



City of Portland Bureau of Development Services

Staff Presentation to the Portland City Council

*Appeal of a Type III Design Review with
Modifications, Central City Master Plan, Adjustment*

**LU 13-214772 DZM, MS, AD
Park Avenue West Tower**

February 12, 2014

Procedural Summary

- October 11, 2013 - Land Use application submitted
- November 8, 2013 - Staff Report and Recommendation issued, *approval recommended*
- November 21, 2013 - 1st Design Commission hearing, *request by SEIU Local 49 to keep record open*
- December 12, 2013 - Findings prepared for Design Commission, *approval recommended*
- December 19, 2013 - 2nd hearing, *Commission adopted Final Findings for approval*
- January 7, 2014 - Design Commission Final Decision appealed by SEIU Local 49
- February 12, 2014 - 1st City Council appeal hearing



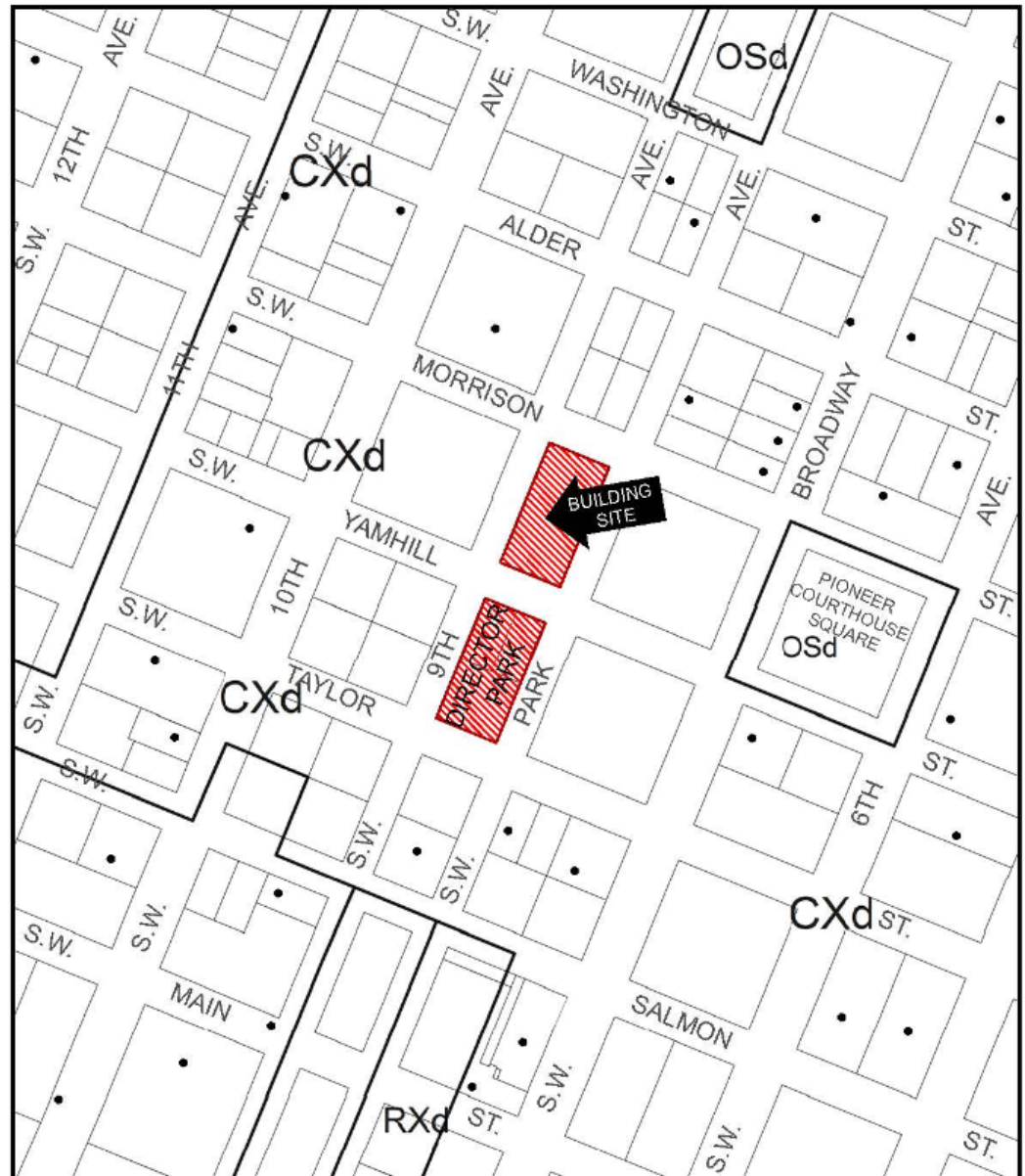
Proposal Summary

- **Design Review**
 - new 30-story mixed-use building
 - 460' tall
 - 2 floors retail (+28K SF)
 - 15 floors housing (203 apartment units)
 - 13 floors office (+176K SF)
 - 259 below-grade parking spaces
- **Modifications**
 - spire height
 - reduced loading stall size
- **Central City Master Plan**
 - full development potential = 24:1 FAR for both blocks combined
 - request to allow a transfer of FAR from Director Park to Park Avenue West
- **Adjustment**
 - parking access from SW Park Avenue



Zoning

- **CXd**
 - Central Commercial w/ design overlay
- **Central City Plan District**
 - Downtown Subdistrict
- **Approval criteria**
 - **DZ**, Central City Fundamental Design Guidelines
 - **M**, 33.825.040
 - **AD**, 33.805
 - **MS**, 33.510.255, including Central City Plan policies



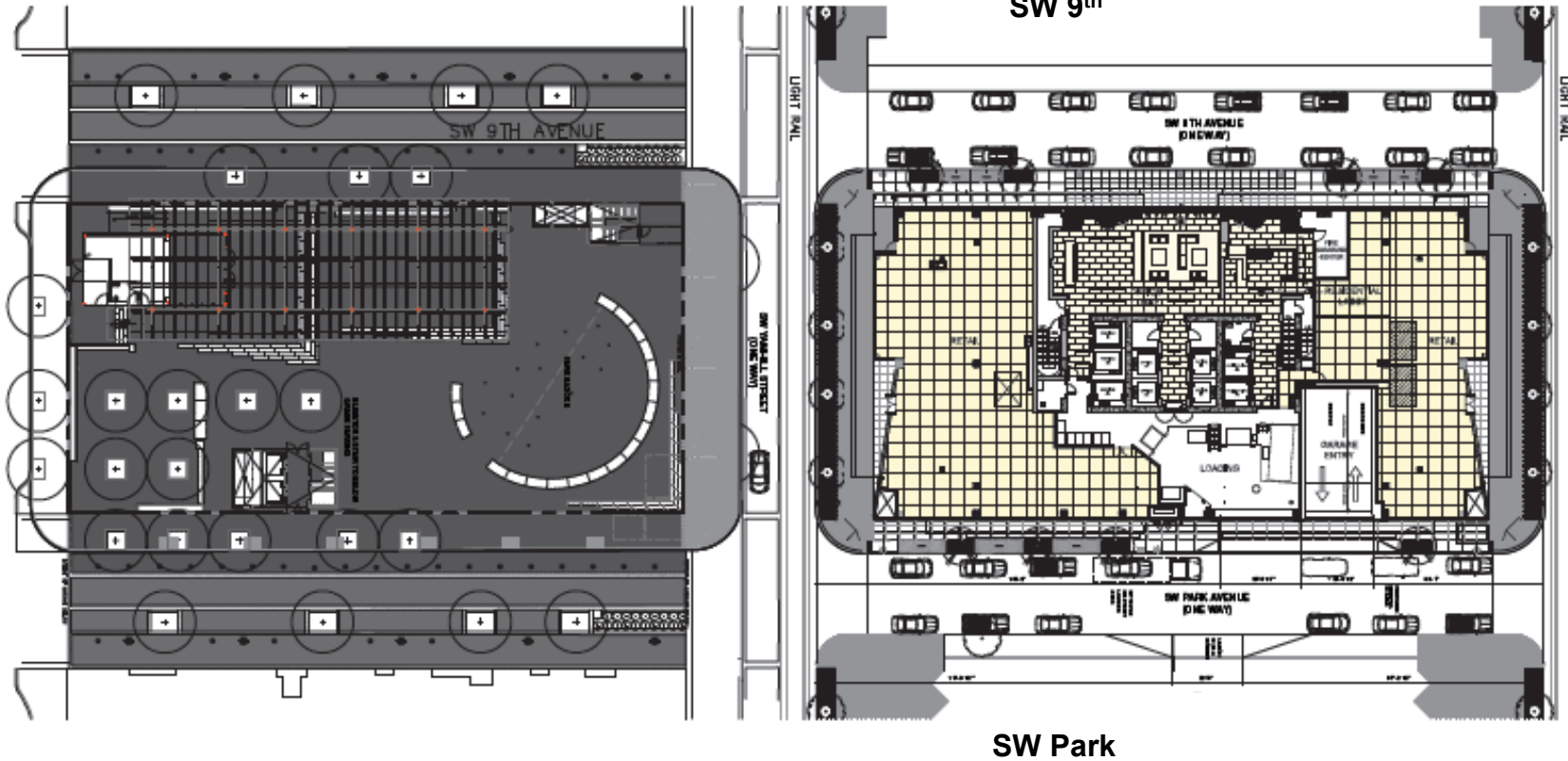
ZONING  Site

Streets

SW Taylor

SW Yamhill

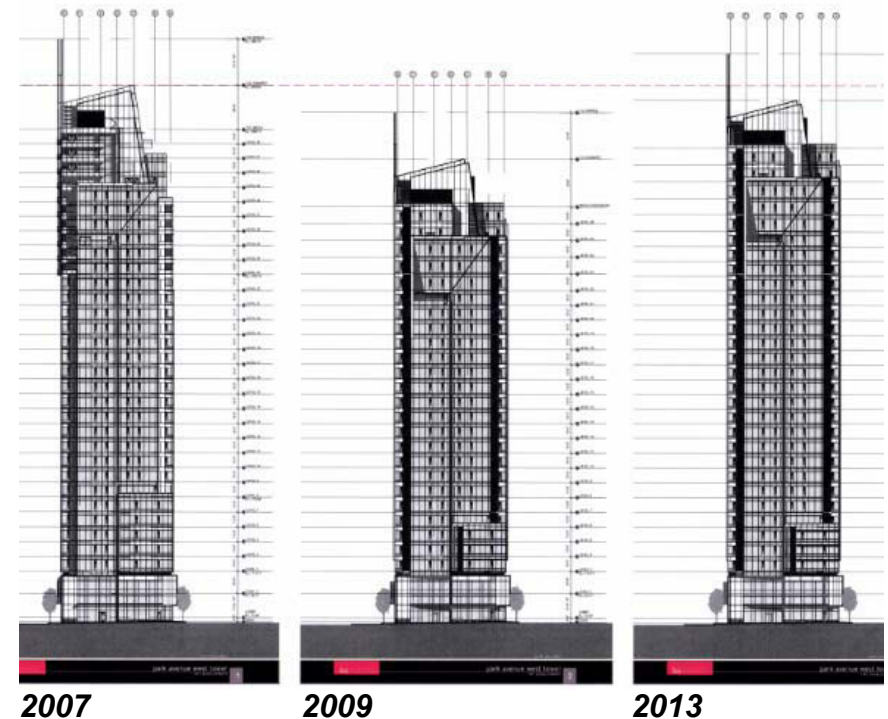
SW Morrison



- SW Yamhill:** Local Service Bikeway, Central City Transit/Pedestrian Street, Regional Transitway
- SW Morrison:** Local Service Bikeway, Central City Transit/Pedestrian Street, Regional Transitway
- SW 9th:** Local Service Bikeway, City Walkway
- SW Park:** Local Service Bikeway, City Walkway
- SW Taylor:** Traffic Access, Local Service Bikeway, City Walkway

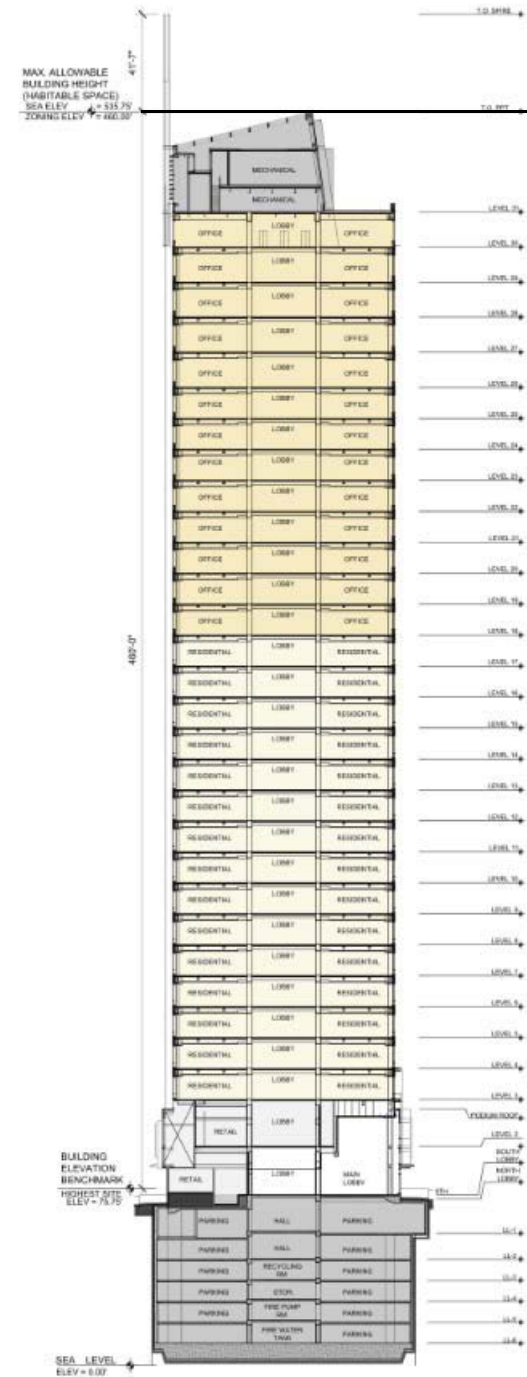
Land Use Review history for Park Avenue West Tower and Director Park

- **05-141016**, Type 3 Central City Parking Review approved underground parking garage at Director Park
- **07-136525 and 07-143667**, Type 2 Design Reviews approved Park café building & parking garage shelters (*park design was exempt from land use review*)
- **07-140633**, Type 3 Design Review, Master Plan, Modification, Adjustment. Council approved a 33-story building (retail, office, condos) & 11.7:1 FAR transfer (*underground permits issued; LU superceded by 09 LU*)
- **07-169105**, Type 3 Central City Parking Review approved vehicle access w/in 75' of MAX (*remains in effect*)
- **09-104171**, Type 2 Design Review approved exterior design changes to the 33-story tower
- **09-136017**, Type 3 Design Review, Master Plan, Modification, Adjustment approved a 26-story building (no housing) & 9.1:1 FAR transfer (*structural permits issued*)



Summary of Height Modification

- **33.510**
Maximum Height = 460'
- **33.130.210 B.1.**
Exceptions to Maximum Height, elements with a diameter of 5' or less may rise 10' above the height limit
- Spire proposed 41'-7" above the height limit



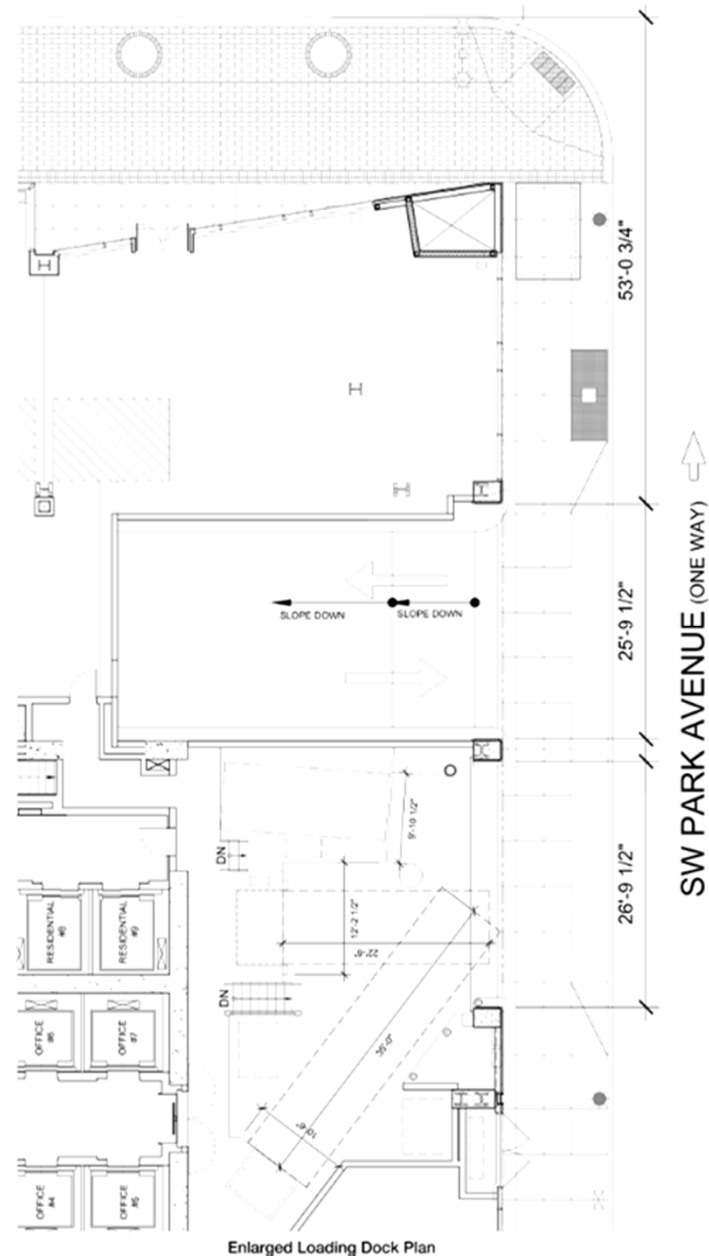
Summary of Loading Modification and Parking Access Adjustment

- **Loading**

- Required, 2 loading stalls 10' x 35' x 13'
- Proposed, 1 full-size, 1 substandard, 1 dedicated trash stall

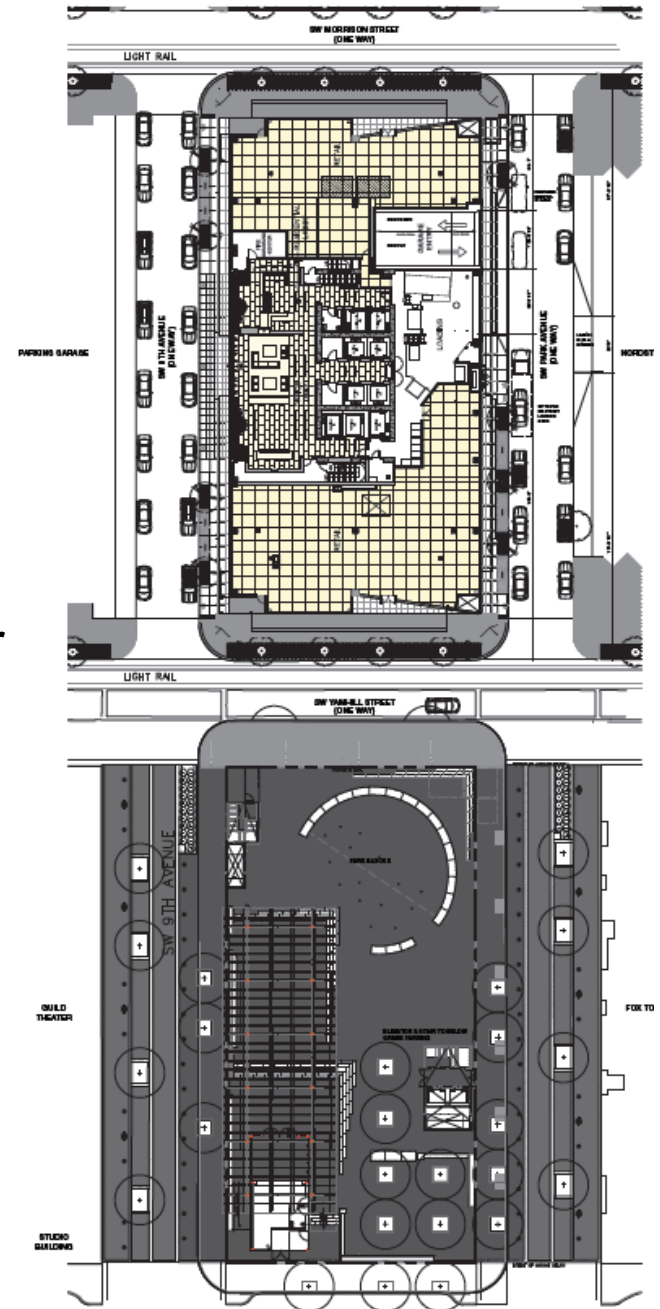
- **Parking Access Restricted Streets**

- All 4 streets have this designation, vehicle access is proposed at SW Park Avenue



Summary of Central City Master Plan, Floor Area transfer requests

- **9:1 base FAR at both 20,000 SF blocks**
- **3:1 bonus/transfer FAR allowed outright at both blocks**
- **Director Park – 12:1 maximum achieved**
(3:1 bonus through bike locker & water feature)
- **Park Avenue West Tower – 12:1 maximum achieved**
(3:1 bonus through residential use)
- **2007 Director Park received approval to allow an 11.7:1 transfer**
(.3:1 would remain at Park site for 3 small buildings)
- **2009 revised transfer request: Director Park received approval to allow a 9.1:1 transfer**
(2.9 would remain at Park site)
- **2013 current request is to transfer an additional 2.6:1 for a total of an 11.7:1 transfer**
(30 story Park Avenue West Tower will utilize 23.7:1)



Appeal Summary

- Policy 3, Housing
 - *“Maintain the Central City’s status as Oregon’s principal high density housing area by keeping housing production in pace with new job creation.”*
 - “Further:*
 - C. Encourage the development of housing in a wide range of types and prices and rent levels.”*
- No evidence that the owner (PPR) will transfer FAR
 - 33.700.060 B. Adopting the covenant. *“Proof of the recording must be made prior to the issuance of any building permits.”*
- > 3:1 FAR transfer is not allowed in downtown
- The absence of affordable housing is inconsistent with the Federal Fair Housing Act and may expose the City to liability concerning its use of HUD funds
- Restrictive Covenant on Director Park between private parties
- Procedural issues: Design Commission is not the review body for a Central City Master Plan, no owner (PPR) consent on application or notices, changes were made to the application

Looking SW at SW Morrison and Park



Looking South along SW 9th



Looking NW at SW Yamhill and Park



Looking NE at SW Yamhill and 9th



Council Options

- Grant the appeal and overturn the Design Commission decision of approval – Deny the proposal; or
- Grant components of the appeal and add Conditions of Approval to the Design Commission decision of approval; or
- Deny the appeal and uphold the Design Commission decision of approval.