the west of the site should go way during Phase 1, as this is a direct frontage. Work with PBOT to resolve this frontage.
5. Activation (Refer to approval criteria, including 1.UD-1, 1.UD-2, 2.UD-1, 2.UD-2, 2.UD-3, 5.UD-5, A1, A8, B5, C7, C9, H.5, H.6, H.11) The CCMS is the time to define and determine activation requirements. Open space and connections will define where these locations need to be.
- Frontages. 25% GFAU is not considered active, and conflicts with Ground Floor Windows code, so remove this. 50% GFAU is too low for frontages on important open areas, should be 75% or more. Focus more activation at corners too. Ground floor residential facing west needs further attention, with layering from public to

- private. More room may be needed for successful transitions, either within this parcel, or work with City for non-standard improvements in the ROW.
- Parking. Parking on frontages above grade is not approvable.
6. Infrastructure (Refer to approval criteria, including 3.UD-1, 3.UD-2, 3.UD-3, A1, A3, B1, B2, B3, B7, D2, H.6, H.7, H.8, H.9, H.10, H.12, H.15) Make sure drawings and reports agree.

Hearing #2 was held on January 20, 2022. The Staff Report, dated January 13, 2022, did not yet recommend approval (Exhibit H.1). At the hearing, support could not yet be recommended due to outstanding issues, including:

1. Adequate and timely infrastructure. Insufficient information had been provided that demonstrates the proposal complies with approval criterion 33.510.255.H.10, which requires the applicant to show how the plan provides adequate and timely infrastructure capacity for the proposed development.
2. Inconsistencies remained between the Central City Master Plan (C exhibits) and Public Works drawings.
3. Shadow Studies. The proposal had not yet shown compliance with code requirements of 33.510.255.K.3.d for the shadow studies of the building envelopes on adjacent park.
4. Open Area percentages. The proposal had not yet shown compliance with code requirements of 33.510.255.K.3.b for the percent of bike/ pedestrian routes through open areas for Phase 1.

The Design Commission listened to public testimony and deliberated. In addition to the 4 staff concerns listed above, the Commission noted approvability concerns with:

5. Massing. While the Commission did not want to see the massing envelopes overly restricted at this stage, they noted the Conceptual Building Massing diagram (Exhibit C.24, diagram on right) did not show a clear response to the context by responding to the river, as well as the surrounding built context and the city beyond.
6. The treatment of Harbor Way to the west. The Commission struggled with the existing cul-de-sac remaining during Phase 1, the challenge this created for the design of new development on Block 1, and the potential this created for a lack of engagement with the right-of-way to the west. Additionally, if the cul-de-sac can be removed in the future and still meet fire access requirements, it is unclear how the right-of-way will be engaged with at that time.
7. Phased design and delivery of open areas. The Commission wanted to ensure the required open areas are designed and delivered in proportionality to development of the site.

The Commission also encouraged the design of B Street to appear more pedestrian friendly. A continuance was approved and Hearing #3 was scheduled for February 10, 2022.

Hearing #3 was held on February 10, 2022. The Staff Report, dated February 5, 2022, recommended approval with conditions (Exhibit H.6). At the hearing, staff presented an overview of the revised Staff Report, the applicant presented a brief overview of revisions since the last hearing, the Design Commission listened to additional public testimony and the Commission deliberated further.

During the public testimony, a request was made by the DNA to keep the record open to provide time to respond to new evidence provided just prior to and at the 2-10-22 hearing. The Commission granted this request and set the following deadlines:

- Deadline for New Evidence to be submitted: 9:00 am February 18, 2022
- Deadline for Response to New Evidence to be submitted: 9:00 am February 25, 2022
- Deadline for Applicant Final Argument to be submitted: 9:00 am March 2, 2022.

Following this the record will be closed. A continuance was approved and Hearing #4 was scheduled for March 3, 2022.

Hearing #4 was held on March 3, 2022. The record was closed. The Staff Report, dated March 1, 2022, recommended approval with conditions (Exhibit H.12). At the hearing, the Commission requested to include additional findings related to B Street, as discussed at previous hearings. These findings were added to the Design Commission Approval Criteria Matrix (Exhibit H.15). The Commission then voted 5 to 0 in support of the proposal with conditions.

Final Design Commission Findings and Decision mailed on March 16, 2022.

Appeal filed by Downtown Neighborhood Association on March 29, 2022.

Public Notice of Appeal Hearing mailed on April 26, 2022.

De novo City Council Appeal hearing was held on May 26, 2022. After accepting public testimony, the Council deliberated on the appeal and voted tentatively (4-1) to deny the appeal and uphold the Design Commission decision. The item was continued to June 15, 2022 at 11:00 a.m. time certain for the final vote and adoption of findings.

ZONING CODE APPROVAL CRITERIA

(1) CENTRAL CITY MASTER PLANS (33.510.255)

33.510.255 Purpose

A Central City Master Plan establishes a clear development strategy for significant redevelopment sites in the Central City. Central City Master Plan review is intended to ensure that development on the site will positively contribute to the existing and desired surrounding urban form. The review will result in an urban design framework and layout for the site as a whole, allowing subsequent reviews for individual buildings and other development to focus on materials and façade treatment. A Central City Master Plan is intended to result in the following urban design outcomes:

- A development site that has a strong orientation towards transit and multimodal transportation alternatives;
- A safe and vibrant public realm, supported by active ground floor uses, open space areas and an internal circulation system that provides access to adjacent public rights-of-way and multimodal transportation options;
- A development site that has adequate urban services such as water, stormwater, sewers, and fire-hydrants; and
- Building bulk, height, orientation, and programming that protects public views and preserves light and air within the public realm and is oriented to active and passive public gathering spaces, including public open spaces, transit stations, and the Willamette River.

As a threshold issue, the amended Central City Master Plan process and criteria were re-adopted in April of 2020 under Ordinance 190023 as part of the City's Central City 2035 Zoning Code and Map Amendments. Volume 2A of Central City 2035 ("Volume 2A") contains the code amendments and the related code commentary describing the nature and purpose of the amendments. The commentary describes the intended scope and purpose of the Central City Master Plan process:

"The purpose of the review is to create a development framework for large sites that identifies future building massing, building location, as well as maximum height and floor area envelopes for each building site, where different uses will be located on the

site, how infrastructure capacity will be met, location of open space and public and private streets and accessways through the site and how they will connect the development to the larger surrounding urban form.” (Volume 2A at page 218).

This code commentary clearly expresses the essential purpose behind the master plan process; that is, to create a horizontal and vertical framework, site plan, or urban concept that organizes the site into future building envelopes, maximum densities, street locations, locations of open space and allows for different uses across the site. The commentary continues that “through this review, larger site-wide urban design issues will be addressed, allowing subsequent design review of the individual buildings to focus on specific issues related to materials and façade treatment rather than height, massing and ground floor activation.”

In the case of River Place, the commentary states that the master plan process can “protect public views and allow for more rigorous review of the development’s public realm, connectivity and urban form.” (Volume 2A at page 218).

Council finds based on this code commentary and the related sections of PCC 33.510.255.H, that the master plan process requires a high-level framework identifying site-wide issues such as transportation access, open space location, maximum building envelopes, and parcel patterns, and how streets and open space connect the site to the surrounding urban form. The master plan process and approval criteria do not imply or express any intention to identify specific uses and their location, other than open space, or require specific allocations of square footage to particular uses and do not require specific building design. Instead, the master plan process is designed to, for example, identify where ground floor active uses should be required, but does not require the applicant to identify what specific active uses will operate in that ground floor.

In terms of the elements of the urban design and development framework, City Council heard testimony from opponents that more design detail is required to determine if the master plan conforms with certain approval criteria. Council rejects the claim that the master plan process requires the kind of granular detail requested by the opponents. Instead, as the express language of PCC 33.510.255.G.2 and the related code commentary state, the urban design framework is intended to present the “general urban form that will result, following the implementation of the master plan.” (Volume 2A at page 222). This framework will allow reviewers to know:

“The location of buildings and the ultimate height and floor area envisioned for each building location (regardless of whether the entire height and floor area is utilized). Where open areas will be located and integrated into the site. How access onto and through the site is provided and how this internal circulation relates to adjacent rights of way and circulation patterns developed on other large sites perhaps adjacent to the site. How infrastructure will be provided to meet service needs on the site. This includes services such as transportation, water, stormwater, sanitary sewer, fire and police. Massing diagrams, sections, sectional elevations, and perspectives necessary to provide adequate visuals of the built environment following successful implementation of the master plan.” (Volume 2A at page 222).

City Council finds, as detailed in the following findings, that the proposed master plan contains all of these required elements at the level of detail required by PCC 33.510.255.

Council finds that the Central City Master Plan, consistent with the purpose statement and the code commentary, is intended to produce a clear development strategy for significant redevelopment sites in the Central City. The review is intended to result in a high-level urban design framework and layout for the site as a whole, allowing subsequent reviews for individual buildings and other development to focus on materials and façade treatment. Consistent with

this high level of master plan review, no development is permitted under a Central City Master Plan approval. Instead, under PCC 33.510.255.G.2, it is only an initial framework. In order to develop any site within the master plan boundaries, the applicant is required to submit a Type III design review application demonstrating that the proposal is consistent with the approved development strategy of the master plan, that the proposal is consistent with the Central City Fundamental Design Guidelines and any subdistrict design guidelines and complies with the development standards in Title 33. The Central City Master Plan therefore establishes a two-step process: (1) approval of the high-level development strategy and framework in the master plan submittal; and (2) subsequent review and approval of design review for each development site within the master plan.

For these reasons, the opponents' claims that the master plan process requires more detailed design development are not supported by the express language of the applicable code sections in PCC 33.510.255 or the related code commentary. Detailed design occurs once a development is proposed, but this proposal does not include development, but rather a framework for future development. Under each approval criterion Council finds that the applicant provided the required level of detail for this master plan level of review.

With this introduction, Council turns to each specific approval criteria under PCC 33.510.255.H.

33.510.255 Central City Master Plan Review Approval Criteria

A Central City Master Plan review will be approved if the review body finds that the following approval criteria have been met. Criteria H.1 through H.11 apply to all Central City Master Plan reviews. Criteria H.12 through H.15 also apply to proposals within the area identified on Map 510-6 as requiring a Central City Master Plan review for residential uses.

Findings: The site is identified on Map 510-19 as a required Central City Master Plan Area; therefore, a Central City Master Plan review is required prior to development of the site. Because the site is subject to a Central City Master Plan review, the approval criteria are listed in 33.510.255.H *Approval Criteria*. The site is not within an area identified on Map 510-6 as requiring a Central City Master Plan review for residential uses, so the criteria in H.12-H.15 do not apply. However, to the extent that someone argues they apply, these findings address how the criteria in H.12-H.15 are met.

1. The Central City Master Plan is consistent with applicable subdistrict goals and policies of the Central City 2035 Plan:

Findings: Council finds that this H.1 approval criterion specifically refers to the applicable subdistrict goals and policies of the Central City 2035 Plan. Several arguments offered by the opponents indicate a misunderstanding of this approval criterion and the organization of the Comprehensive Plan and its relationship to the Central City 2035 Plan. Council addresses those arguments first, followed by the required findings on each of the applicable subdistrict goals and policies. The specific findings under each applicable subdistrict goal and policy are organized in a Matrix attached as Exhibit I.1 and incorporated by reference as further findings.

The Central City 2035 Plan is part of Portland's Comprehensive Plan. While the Comprehensive Plan contains a broad range of policies, each describing a desirable outcome, the Central City 2035 Plan, referred to in this criterion, is part of and implements the Comprehensive Plan for the Central City Plan District and contains six Goals and Policies sections: (1) Regional Center; (2) Housing and Neighborhoods; (3) Transportation; (4) Willamette River; (5) Urban Design; and (6) Health and Environment. These six sections begin with a broad set of goals and policies that apply to the entire Central City. Those broad general policies are then followed by a set of district policies

that only apply in the respective and enumerated subdistricts of the Central City. There are 10 subdistricts of the Central City: Goose Hollow, Downtown, The Pearl, Old Town/Chinatown, Central Eastside, Lower Albina, Lloyd, South Waterfront, University District/South Downtown, and the West End (Volume 1 of the CC 2035 Plan (“Volume 1”) at pages 28-30).

This intentional structure results in the following hierarchy: The Comprehensive Plan is implemented in part by The Central City 2035 Plan. The Central City 2035 Plan contains broad policies that apply to the Central City as a whole and also contains specific subdistrict goals and policies that apply in each identified subdistrict.

The H.1 approval criterion was drafted in response to, and consistent with, these regulatory layers. The H.1 criterion specifically calls for an evaluation of the specific subdistrict goals and policies in the Central City 2035 Plan and not the Central City Plan District as a whole or the general policies of the Comprehensive Plan. This interpretation is consistent with the intentional organization of the CC 2035 Plan. In the “How to Read” guide offered at page 28 of Volume 1, the text expressly states that each of the six policy sections begins with “a set of goals and policies that applies to the entire Central City Plan District.” The interpretive instructions then state: “these are followed by a set of district policies that apply only in those respective areas.” The H.1 approval criterion reflects and is consistent with this intentional organization. Specifically, the H.1 criterion plainly states that only the subdistrict policies apply to the Central City Master Plan.

The site is located in the University District/South Downtown subdistrict of the Central City. Thus, Council finds that the subdistrict goals and policies of the University District/South Downtown found in the Central City 2035 Plan apply to this site under approval criterion H.1.

Opponents argue that we should expand this criterion and apply the broad goals and policies of the greater Central City rather than the goals and policies of the University District/South Downtown subdistrict. Council rejects this interpretation of the H.1 approval criterion for several reasons. First, the H.1 criterion is unambiguous by its express terms. The approval criterion refers to only the subdistrict goals and policies of the Central City 2035 Plan. It does not imply or express any terminology that would require an applicant or the City to apply the general goals and policies of the Comprehensive Plan that apply to the Central City as a whole.

Second, the Central City 2035 Plan contains six goals and policy areas and then breaks down those goals and policies by subdistrict. For example, under Goals and Policies related to Regional Centers, the Central City 2035 Plan has different goals for the Lloyd Subdistrict than it does the University District/South Downtown. In the latter case, the tourism goal is to “increase the number of visitors to the district by encouraging new and enhancing existing riverfront shops, restaurants and recreational opportunities at RiverPlace.” (Volume 1 at page 29.) As one would expect, the tourism goal and policy for the Lloyd District is very different: “Support the continued success of the Rose Quarter and the Oregon Convention Center and encourage new development and businesses that complement and balance the episodic nature of event activity. Expand civic attractions to enhance tourism, regional attractions and the district’s growing residential character.”

This is intentional. Each subdistrict of the Central City has unique attributes and geography that require specific subdistrict goals and policies that encourage desirable outcomes for that area of the City. The H.1 approval criterion requires an applicant to

address each one of these applicable subdistrict goals and policies to ensure that the proposal is consistent with achieving those goals.

To expand the H.1 criterion to include a requirement that the applicant not only apply the subdistrict goals and policies but instead the more general policies that apply to the Central City as a whole would be to insert words into the criterion that have been intentionally omitted. Such an expansive interpretation would also run afoul of PCC 33.700.070.A, which requires literal readings of the code with interpretations that are no more or less strict than stated. Interpreting H.1 to require findings on the Central City Plan District-wide policies when no such reference or requirement is contained by the terms of H.1 would be to depart from a literal reading of the code and render the approval criterion stricter than stated by its plain, unambiguous terms.

Thus, Council rejects the opponents' request to broaden the approval criterion in H.1 to require findings on the Central City-wide general goals and policies.

In a related argument, the opponents contend that the subdistrict goals and policies create mandatory obligations to develop the specific features, uses or elements described in each policy on every site within a given subdistrict. For example, the opponents argue that Policy 2 of University District 1, Complete Neighborhoods, requires that this site provide a grocery store and a senior center. Policy 2 reads: "Encourage the development of a grocery store, new and improved open spaces, playground, daycare facilities, a small hotel, and a community or senior center."

Council rejects the opponents' interpretation of this Policy and its terms. Council finds that the definition of the term "encourage" is found in the Glossary of terms in the 2035 Comprehensive Plan. Because the cited policies are part of the Comprehensive Plan 2035, the Glossary definition in that same Comprehensive Plan is controlling in this case. There "encourage" is defined as: "Promote or foster using some combination of voluntary approaches, regulations, or incentives." In turn, "foster" is defined in the Comprehensive Plan 2035 Glossary as "encourage or guide the incremental development of something over a long period of time" and "promote" is to further the progress of, advance, or raise. Council finds that all these terms call for guiding and advancing an identified goal over time. The definitions make clear that the goals and policies are not mandatory restrictions that are applied on a site-by-site basis but rather long-term goals that apply equally to the entirety of the subdistrict and are fostered, promoted, encouraged through a variety of tools including voluntary approaches, regulations or incentives. City Council further finds that not all elements of each goal or policy will be met on each site. Instead, the goals and policies will be applied across the entire subdistrict and promoted, encouraged or fostered depending on the nature of the site and its location within the subdistrict. In each case where the applicable subdistrict goal or policy contains the term "encourage", this definition and our interpretation of that term will be applied.

In adopting the CC 2035 Plan, Council found that it must "weigh and balance applicable policies. In cases where there are competing directions embodied by different policies, City Council may choose the direction it believes best embodies the Plan as a whole." (Volume 1 at page 27). This finding is consistent with the terminology used in the subdistrict goals and policies. The goals and policies encourage applicants to promote, reach and foster desired outcomes through a list of actions or uses, not all of which are intended or even desired on each site within a larger subdistrict. And Council has the discretion to weigh each of the subdistrict goals and policies and determine the direction it believes best embodies the Plan as a whole.

Another term is also central to this H.1 approval criterion. Under H.1, the Central City Master Plan must be “consistent with” applicable subdistrict goals and policies of the Central City 2035 Plan. The City Council finds that “consistent with” is not defined in PCC 33.910. Because it is not defined in Title 33, PCC 33.700.070.D, controls and provides that words used in the zoning code have their dictionary meaning unless they are listed in Chapter 33.910; therefore, the dictionary definition controls in this case. “Consistent” means ‘marked by harmony, regularity or steady continuity’ and ‘marked by agreement.’ Webster’s Third 22 International Dictionary. In light of this definition, the City Council interprets H.1 to require that the master plan must be in harmony with and not contradict the applicable subdistrict goal or policy. Again, as above, Council finds that “consistent” does not mean that each site within the larger subdistrict must provide all the elements listed in a given subdistrict goal or policy or deliver all the objectives of a given subdistrict goal or policy. In some instances, being in harmony may simply mean that a master plan provides a framework that does not preclude application of opportunities allowed by the zoning code.

Instead, City Council finds that the master plan must demonstrate how it agrees with and is in harmony with the objectives of the particular goal or policy. An example is instructive. Under Policy 2, Housing Diversity, the policy is to “encourage multi-family housing supportive of families and students.” Council reiterates that the definition of “encourage” is to foster or promote. Together with the definition of “consistent with”, this would mean that the master plan must demonstrate how it is in harmony with the promotion or fostering of multi-family housing for families and students. Council finds under this applicable policy that the master plan is in harmony with a policy to promote successful multi-family student and family housing in several ways including replacing low density housing and vacant commercial developments with increased residential density and height bonuses on the site adjacent to transit, requiring a new network of streets, parks, open areas and multi-modal trails that connect the site to the larger subdistricts and to PSU located just north of the site, requiring ground floor active uses on many frontages to encourage neighborhood serving retail for new residential users as well as other measures. In totality, Council finds that the master plan works harmoniously with zoning code tools to promote and foster the development of multi-family housing and include amenities that may be attractive to students and families by providing the framework for development that can include high density residential, retail and office and for infrastructure such as open space and multi-modal trails.

Council finds that if the City desired to require that each master plan fulfill all the objectives of each subdistrict goal or policy on each site in a subdistrict, the approval criteria would have been crafted differently. Instead of requiring that a master plan be “consistent with” a given policy, Council would have required that a master plan “comply with” each subdistrict goal or policy and the policies themselves would have been stated in mandatory language. Council did not adopt that alternative language and reject the opponents’ request that the Council adopt it here.

In a related argument, opponents argue that the City wrongfully deferred findings on the subdistrict goals and policies to a later design review on each development parcel. Council also rejects this argument for two reasons.

Attached as Exhibit I.1 is the Council Approval Criteria Matrix, addressing each of the H.1 approval criteria and finding that in each case the application is consistent with each of the applicable subdistrict goals and policies. There is no evidence in the record that would support the opponents’ claim that these findings have been deferred to a later phase of development.

Take for example, Policy UD-1 under Regional Centers in the University District/South Downtown. The policy states: “**Portland State University**. Support the continued success and growth of Portland State University. Specifically, encourage new university development and partnerships with public and private development in the district to promote a vibrant and diverse neighborhood.” It is important to note the express language of this policy. It uses the term “support” and “encourage” as the required action. “Support” is defined in the Comprehensive Plan 2035 Glossary as “to aid the cause of.” The master plan should therefore aid the continued growth and success of Portland State through promotion of a vibrant and diverse neighborhood. The findings provide a detailed description of the elements of the master plan application that “support” and promote the continued growth and success of Portland State including the proximate location of the development on the other side of the South Auditorium area from Portland State University (PSU). The site is directly linked to PSU by the Portland Streetcar and the Montgomery Green Street. The attached Matrix continues with a complete description of the many elements of the master plan that will continue to support a vibrant new neighborhood including a regional bike and pedestrian path connecting the South Waterfront to areas north of the site including PSU, new retail and residential uses, new parks and new east-west connections from Harbor Drive to the Greenway. Each of these elements in turn are required as conditions of approval under one of two proposed phases in the master plan.

Council concludes that these findings under H.1 were not deferred on any element or in any measure. The problem with the opponents’ argument is that they interpret the term “encourage” and “support” as to create mandatory requirements for each site, rather than applying to the subdistrict as a whole or acknowledging the non-mandatory language of the policies. Then based on that mischaracterization, the appellants argue that because Council did not require a specific use like a grocery store or require a public-private partnership with PSU, on this specific site, for example, the City is not making the required finding or deferring compliance until a future date. Neither is correct. Again, Council finds that the goals and policies are implemented by encouraging, promoting and fostering the desired result through a variety of means that apply to the subdistrict as a whole. Based on the master plan proposal and the other uses and development in the subdistrict, Council weighs the multiple objectives of the policies and determines how the proposed master plan is “consistent with” those goals and policies. In no case did City Council defer any required finding and in no case are any of the applicable goals and policies stated as mandatory elements that must be applied to each site in a subdistrict.

With this lengthy introduction to the form and interpretation of the H.1 approval criterion, the attached Matrix (Exhibit I.1) incorporated by reference as further findings, contains the City Council findings on each applicable subdistrict goal and policy in the University District/South Downtown Subdistrict of the Central City 2035 Plan. These findings explain how the master plan is consistent with all applicable goals and policies, and that consistency is furthered in some cases by imposition of conditions agreed to by the applicant. The conditions of approval are listed in the attached Matrix, alongside each applicable district policy.

2. The master plan demonstrates how development will comply with the Central City Fundamental Design Guidelines, as well as any applicable design guidelines specific to the subdistrict the master plan site is located within;

Findings: The attached Matrix (Exhibit I.1), incorporated by reference as further findings, contains the City Council findings on each applicable Central City Fundamental Design Guideline and demonstrates that the master plan complies with

each guideline, in some cases with conditions. The conditions of approval are listed in the attached Matrix, alongside each applicable guideline. There are no design guidelines specific to the RiverPlace master plan area. As a result, Council finds this criterion is met.

3. Development on lots with river frontage incorporates elements that activate the riverfront, such as open areas, trails, accessways, and active land uses that encourage public use and enjoyment of the riverfront;

Findings: This criterion is not applicable because the master plan area does not include, “development on lots with river frontage”. *This criterion is not applicable.*

4. The proposed uses will not have significant adverse effects on industrial firms or result in conflicts with industrial activities located within the plan boundary or within 500 feet of the plan boundary;

Findings: No industrial firms were identified within 500 feet of the master plan boundary. *This criterion is not applicable.*

5. The master plan demonstrates that development within the plan boundary will establish an overall building orientation through massing, the location of entrances, and the location of ground floor uses that result in an edge that embraces adjacent public parks rather than creating an abrupt edge between the plan area and parks, and ensures that development within the plan boundary will not excessively shade the adjacent park;

Findings: Council finds that the findings under H.1, specifically Policy 3.UD-3 and Policy 5.UD-5 and H.2, specifically Guidelines A1, A3, A7 and B5, demonstrate that the master plan complies with this criterion.

Council finds that this criterion requires first that an applicant establish the overall building orientation, building massing envelopes, entry locations and location of ground floor uses to demonstrate that the plan results in an edge that embraces the public park and second demonstrate that the development will not excessively shade the adjacent park. On the first part of this criterion, the applicant has proposed a master plan that locates and orients a building on each development parcel, excepting only Block 6 which is the master plan area park, and proposes building massing envelopes that set the maximum height and density on each block. These massing and orientation envelopes show an urban edge along Block 6 that embraces the master plan area park in several ways. The only building edge on the master plan park is Block 4. The other park frontages are B Street, Montgomery and S. River Drive. The building edge on Block 4 contains a primary entrance that will embrace the park at the center block and the ground floor of Block 4 is activated in the master plan with ground floor active uses that can spill out of the building and embrace the open space immediately adjacent to the building. In turn, Park Block 6 represents the edge of the master plan area on this eastern edge. Across S. River Drive is the adjacent South Waterfront Park. The master plan proposes no buildings on the edge of this park. Instead, the master plan calls for what is effectively an extension of this adjacent park with the development of Block 6 with an additional park instead of a building. In this way, the urban edge is far removed from the adjacent South Waterfront Park, creating an edge that embraces and expands the park rather than creating an abrupt edge to the park.

Council finds that the master plan focuses its primary open space on Block 6, adjacent to the South Waterfront Park (Exhibit C.89). This proximity, along with building massing envelopes stepping down towards the river (Exhibit C.12), as required by Zoning Code, helps ensure that the existing and adjacent public park and the park on

Block 6 will be embraced by the building massing, orientation, entrances and active uses at the ground floor in compliance with the first part of this criterion.

The master plan also includes a shadow analysis of the adjacent public South Waterfront Park and the Block 6 park, demonstrating that based on the maximum building envelopes, neither park will be excessively shaded by the proposed development and the master plan complies with the shadow study standard of PCC 33.510.215.D.3.c. The shadow studies confirm that the shadow cast by the proposed buildings or other structures does not cover more than 50 percent of the adjacent open space at noon on March 21, June 21 and September 21, and not more than 75 percent of the adjacent open space at noon on December 21, and 3:00 pm on March 21, June 21, and September 21. The technical shadow studies based on the maximum building envelopes have been provided to illustrate in Exhibits C.55-56).

Council finds this criterion is satisfied.

6. The master plan demonstrates that easy and safe access will be provided to transit stations located within or immediately adjacent to the master plan boundary, and any buildings located immediately adjacent to a transit station include ground floor uses that create an active and safe pedestrian environment throughout the day, evening, and week;

Findings: Council finds that this criterion requires a finding of easy and safe access to a transit station only if that transit station is within or immediately adjacent to the master plan boundary. “Transit Station” is defined by PCC 33.910 as “A location where light rail vehicles stop to load or unload passengers.” The definition of “Light Rail Line” in PCC 33.910 specifically excludes streetcar. Based on these definitions, the nearest transit stations are 6 blocks away, towards the west. The evidence in the record demonstrates that there is no transit station within or immediately adjacent to the master plan boundary and no buildings are proposed to be located immediately adjacent to a transit station. Therefore, the City Council agrees with PBOT that there are no transit stations located within or immediately adjacent to the master plan area. Based on our interpretation of this criterion, it does not apply to this site.

This criterion does not by its express terms require an applicant to build a transit station in or immediately adjacent to the master plan boundary in the absence of such a station.

Opponents argue that the only way to meet this criterion is to provide a transit line that is within or adjacent to the master plan boundary or show some other transit option is available to the same degree. Council rejects this alternative interpretation of the standard and finds that such an interpretation is not reasonable and conflicts with the express language of the code. There is no language in the text of the standard that would support a requirement to build or provide a new transit line and of course this applicant does not have the authority to provide that line; that authority is retained by TriMet who is also not referenced in the approval criteria. The criteria also cannot be interpreted to imply that if a station does not exist, the applicant must provide equivalent service. That language is also not contained in the standard.

While there are no transit “stations” (as is noted in this criterion language) in proximity to the subject site, there are other transit facilities in the vicinity. As discussed under the H.8 criterion findings, the following information demonstrates that the master plan provides easy and safe access to the nearby transit facilities. The site, surrounding and broader areas are served by existing TriMet bus, TriMet MAX light rail, and Portland Streetcar routes/facilities which will help support the proposed development. Further,

new and upgraded existing facilities for people walking/rolling and riding bikes (Multi-Use Paths (MUPs), sidewalks) will be provided between the future A Street and SW Harbor Way as well as along the adjacent SW Harbor Way ROW and around the site. These new and extended connections will provide additional routes for area residents, employees and visitors to access the existing TriMet stop easily and safely located on S Harbor Dr as well as the Streetcar platform on S River Pkwy and other transit facilities.

As included in the transportation impact study, referenced below and part of the record of this proceeding, there are also many additional TriMet bus routes with stops within a convenient distance from the master plan site that are within walking distance of ¼ mile. The closest light rail stop is also accessible from the subject site. Aside from the existing bus stop along the site's S Harbor Dr frontage, the most convenient stop proximate to the site is the existing Portland Streetcar platform at S River Pkwy/S River Dr, immediately southeast of the project.

The project includes a series of new public streets, new MUPs and will trigger ROW improvements around the perimeter of the site. All of these facilities will include standards, including sidewalks, furnishing zones and street lighting, that will enhance safety and access to the transit opportunities around/near the site. Together with the potential additional residential uses that will occupy the site and the ground floor active use requirements on many of the master plan frontages, the master plan creates an active and safe pedestrian environment with easy and convenient access to transit.

To the extent this criterion could be read to apply to other transit facilities other than light rail stations, it is satisfied.

7. Internal open areas are accessible within, and distributed throughout, the master plan area and have connections to the surrounding neighborhood and to any adjacent open space. Internal open areas enhance visual permeability through the site, especially on sites near the Willamette River. The size and location of each open area must be adequate to accommodate the intended use of the space.

Findings: Council incorporates by reference similar findings that also address this criterion under H.1, policies 3.UD.1-3, 5.UD-.2-5 and H.2, Guideline B5.

Council finds that the site includes 20% of its land mass in open area resulting in nearly 70,000 square feet of open area or the equivalent of 2 pioneer squares for an 8-block development. The open area is distributed throughout and at the edges of the site. This siting of open areas, in both east-west and north south orientations culminating in a large full block park at the northeastern corner of the site, along with the proposed new street grid, will bring the open space series to the edges of the site and knit the new development in with the surrounding urban fabric. This will be a substantial improvement over the existing development on the site, which is currently internally focused and vehicle oriented. All the open areas will be connected by a new fully improved street grid, including pedestrian accessways, sidewalks and a multi use regional trail resulting in an open space plan that is accessible within and distributed throughout the master plan area with connections to the surrounding network. Most notably, the large park on Block 6 is immediately adjacent to the existing South Waterfront Park, directly connecting the open space in the master plan area to the existing open space adjacent to the master plan area.

To enhance visual permeability through the site, the master plan proposes an extensive new public connectivity network to and through the site. The master plan includes 3 new public streets: an extension of S Hall Street and a new "B" Street that serve east-west traffic, and "A" Street that will tie into the west end of S Hall and connect back to S Montgomery at the NW corner of the site.

In addition to this public street system, the master plan also includes a series of new pathways, open spaces, access ramps and trail connections. Two new connections are planned between the existing Harbor Drive Trail along the western edge of the site and “A” Street – one incorporating an accessible ramp at the south end of Block 1, and the other serving as part of a break between potential towers on Block 1. The western sidewalk frontage of “A” Street along Block 1 will be improved in Phase 1 and built to contemporary street standards for an urban street. The project also proposes to help rebuild offsite portions of the Harbor Drive Trail itself and create new access points to it – widening it and bringing it up to modern standards of access for active transportation choices.

New setbacks are planned along S Montgomery and River Drive to improve the experience(s) of those existing connections and adding permeability. These “landscaped” setbacks will ensure adequate space for an additional row of trees along each of those frontages, allowing for the creation of treed “allées” strengthening the green street character of Montgomery and enhancing the “transit to the river” experience on S River Drive.

The open areas will be phased as development of the master plan occurs. The open areas associated with Phase 1 will be designed and constructed in Phase 1 and the open areas in Phase 2 will be designed and constructed in Phase 2, ensuring again that both in phases and in the aggregate the open spaces will remain in compliance with this criterion. Condition of approval K also ensures that these open spaces will be designed in a comprehensive and coherent manner.

The open spaces are all sized to accomplish a diversity of objectives. The full block park on Block 6 is sized to accommodate active and passive uses and is of sufficient size to accommodate a playground, a sports field of some kind, a passive pastoral setting or many other options. In context, 70,000 square feet of open space for an 8-block development is proportionately large and provides flexibility for programming and use into the future. The pedestrian accessway creates the opportunity for an esplanade type open space between Blocks 3 and 5 and connects to the park on Block 6 in a north-south direction, linking the park to the southern blocks of the master plan. Taken together, Council finds that the connected network of open spaces creates size and function diversity that will adequately serve the allowed uses in the master plan area.

Opponents argue that, in their view, the open space is not connected or knitted together and that the findings fail to respond to this criterion. While reasonable minds can differ on whether the open space plan meets one’s personal aesthetic, that is not the charge here under this approval criterion. Rather, based on the master plan and the conditions of approval below, Council finds that the open areas are accessible within, and distributed throughout, the master plan area and have connections to the surrounding neighborhood and to adjacent South Waterfront Park. The internal open areas enhance visual permeability through the site, especially on Block 1 which includes a 60-foot-wide open area bifurcating Block 1 and aligned with B Street, significantly enhancing the east-west permeability through the site and the intersection north-south pedestrian way through Blocks 3 and 5, creating permeability in each direction.

To ensure coherent design, Council imposes the following condition of approval K related to open space:

Open Areas - Phase 1: As part of the first land use review submitted for “Phase 1” (Parcel 1), all spaces identified as “open areas” to meet the requirements of 33.510.255.K located within that phase shall be designed and constructed.

Open Areas - Conceptual Buildout (Phase 2). As part of the first land use review submitted for the “Conceptual Buildout” phase (Parcels 2, 3, 4, 5 and 6), all spaces identified as “open areas” to meet the requirements of 33.510.255.K located within that phase shall be designed and constructed.

With this condition of approval, this criterion is satisfied.

8. The transportation system is capable of supporting the proposed uses in addition to the existing uses in the plan area. Evaluation factors include street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation, and safety. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated.

Findings:

Council finds, based on the submitted transportation impact study, PBOT’s review and findings on that study and the testimony presented to Council, that the master plan satisfies this criterion.

Street capacity/level of service:

The submitted TIS was prepared based on an approved scope from PBOT and includes industry acceptable references, data (collection), analyses, methodologies assumptions and conclusions. Moreover, and although necessary to address this particular evaluation factor, the TIS also includes references and analysis related to nearby and still under construction City Capital Improvement Plan (CIP) projects - Better Naito Forever and Naito Paving Upgrades. The scoping memo approved by PBOT also provided direction to the applicant’s traffic consultant with regard to the specified area intersections that PBOT identified as necessary to be studied– a process that is typical in developing a TIS and that focuses on intersections that are expected to experience the potential greatest impacts associated with a proposed project. It is not plausible (or required) to have other/all intersections in the broader City-wide transportation system studied in relation to a specific development proposal; this is not PBOT’s standard protocol for any land use consideration. The TIS includes the necessary information related to each of the identified study intersections. There is an extensive amount of documentation in the submitted TIS regarding this evaluation factor, therefore Council will summarize the relevant conclusions here:

- All study intersections currently operate at acceptable “levels of service” (LOS), the City’s performance measure for intersection operations (based on a weighted average of vehicle delay for the intersection).
- All study intersections will continue to operate at acceptable LOS under “background” traffic conditions. This analysis identified how the study intersections will operate in future year 2031 (10 years from the application submittal date reflecting a one-percent traffic volume increase (PBOT’s applied growth rate) without any redevelopment of the subject site.

This analysis took into consideration two nearby City Transportation System Plan identified CIP projects that have funding but are not anticipated to be constructed until 2031. Accordingly, traffic volumes were re-routed in the analyzed background condition reflecting completion of these CIP projects.

- All study intersections will continue to operate at acceptable LOS under future total traffic conditions, considering the expected trip generation resulting from both the

proposed Phase 1 development and the ultimate build-out of the proposed development with Phase 2.

In addition to the abutting ROW improvements that will be triggered by the proposed development in Phase 1, the applicant will also be upgrading the existing MUP along S Harbor Way to City standards – which will include adjusting the current location of the MUP towards the S Harbor Dr/S Montgomery intersection. The realignment of the MUP will also require that the applicant provide some upgrades to the intersection’s signal system. This mitigation is not a result of impacts related to the Phase 1 development but will be completed in relation to the construction of the Phase 1 development.

- Aside from the study intersections which were a part of the approved scoping for the TIS, as noted above, the applicant’s traffic consultant also conducted a “sensitivity analysis” of the study intersection operations in relation to the City’s nearby Better Naito Forever CIP project. This CIP project will involve some operational changes to S Naito Pkwy with resulting efficiencies to a series of system traffic signals and an enhancement of the existing bicycle and pedestrian environment. The additional analysis included in the TIS that was provided at PBOT’s request, reveals that there will be no adverse impacts to the broader goals of the CIP project.
- Further, with or without the Proposed Phase 2 development constructed in the future, it is anticipated that analyzed intersections will perform slightly better than evaluated given the conservative nature of the analysis. For instance, intersection operational analyses did not factor any trip reductions expected to result from mode splits associated with future tenants/occupants of the mixed-use project utilizing alternative means of transportation or movement. As another example, whereas the transportation-related impacts of the proposed project considered a grocery store as a potential component of the development (as was required for the City to assess a reasonable worst-case development potential), another use with much less vehicle trip-generation might actually come onboard as a future tenant of the project instead of a grocer, reducing the estimated vehicle trip generation.

Opponents argue that PBOT did not properly evaluate existing uses in the area and did not take actual traffic counts of current traffic congestion coupled with a growth in existing traffic from new uses. Council rejects this argument. The TIS contains an analysis of the current level of service at each study intersection which includes an analysis of the existing trip counts through those intersections. The analysis then adds the projected trips from the maximum worst case development scenario within the master plan area and then adds a background growth rate of traffic to the system to determine if together, the existing trips and capacity, together with full development of this site and the background growth rate will have adverse impacts on the study intersections. The results of that comprehensive analysis under this criterion demonstrate that the transportation system is capable of supporting the proposed uses in addition to the existing uses in the plan area considering street capacity and level of service. The opponents did not offer any expert testimony to refute these findings or standard protocol and did not provide any evidence that would otherwise undermine PBOT’s and the Council’s reliance on the background growth rate in traffic.

Council finds that this evaluation factor is satisfied.

Connectivity:

Council finds that there is no connectivity guidance in the master plan approval criteria and therefore look to PCC Section 33.654.110 (Connectivity and Location of Rights-of-Way), and more specifically sub-section B.1.a, for that guidance which states:

“Through streets should generally be provided no more than 530-ft apart, and pedestrian connections should generally be provided no more than 330-ft apart. Through street and pedestrian connections should generally be at least 200-ft apart.”

As mentioned throughout these findings, the master plan creates a new vehicular street grid based on the Portland block 200 by 200 structure. In all cases, through streets in the master plan area are provided no more than 530-ft. apart, and pedestrian connections are provided no more than 330-ft. apart. And the through street and pedestrian connections are generally at least 200-ft. apart in compliance with this connectivity criterion. Council notes that this standard uses the term “generally” to introduce the preferred connectivity pattern. Council finds, based on the new street grid, discussed above and in PBOT’s response, this standard is satisfied.

With respect to pedestrian connectivity, Council finds that the plan enhances pedestrian connectivity through multiple measures. These measures include the enhancement of the existing MUP along abutting S Harbor Way (and associated intersection/signal upgrades), the two east-west connections through “Block 1” (towards the S Harbor Way MUP), the new interior public street (circulation pattern) with standard sidewalk corridors and enhanced crossings (curb extensions), and the “pedestrian accessway” between Blocks 3 and 5, the potential open space (functions) of Block 6 and finally, the updated ROW improvements that will be triggered around the perimeter of the site. As described in PBOT’s response, each of these elements of the proposed development will provide an improvement to the pedestrian environment in the area with enhanced connectivity opportunities in all directions. The numerous elements are in alignment with the City’s spacing goals.

Council finds evaluation factor is satisfied.

Transit availability:

Council finds that this evaluation factor isn’t well defined in terms of how to assess “transit availability” in regard to land use applications. While the term “transit station” is defined in PCC 33.910 as being limited to light rail stations, the term “transit” is not defined. Modes such as streetcar are described in PCC 33.910 as being a form of public transit. The Merriam Webster online dictionary generally defines transit as local transportation of people, especially by public conveyance. (www.merriam-webster.com). Based on text and context, Council finds that “transit” for purposes of this criterion includes bus, light rail and streetcar. Council finds that availability means the state of being available or present.

Council further finds that there are multiple transit opportunities serving the general area and specific site with opportunities for greater connection to the broader transit system and therefore Council finds that transit is available and present.

Council finds that the traffic study identifies fourteen TriMet bus lines with stops within ¼ mile from the subject site – some of these routes are frequent service lines, others are not. Some of these routes have stops in very close proximity to the site whereas others are not as convenient (it should be noted here that while PBOT has traditionally suggested that ¼ mile walking distance is considered reasonable).

TriMet also provides light-rail MAX service with stops slightly beyond ¼ mile from the site.

Finally, Portland Streetcar offers direct service to the site with a platform at the S River Pkwy/S River Dr intersection.

While the opponents argue that they would prefer the City require the applicant to provide a closer or more frequent transit line, Council finds that the evidence of

multiple transit options serving this site is compelling and supports a finding of transit availability. Further, the City does not authorize the extension of existing or addition of new bus or light rail routes. TriMet, the region's transit provider, through its own planning efforts, ultimately determines the transit availability throughout the City (and beyond). While a development proposal of the scale of the RiverPlace *might influence* new or extended transit service, as mentioned in the TIS, the transit agency continues to consider future options for enhanced transit service to serve the greater south/south-western area of the metropolitan area, taking in account, among other issues, limited funding for said service expansion.

Lastly, Council finds that the proposed development will result in an enhancement of the connectivity, circulation and general opportunity for future tenants of the proposed mixed-use development as well as existing residents of the area, to access the available transit. With greater pedestrian connections (that will be available to the public) and the new internal public street system that will be constructed, opportunities to safely access current available transit will be enhanced.

Council finds this evaluation factor is satisfied.

Availability of pedestrian and bicycle networks:

As identified in the City's "Bike-Walk Map" ([SW BikeWalk map outside 2017 0519 \(portland.gov\)](http://www.portland.gov)) for southwest Portland, there are numerous bicycle and pedestrian facilities in proximity to the subject site which lead to networks throughout a broader part of the city. The existing facilities include the "multi-use path" immediately east of the subject site and along the Willamette River that connects northward to Waterfront Park and its series of multi-use paths. There is the existing "multi-use path" south of the subject site (from the South-Waterfront district) and immediately adjacent to the site along S Harbor Way (which will be upgraded by the developer as required by Condition C, and in particular C.4). There is a Neighborhood Greenway/signed marked route along S Harbor Way and there are "shared roadways" immediately abutting the subject site along S River Dr and S Montgomery. Lastly, there are "bike lanes" painted along S Moody (south of the subject site and along S River Pkwy (abutting the site). It is noted here that all these facilities lead to other bicycle (and pedestrian) networks in every direction from the site including but not limited to the multi-use paths across the Willamette River on the Hawthorne and Tilikum Bridges.

Council further finds that this area is located in Portland's Central City which is made up of a robust and connected pedestrian system – sidewalks meeting and exceeding current City standards exist around and beyond the subject site. Aside from the multi-use paths noted above, the sidewalks around the site and beyond, allow for safe pedestrian travel in all directions.

These existing pedestrian and bicycle networks will be supplemented by the proposed development with new/upgraded MUP's and sidewalks through and around the subject site as well as updated sidewalk corridors around the site's perimeter. Area connectivity will be improved in relation to the new and enriched facilities through and along the site's frontages. As part of the development's relocation of the existing MUP along abutting S Harbor Way, the intersection at S Harbor Dr/S Montgomery will also be upgraded to enhance pedestrian/bicycling safety.

Council finds that this evaluation factor is satisfied.

On-street parking impacts:

Council concurs with PBOT and finds that to address this parking evaluation factor, Council first reviews any required minimum and restricted maximum parking allowance for the development, assesses the general uses projected under the master plan

proposal, the projected timeline for that development and then determines whether, over the full build out of the master plan, there is an impact on the on-street parking supply that will cause failure as a result of the proposed development. Finally, Council determines whether that failure is mitigated. Failure is defined as, “a state of inability to perform a normal function.” (www.merriam-webster.com). Council finds that PBOT correctly conducted this analysis based on these evaluative steps and found, and Council agrees, that any impacts to on-street parking are acceptable based on the projected demand and will not result in failure, or inability of the street system to perform. Council also finds that off-street parking impacts are an evaluation factor that is balanced with the other factors under this criterion to determine, overall, whether the transportation system is capable of supporting the proposed use. As PBOT concluded and Council agrees, this criterion does not require a finding of no impact. Instead, the question is whether the impact leads to failure.

This Central City Master Plan is located in the Central City Plan District. Pursuant to PCC 33.510.261, the purpose of the Central City parking regulations for parking that will be built, as here, after July 9, 2018, is multi-fold. The parking and access regulations implement the Central City 2035 Plan and the Transportation System Plan by managing the supply of off-street parking to improve mobility, promote the use of alternative modes, support existing and new economic development, maintain air quality, and enhance the urban form of the Central City. The minimum and maximum parking regulations support this purpose statement by ensuring that development supports the use of alternative modes in the Central City while also supporting economic development. The RiverPlace Central City Master Plan is located in Parking Sector 4 on Map 510-10. Under Table 510-1, there is no minimum parking requirement for the general use categories projected for development under the Master Plan including residential, retail, office or hotel uses. Council finds that the no minimum parking requirement supports the City’s purpose under these regulations which is, in part, to promote the use of alternative modes and maintain air quality by reducing the reliance on and provision for vehicular parking. Council also finds that the maximum parking allowance in this Master Plan area will depend on the ultimate square footage developed for each use. Council finds that the applicant in any future development proposal will be permitted to build no parking or build the maximum permitted parking and therefore there may be a range of parking depending on the nature of the future proposals.

Consistent with these provisions, the City required as part of the Master Plan submittal that the applicant submit a TIS that included a tabulation and estimate of the number of on-street parking spaces (supply) after a traffic consultant conducted field observations during specified timeframes reflective of peak parking demand of proposed uses related to the project. All of this information was included in the submitted TIS. The TIS also includes calculations and tabulations related to expected parking demand of a land use proposal, referring to Institute of Transportation Engineers most recent version of the “Parking Generation Manual - 5th Edition” (“the Manual”). The Manual includes estimated peak parking demand rates based on particular singular land use categories. These standard rates are then used to prepare the calculations identifying expected project parking demand, which, along with the existing and observed on-street parking supply/demand data, help to address a project’s potential impacts to on-street parking.

Council finds that the applicant’s traffic consultant utilized the methodology provided in the Manual for shared parking given the proposed mixed-use development. Council agrees with PBOT that the use of this methodology during the scoping process was appropriate given the mixed-use nature of the project.

Council incorporates by reference the substantial evidence regarding the parking analysis in the TIS, and summarizes the primary data here:

- The applicant has projected a total of 1,698 parking spaces on site at full build out; all of this parking is in excess of the minimum parking that is required (none) but does not exceed the maximum that is allowed based on a development projection over a 10-year term.
- Based on the shared parking generation analysis in the TIS, 1,974 parking spaces could be needed during the peak time (noon) to serve the mixed-use development at full build out if all of the uses are developed to their reasonable worst case maximum allowance.
- The observed and estimated on-street parking supply within the area identified by PBOT during the scoping process includes 53 parking spaces. This on-street supply will also increase over build out of the Master Plan as new streets are constructed within the Master Plan area.
- As expected, given the mix of uses currently found in the area, the two observation times during the late morning and early afternoon had the greatest percentages of total on-street parking supply occupation. The overnight observation period showed an occupancy of less than half of the overall current on-street parking supply.
- The above referenced on-street parking demand/usage is also indicative of the metered spaces which are limited to 2-hours between 7:00 am and 7:00 pm throughout the parking study area.
- Council finds based on these maximum parking projections, showing a maximum parking demand delta of 276 spaces at full build out, that the Master Plan development will not result in failure of the of the on-street parking supply.

The applicant would be permitted under the applicable code to provide no off-street parking. As above, Council finds that the city's no minimum parking requirement standard incentivizes other forms of travel such as bicycle, pedestrian and transit modes. Council further finds that the extensive multi-modal network in this area and the proximity to bus, light rail and streetcar will further reduce parking demand for uses in the master plan area. While the Parking Manual for the multi-family and office parking rates are reflective of a dense, mixed-use environment, as within Portland's Central City, the retail, grocery and hotel rates in the Parking Manual use parking demand data generated from more suburban locations, that are much more reliant on vehicular modes of travel. As such, the Manual rates for retail, grocery and hotel do not reflect the effects on the higher non-auto mode splits that are found in Portland's Central City. Utilizing these Manual rates for all of the retail, grocery and hotel projected uses would therefore result in a parking demand calculation that exceeds the reasonable and likely parking demand for this project based on its location in the Central City.

Further, Portland has achieved a 64% mode split in the Central City area (as of 2015). This mode split is also not reflected in the applicant's TIS parking analysis and is not assumed in the parking ratios for retail, hotel and grocery contained in the Parking Manual. Given the opportunities for alternative means of transportation that are currently available in proximity to the subject site, the Central City's current 64% mode split and the more convenient connections to transit and multi modal paths that are to be constructed with the proposed project, it is highly reasonable to expect and assume in this analysis that the proposed master plan development will generate a lesser parking demand than assumed by the Parking Manual's more suburban parking rates. Accordingly, although the TIS includes industry standard acceptable methodologies for calculating the parking needs of the development's mix of uses, the parking needs are likely to be lower and therefore the impacts to on-street parking supply reduced.

Council finds that there is no evidence in the record to refute these findings or this expert evidence. There is no evidence offered that would refute the conclusion that the

project's location in the Central City will reduce the actual parking demand for retail, hotel and grocery uses below that projected based on suburban parking rates for these uses. There is no evidence in the record that would refute the mode split data for similar uses in the Central City. There is no evidence in the record to refute the conclusion that the Central City, with similar access to transit and multi-modal modes as the subject site, is experiencing at least a 64% mode split. And the substantial evidence in the record unequivocally demonstrates that the mode split is not included in the applicant's parking demand analysis which would effectively reduce the demand projected in the applicant's parking analysis and lessen any impact on the on-street parking supply over the life of the master plan. It is important to again recognize that this is a master plan review with uses projected over the at least 10-year term of full buildout. Council finds that this level of review requires a reasonable worst case development scenario that will be subject to several factors that could very likely reduce the need for parking over time. For example, if more community serving retail is developed along with residential uses, the parking demand at the peak periods could decrease. As the City's mode split decreases and transit ridership increases, parking demand will be reduced. As other uses develop in the area, the parking projections over the 10 year or more term of this development may change. Council finds that the applicant has provided a conservative parking analysis that likely overestimates parking demand over a 10-year term and that a reasonable person reviewing the evidence on the record could reach the same conclusion PBOT and Council has reached; specifically, that this development will not cause the on-street parking system to fail, or be unable to perform its function, based on parking demand generated by the projected uses.

Lastly, while the proposed development will include parking for the various uses, the TIS states that future residential and office tenants will be required to purchase the use of a vehicular parking space rather than expecting a parking space with tenant leases. Additionally, the applicant has proposed to allow residential tenants to lease a parking space on a month-to-month basis. These parking reduction strategies have been utilized at other projects constructed by the applicant and have incentivized tenants to reduce the demand for new parking. These parking strategies are not required in this case to reduce overall impacts on the on-street parking supply because Council finds that the parking demand analysis overestimated the likely impact on on-street parking supply by using higher demand rates for retail, grocery and hotel uses and by not including a parking reducer based on the Central City's already proven mode split of 64%. Council finds instead that these additional parking strategies will only further reduce on-street demand over time.

Given the location of this master plan area in the Central City and close to transit and other multi-modal options, these strategies will also reduce the overall project's parking demand and increase the use of alternative means of transportation (increasing the area's mode share), consistent with the purpose of the Central City parking regulations.

Opponents argue that the parking analysis is in error because it relies on full build out and must instead evaluate compliance without full build out. Council rejects this argument. Council finds that because the parking supply does not create failure of the on-street parking supply at full build out based on the parking rates applied in the TIS and modified by the Central City location and existing mode split, it will also not result in failure at any lesser development than full buildout, using those same assumptions. Council finds that on street parking impacts is a factor, and there is no temporal measurement in the code standard that opponents can rely on to conclude that at any particular stage of the development the factor is not satisfied, particularly on the evidence presented in this record. Opponents do not present a competing parking analysis that demonstrates a failure of the on-street parking supply at any stage of the development. Instead, the claims are speculative and suggest that unless the applicant builds the maximum allowed off street parking there will be a failure of the on-street

supply. That claim is not supported by any evidence in the record. There is no competing parking count, no credible evidence that would undermine the expert testimony to the contrary and no challenge to the impact of the Central City's mode split data. Opponents have offered no contrary expert or lay evidence that would require Council to reach a different conclusion. Opponents' arguments also seem to suggest that in Phase 1 with the addition of residential and some retail use, "it is unclear how much parking demand residential development, without any proximate retail or services, will place on the system..." Council rejects this argument as well. First, the parking study includes a parking demand analysis for residential parking. It is not unclear on the record how much parking demand is related to the residential use. Second, the opponents' argument ignores the context of the development. This is a master plan area that is directly proximate to many existing retail uses, offices and a hotel. In Phase 1, the master plan area will be knitted into an existing urban environment with a significant mix of uses that will serve the daily needs of the new residents. Thus, regardless of phase, the mixed-use assumptions in the parking demand analysis are reasonable even in the earliest stages of development.

Opponents again argue that to accept a mixed-use assumption in the parking demand analysis one must specifically identify the particular retail uses that will be constructed. That argument is not supported by any accepted parking demand methodology. Instead, the reasonable assumptions about parking reductions are based on the planned mix of uses in the area such as retail uses, office uses, hotel uses and residential uses. Each of these uses is identified and evaluated in the TIS and parking study. Further, Council finds that the TIS parking study conservatively included a specific retail use with a high parking demand: a grocery store. If the grocery store is not developed on this site, the calculated parking demand will be significantly reduced. Council heard testimony during the hearing that a planned grocery store has submitted for a building permit in the near vicinity, making it less likely that a grocery store will be included in the master plan area, further reducing parking demand.

For these reasons, Council finds that on-street parking impacts is one factor under this criterion that is evaluated to determine if the transportation system is capable of supporting the proposed uses and existing uses in the area. The criterion requires an examination of whether the proposed development will cause failure of the on-street parking system. Council finds that the substantial evidence in the record demonstrates that the parking demand from the proposed master plan at each stage and at full build out will not cause failure of on-street parking. The TIS includes a conservative projection of parking demand and shows the maximum potential demand for 276 on-street spaces over the 10-year term of the master plan. The substantial evidence in the record shows that this maximum projected demand is reduced by several factors including application of lower parking demand rates for retail, grocery and hotel based on the Central City location, the application of the existing 64% mode split based on existing Central City data and the further connections to transit and new MUP path that will be constructed with each new development in the master plan area.

For these reasons, Council finds that the projected parking supply over the life of the master plan will allow the transportation system to capably function and will not cause failure of the on-street parking supply.

Council finds this evaluation factor is satisfied.

Access restrictions:

Council finds that PCC 33.510.263.B identifies parking and loading access standards for sites in the Central City Plan District. Given the streetcar alignment along S River Pkwy, sub-section B.1.h of the referenced Zoning Code prohibits motor vehicle access unless the vehicles can be demonstrated to not travel onto or across the streetcar

alignment. Additionally, motor vehicle access is not allowed along S Harbor Way given its Major City Bikeway classification in the City's Transportation System Plan; the Zoning Code would allow potential access via this street with an approved Adjustment request. It is acknowledged here that the proposed master plan complied with these restrictions and does not contemplate vehicle access to either S River Pkwy or S Harbor Way.

In relation to the upgrade and relocation of the MUP along S Harbor Way, vehicular access along this public ROW will be limited to emergency vehicles only. Other existing curb-cuts/driveways around the site will also eventually be closed.

Council finds this evaluation factor is satisfied.

Neighborhood impacts:

Council finds that this factor is analyzed in relation to intersection capacity and on-street parking evaluation factors. These are the elements of the transportation system that are primarily related to neighborhood impacts.

Council acknowledges that the proposed development on the subject site will result in additional vehicle trips into the local transportation system. However, as noted previously in these findings, this is not the measure used to determine impacts to area intersection operations – all study intersections are currently operating at acceptable LOS and will continue to do so at the build-out of the project with Phase 2.

Council finds that the project will provide on-site parking spaces that greatly exceed the Zoning Code's minimum parking requirements; none of the elements of the project actually trigger parking to be provided on the subject site. Given the parking that will be included on-site to serve all the proposed uses, and the expected mode split to be achieved by the project, impacts to on-street parking that would otherwise be significant under the no minimum parking requirement, will be minimized or eliminated. With the predominance of metered parking in the limited on-street parking supply, and with different uses on the site having differing expected peaks in demand for on-street parking, the resulting impacts to on-street parking should be minimized.

Council also recognizes that by overbuilding parking in this area of the Central City, Council would be supporting and prioritizing vehicular travel over other modes of travel. Such an action would invite more cars into the neighborhood and create more impacts in the immediate vicinity and in the greater community through an increase in emissions that could otherwise be avoided. Council finds that balancing this factor with the other evaluation factors and the parking demand and supply study referenced above in the TIS, the proposal minimizes neighborhood impacts and contributes to a mode split that is more in line with the City's 2035 mode split goals.

Since there will be minimal impacts to the operations of study intersection and to on-street parking supply, transportation-related neighborhood impacts are not anticipated.

Council finds this evaluation factor is satisfied.

Impacts on pedestrian, bicycle, and transit circulation:

As discussed extensively above, the proposed project will improve existing pedestrian and bicycle circulation through required upgrades to the numerous pedestrian and multi-use path upgrades and will include construction of new facilities through the subject site. With the upgrade to the existing MUP along S Harbor Way, the connections at the southern end of Block 1 and through Block 1 closer to S Montgomery, will allow pedestrians and bicyclists to better connect and circulate

towards broader facilities in all directions from the subject site. Other pedestrian facilities that will be provided within and around the site including between Blocks 3 and 5, the park at the southeast corner of the site, new sidewalks along the new internally circulated public streets and the upgraded sidewalk corridors around the perimeter of the site, will each have positive influences on the pedestrian (and bicycle) environment throughout the area.

The project is not expected to result in adverse impacts to area transit circulation. Added trip generation from the proposed development will not degrade operations of existing study intersections and all intersections will continue to operate at acceptable LOS, including the signalized intersections that were considered. Accordingly, transit operations through these intersections will also not be degraded. The extensive new street network and pedestrian access paths to transit lines and stations will encourage use of transit and will provide easy, safe access to transit.

Council finds this evaluation factor is satisfied.

Safety:

Council finds that the TIS includes crash data from ODOT for the most recent five-year period (Jan/2015 – Dec/2019) to help determine if there are any safety deficiencies at area intersections that may be exacerbated by proposed development and that may need mitigation. Pursuant to ODOT's Analysis Procedures Manual, any intersection that exceeds the 90th percentile crash rates need to be further analyzed. Of the ten study intersections, the data provided in the TIS indicate that none of these intersections reach this threshold for additional analysis.

The TIS does identify ten reported crashes at the S Harbor Dr/S Montgomery intersection. This intersection will be upgraded with a realignment to achieve safer pedestrian and bicycle crossings, and the City will modify the signal's timing to increase the safety of the intersections. These improvements will be made in Phase 1 under the conditions of approval.

Council finds this evaluation factor is satisfied.

Council finds that all evaluation factors have been considered and are satisfied. Based on satisfaction of the evaluation factors and Conditions C, D and H, Council finds that "the transportation system is capable of supporting the proposed uses in addition to the existing uses in the plan area".

Council finds this criterion is met with conditions.

9. The proposed street plan must provide multi-modal street connections to support the surrounding street grid pattern:

Findings: Council finds that the proposed master plan includes a new public street system that will connect to the surrounding street pattern. The new streets will include standard public street cross sections identified in PBOT's Development Review Manual to Creating Public Streets and Connections (December/2020). The cross sections will include standard roadway pavement and sidewalk corridors. Further, the project includes MUPs through and along the site to enhance and facilitate pedestrian and bicycle movement within and beyond the site. These facilities will also be constructed to current City and ADA standards. With new public streets and MUPs, multi-modal connections will be added to the site and enhanced to support the surrounding street grid pattern. These requirements are ensured by the imposition of conditions of approval. See Conditions C and H.

Opponents incorrectly assert that the applicant has not provided any off-site

improvements to address bike and pedestrian demands. That is incorrect. The master plan not only includes a new street grid that will be constructed to City standards in and adjacent to the site, but the applicant has also volunteered to build the regional, off-site MUP that will create a new bike and pedestrian connection from the South Waterfront to South Downtown. This is a significant external connection that is knitted back into the master plan area by multiple east west connections including the 60-wide pedestrian path that bifurcates Block 1, the southern open area and pathways as well as an improved Montgomery Street. The new MUP connection will also include a new alignment and signal to improve safety. Council therefore rejects the opponents' claim to the contrary.

This criterion is met with conditions C, D and H.

10. The plan ensures that there will be adequate and timely infrastructure capacity for the proposed development.

Findings: Council finds based on the above analysis under H.7 and H.8, and with conditions (including C –I and K), that there will be adequate and timely transportation and open space infrastructure capacity. Council does not repeat here, but incorporates by reference, the findings under H.1 and H.2 as well as H.7 and H.8.

Council also finds that all of the service bureaus that evaluated the services and utilities needed to serve the development determined that there will be adequate and timely infrastructure capacity based on the phased development plan. This phased plan is also reflected in the conditions of approval, referenced below.

The Bureau of Environmental Services found, and Council agrees, that the proposal complies with approval criterion 33.510.255.H.10 by demonstrating there will be adequate and timely infrastructure capacity for the proposed development.

Proposed development within the master plan boundary will be subject to BES standards and requirements, and applicable conditions of approval, during future development review processes, including land use and building permit reviews.

BES recommended and Council adopts here, conditions of approval B.1-6. These conditions were based on a service evaluation presented by the applicant to BES and reviewed by BES. Based on the service analysis, the City concludes that BES services are adequately and timely provided to the development site. As part of the master plan approval process, the City required the applicant to submit a Concept Development Plan public works permit that demonstrates how each BES service can feasibly and reasonably be provided on the site in an adequate and timely manner in compliance with this criterion. No party objected to these findings and no evidence to the contrary was submitted into the record.

Council therefore finds that adequate and timely BES services will be provided to the site.

Further, Council finds here, as it did under H.8, that adequate and timely transportation infrastructure will be provided to the site. The City required a Public Works Permit review process, in coordination with the master plan, as stated above. In this case, the Council finds that the Concept Development Plan Phase (30% plans) is the appropriate level of inquiry to address this criterion. Accordingly, the applicant submitted and secured City approval of the Concept Development Plan to adequately address this approval criterion. The Concept Development Plan public works permit evaluates the existence, capacity and need for public infrastructure appropriately sized to accommodate the proposed development. It is important to note here that this

evaluation is far more than a feasibility study. Instead, it is a confirmation process based on specific projections that the utilities or infrastructure is located in the correct area and is sized and planned to serve existing uses and the additional planned uses. PBOT reviewed the Concept Development Plan and through a series of iterative comments and amendments approved the 30% plans. Council concurs with PBOT's approval of the Concept Development Plan and agrees that the General conditions of approval C.1-3 related to those plans will ensure the criterion will be met.

Condition C.3 provides:

C.3. In the event future proposed uses on the site differ from those reflected in Table 2 on Page 14 of the December 15, 2021, Kittelson & Assoc Transportation Impact Study, a trip generation calculation(s) must be submitted for PBOT review. If the calculations result in a higher trip generation, a modified Central City Master Plan application will be triggered and considered under a Type III land use review process.

Condition C.3 directly addresses a claim made by some of the opponents that a new traffic study should be required after Phase 1. Council rejects that argument. The approval criteria under PCC 33.510.255.H require an analysis of the 10 year or more buildout of the master plan area. In turn, the required TIS assumes a reasonable worst case development scenario over that 10-year term and assumes existing and projected growth rates in traffic over the long term. The purpose of this scope of review is to assess the nature and magnitude of the traffic impacts for full buildout in order to provide certainty in the process that any traffic improvements will be constructed in a timely and adequate manner. To require an applicant to reevaluate the transportation system after each phase ignores the comprehensive and long-term analysis that has already been provided in order to approve this 10 year or more build out of the master plan. Opponents' request would therefore render meaningless the scope of the City-approved traffic study and its conclusions. Council also finds that Condition C.3, which is reflected in the conditions of approval, provides that if the assumptions on uses change from those assumed in the TIS, a new trip generation calculation must be submitted to PBOT for review. If those calculations result in a higher trip generation, an amendment to the master plan will be required. To this end, Council finds that the TIS accurately projects traffic impacts for all phases, does not require amendment after each phase and the referenced condition of approval provides certainty that if a use changes in a manner that increases the projected trip generate a master plan amendment will be required subject to a Type 3 review. Council accepts PBOT's analysis and related condition and rejects the opponents' arguments to the contrary.

Council also concurs with PBOT's proposed conditions of approval C.4-14 for each phase.

Council finds that these conditions, reflected in the final Conditions of Approval below, together with the findings under H.1, H.2, H.7 and H.8 demonstrate that with each phase of development, adequate and timely City infrastructure will be provided. There is no evidence to the contrary presented in the record. The City has evaluated each of the two phases, determined the demand generated by each phase, evaluated the existing systems for service of that demand and required conditions of approval that can be feasibly and reasonably deployed to meet that demand.

This criterion is met with conditions B-I and K.

11. The master plan demonstrates that, to the extent practical and feasible, inactive uses such as, but not limited to, parking and access, loading, and trash and recycling are shared or consolidated, with the goal of activating the pedestrian environment.

Findings: Council finds that with condition of approval L, which limits the locations of above-grade parking areas, the master plan successfully limits inactive uses to activate the pedestrian environment. As noted under criterion H.2 above, the master plan contains requirements for ground floor active uses and contains restrictions for the areas where parking and loading access can occur. The master plan also limits the location of above grade parking.

The master plan limits parking and loading access to the interior streets. There is no access to parking or loading functions on any of the site's perimeter streets. Any impacts, therefore, related to the numerous and necessary parking and loading access points will be internal to the proposed development with minimal opportunities to adversely impact the surrounding rights-of-ways.

Council finds that the circulation plan also avoids using "B Street" for any parking or loading access to the eventual buildings on Blocks 3-5. This restriction helps activate the pedestrian environment, along the "pedestrian accessway" between Blocks 3 and 5 and the extension of "B Street" westward (north of "A Street"). This restriction results in a consolidation of the inactive uses identified in this criterion to future S Hall St (extension) and "A Street". The specific locations for vehicular access functions will be refined at the design stage for each building.

Parking and loading on Block 3 has also been limited to two frontages, and additional primary entries have been added to activate the street frontages.

Council finds that this circulation plan robustly responds to this criterion and through the proposed access restrictions, significantly contributes to the pedestrian realm.

Council finds that this criterion is met with condition L.

12. The proposal will not have a significant adverse effect on truck and freight movement.

Findings: As discussed at the outset, Council finds that this criterion does not apply. However, even if it did, the criterion is met. Council finds that except for S Harbor Dr, which is classified in the City's Transportation System Plan as a Major Truck Street, all of the other streets in vicinity of the site (including those leading into the South Waterfront District), are Local Service Truck streets. There is not currently, nor is there expected to be, a significant increase in truck and freight movement in the area. This conclusion is based, in part, on the area's zoning which calls for mixed use development of retail, office and residential uses and the lack of any industrial activities in the area. Aside from typical residential, office and commercial deliveries that will increase in the area in relation to the proposed development, there is no significant adverse effect on current truck and freight movement in the area anticipated.

Council finds that, to the extent this criterion could be read to apply, this criterion is met.

13. City-designated scenic resources are preserved.

Findings: As discussed at the outset, Council finds that this criterion does not apply. However, even if it did, the criterion is met. Council finds that a major view corridor (CC-SW61) is mapped in the area from Terwilliger Blvd in the southwest hills extending through the southern portion of the site to the Willamette River to the north, allowing for a view of Mt. St. Helens. Council further finds that this view corridor is protected through the adopted maximum heights allowed under Maps 510-3 and 510-4. As is evident on this site in particular, the view corridor follows the mid-range heights that are limited through the center of the site. The master plan remains consistent with this view corridor by limiting maximum heights through the corridor, and in all cases the master plan proposed building envelopes fall within these maximum view protective heights,

with no exceptions.

Council finds that, to the extent this criterion could be read to apply, this criterion is met.

14. Proposed residential uses are buffered from potential nuisance impacts from uses allowed by right in the zone.

Findings: As discussed at the outset, Council finds that this criterion does not apply. However, even if it did, the criterion is met. Council finds this criterion is satisfied. The site and its immediate surrounding area are zoned either Central Commercial or Open Space per the Portland Zoning Code. Neither of these zoning designations allow uses by right that could create potential nuisance impacts. Instead, both zones permit uses that are compatible with residential uses like open space, office, retail and like residential uses.

Council finds that, to the extent this criterion could be read to apply, this criterion is met.

15. The master plan includes a design, landscape, and transportation plan that will limit conflicts between residential, employment, and industrial uses.

Findings: As discussed at the outset, Council finds that this criterion does not apply. However, even if it did, the criterion is met. Council finds that there are no industrially zoned sites adjacent or within 500 feet of this site (Exhibit B.1). Additionally as described in further detail in findings under criteria H.1-H.14 above, the design of this masterplan proposes a framework for future development that will be better connected and activated, with publicly accessible open areas, offering potential for residential, office and retail uses which will support and promote a vibrant and diverse neighborhood. (Exhibit C.58). Council finds that the open spaces are distributed and organized throughout the master plan area in a manner that will allow a mix of office and residential users as well as visitors to co-mingle and allow for compatible operations and uses. The design of the block structure is a typical form and function for mixed use areas that accommodate office, retail and residential uses.

Council finds that the transportation plan is the “proposed street network that will be constructed with this project.” As mentioned previously in these findings, the proposed public streets (and MUPs) will be an enhancement of the robust and existing multi-modal system found in the area today. With the connections proposed to the existing streets in the area via the project’s new multi-modal facilities that will be constructed to current City (and ADA) standards, potential conflicts between residential and employment are no industrial uses in the area.

Council finds that, to the extent this criterion could be read to apply, this criterion is met.

Other Issues:

Council addresses additional arguments made by the opponents that do not necessarily fall within a discrete approval criterion.

Opponents request that the City alter the adopted Inclusionary Housing program in this review to eliminate the 3:1 FAR bonus if the master plan does not reach certain density levels, change the program to require 10% of all units be available to those earning 60% MFI (which is compliant with the current program) and mandate another 10% of the units at 80% MFI (which is not part of the City’s current IH code), and eliminate the fee in lieu, an option which is required by state law.

City Council rejects these arguments for several reasons. Under ORS 227.178(3)(a), and PCC

33.700.080.A, an application is subject to the regulations in effect on the date it was initially submitted if it was complete upon submittal or if it is made complete within 180 days of the initial submittal date. Pursuant to these codes, the City's IH requirements on the vesting date of this application permit an applicant to elect to build 10% of on-site units available to those at the 60% MFI level **or** 20% of the units at 80% MFI, but do not require both. Thus, any request to amend the IH requirements in this quasi-judicial proceeding to require both is precluded by our own code and state law.

As to the fee-in-lieu, while Council is sympathetic to this argument and would urge the applicant to not exercise the right to utilize the fee in lieu, Council is required by state law to retain the fee in lieu option as part of the IH program. Under ORS 197.309(5)(c) a county or city that adopts an IH program must provide an option to pay a fee in lieu. The City has adopted this requirement under City administrative rule HOU 3.04.D.5. The applicant testified that it intends to use the on-site option for Phase 1 and Council encourages the applicant to honor this representation. Council further encourages the applicant to provide larger, family-sized market rate and affordable units.

Lastly, in the Central City 2035 Plan code amendments, the City adopted a new FAR base and bonus system organized around the City's highest priority, the provision of more affordable housing. Under those amendments, which are applicable here, an applicant earns an automatic FAR bonus in the Central City that is calculated based on the net area of the building that triggers the affordable housing requirement up to a maximum of 3:1 FAR. This is an automatic FAR bonus and is not subject to discretion. If a project earns the FAR bonus, it will also earn the automatic height bonus. If the height bonus area is subject to additional design or density standards, it must also meet those standards. Therefore, Council finds that this bonus FAR and height is codified at PCC 33.510.205.C.2 and 210.D.3, and cannot be amended, reduced or eliminated in a subsequent quasi-judicial proceeding under PCC 33.700.080 and ORS 227.178 (3)(a).

Opponents also refer in general to public benefits of the master plan. The master plan code found at PCC 33.510.255, supported by the conditions of approval, articulates and codifies the public benefits of the master plan process including 20% of the land area dedicated to publicly accessible open space, here representing nearly 2 city blocks, an integrated and new street grid, the provision of a new mixed-use neighborhood funded by private resources, much needed residential housing supply including affordable housing, and a new regional MUP connecting South Waterfront to Downtown. The approval criteria, conditions of approval and related findings expressly address these public benefits, and the Council finds that the elements of the master plan are provided here and meet our adopted code requirements.

Opponents also would like us to interpret our master plan provisions to require specific uses and claim "RiverPlace could be developed to include no housing, no office, and no commercial retail/sales use as part of this development." The site is zoned CX and these are the very uses that are permitted in the zone. It is highly unlikely that none of these uses would develop after the significant investment that has been made in this master plan process. Further, the applicant has submitted a review for Phase 1 which includes a residential project with ground floor retail uses. Thus, Council rejects the opponents' argument that nothing may be developed. The claim was also made that the amendment process for a master plan does not include a change in a specific use. The reason for this is that the master plan does not require identification of specific uses. Therefore, there is no reason to amend the master plan to change a use. The CX zone allows a broad range of uses, all of which can be built, and our code does not mandate where a project may locate a grocery store or a café or a playground. The master plan is also a 10 year or longer plan. Specific uses and tenants will change over that time. The code does not require or support the City dictating which of the permitted uses to develop on the site. It is up to the applicant to choose the uses that will occupy the site subject to the allowed uses in the CX zone.

Opponents argue that Phase 1 borrows FAR from Phase 2 in order to achieve its bonus height.

At the hearing, counsel for the applicant testified, and Council agrees based on the code and the record, that Phase 1 does not borrow FAR from Phase 2 to achieve its density and height. However, it is important to note that PCC 33.510.255.D permits the free and unrestricted transfer of FAR within the master plan area and between phases and PCC 33.510.255.D allows a project in the master plan area to achieve its bonus height without first earning its FAR bonus. In this case, Phase 1 will generate its own bonus FAR and with that FAR, earn its own bonus height.

If the bonus height reaches 325 feet, under PCC 33.510.210.D.3.e.2, the code already restricts the tower width above 100 feet in order to achieve the desired thinner tower. The tower design is then reviewed in a subsequent Type III design review to ensure that it meets the narrow tower requirements. Council therefore rejects opponents' request to amend the code in this proceeding to alter existing and codified regulations that already address this specific design issue. Again, ORS 227.178(3)(a) and PCC 33.700.080.A preclude Council from amending the code or adopting a new regulation and applying it during a quasi-judicial proceeding on a specific land use application.

Lastly, opponents argue that a DAR, required by Condition J, is not sufficient to program and design the open space. Council finds that the DAR is an added requirement in this case to discuss early design and programming options for the open areas. The code requires the DAR be followed by a full design review on each proposal in a Type 3 proceeding that will evaluate the design and programming of the proposed open area as well as the adjacent building, per Portland Zoning Code 33.420.041. The design review process is binding on the applicant.

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, including and not limited to Floor Area Ratio, Height, and bonus provisions, 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.

This approved Central City Master Plan is vested in the Zoning Code regulations that were in effect when this complete land use review application was submitted. Future land use review applications (including subsequent applications for individual buildings or other development) that are reliant on this approved Master Plan are vested in the Zoning Code in effect when this approved Master Plan application was submitted.

Amendments to this approved Central City Master Plan are vested in the amendment process in effect at the time the Central City Master Plan application was submitted but amended elements are subject to the Zoning Code in effect at the time of the amendment application submittal.

This vesting will be limited to the timeframe covered by the Central City Master Plan per 33.510.255.J. Duration.

CONCLUSIONS

Following many months and years of coordination by the applicant with multiple city bureaus, the proposed RiverPlace Central City Master Plan has been found to meet the applicable Master Plan approval criteria with the additional conditions noted. The proposed master plan will provide the framework for development of approximately 3 million square feet of commercial and residential uses, as well as public open space including a large public park, a new pedestrian accessway, new pedestrian connections and landscaped setbacks in targeted areas.

Over time, development of the open space and buildings envisioned in this master plan will transform an area long severed from public use into a hub of activity and a place for people. Therefore, the proposed master plan meets the applicable Master Plan approval criteria warrants approval.

CITY COUNCIL FINDINGS AND FINAL DECISION

It is the decision of the City Council to approve Design Review for a Central City Master Plan for the 8-acre RiverPlace site. The Central City Master Plan will establish the framework for future development proposals within the Master Plan boundary (South Harbor Way/ South Harbor Trail, South Montgomery Street, South River Drive and South River Parkway). The site will ultimately be home to approximately three (3) million square feet of new commercial, employment, and residential development, as well as approximately 70,000 square feet of new open space.

Approvals per Exhibits C.1-C.106, are signed, stamped, and dated March 10, 2022, subject to the following conditions:

- A.** As part of the final Master Plan document, the following conditions (B through L) must be noted within the document.
- B.** The following BES conditions:
 - 1. All required public infrastructure improvements associated with each phase of the proposed development must be reviewed and approved with a new and separate Public Works Permit, subsequent to the initially reviewed and approved RiverPlace Central City Master Plan. Public Works Permit concept plan approval must be obtained prior to the Design Review application approval for each development phase.
 - 2. In association with Phase I development, BES requires the following related to the existing combined sewer interceptor that crosses the master plan site:
 - a. Prior to Public Works Permit concept plan approval for Phase I development, the applicant must accurately locate and pothole the combined sewer interceptor. The applicant must also locate all existing private utilities within the limits of the proposed 20-foot public sewer easement. Submit for BES review a survey showing the results of the locates and the proposed 20-foot public sewer easement area over the entirety of the interceptor sewer as it crosses the master plan site, the final location to be approved by BES.
 - b. Prior to building permit issuance for Phase I development, the sewer easement must be granted to the City of Portland and recorded over the interceptor sewer in the location approved by BES.
 - 3. Prior to building permit issuance of Phase I, the existing 10-foot public storm sewer easement crossing the master plan site must be quit-claimed (if possible, given it is a platted easement); and/or a private storm sewer easement or covenant must be established (if required by BDS) to ensure the availability of a stormwater discharge point for the benefit of privately maintained stormwater facilities in Phase I.
 - 4. The applicant is required to construct a storm sewer to provide service for Phase I development which must be reviewed through a Public Works Permit. Prior to building permit issuance of the first vertical development of Phase I, BES will require approved Public Works Permit design plans (60% engineering plans) to the satisfaction of BES, a financial guarantee, receipt of all outstanding fees, granting of necessary easements, reimbursement for City costs associated with easements, and a signed permit document.

5. The applicant is required to construct storm and sanitary sewers to provide service for Phase II development which must be reviewed through a Public Works Permit. Prior to issuance of the first vertical development building permit for Phase II, BES will require approved Public Works Permit design plans (60% engineering plans) to the satisfaction of BES, a financial guarantee, receipt of all outstanding fees, and a signed permit document.
6. Prior to certificate of occupancy for each vertical development project that connects to sanitary or storm sewers that requires extension through a Public Works Permit to serve the development, the relevant infrastructure projects must be completed to the satisfaction of BES.

C. The following PBOT conditions:

General:

1. The new public streets, perimeter right-of-way (ROW) improvements and multi-use path along/adjacent to S Harbor Way shall be in substantial conformance with the approved preliminary engineering plans (TB 0112-EP643).
2. All required public infrastructure improvements associated with each phase of the proposed development must be reviewed and approved with a new and separate Public Works Permit, subsequent to the initially reviewed and approved RiverPlace Central City Master Plan. Public Works Permit/Concept Development Plan Phase (30% plans) approval must be obtained prior to any associated Land Use review approval for each development phase.
3. In the event future proposed uses on the site differ from those reflected in Table 2 on Page 14 of the December 15, 2021, Kittelson & Assoc Transportation Impact Study, a trip generation calculation(s) must be submitted for PBOT review. If the calculations result in a higher trip generation, a modified Central City Master Plan application will be triggered and considered under a Type III land use review process.

Phase 1 Development:

4. PBOT-related public infrastructure that is required to be provided in association with Phase 1 development of the RiverPlace Central City Master Plan must include the following:
 - Upgrades to current City standards of the existing sidewalk corridor along abutting S Montgomery; and,
 - A new 12-ft wide standard sidewalk corridor within the dedicated area of “A Street”; and,
 - Upgrades to and relocation of the multi-use path along/adjacent to S Harbor Way, including all necessary upgrades to the existing signal/intersection at S Harbor Dr/S Montgomery. The multi-use path improvements must also include an appropriately designed connection to S Harbor Way, north of S Montgomery; and,
 - Details of all of these required PBOT-related public infrastructure improvements will be determined in relation to the necessary Public Works Permit associated with Phase 1 development of the RiverPlace Central City Master Plan.
5. Standard sidewalk corridor improvements/upgrades along S Montgomery (adjacent to Phase 1 development) shall include a 12-ft wide sidewalk corridor (0.5-ft curb/4-ft wide hardscaped furnishing zone (with tree wells), 8-ft wide sidewalk and 1.5-ft wide frontage zones). Any existing excess ROW will be allocated towards the furnishing zone. Any modifications of this standard sidewalk corridor to accommodate potential stormwater management facilities will be determined during the Public Works Permit review process. All other elements of the required standard sidewalk construction, including

but not limited to street lighting and street trees, will also be determined at the time of the Public Works Permit review process.

6. Prior to the issuance of the Building Permit for the building to be constructed in Phase 1 of the RiverPlace Central City Master Plan, a 12-ft wide dedication of property along the west side of what is identified on the approved Riverplace Central City Master Plan land use plans as “A Street”, must be provided for public ROW purposes.
 - The City's dedication process is administered by PBOT's Right-of-Way Acquisitions Section and is separate from the Building Permit process. Additional information on the dedication process can be reviewed at the following link:
<https://www.portland.gov/transportation/permitting/granting-easements-satisfy-development-requirements>.
7. In relation to the Public Works Permit plans that must be submitted/reviewed/approved for the required public infrastructure improvements associated with Phase 1 development and aside from regularly expected information on said plans, the following additional information must be included to ensure consistency with the approved RiverPlace Central City Master Plan:
 - The required temporary fire turnaround within what will become “A Street”; and
 - Pedestrian and multi-use path connections that will be included on private property.
8. All elements of “A Street” that will not be located within the dedicated 12-ft wide ROW must be permitted by the Bureau of Development Services.
9. Public access easements along the entire length of “A Street” and along the pedestrian and multi-use path connections that will be located on private property must be provided prior to the issuance of the final Building Permit for the building to be constructed in Phase 1 of the RiverPlace Central City Master Plan development. Said access easements must not be in conflict with any other easements that the City may require.
10. The locations of vehicle access to loading and parking shall be in substantial conformance with the approved RiverPlace Central City Master Plan. Driveways shall comply with requirements of Title 17; exceptions shall be addressed through the Driveway Design Exception process during Land Use and/or Building Permit reviews.

Phase 2 Development:

11. PBOT-related public infrastructure that is required to be provided in association with Phase 2 development of the RiverPlace Central City Master Plan must include the following:
 - Upgrades to current City standards of the existing sidewalk corridors along the perimeter of the site that have not been constructed in association with Phase 1 development; and,
 - The new public streets as shown on the approved RiverPlace Central City Master Plan land use plans and in substantial compliance with the approved Public Works Plans TB 0112-EP643; and,
 - Details of all of these required PBOT-related public infrastructure improvements will be determined in relation to the necessary Public Works Permit associated with Phase 2 development of the RiverPlace Central City Master Plan.
12. Standard sidewalk corridor improvements/upgrades shall include a 12-ft wide sidewalk corridor (0.5-ft curb/4-ft wide hardscaped furnishing zone (with tree wells), 6-ft wide sidewalk and 1.5-ft wide frontage zones). Any existing excess ROW will be allocated towards the furnishing zone. Any modifications of this standard sidewalk corridor to accommodate potential stormwater management facilities will be determined during the Public Works Permit review process. All other elements of the required standard

sidewalk construction, including but not limited to street lighting and street trees, will also be determined at the time of the Public Works Permit review process.

13. Prior to the issuance of the Building Permit for the first building to be constructed in Phase 2 of the RiverPlace Central City Master Plan, all dedications of property to accommodate all required public infrastructure improvements, including for the new internal public streets and for perimeter standard sidewalk corridor upgrades shall be provided for public ROW purposes.

The City's dedication process is administered by PBOT's Right-of-Way Acquisitions Section and is separate from the Building Permit process. Additional information on the dedication process can be reviewed at the following link:

<https://www.portland.gov/transportation/permitting/granting-easements-satisfy-development-requirements>.

14. The locations of vehicle access to loading and parking shall be in substantial conformance with the approved RiverPlace Central City Master Plan. Driveways shall comply with requirements of Title 17; exceptions shall be addressed through the Driveway Design Exception process during Land Use and/or Building Permit reviews.

D. Along the west frontage of Block 1:

- At least two entrances into an active space such as a lobby or a common area shall be provided, one on the north half of the block and one on the south half of the block.
- If ground level residential units are proposed, each unit shall provide an entrance and a front porch that is at least 6 feet by 8 feet or at least 4 feet by 6 feet if raised by at least 2 feet.
- If ground level common residential uses are proposed, each common use space shall provide an entrance.

E. Along the east frontage of Block 1, new development shall respond to the full length of A Street as a public street per the Zoning Code.

F. Along the north frontage of Block 1, a minimum of 2 street trees shall be provided on Montgomery.

G. Along the south frontage of Block 1, at least one entrance into an active space such as a lobby or a common area shall be provided facing the open area.

H. At the time of Block 2's redevelopment, a 12-foot-wide pedestrian connection between S River Parkway and A Street connection shall be provided on private property, in the adjacent public right-of-way, or some combination of public and private property

I. Open Area – Public Easements.

- Open Areas – Circulation paths: Circulation paths, including the “bike and pedestrian connections” shown to meet the “open area” requirements of 33.510.255.K, will be subject to public easements allowing public access at all times as though these were rights of ways. These public access easements shall comply with Portland Bureau of Transportation requirements.
- Open Areas - Park/ Plaza and adjacent open area: The “Park/Plaza” area as well as the adjacent “sitting, gathering, pausing areas” which comprise at a minimum the eastern 140 feet of Parcel 6, shown to meet the “open area” requirements of 33.510.255.K, will be subject to public easements allowing public access in alignment with Title 20 Section 20.12.210 Hours of Park Closure. These public access easements shall comply with Portland Parks and Recreation requirements.

- Open Areas – Remaining open areas: Remaining open areas not described above, shown to meet the “open area” requirements of 33.510.255.K, will be subject to public easements allowing public access between the hours of 6AM and 11PM daily. These public access easements shall comply with City requirements.
- J.** A Design Advice Request meeting must be held for each new building and any new development within the Master Plan area, prior to a land use review being deemed complete.
- K.** Open Area - Design and Delivery.
 - Open Areas - Phase 1: As part of the first land use review submitted for “Phase 1” (Parcel 1), all spaces identified as “open areas” to meet the requirements of 33.510.255.K located within that phase shall be designed and constructed.
 - Open Areas - Conceptual Buildout (Phase 2). As part of the first land use review submitted for the “Conceptual Buildout” phase (Parcels 2, 3, 4, 5 and 6), all spaces identified as “open areas” to meet the requirements of 33.510.255.K located within that phase shall be designed and constructed.
- L.** No above grade parking areas shall be allowed within 25 feet of frontages facing a “street lot line, sidewalk, plaza, or other publicly accessible open area or right-of-way”.
- M.** The applicant is encouraged to provide family-sized housing. Accordingly, development in Phase I must include at least 100 multi-bedroom units.

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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. Original Submittal - Drawings, 6/3/2021
 2. Request for Evidentiary Hearing and 120-day Waiver, 6/24/2021
 3. Christie White letter to PBOT, 8/11/2021, concerns with timing of transportation analysis timeline.
 4. Incomplete response, drawings, 8/10/2021
 5. Request for a 10/7/2021 hearing date
 6. DOWL Preliminary Drainage report, August 2021
 7. Kittelson Transportation Impact Statement, 8/9/2021

8. Site Posting images, 9/7/2021
 9. Kittelson Transportation Impact Statement approved scope, 9/8/2021
 10. Completeness Response - Memo 9/18/2021
 11. Completeness Response - Revised Drawing Packet 9/17/2021
 12. DOWL Completeness Response - Revised Drainage Report, 9/17/2021
 13. Email response regarding FAR and uses, 9/16/2021
 14. Addendum to Packet, 9/28/2021
 15. Kittelson Revised TIS, 9/28/2021
 16. Response to the matrix, 10/6/2021
 17. Copy of Applicant presentation at Hearing 1, 10/7/2021
 18. Christie White, response to Hearing 1 testimony and ROW requirements, 10/14/2021
 19. Revised Appendix 10/14/21
 20. Request to reschedule hearing date to 1/20/2022, 11/8/2021
 21. Revised Drawings draft, 11/29/2021
 22. Revised Drawings final, 12/9/2021
 23. Revised Findings, 12/13/2021
 24. DOWL Revised Preliminary Drainage Report, 12/13/2021
 25. Revised Drawings, 1/3/2022
 26. Change log memo, 1/3/2022
 27. Christie White, Response letter to DNA, 12/22/2021
 28. Change log Memo, 1/6/2022
 29. Revised Sheets, 1/6/2022
 30. Change log Memo, 1/7/2022
 31. Revised Sheets, 1/7/2022
 32. Kittelson Revised TIS 12/15/2021
 33. Kittelson Memo 1/12/2022
 34. Change memo 1/27/2022
 35. Drawings 1/27/2022
 36. Change memo 2/2/2022
 37. Drawings 2/2/2022
(New evidence received prior to 9:00 am February 18, 2022)
 38. CWW letter, New Evidence, 2/17/2022
(Response to new evidence received prior to 9:00 am February 25, 2022)
 39. CWW letter, Response to New Evidence, 2/25/2022 8:23am
(Final argument period received prior to 9:00 am March 2, 2022)
 40. CWW letter, Waive of Final Argument period, 2/25/2022
- B. Zoning Map (attached)
- C. Plan & Drawings
1. Cover Sheet
 2. Table of Contents
 3. Applicants Summary of Design Review Hearing #2, not official summary
 4. Applicants Summary of Design Review Hearing #2, not official summary
 5. Applicants Summary of Design Review Hearing #2, not official summary
 6. Applicants Summary of Design Review Hearing #2, not official summary
 7. Preface
 8. Introduction – Vision
 9. Introduction – Vision
 10. Introduction – Big Moves
 11. Introduction – Open Area Vision
 12. Introduction – Massing Concept
 13. Introduction – Connectivity
 14. Introduction – Activation
 15. Existing Site – Description
 16. Existing Site – Context and Transit Map
 17. Existing Site – Context Imagery

18. Site Boundaries & Edge Condition
19. Description of Master Plan Components
20. Title 33.510.255 - Central City Master Plan Required Components
21. Block Dimensions
22. Parcels, FAR Calculations and Distribution **(attached)**
23. Building Envelope Zoning
24. Building Envelope Diagrams **(attached)**
25. Building Envelope – Block 1
26. Building Envelope – Blocks 2 & 3
27. Building Envelope – Block 4
28. Building Envelope – Blocks 5 & 6
29. Building Envelope – Block 6 Concept
30. Area Calculations
31. Summary of Phases **(attached)**
32. Existing Site – Easement, Dimensions and Grades
33. Existing Site – Parking and Loading Access
34. Existing Site – Massing Diagram
35. Phase 1 – Easement, Dimensions and Grades
36. Phase 1 – Parking and Loading Access
37. Phase 1 – Conceptual Massing Diagrams
38. Conceptual Buildout – Easement, Dimensions and Grades **(attached)**
39. Conceptual Buildout – Parking and Loading Access
40. Conceptual Buildout – Massing Diagrams **(attached)**
41. Conceptual Sections – Existing & Phase 1
42. Conceptual Sections – Conceptual Buildout
43. Proposed Uses – Active Frontage **(attached)**
44. Proposed Uses – Parking and Loading Limitations
45. Circulation Summary
46. Future Public Right-of-Way Widths
47. Circulation System – Pedestrians
48. Circulation System – Bicycles
49. Circulation System – Motor Vehicles
50. Street Parking and Loading Locations
51. Supportive Master Plan Materials
52. Title 33.510.255 – Approval Criteria & Open Area Requirements
53. Open Area Requirements and Types **(attached)**
54. Open Area – Phase 1
55. Open Area Solar Studies
56. Open Area Solar Studies
57. Open Area – New Connection from Harbor Drive Trail
58. Open Area – New Connection from Harbor Drive Trail
59. Open Area - New Connection from Harbor Drive Trail
60. Open Area – S River Drive and S Montgomery Landscaped Areas
61. Open Area – S River Drive and S Montgomery Landscaped Areas
62. Open Area – Pedestrian Accessway
63. Open Area – Pedestrian Accessway
64. Open Area - New Park
65. Open Area - New Park
66. Open Area – Potential Riverfront Plaza
67. Open Area – Potential Riverfront Plaza
68. Transit and Circulation
69. Traffic and Circulation
70. Circulation – S Hall Street, “A” Street and “B” Street
71. Circulation – S River Drive
72. Circulation – S Montgomery Street

73. Appendix
 74. Applicant's Summary of Design Review Hearing #1, not official summary
 75. Applicant's Summary of Design Review Hearing #1, not official summary
 76. Applicant's Summary of Design Review Hearing #1, not official summary
 77. Applicant's Summary of Design Review Hearing #1, not official summary
 78. Applicant's Summary of Design Review Hearing #1, not official summary
 79. Applicant's Summary of Design Review Hearing #1, not official summary
 80. Applicant's Summary of Design Review Hearing #1, not official summary
 81. Applicant's Summary of Design Advise Requests, not official summary
 82. Applicant's Summary of Design Advise Requests, not official summary
 83. Extended Site Plan
 84. Topographical Survey
 85. Existing Parking Diagram
 86. Pedestrian Accessway
 87. Potential "B" Street Closure for events
 88. Open Area - New Park Shadow Study Diagram
 89. Location of New Park
 90. Conceptual Massing and Views Through Site Diagrams
 91. Conceptual Massing and Views Through Site Diagrams
 92. Conceptual Massing and Views Through Site Diagrams
 93. Conceptual Massing and Views Through Site Diagrams
 94. Portland Block Grid Figure Ground Comparisons
 95. Civil - Existing Conditions
 96. Civil - Phase 1 Concept
 97. Civil - Phase 2 Concept
 98. Civil - Phase 1 Fire Plan
 99. Emergency Vehicle Turning Movements
 100. Emergency Vehicle Turning Movements
 101. Emergency Vehicle Turning Movements
 102. Emergency Vehicle Turning Movements
 103. Emergency Vehicle Turning Movements
 104. Emergency Vehicle Turning Movements
 105. Blank
 106. GBD Contact Information
- D. Notification information:
1. Request for response, 8/13/2021
 2. Posting letter sent to applicant, 8/31/2021
 3. Notice to be posted, 8/31/2021
 4. Applicant's statement certifying posting, 9/8/2021
 5. Mailed notice, 9/13/2021
 6. Mailing list, 9/13/2021
- E. Agency Responses:
1. Bureau of Environmental Services, 9/10/2021, does not yet recommend approval
 2. Bureau of Transportation Engineering and Development Review, 9/8/2021, does not yet recommend approval
 3. Water Bureau, 9/9/2021, no concerns
 4. Site Development Review Section of BDS, 9/13/2021, no concerns
 5. Fire Bureau, 9/21/2021, more information needed
 6. Bureau of Parks, Forestry Division,
 - a. 9/10/2021, no concerns
 - b. 9/27/2021, revised response, to include Harbor Way Bike Path
 7. Life Safety Review Section of BDS, 8/30/2021, no concerns
 8. PBOT memo responding to Hearing 1 testimony, 10/14/2021
 9. Life Safety Revised Response, 12/13/2021
 10. Fire Revised Response, 1/7/2022

11. Water Revised Response, 1/7/2022
12. BES revised response, 1/13/2022
13. PBOT revised response, 1/13/2022
14. PBOT revised response, 2/2/2022
15. BES revised response, 2/3/2022

F. Letters

1. Diana Stuart and Tom Ray, Downtown Neighborhood Association, 6/15/2021, wrote with concerns about FAR, requested meetings with staff and copies of the TIS, and to know hearing date.
2. Philip Gilbertson, 9/7/2021, wrote with concerns with proposal providing sufficient multimodal access, traffic, community and emergency services connectivity, and social amenities.
3. Andrea Simpson, 9/8/2021, wrote with concerns with loss of amenities the current development on site offers, and with Noticing timeline.
4. Gerald and Joyce Kelly, 9/8/2021, wrote with concerns with increased traffic with added density and lack of adequate transit options.
5. Susan Gilbert, 9/10/2021, wrote with concerns with lack of planning for services and the truck traffic required to support size of development in an area with limited ingress and egress.
6. Walter Weyler and Wendy Rahm representing the Downtown Neighborhood Association, 9/15/2021, wrote with concerns that the current application fails to adequately address a number of code requirements critical to ensure that this complex proposal “positively contributes to the existing and desired urban form.” Letter lists 6 general areas which that lack sufficient evidence. (Please refer to full letter for details).
7. Michelle Barnard, 9/15/2021, wrote with concerns with the displacement of existing residents.
(Received after first staff report)
8. Kris Bennett, 10/4/2021, wrote with concerns about vehicle access and affordability.
9. Wendy Rahm, representing the DNA, 10/6/2021, wrote with written version of DNA oral testimony for 10/7/2021.
10. Pamela Smith, letter dated 10/6/2021, stating concerns with height and massing, and lack details on usage, and open space.
11. Bev Voytko, letter dated 10/6/2021, stating concerns with heights and scope of shadow studies.
12. Arleen Zucker, letter 10/6/2021, stating concerns with TIS modeling inadequacies.
13. Richard Teutsch, letter 10/6/2021, stating concerns with effects on subterranean water flow.
14. DAR 1 & 2 testimony
15. Joe Filardo, letter 10/6/2021, stating concerns with the density and data basis of the TIS
16. Lana Griffith, letter 10/6/2021, stating concerns with lack of specificity of proposal, including uses and building sizes.
17. Peter Rapley, letter 10/6/2021, stating concerns with size and height, lack of adequate infrastructure, and need for community gym uses.
18. Debra Wood, letter 10/6/2021, stating concern with need for inclusionary housing.
19. Janet Guggenheim, letter 10/6/2021, stating concerns with not meeting CC2035 goals and policies and the need for large trees on site.
20. Carolyn Whitney, letter 10/6/2021, stating concerns with density and the TIS, plus lack of parking, need for better transit, and traffic impacts.
(Received at first hearing, held on 10/7/2021)
21. Jules Goodwin, letter 10/7/2021, concerns with lack of connection to Hall, inadequacy of the TIS, and increase of commercial vehicle traffic.
22. Pam Hellings, letter 10/7/2021, concerns, asking for a complete neighborhood
23. Judith Trenberth, letter 10/7/2021, concerns with height and mass and lack of specificity of uses.

24. Rhonda Barton, letter 10/7/2021, concerns with density, transportation, and issues concerning livability and lack of a complete neighborhood.
 25. Naomi Wamacks letter 10/7/2021, concerns with TIS, added density and inadequate transit.
 26. Richard Teutsch, letter 10/7/2021, stating concerns with effects on subterranean water flow.
 27. Brent Neilsen, letter 10/7/2021, stating concerns with TIS, and limited transit availability.
 28. Ron Doctor, letter 10/7/2021, stating concerns with disturbing existing hazardous waste on site.
 29. Amy Caplan, letter 10/7/2021, stating concerns with sustainability of proposal and affordability of housing.
(Received prior to return of first hearing, scheduled for 10/21/2021)
 30. DNA letter 10/14/2021, response to Hearing 1, stating concerns with findings, incorrect assumptions, and questions for applicant.
 31. Rudolf Barton, letter 10/13/2021, stating concerns with shadow studies.
 32. Rudolf Barton, letter 10/13/2021, stating concerns with FAR and Phase 1.
 33. LaJune Thorson, letter 10/14/2021, stating concerns with fitting into the neighborhood, traffic congestion, and benefit to the city.
 34. Amy Caplan, letter 10/17/2021, stating concerns with sustainability of proposal.
 35. Ron Doctor, letter 10/19/2021, concerns with compliance with CC2035 Goals, including solar energy policies.
 36. Samuel Shoen, letter 10/18/2021, stating alignment with DNA concerns, and concerns with lack of complete information provided for review.
(Received at return of first hearing, held on 10/21/2021)
 37. Amy Caplan, letter 10/21/2021, stating concerns with loosing views from the Harrison Towers.
 38. DNA, letter 10/21/2021, stating concerns with not including CC2035 Goals and policies in approval criteria.
 39. Ron Doctor, letter 10/21/2021, concerns with compliance with CC2035 Goals, including solar energy policies.
 40. Ron Doctor, letter 10/21/2021, stating concerns with disturbing existing hazardous waste on site.
 41. Ron Doctor, letter 10/21/2021, stating concerns with subterranean water flow issues.
(Received prior to second hearing, scheduled for 1/20/2022)
 42. DNA letter 10/31/2021, requesting a continuance for hearing 2.
 43. DNA, Letter to DZC, 11/10/2021, stating concerns with considering the redevelopment of the plaza open area, questioning height bonuses and community benefits, and concerns with the TIS and infrastructure capacity.
 44. DNA Request for setover, 1/7/2022
 45. DNA Memo, 1/7/2022
(Received at second hearing, 1/20/2022)
 46. DNA Testimony for 1-20-2022
(Received prior to the third hearing, 2/10/2022)
 47. DNA, Memo for 2-10-22 hearing
(Received after the third hearing)
 48. DW Letter for 2/10/2022 hearing, concern with bonus heights, open areas and affordability of housing.
 49. JT Letter for 2/10/2022 hearing, stating concerns with transit and traffic capacity for added density, and insularity of site.
(New evidence received prior to 9:00 am February 18, 2022)
 50. DNA letter to the DZC, noting concerns with assumptions in findings, and request to add 9 conditions of approval, 2/17/2022.
- G. Other
1. Original LUR Application, 6/3/2021

2. Request for Completeness, 6/8/2021
 3. Staff email response on 6/15/2021 to DNA email queries on 6/4/2021 about the PC.
 4. Staff email response on 6/21/2021 to DNA letter on 6/15/2021 (Exhibit F1)
 5. Incomplete Letter, 7/2/2021
 6. Pre-Application Conference Summary, EA_21_048786 PC, 7/22/2021
 7. Request for Response, 8/31/2021
 8. Summary Memo DAR #1 & #2, EA 19-215959 DA, 10/3/2019 & 12/5/2019
 9. Approval Criteria Matrix, Hearing 1, 9/27/2021
 10. Staff Report, Hearing 1, 9/27/2021
 11. Staff Commission Memo, Hearing 1, 9/27/2021
 12. Staff Revised Approval Criteria Matrix, Hearing 1, 9/30/2021
 13. Staff presentation, Hearing 1, 10/7/2021
 14. ATTENDEE-TESTIFIER SHEET, Hearing 1, 10/7/2021
 15. ATTENDEE-TESTIFIER SHEET, Hearing 1 continued, 10/21/21
 16. Brian McCarter, diagrams, Hearing 1, 10/21/2021.
 17. Staff notes, Hearing 1, 10/21/2021
- H. Design Commissions Exhibits – post Hearing 1
1. Staff Report, Hearing 2, 1/13/2022
 2. Staff Approval Criteria Matrix, Hearing 2, 1/13/2022
 3. Staff Commission Memo, Hearing 2, 1/13/2022
 4. Staff Presentation, Hearing 2, 1/20/2022
 5. Testifier's list, Hearing 2, 1/20/2022 hearing
 6. Staff Report, Hearing 3, 2/5/2022
 7. Staff Approval Criteria Matrix, Hearing 3, 2/5/2022
 8. Staff Commission Memo, Hearing 3, 2/5/2022
 9. Staff Additional Commission Memo, Hearing 3, 2/10/2022
 10. Staff Presentation, Hearing 3, 2/10/2022
 11. Testifier's list, Hearing 3, 2/10/2022
 12. Staff Report, Hearing 4, 3/1/2022
 13. Staff Approval Criteria Matrix, Hearing 4, 3/1/2022
 14. Staff Commission Memo, Hearing 4, 3/1/2022
 15. Design Commission Approval Criteria Matrix, 3/10/2022
- I. City Council Exhibits
1. Council Approval Criteria Matrix (incorporated by reference as further findings)
 2. Other Documents