



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

**NOTICE OF A PUBLIC HEARING BEFORE
THE CITY COUNCIL ON AN APPEAL OF THE
PORTLAND DESIGN COMMISSION**

CASE FILE: LU 16-197257 DZM, AD - NW 14th & NW Raleigh
WHEN: Wednesday, November 23, 2016 at 2:00pm
WHERE: COUNCIL CHAMBERS, 1221 SW FOURTH AVENUE

Date: October 27, 2016
To: Interested Person
From: Grace Jeffreys, Land User Services, 503-823-7840

The Review Body decision of **approval** has been appealed by **LRS Architects Inc.**

A public hearing will be held to consider an appeal of the Design Commission's decision to approve **Design Review** for a new ¼-block 12-story residential building located in the North Pearl Subarea of the River Subdistrict of the Central City Plan District bounded by NW 14th Ave and NW Raleigh Street. Key components of the development program are (approximate quantities): ground floor retail; 93 affordable apartments; 15 at-grade parking stalls; 155 long-term bike parking spaces (142 required) in two bike rooms (levels 1 and 2); and, 0 short-term spaces (12 required, code requirement met via paying into bike parking fund.)

Approval of the following **Modification** requests:

1. 33.510.205.H Height - To allow an additional 29'-8" height over the 100' base height, for a total height of 129'-8";
2. 33.266.130.F. (Table 266-4) Parking Space Size - To allow 4 out of the 15 proposed parking spaces to be 8' wide, instead of the required 8'-6" wide (no parking spaces are required);
3. 33.266.130.F. Long-term Bike Parking - To allow wall mounted bike racks to be mounted 18" with a 6" stagger, instead of the required 2'-0" on-center spacing (PZC Section 33.266.220);
4. 33.266.310.D.b. Loading Size - To allow a reduced size loading space length of 16' long x 9' wide x 10' high, instead of the required 18' long x 9' wide x 10' high.

Approval of the following **Exception** request:

1. Exception. OSCC 3202.3.2. / IBC/32#1. Window Projections into a Right-of-Way - To not require side windows on oriel windows over 2'-6" deep, and to allow oriels that are 29'-11" wide on NW 14th and 30'-10" wide on NW Raleigh, instead of the maximum 12' wide allowed.

The Design Commission's decision of **approval with conditions** has been appealed by **LRS Architects Inc.** At the hearing, City Council will consider the appeal. You are invited to testify at the hearing.

This will be an On-the-Record hearing, one in which new evidence cannot be submitted to the City Council. For a general explanation of the City Council hearing process please refer to the last page of this notice.

GENERAL INFORMATION

Applicant: David Turville, LRS Architects
720 NW Davis, Suite 300, Portland, OR 97209

Owners: Julie Garver, Innovative Housing Inc
219 NW 2nd Ave, Portland, OR 97209

Faez Soud, Portland Housing Bureau, City of Portland
421 SW 6th Ave #500, Portland, OR 97204-1620

Site Address: **NW 14th and NW Raleigh**

Legal Description: BLOCK 258 TL 711, COUCHS ADD
Tax Account No.: R180220354
State ID No.: 1N1E28DD 00711
Quarter Section: 2828
Neighborhood: Pearl District, contact Kate Washington at planning@pearldistrict.org.
Business District: Pearl District Business Association, contact Carolyn Ciolkosz at 503-227-8519.

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: **Central City - River District - North Pearl**
Zoning: **EXd**, Central Employment with a Design overlay
Case Type: **DZM**, Design Review with Modification reviews.
Procedure: **Type III**, with a public hearing before the Design Commission. The decision of the review body can be appealed to City Council.

Proposal:

The applicant seeks **Design Review** approval for a new ¼-block 12-story residential building located in the North Pearl Subarea of the River Subdistrict of the Central City Plan District bounded by NW 14th Ave and NW Raleigh Street. Key components of the development program are (approximate quantities):

- 105,242 SF of floor area, 10.5242 of FAR;
- 661 square feet of ground floor retail;
- 93 affordable apartments;
- 15 parking stalls at ground level;
- 155 long-term bike parking spaces (142 required) in two bike rooms (levels 1 & 2) and in units;
- 0 short-term spaces (12 required), code requirement met via paying into bike parking fund;
- Amenity spaces - Level 2 communal rooms and outdoor play area, Level 12 roof terrace;
- Eco-roofs and solar panels provided on the roof.

Exterior materials are:

- *Primary Cladding at ground level.* Brick veneer, aluminum storefront (setbacks from brick face: storefront 8-5/8", louvers 3-1/2");
- *Primary Cladding above ground level.* Profiled metal panels – 12" wide, 22 gauge (window trim is 1.5" to 7.5" proud of window frame, louvers are flush mounted);
- *Metal Trim.* Includes canopy soffits, and corner and window trims. No gauge is specified;
- *Storefronts.* Aluminum storefronts, clear anodized;
- *Windows.* VPI windows, white generally with orange at the red/orange metal panels.

The following **Modifications** are requested:

1. 33.510.205.H Height - To allow an additional 29'-8" height over the 100' base height, for a total height of 129'-8";
2. 33.266.130.F. (Table 266-4) Parking Space Size – To allow 4 out of the 15 proposed parking spaces to be 8' wide, instead of the required 8'-6" wide (no parking spaces are required);

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The following **Exception** is requested:

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Design review is necessary because the project proposes new development within a design overlay zone, per section 33.420.041 of the Portland Zoning Code.

Relevant Approval Criteria:

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

- 33.825, Design Review
- 33.825.040, Modifications
- Central City Fundamental Design Guidelines
- River District Design Guidelines

DESIGN COMMISSION DECISION

It is the decision of the Design Commission to approve **Design Review** for a new ¼-block, 12-story, residential building in the North Pearl Subarea of the River District Subdistrict of the Central City Plan District including the following key program components: 105,242 gross SF total; 661 square feet of ground floor retail; 93 affordable apartments; 15 at-grade parking stalls; 155 long-term bike parking spaces (142 required) in two bike rooms (levels 1 and 2); and, 0 short-term spaces (12 required, code requirement met via paying into bike parking fund.)

Approval of the following **Modification** requests:

1. 33.510.205.H Height - To allow an additional 29’-8” height over the 100’ base height, for a total height of 129’-8”;
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Approvals per Exhibits C.1-C.41, signed, stamped, and dated October 4, 2016, subject to the following **Conditions of Approval**:

- A. As part of the building permit application submittal, the following development-related conditions (A through I) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 16-197257 DZM, AD." All

requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B.** Conditions B.1-4 related to the security gate:
 1. The security gate must fully open/close in 13 seconds or less.
 2. The parking spaces must be reserved for residential use only.
 3. A remote control device with a 50-foot minimum detection radius must be issued to all residents who are allowed access to the parking spaces.
 4. The security gate details and specifications must be added to the door schedule sheet of the building permit plan set.
- C.** Conditions C.1-2 relate to the corner building element:
 1. Move the "lower oriel" up from levels 5 and 6 to levels 8 and 9 to create a singular oriel.
 2. Change the color of the upper and lower "corner wall" metal panels to match the checkerboard patterning of the "mid-block walls".
- D.** The bike lobby entrance to be recessed in depth so that the out-swinging door does not encroach into the Right-of-Way, to be two (2) full glazing modules wide, and to be fully accessible.
- E.** All visible metal trim elements to be a minimum of 22 gauge.
- F.** The brick pilasters are to be setback from the metal above, or a transitional trim element is introduced to create a stronger demarcation of the base.
- G.** The lighting of the notches is to be shrouded.
- H.** Prior to the issuance of any building permit the applicant must demonstrate through the required covenants how FAR is achieved in accordance with the Portland Zoning Code.
- I.** No field changes allowed.

=====
By: 
David Wark, Design Commission Chair

Application Filed: June 30, 2016
Decision Filed: September 23, 2016

Decision Rendered: September 22, 2016
Decision Mailed: October 7, 2016

APPEAL

The Design Commission's decision of an approval with conditions has been appealed by LRS Architects Inc. According to the appellants' statement, the appeal of the Design Commission's decision is based on arguments that:

The design team believes that the building as designed better meets the guidelines for Contextual response and Coherency, then it does with the revision in the Conditions of Approval C.1-2. Additionally, the design team believes the revisions have a significant cost impact.

Review of the case file: The Design Commission's decision and all evidence on this case are now available for review at the Bureau of Development Services, 1900 SW 4th Avenue, Suite 5000, Portland, OR 97201. Copies of the information in the file can be obtained for a fee equal to the City's cost for providing those copies. I can provide some of the information over the phone.

We are seeking your comments on this proposal. The hearing will be held before the City Council. To comment, you may write a letter in advance, or testify at the hearing. In your

comments, you should address the approval criteria, as stated above. Please refer to the file number when seeking information or submitting testimony. Written comments **must be received by the end of the hearing** and should include the case file number and the name and address of the submitter. It must be given to the Council Clerk, in person, or mailed to 1221 SW Fourth Avenue, Room 140, Portland, OR 97204. A description of the City Council Hearing process is attached.

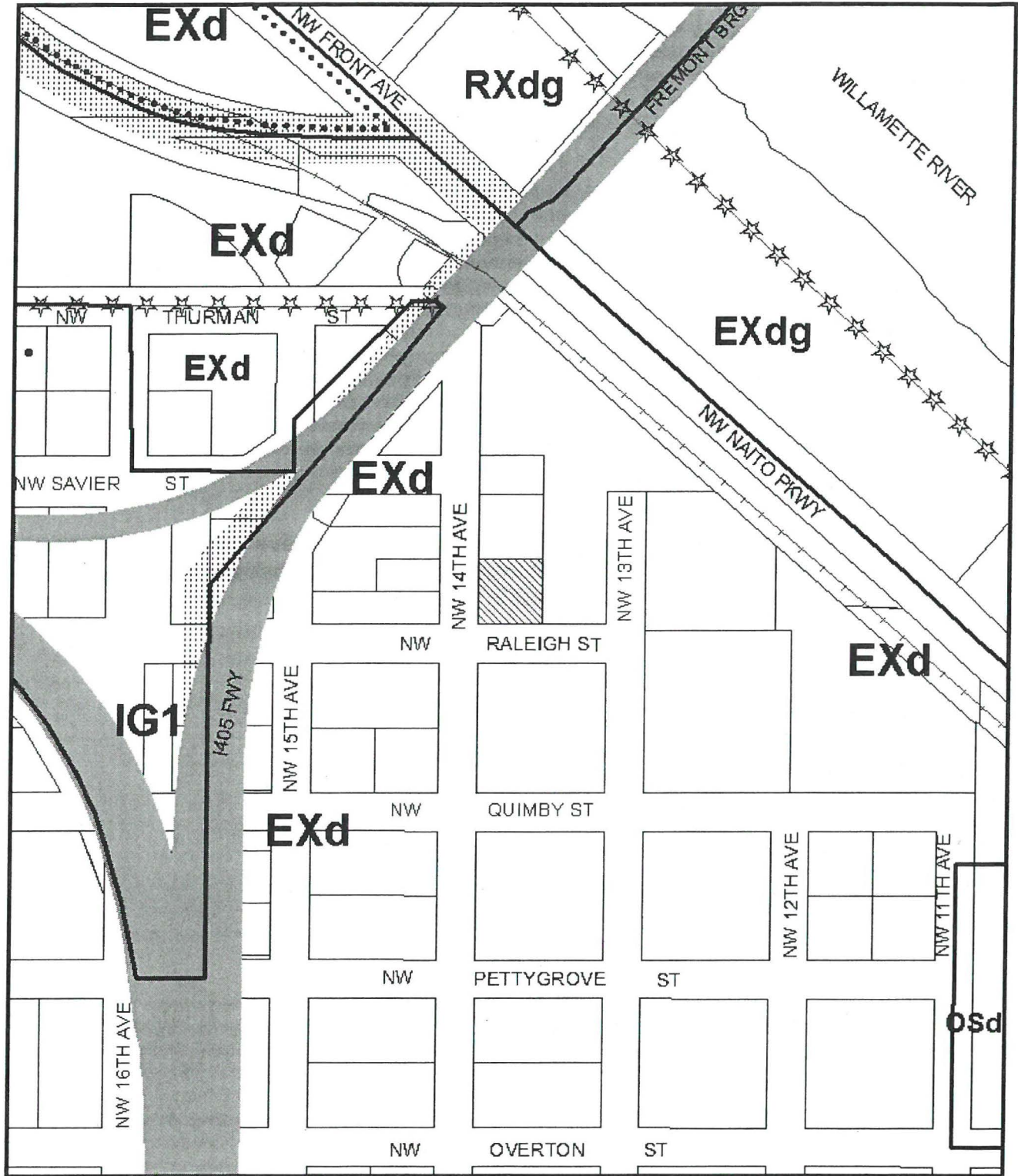
If you choose to provide testimony by electronic mail, please direct it to the Council Clerk at karla.Moore-Love@portlandoregon.gov. Due to legal and practical reasons, City Council members cannot accept electronic mail on cases under consideration by the Council. Any electronic mail on this matter must be received no less than one hour prior to the time and date of the scheduled public hearing. The Council Clerk will ensure that all City Council members receive copies of your communication.

City Council's decision is final. Any further appeal must be filed with the Oregon Land Use Board of Appeals (LUBA). Failure to raise an issue in a hearing, in person or by letter, by the close of the record or at the final hearing on the case or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the City Council, they may not be able to respond to the issue you are trying to raise. For more information, call the Auditor's Office at (503) 823-4086.

If you have a disability and need accommodations, please call 503-823-4085 (TDD: 503-823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.

Attachments

1. Zoning Map
2. Site plan
3. Elevations (2)
4. Appeal Statement
5. City Council Appeal Process



ZONING

NORTH

This site lies within the:
CENTRAL CITY PLAN DISTRICT
RIVER DISTRICT SUBDISTRICT
NORTH PEARL SUBAREA

-  **Site**
-  **Recreational Trails**
-  **Historic Landmark**

File No.	LU 16-197257 DZM AD
1/4 Section	2828
Scale	1 inch = 200 feet
State_Id	1N1E28DD 711
Exhibit	B (Jul 01, 2016)



Approval per the following Conditions of Approval (A-I):

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- B. Conditions B.1-4 related to the security gate:
 1. The security gate must fully open/close in 13 seconds or less.
 2. The parking spaces must be reserved for residential use only.
 3. A remote control device with a 50-foot minimum detection radius must be issued to all residents who are allowed access to the parking spaces.
 4. The security gate details and specifications must be added to the door schedule sheet of the building permit plan set.
- C. Conditions C.1-2 relate to the corner building element:
 1. Move the "lower oriel" up from levels 5 and 6 to levels 8 and 9 to create a singular oriel.
 2. Change the color of the upper and lower "corner wall" metal panels to match the checkerboard patterning of the "mid-block walls".
- D. The bike lobby entrance to be recessed in depth so that the out-swinging door does not encroach into the Right-of-Way, to be two (2) full glazing modules wide, and to be fully accessible.
- E. All visible metal trim elements to be a minimum of 22 gauge.
- F. The brick pilasters are to be setback from the metal above, or a transitional trim element is introduced to create a stronger demarcation of the base.
- G. The lighting of the niches is to be shielded.
- H. Prior to the issuance of any building permit the applicant must demonstrate through the required covenants how FAR is achieved in accordance with the Portland Zoning Code.
- I. No field changes allowed.



KEY NOTES

- 1 NEW BIKE STANCHION - SEE ILLUSTRATION (NOT PART OF REQUIRED SHORT-TERM PARKING)
- 2 STREET TREE - SEE LANDSCAPE DRAWINGS FOR TYPE
- 3 EXISTING ELECTRICAL VAULTS
- 4 PROPOSED POE VAULTS - SEE CIVIL DRAWINGS



PROPOSED BIKE STANCHION

1-story stucco building

Ramona Apartments
6-story brick building

"Approved"
City of Portland - Bureau of Development Services

Planner: _____ Date: 10/14/16

* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

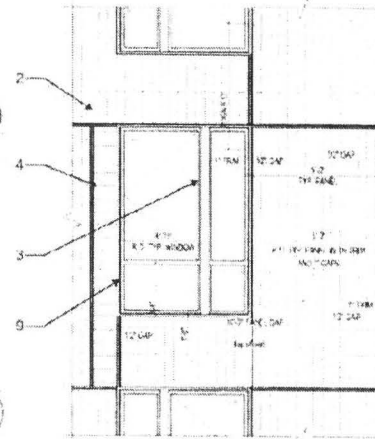
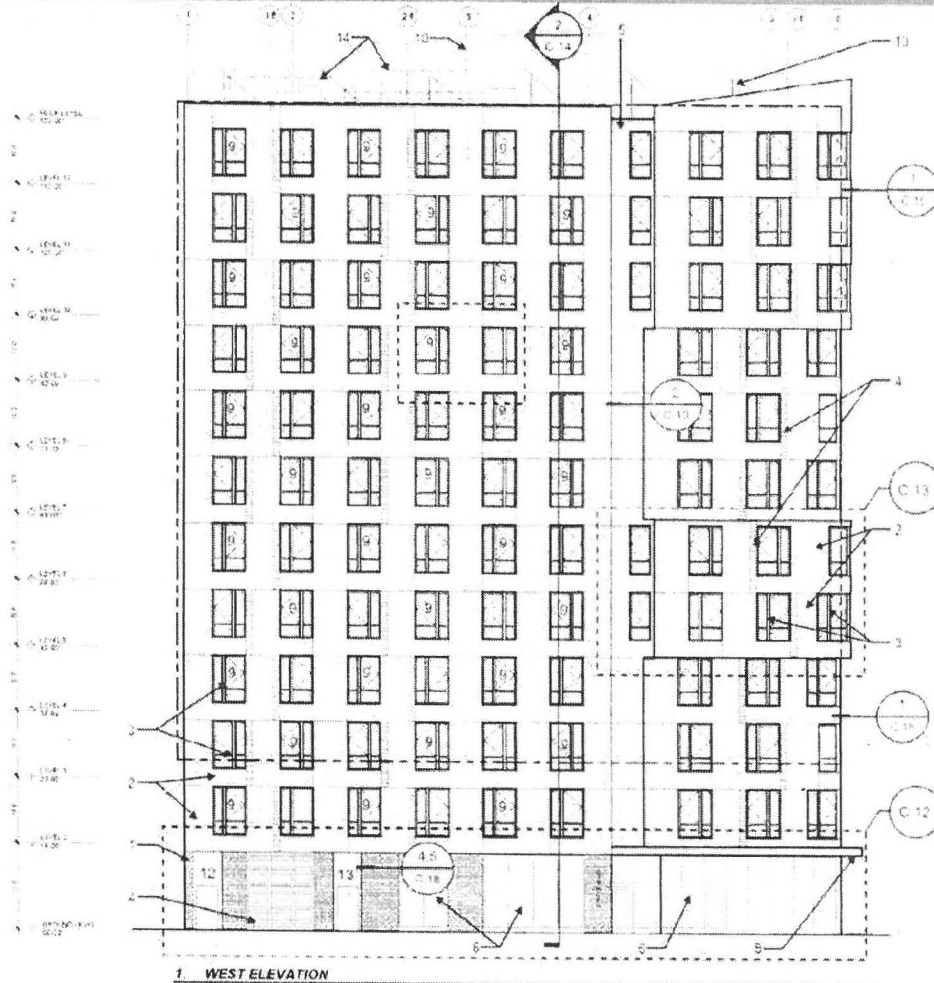


NW 14th & Raleigh Apartments

09.02.2016



INNOVATIVE HOUSING, INC.
CREATING SOLUTIONS FOR SAFER HOUSING NEEDS



2. WINDOW ELEVATION DETAIL

NOTES

1. BRICK VENEER
2. METAL PANEL (COLORS 1-4) SEE C.10 & C.
3. VINYL WINDOWS (COLORS 1-2) SEE C.22
4. ALUMINUM LOUVER (COLORS 1-3) SEE C.1
5. BUILDING NOTCH, METAL PANELS (COLOR 2) SEE C.10
6. ALUMINUM STOREFRONT SYSTEM SEE C.4
7. PERFORATED GARAGE DOOR SEE C.38
8. METAL PANEL CLAD CANOPY (COLOR 3) S
9. WINDOW PROJECTION SEE C.22
10. SOLAR PANELS
11. STAIR/ELEVATOR TOWER CLAD IN METAL
12. METAL PANEL BEYOND (COLOR 2) SEE C.24 AND 9&10/C.15
13. BRICK VENEER BEYOND
14. MECHANICAL EQUIPMENT

FOR METAL PANEL COLORS, SEE C.23

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"Approved"

City of Portland - Bureau of Development Services

Planner: *[Signature]* Date: 10/4/16

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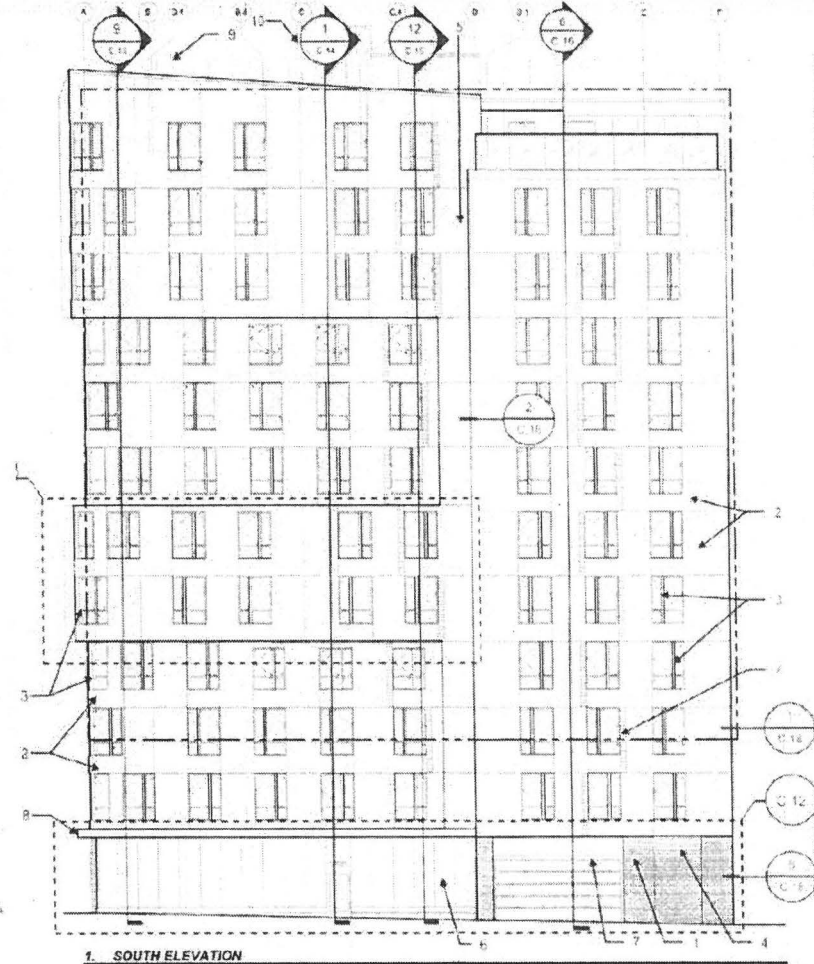
NW 14th & Raleigh Apartments

09.02.2016



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NOTES

1. BRICK VENEER
2. METAL PANEL (COLORS 1-4) SEE C.10 & C.11 AND C.24
3. VINYL WINDOWS (COLORS 1-2) SEE C.22
4. ALUMINUM LOUVER (COLORS 1-3) SEE C.10 & C.11 AND C.37
5. BUILDING NOTCH, METAL PANELS (COLORS 3&4)
6. ALUMINUM STOREFRONT SYSTEM SEE C.41
7. PERFORATED GARAGE DOOR SEE C.38
8. METAL PANEL CLAD CANOPY (COLOR 3) SEE 12/C.20
9. SOLAR PANEL
10. STAIR/ELEVATOR TOWER CLAD IN METAL PANELS. SEE C.24

FOR METAL PANEL COLORS, SEE C.23

"Approved"
 City of Portland - Bureau of Development Services
 Planner: [Signature] Date: 10/2/16
 This approval applies only to the reviews requested and is subject to the conditions of approval. Additional zoning requirements may apply.



LU 16-197257 DZM AD C.8a



City of Portland, Oregon - Bureau of Development Services

1900 SW Fourth Avenue · Portland, Oregon 97201 | 503-823-7300 | www.portlandoregon.gov/bds



Type III Decision Appeal Form

LU Number: LU 10-197257 DEM

FOR INTAKE, STAFF USE ONLY

Date/Time Received 10/21/16 @ 1:45 pm Action Attached

Received By Mary Butenschoen Fee Amount \$5000.00 - Check Rec'd

Appeal Deadline Date 10/21/16 by 4:30 pm Fee Waived MB

Entered in Appeal Log Bill # 4023320

Notice to Auditor Unincorporated MC

Notice to Dev. Review

APPELLANT: Complete all sections below. Please print legibly.

PROPOSAL SITE ADDRESS NW 4th & NW RALEIGH DEADLINE OF APPEAL 10/21/16

Name LRS ARCHITECTS INC - C/O TRISH NIXON

Address 720 NW DAVIS, SUITE 300 City PORTLAND State/Zip Code OR, 97209

Day Phone 503-221-1121 Email trixon@lrsarchitects.com Fax 503-221-2077

Interest in proposal (applicant, neighbor, etc.) APPLICANT / ARCHITECT

Identify the specific approval criteria at the source of the appeal:

Zoning Code Section 33. 225 . 055 Zoning Code Section 33. _____

Zoning Code Section 33. _____ Zoning Code Section 33. _____

Describe how the proposal does or does not meet the specific approval criteria identified above or how the City erred procedurally:

THE DESIGN TEAM BELIEVES THAT THE BUILDING, AS DESIGNED, BETTER MEETS THE GUIDELINES FOR CONTEXTUAL RESPONSE AND COHERENCY, THAN IT DOES WITH THE

Appellant's Signature Trish Nixon

REVISION IN THE CONDITIONS OF APPROVAL C.1-2 ADDITIONALLY, REVISIONS HAVE SIGNIFICANT COST IMPACT.

FILE THE APPEAL - Submit the following:

- This completed appeal form
- A copy of the Type III Decision being appealed
- An appeal fee as follows:
 - Appeal fee as stated in the Decision, payable to City of Portland
 - Fee waiver for ONI Recognized Organizations approved (see instructions under Appeals Fees A on back)
 - Fee waiver request letter for low income individual is signed and attached
 - Fee waiver request letter for Unincorporated Multnomah County recognized organizations is signed and attached

The City must receive the appeal by 4:30 pm on the deadline listed in the Decision in order for the appeal to be valid. To file the appeal, submit the completed appeal application and fee (or fee waiver request as applicable) at the Reception Desk on the 5th Floor of 1900 SW 4th Ave, Portland, Oregon, between 8:00 am and 4:30 pm Monday through Friday.

The Portland City Council will hold a hearing on this appeal. The land use review applicant, those who testified and everyone who received notice of the initial hearing will receive notice of the appeal hearing date.

Information about the appeal hearing procedure and fee waivers is on the back of this form.

Type III Appeal Hearing Procedure

A Type III Decision may be appealed only by the applicant, the owner, or those who have testified in writing or orally at the hearing, provided that the testimony was directed to a specific approval criterion, or procedural error made. It must be filed with the accompanying fee by the deadline listed in the decision. The appeal request must be submitted on the Type III Appeal Form provided by the City and it must include a statement indicating which of the applicable approval criteria the decision violated (33.730.030) or what procedural errors were made. If the decision was to deny the proposal, the appeal must use the same form and address how the proposal meets all the approval criteria. There is no local Type III Appeal for cases in unincorporated Multnomah County.

Appeal Hearings for Type III Decisions are scheduled by the City Auditor at least 21 days after the appeal is filed and the public notice of the appeal has been mailed.

Appellants should be prepared to make a presentation to the City Council at the hearing. In addition, all interested persons will be able to testify orally, or in writing. The City Council may choose to limit the length of the testimony. Prior to the appeal hearing, the City Council will receive the written case record, including the appeal statement. The City Council may adopt, modify, or overturn the decision of the review body based on the information presented at the hearing or in the case record.

Appeal Fees

In order for an appeal to be valid, it must be submitted prior to the appeal deadline as stated in the decision and it must be accompanied by the required appeal fee or an approved fee waiver. The fee to appeal a decision is one-half of the original application fee. The fee amount is listed in the decision. The fee may be waived as follows:

Fee Waivers (33.750.050)

The director may waive required fees for Office of Neighborhood Involvement (ONI) Recognized Organizations and for low-income applicants when certain requirements are met. The decision of the director is final.

A. ONI Recognized Organizations Fee Waiver

Neighborhood or business organizations recognized by the City of Portland Office of Neighborhood Involvement (ONI) or Multnomah County are eligible to apply for an appeal fee waiver if they meet certain meeting and voting requirements.

These requirements are listed in the Type III Appeal Fee Waiver Request for Organizations form and instruction sheet available from the Bureau of Development Services Development Services Center, 1st floor, 1900 SW 4th, Portland, OR 97201. Recognized organizations must complete the Type III Appeal Fee Waiver Request for Organizations form and submit it prior to the appeal deadline to be considered for a fee waiver.

B. Low Income Fee Waiver

The appeal fee may be waived for an individual who is an applicant in a land use review for their personal residence, in which they have an ownership interest, and the individual is appealing the decision of their land use review application. In addition, the appeal fee may be waived for an individual residing in a dwelling unit, for at least 60 days, that is located within the required notification area. Low income individuals requesting a fee waiver will be required to certify their annual gross income and household size. The appeal fee will only be waived for households with a gross annual income of less than 50 percent of the area median income as established and adjusted for household size by the federal Department of Housing and Urban Development (HUD). All financial information submitted to request a fee waiver is confidential. Fee waiver requests must be approved prior to appeal deadline to be considered for a fee waiver.

GENERAL EXPLANATION OF CITY COUNCIL APPEAL HEARING PROCESS FOR ON-THE-RECORD APPEALS

1. SUBMISSION OF LEGAL ARGUMENT

- a. On-the record appeals are limited to legal argument only. The only evidence that will be considered by the City Council is the evidence that was submitted to the REVIEW BODY prior to the date the REVIEW BODY closed the evidentiary record. Parties may refer to and criticize or make arguments in support of the validity of evidence received by the REVIEW BODY. However, parties may not submit new evidence to supplement or rebut the evidence received by the REVIEW BODY.
- b. Written legal argument must be received by the time of the hearing and should include the case file number. Testimony may be submitted via email to CCTestimony@portlandoregon.gov or in writing to the Council Clerk, 1221 SW Fourth Avenue, Room 130, Portland, Oregon 97204.
- c. Legal argument may be submitted orally (see below).

2. COUNCIL REVIEW

- a. The order of appearance and time allotments are generally as follows:

Staff Report	10 minutes
Appellant	10 minutes
Supporters of Appellant	3 minutes each
Principal Opponent	15 minutes
Other Opponents	3 minutes each
Appellant Rebuttal	5 minutes
Council	

- b. The applicant has the burden of proof to show that the evidentiary record compiled by the REVIEW BODY demonstrates that each and every element of the approval criteria is satisfied. If the applicant is the appellant, the applicant may also argue the criteria are being incorrectly interpreted, the wrong approval criteria are being applied or additional approval criteria should be applied.
- c. In order to prevail, the opponents of the applicant must persuade the City Council to find that the applicant has not carried the burden of proof to show that the evidentiary record compiled by the REVIEW BODY demonstrates that each and every element of the approval criteria is satisfied. The opponents may wish to argue the criteria are being incorrectly applied, the wrong approval criteria are being applied or additional approval criteria should be applied.

3. OTHER INFORMATION

- a. Prior to the hearing, the case file and the REVIEW BODY decision are available for review by appointment, at the Bureau of Development Services, 1900 SW 4th Avenue, #5000, Portland, OR 97201. Call 503-823-7617 to make an appoint to review the file.

If you have a disability and need accommodations, please call 823-4085 (TDD: 823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.