

# ATTACHMENT --- DAR 051514

The following information provides an overview of the reasons the City has adopted design review guidelines and how the standards are applied to development proposals; a brief discussion of Portland City Code (PCC) requirements for height considerations, and the many significant failures of the proposal vis-a-vis the Central City Fundamental Design Guidelines (CCFDG) and the River District Design Guidelines (RDDG)

## Basic Rules

- “The Central City Fundamental Design Guidelines are mandatory approval criteria for design review in all design zones of the Central City.” CCFDG p.5.
- “In Central City subdistricts, the Central City Fundamental Design Guidelines are augmented by subdistrict design guidelines.” CCFDG, p.5.
- “During the design review process, the review body must find that the proposal meets each of the applicable design guidelines. Proposals that meet **all** applicable guidelines will be approved; proposals that do not meet **all** of the applicable guidelines will not be approved.” CCFDG, p.10, emphasis in the original.
- According to Table 2, Design Guideline Applicability Based on Proposal Type, a ‘New Development’ must meet every single design guideline under A Portland Personality, B Pedestrian Emphasis, and C Project Design. See chart, CCFDG p. 17.
- “All development projects are subject to the development standards contained in the *Portland Zoning Code*.” CCFDG, p. 11.
- The zoning code criteria take precedence over the conflicting subdistrict or fundamental design guidelines. CCFDG, p. 5.

## The Central City Fundamental Design Guidelines

It is said in the CCFDG, “Unless heart and idea are attuned, there can indeed be no good results ....” How true. The current proposal, however, is not attuned to the ‘heart’ of the neighborhood it is intended for. The design evinces no real understanding of what a unique part of the Pearl it seeks entry to. Without this understanding, there is no synergy with the neighborhood and so the proposed

brick-like structures, one termed ‘low-rise’ (a misnomer given the neighborhood context) and the other an enormously tall tower, are simply out of tune.

## The River District Design Guidelines

The RDDG accept the design goals of the CCFDG and add an additional layer of objectives. RDDG at page 4. The River District design goals are to:

1. Extend the river into the community to develop a functional and symbolic relationship with the Willamette River.
2. Create a community of distinct neighborhoods that accommodates a significant part of the region’s residential growth.
3. Enhance the District’s character and livability by fostering attractive design and activities that give comfort, convenience, safety and pleasure to all its residents and visitors.
4. Strengthen connections within the River District, and to adjacent areas.  
*Id.*

Conveniently, the RDDG and CCFDG follow the same organization and numbering system - A Portland Personality; B Pedestrian Emphasis; and C Project Design. This organizational pattern is followed, below.

## Portland City Code 33.510.200 et seq.

Also of relevance are the height and FAR restrictions as set forth in the Planning and Zoning Code. The goals regarding height limits are stated in the Portland City Code (PCC) 33.510.205.A as follows:

The maximum building heights are intended to accomplish several purposes of the Central City Plan. These include protecting views, creating a step-down of building heights to the Willamette River, limiting shadows on public open spaces, ensuring building height compatibility and step downs to historic districts, and limiting shadows from new development on residential neighborhoods in and at the edges of the Central City.

The area of proposed development is in the Pearl south of Lovejoy to Hoyt. Map 510-3 sets a maximum height in this area of 75 feet except for a small, square area around Johnson and 11<sup>th</sup>, which is now Jamison Park. In contrast, the area north of Lovejoy (aka NOLO) enjoys a maximum height of 100 feet, and as much as 225 feet in a corridor area on the east side of NW 12<sup>th</sup> Avenue from Lovejoy north to Quimby.

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33.510.210.E.4 sets out the specific approval criteria for bonus height provided all of the criteria are met. These are, inter alia:

a. The increased height will not violate an established view corridor;

...

e. The increased height will result in a project that better meets the applicable design criteria; and

f. Approval of the increased height is consistent with the purpose stated in Subsection 33.510.205.A.

None of these criteria (a, e, and f) for bonus height are met by the proposal as more fully discussed below.

## Section A Portland Personality

### A 1 Integrate the River

#### A1-1 Link The River To The Community

The CCFDG declares that, “The Willamette River is the Central City’s most significant geographical feature.” CCFDG, p. 20. The guideline of ‘Integrating the River’ may be accomplished by, “Connecting the urban fabric to the water’s edge.” CCFDG, p. 22.

The RDDG states, “... as the river is not easily visible, linking the river to the community visually and physically will lean heavily on the expression and orientation of streets and pedestrianways, buildings and open spaces in order to celebrate the river’s importance to the community.” RDDG p. 10.

The proposed project fails to connect the urban fabric of the Pearl District to the water’s edge, but rather creates a massive wall that cuts off half of the area’s connection to the river.

From the tower side of the development site, there are three streets to Union Station and then, just beyond, the river. From the same 12<sup>th</sup> Avenue mark, there are similarly three streets to the 405. Therefore, the proposed development is located exactly in the middle of the residential area south of Lovejoy to Hoyt. By its placement along the edge of 12<sup>th</sup> Avenue and on a north/south axis, the developer seeks to create a 150 foot tall wall that cuts off the Willamette from the rest of the Pearl from Lovejoy to Hoyt and from 12<sup>th</sup> Avenue west to the 405.

The RDDG states that “Orienting buildings and towers perpendicular to the river signals a shift in the landscape that will foster an awareness of the river’s presence for residents, commuters, workers, and visitors.” *Id.* at p. 10. The proposed development, however, is oriented parallel to the river on a north/south axis. Because of its massive size and incorrect geographical orientation, the proposal generally, and the tower wall in particular, cuts off the river; it does not integrate it.

## A2 Emphasize Portland Themes

“Examples of elements that identify Portland include ... water features, bridges ... mountain views ... and the natural environment.” CCFDG p. 24.

The 150 foot tall proposal overwhelms all adjacent properties. Rather than celebrating the unique character of this Portland area by emphasizing the river and enhancing public views of the tower at Union Station, the Steel Bridge, and Mt. Hood, the proposal seeks to *Seattle-ize* this unique little valley in the Pearl and obliterate the Pearl’s connection to these uniquely Portland elements.

The project plan is introduced by a misleading photograph on its cover: a shot down 13<sup>th</sup> Avenue that in its central perspective shows a ‘great wall’ of a building. In reality, that building actually exists across Burnside at 430 SW 13<sup>th</sup> Avenue --- *outside the Pearl District*.

In contrast to the chaotic urban landscape depicted in the photo, the Pearl is actually a very ‘human scaled’ part of the city with many opportunities to view bridges (the Fremont, Broadway and Steel) and Mt. Hood, especially from the area under consideration. Another uniquely Portland feature of our neighborhood is the Romanesque tower at Union Station. This building is so iconic that it is featured on T-shirts sold at the station. Public views of all of these Portland features will be significantly diminished or destroyed by the proposal.

The current proposal, by its huge size, placement in the middle of a valley of low-slung buildings, and orientation on a north/south axis that destroys rather than enhances any neighborhood connection to the Willamette River and Mt. Hood, fails to meet the River District design considerations that should serve to preserve these uniquely Portland characteristics in this neighborhood.

## A3 Respect the Portland Block Structure

### A3-1 Provide Convenient Pedestrian Linkages

“Portland’s pattern of small blocks with frequent intersections results in a high ratio of open space to built space and emphasizes the city’s human-scale and visual structure.” CCFDG, p. 28. “This design criteria can be implemented by developing pedestrian access ways ‘between housing complexes’ as used in the River District.” *Id.* at p. 31.

The pedestrian access examples in the CCFDG taken from the River District actually cut through ‘low-rise’ developments from east to west, not north to south as in the current proposal’s mini-mall concept.

If the proposed design were to break up the massive, 150 foot wall proposed for the 12<sup>th</sup> Avenue side with one ‘low-rise’ that included east/west passages, then the

project would be more conducive to creating the human scale atmosphere that currently exists in the area and would meet this design guideline.

A5 Enhance, Embellish and Identify Areas

A5-1 Reinforce Special Areas

A5-1-1 Reinforce The Identity of the Pearl District Neighborhood

A5-1-4 Reinforce The Identity of the Union Station Area

“Areas of the Central City are enhanced, embellished, and/or identified through the integration of distinct landmarks or special features with the new development. Visual focal points inspire the observer and enrich the design context that gives identity to an area.” CCFDG, p. 36.

“The River District is composed of many distinct special areas ... Each of these areas is characterized by unique features, opportunities, or a special history. New development should enhance the qualities that make each area distinctive.” RDDG, p. 16.

Zoning Code 33.510.210.D bonus height awards are contingent on the following criteria:

Bonus height is also earned at certain locations in addition to the bonus floor area achieved through the bonus options. Bonus height is in addition to the maximum heights of Map 510-3. Qualifying areas, shown on Map 510-3, are located such that increased height will not violate established view corridors, the preservation of the character of historical districts, the protection of public open spaces from shadow, and the preservation of the City's visual focus on important buildings (such as the Union Station Clock Tower).

The neighborhood in question is a unique subpart of the Pearl featuring a distinctive ‘valley’ created by the 405 corridor buildings on one side, and by the low-slung buildings extending from 14<sup>th</sup> Avenue all the way to Union Station. As noted above, the development site sits right in the middle of this neighborhood. The developer’s ‘great wall’ would destroy this unique valley with a 150 foot tall ‘ridge’ running right down the middle of our neighborhood.

It only stands to reason that if the particular and unique character of neighborhoods is to be nurtured, then building designs more suited for one area should be proposed for the appropriate area.

It is well known that height and FAR restrictions have been lifted in NOLO (North of Lovejoy). The only two other structures within a few blocks of Block 136 that are close in height to the proposal are both north of Jamison Park. Each, the Metropolitan and Park Place, sit on the Lovejoy corridor and thus serve as connectors to the NOLO high-rise sub-subdistrict of the River District area. Given

their connection with NOLO, those buildings are not relevant references for the area under consideration.

In fairness it should be noted that a massive 'wall-like' structure does exist in the Pearl south of Lovejoy, but it is much further south, across the street from Powell's, and is almost a 'gateway' structure connecting the Pearl to Downtown. 1025 NW Couch exists in a zone that allows for greater height limits as shown on map 510-3. It also runs the block from east to west, not north to south as in the proposal for Block 136. By running from east to west, the building accentuates the Burnside corridor and channels views and energy from the city towards the river (See the axis/orientation discussion at the end of section A1, above). The current proposal does the opposite.

The 150 foot tower wall also does nothing to reinforce the identity of the Union Station area or integrate it into the neighborhood. The distinctive Union Station 'Go By Train' tower --- an important building that is specifically singled out for preservation as a visual focal point for Portland by 33.510.210.D --- and Mt. Hood are both unique elements of this neighborhood that should be enhanced.

As stated in the RDDG, "Primary building massing of new development should be oriented away from the station." RDDG p. 24. Instead of orienting the 'great wall' on an axis away from Union Station and perpendicular to the river, the proposed development does exactly the opposite.

The proposed tower obliterates any visual focal points that might inspire an observer and literally 'turns it back' on the railway (See RDDG, p. 24) in violation of 33.510.210.D. Pedestrians are far more likely to be oriented away from the distinctive landmarks that identify this area of the Pearl, or simply fail to observe them because they will be hidden from view. As such, the design fails to mass "... new development surrounding the station to highlight it as the area's centerpiece." *Id.* at p. 25. By sheer height and mass, the proposed development would make itself the 'centerpiece' of the area in violation of this design guideline.

#### A6 Re-use/Rehabilitate/Restore Buildings

"Even though an existing building is not a designated historic landmark, or located within a historic district, it may still be a good candidate for upgrading and/or adaptive reuse." CCFDG p. 42. "This guideline may be accomplished by ... respecting the original building while adapting it for a new use." *Id.* at p. 43. "The NW 13<sup>th</sup> Avenue Historic District maintains its unique character because many developers have reused existing buildings for new office, retail, and housing opportunities." Central City Plan, p. 44.

The current PNCA building fits the surrounding area in that it is low-slung and is 'industrial' in appearance. It also enhances the reputation of the Pearl District as a center for creative artists. The current proposal would destroy all of those positives

and replace them with a divisive building that brings nothing creative or unique to the area.

The RRDG states the following goal: “Celebrating and encouraging the concentration of art and art galleries and studios with design features that contribute to the Pearl District’s “arts ambiance.” RRDG p. 19

The implementation of this guideline might consist of repurposing the current building into artist’s lofts using the current structure and building up to a height no greater than the neighboring buildings, perhaps 6 or 7 stories. These creative living/work spaces would preserve the positive qualities that the PNCA contributed to the area to a vastly greater degree than the staid, uninspired ‘great wall’ design of the current proposal.

#### A7 Establish and Maintain A Sense Of Urban Enclosure

“Successful enclosure creates an urban space for residents, shoppers, and workers alike to bask in the sun, window shop, promenade, picnic, and celebrate.” CCDFG, p. 46. “This guideline may be accomplished by ... responding to the scale of the surrounding context [by recognizing] a common scale and proportion, creating a balanced street volume.” *Id.* at p. 47.

As discussed above, the proposed 150 foot tower is completely out of scale to the immediately adjacent buildings. The ‘valley’ in this unique area of the Pearl just south of Lovejoy is of a charming, human scale. The proposed wall destroys this common scale and proportion. Rather than creating a balanced street volume, the proposed development knives through and divides the area, the current buildings, and ultimately, the residents traversing from east to west.

#### A8 Contribute to a Vibrant Streetscape

“The integration of residential and commercial uses in the Central City’s core is a fundamental component of the ideal 24-hour city.” CCDFG, p. 50. “This guideline may be accomplished by ... capitalizing on sidewalk opportunities.” *Id.* at p. 52.

The current proposal contains a pedestrian mini-mall through the center of the block. This design element would seem to be a device to allow the developer to have a FAR that allows for a taller building. However, this mini-mall would actually siphon off pedestrians and diminish opportunities to create a vibrant streetscape on historic 13<sup>th</sup> Avenue.

The RDDG declare at page 13, “NW 13<sup>th</sup> Avenue features hundred-year-old loft warehouses and also serves as an active, mixed-use pedestrian corridor, stretching beyond its historic district boundaries.” The proposed development site is so close to the “historic boundary” that its southwest corner actually touches it.

Just south of Block 136, the Irving Street Kitchen, Paragon, the Filson Store, Barista and the new River Pig Saloon all contribute to a vibrant, human-scaled area surrounded by industrial warehouses and low-slung buildings. Just north of the proposed site, Bridgeport, with its 13<sup>th</sup> Avenue deck, and Three Sisters create another hot spot for pedestrian interactions, again, all housed in human scaled, industrial warehouse type buildings.

The proposed development site should place its pedestrian emphasis on 13<sup>th</sup> Avenue in order to connect the vibrancy found north and south of the site location. By placing the emphasis on the 13<sup>th</sup> Avenue side, this development would enhance the current commercial and social dynamics of the neighborhood, as, for example, creating pedestrian synergy with the Nossa Familia Coffee company and shop just across the street at 13<sup>th</sup> and Johnson, a Brazilian family coffee connection in this area of the Pearl that is truly a hidden jewel.

The current proposal, with its emphasis on a distracting mini-mall in the middle of the block oriented, again, on the wrong geographic axis, fails to integrate the vibrancy of the street scene both north and south of the location. Allowing this development with its mini-mall would constitute a hugely missed opportunity.

## Section B Pedestrian Emphasis

### B1 Reinforce and Enhance the Pedestrian System

“It is largely the continuity of the system, as well as the visual connections from one area to another, that binds different areas together and encourages pedestrian movement.” CCFDG, p. 62. “This guideline may be accomplished by ... designing buildings to encourage the use of the sidewalk.” *Ild.* at p. 65.

As noted above in A8, the proposed development, through its use of a pedestrian mini-mall device, threatens the existing pedestrian system in the area and misses the opportunity to connect and enhance that pedestrian system.

A mini-mall concept would also encourage vagrancy by serving as an inadvertent “refuge” from the regular street areas that are more open and exposed to both casual traffic and the sometimes harsh weather elements. Given some of the currently existing foot traffic in the area, any mini-mall would have to be regularly patrolled in order to not become outright dangerous after dark.

### B4 Provide Stopping and Viewing Places

“Provide safe, comfortable places where people can stop, view, socialize, and rest [and] ensure that these places do not conflict with other sidewalk uses.” CCFDG p. 74.



The proposed pedestrian mini-mall would be sandwiched in between a 6 story 'low-rise' and a 15 story behemoth. Not only would the mini-mall conflict with the current 13<sup>th</sup> Avenue pedestrian area, the 150 foot tower would cut off street-level viewing opportunities by walling off the Romanesque Union Station Tower and even Mt. Hood. This is particularly true if you consider that during nice weather, the 2<sup>nd</sup> story On Deck space is filled with people enjoying the outdoors --- and the views to the southeast. The tower wall, positioned directly southeast of the On Deck, would seriously diminish that 'stopping and viewing' place.

#### B5 Make Plazas, Parks and Open Space Successful

##### B5-1 Recognize The Roles of the Tanner Creek Parks

"Plazas, parks, and open spaces are crucial amenities of the Central City... When new development proposals are located adjacent to dedicated public spaces, height, bulk, and shadow regulations protect public spaces from excessive shadow during anticipated high use periods. These mechanisms are intended to ensure that new construction ... will not negatively impact access to sunlight for public open spaces." CCFDG p. 78. "This guideline may be accomplished by ... orienting incorporated open spaces to receive sunlight." *Id.* at p. 79.

"The Tanner Creek Parks function as both a neighborhood park system and as one of Portland's primary promenades, extending the North Park Blocks northward to the Willamette River. Adjacent private development to the parks should support and enhance these roles." RDDG p. 40.

Directly one block east of the proposed 150 foot tower wall is Jamison Square Park, part of the Tanner Creek Parks (see map, RDDG p. 40). The park is a delightful urban green space alive with the sound of children playing in the water and on the installed sculptures.

The proposed 150 foot tower wall would loom over the much lower block between the development and the park, casting a long, dark shadow over the Riverstone residences on cold, wintery days. Also important to the consideration of this design detail, the massively tall structure would blot out afternoon light from the entire area to the east, possibly directly impacting the park. Both these circumstances violate the goal of "... limiting shadows on public open spaces ... and limiting shadows from new development on residential neighborhoods ..." See PCC 33.510.205(A).

Shadows may come much sooner to Jamison Park on those cold afternoons that many times occur during fall, winter, and spring. This might occur entirely because of the extreme height sought by the developer for this proposal. Much more scrutiny must be given to the afternoon sun enjoyed by the local patrons of this popular urban green space in order for the proposal to meet this guideline.

## Section C Project Design

### C 1 Enhance View Opportunities

#### C1-1 Increase River View Opportunities

“Significant existing public views of both the natural and built environments are preserved in the Central City through building height limitations and other mechanisms adopted as a part of the city’s Scenic Resources Plan. The protection and enhancement of these views, as well as the creation of new views from public open spaces and/or buildings, helps to orient pedestrians moving through the Central City...Taking advantage of the surrounding view opportunities increases the desirability of living, visiting, and working in the Central City.” CCDRG p. 92.

“Guideline ... Size and place new buildings to protect existing views and view corridors.” *Id.* at p. 93. “This guideline may be accomplished by ... enhancing views of significant features.” *Id.* at p. 95.

As discussed in detail throughout this memo, the proposed 150 foot tower wall, by its sheer size and placement on a north/south axis, creates a ‘great wall’ that curtains off the Union Station Tower, the Steel Bridge, and Mt. Hood from any public vantage point west and northwest of the building site.

The views from the On Deck, certainly at least a quasi-public space, would be significantly decreased by the proposed height of this development. And casual views of the top of the Steel and Fremont Bridges would be compromised depending on the vantage point taken from a number of public spaces, like walking along Kearney Street west of the building, for instance, or standing near the entrance of REI looking northeast and east.

Perhaps there is no more iconic Portland image than that of Mt. Hood, serving as a distant focal point that reminds us all of the majestic beauty of nature and the opportunities for escape and recreation to be found in the great outdoors. The proposed project is so massive in size, however, even public views of Mt. Hood would be obliterated from many vantage points in the neighborhood.

#### C4 Compliment the Context of Existing Buildings

“A consideration in the design of a new building is to complement the local context of existing buildings... Within the Central City, there are localized groups of buildings that share similar design characteristics... These areas often exhibit a common expression of design ... details that distinguish the local architecture from that found in other parts of the Central City. This common expression of design ... details can be referred to as a design vocabulary... an area’s design vocabulary include[s] building proportion, scale [and] rhythm ...” CCDRG p. 104.

As discussed above, the existing buildings immediately adjacent to the project are all consistent with the 'valley' of low-slung buildings south of Lovejoy. Placing a 150 foot tower wall would not complement the existing buildings, but rather would loom over them, denying them light, air, and the sense of space that comes from views that project further than across an urban street.

The common building scale in the area, as discussed above, is 'low-slung' and creates a 'valley' from Lovejoy south to include Hoyt, and from 14<sup>th</sup> Avenue east to the river. Glorious morning light floods through this valley in the Pearl. To build a 150 foot tall wall that extends the entire length of a city block from north to south would destroy the continuity of this light coming in from the east. Such a tall structure would be an anomaly, entirely inconsistent with the scale, proportion, and 'rhythm' of the neighborhood.

Also as noted, the proposed development block is directly catty-corner to the tip of the Historic 13<sup>th</sup> Avenue subdistrict. The proposed development pays only slight heed to this fact in moderating the more "modern" design of the tower with a slightly more "warehouse" looking "low-rise." The design problem this presents, of course, is that when the two buildings are taken in conjunction, neither looks particularly interesting or authentic.

### Conclusion

The proposed solution fundamentally destroys the distinctive character of the area just south of Lovejoy and truly fails to foster any connection between this area of the Pearl and the river.

Rather than rise to a moderate height that would share the beauty of its surroundings – the Romanesque Union Station Tower, the industrial charm of the Steel Bridge, and the natural beauty of Mt. Hood, the proposed tower would blot out all of these features and steal them for only itself. The 'great wall' spanning an entire block from north to south and soaring 150 feet into the air would rob the public of the resources of light, air, and view, in complete disregard for the design context set by the buildings surrounding it.

The unique 'valley' quality of this area of the Pearl would be lost by the placement of a huge, incongruous "ridge" in the middle of our neighborhood. In this regard, the current proposal directly conflicts with the applicable PCC rule 33.510.200A that states one of the purposes of the height and FAR standards is aimed at "...protecting views [and] creating a step-down of building heights to the Willamette River ...". Accordingly, the proposal directly violates design criteria 33.510.210.E.4.f and so is not eligible for bonus height consideration.

For all those residents, visitors, and workers in the Pearl from 12<sup>th</sup> Avenue westward, the proposed 150 foot tower wall would represent a huge step UP in building height and bulk that would serve to entirely cut off the Willamette river.

### Recommendations

For all of the above reasons, it is respectfully requested that the current design proposal be rejected with the recommendation that a new design be submitted that includes:

- extreme reduction in height and bulk to better fit the size, scale, dimension, and overall rhythm of this unique area of the Pearl;
- enhancement of the area's connectedness to the Willamette River, in part by reorienting the design to run perpendicular to the river rather than north to south, and also by adhering to the "step-down" in building heights to the river as mandated by 33.510.200.A via 33.510.210.E.4.f;
- preservation of the focal point and centrality of the Union Station Tower as a precious feature of the neighborhood consistent with existing design considerations and the specific language of the zoning code;
- advise against a request for any bonus height in order to preserve the public resources of sunlight, air, and view corridors to ensure that shadows from this new development do not fall on the public open space of Jamison Park or the residential neighborhoods in the area, and in particular the Riverstone Condominiums directly across the street to the east;
- enhancement of the street vibrancy found on historic 13<sup>th</sup> Avenue both to the north and to the south of the proposed development area, and better connecting the two with design elements and sidewalk/loading dock-style enhancements.