

Item 1315
Motion 11/23/2016

Motion to grant appeal and remove conditions C.1 and C.2:

Moved by Fish and seconded by Fritz.

Council Voted As Follows:

Yeas: Fritz, Fish, Saltzman, Hales.

November 23, 2016 agenda

<p>1315 TIME CERTAIN: 2:00 PM – Appeal of LRS Architects Inc. against Design Commission’s decision to approve with conditions– specifically C.1 and C.2 corner building element—a new ¼-block 12 story residential building located at NW 14th Ave and NW Raleigh St (Hearing introduced by Commissioner Saltzman; LU 16-197257 DZM) 1.25 hours requested</p> <p>Motion to grant appeal and remove conditions C.1 and C.2: Moved by Fish and seconded by Fritz. (Y-4)</p>	<p>TENTATIVELY GRANT APPEAL; PREPARE FINDINGS FOR DECEMBER 7, 2016 AT 9:30 AM</p>
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December 7, 2016

Motion to adopt findings and grant the appeal and remove conditions c.1 and c.2:

Moved by: *FRITZ*

Seconded: *SALTZMAN*

Council Voted As Follows:

Yeas: *FRITZ, SALTZMAN, NOVICK, HALES.*



City of Portland, Oregon
Bureau of Development Services
Office of the Director

FROM CONCEPT TO CONSTRUCTION

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Paul L. Scarlett, Director
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MEMORANDUM

November 23, 2016

TO: Mayor Charlie Hales
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Steve Novick
Commissioner Dan Saltzman

FROM: Paul L. Scarlett, Director
Bureau of Development Services

PLS

RE: City Council hearing on LU 16-197257 DZM - Type 3 Appeal (NW 14th & Raleigh)

The purpose of this memorandum is to provide a summary and brief description of the land use review that will be presented to you in public hearing on November 23, 2016 at 2 PM, time certain.

Site Address: NW 14th & NW Raleigh

BDS Representative: Grace Jeffreys, City Planner II, Design and Historic Review

1. **Land Use Reviews Requested:** Type III Design Review with Modification and Exception Requests.

2. **Key Elements of Proposal:**

- Design Review approval was requested by Trish Nixon of LRS Architects for a new ¼ block, 12-story residential building in the North Pearl subarea of the River District subdistrict providing 93 affordable apartments, ground floor commercial, 15 at-grade parking stalls, and 155 long-term bike parking spaces. Modifications (M) were requested to allow additional height, and reduced-sized parking spaces, bike racks, and loading space. An Exception was requested to oriel windows glazing and widths.
- The Staff Report to the Portland Design Commission recommended approval with conditions. The Portland Design Commission approved the proposal with conditions of approval A-I (listed below).
- The decision was appealed by Trish Nixon of LRS Architects with an objection to conditions of approval C.1 and C.2, which moved the corner lower oriel window up from levels 5 and 6 to levels 8 and 9 to create a singular oriel window, and changed the color of the corner metal panels to match adjacent checkerboard patterning. LRS contends that the building as designed without conditions of approval C.1 and C.2 meets the guidelines. LRS also contends that the revisions will have a significant cost impact.

3. **Final Decision:**

The decision of the Portland Design Commission approved the Design Review with Modification and Exception Reviews with conditions. The conditions of approval are as follows:

- 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." 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 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.

4. **Appeal:**

Appeal of Trish Nixon, LRS Architects Inc. against the Portland Design Commission's approval with conditions, specifically conditions of approval C.1 and C.2.

5. **Alternatives Facing Council:**

- Deny the appeal, and uphold the Design Commission's decision to approve the proposal with conditions.
- Deny the appeal, and uphold the Design Commission's decision to approve the proposal with conditions, with modified conditions and findings. *(Because this is an on-the-record case, any modifications must be based on evidence that is already contained in the record for this land use review).*
- Grant the appeal to remove the conditions of approval C.1 and C.2 of the Design Commission's decision to approve the proposal with conditions.

IMPACT STATEMENT

Legislation title: Appeal of Trish Nixon, LRS Architects Inc. against the Design Commission's Approval with Conditions, specifically Conditions of Approval C.1 and C.2, for NW 14th and NW Raleigh (Hearing; LU 16-197257 DZM)

Contact name: Grace Jeffreys, BDS City Planner II

Contact phone: 503-823-7840

Presenter name: Grace Jeffreys

Purpose of proposed legislation and background information:

The request is not for a legislative action, but instead is an appeal of Type III Land Use Review decision (quasi-judicial action). Title 33, Zoning Code Section 33.730.030.F provides that Type III Land Use Review decisions may be appealed to City Council.

Financial and budgetary impacts:

This is not a legislative action, but rather an appeal of a Type III quasi-judicial land use review. The decision will not solely or substantially impact City revenues.

Generally, Land Use Reviews are fee supported. Fees are charged to file an appeal. In this case, an appeal fee of \$5,000.00 was paid by the appellant. There are no additional costs to the City associated with this appeal.

Community impacts and community involvement:

The notification procedures for this Type III land use application followed the public involvement requirements contained within the Portland Zoning Code, as reviewed and adopted by the Portland City Council.

For Type III Land Use Reviews, the Zoning Code requires public notice be mailed to recognized neighborhood and business associations that are within 1,000 feet of the site. For this site, the Pearl District Neighborhood Association, the Pearl District Business Association (business district), and Neighbors West/Northwest (district coalition) all received notice. In addition, all property owners within the 400 feet of the site are also mailed notice of the public hearing and the site is posted with notice boards. City Bureaus, Tri-Met, AIA Urban Design Committee and the Oregon Department of Transportation are also mailed notice. Interested persons were encouraged to write and/or testify at the first public hearing conducted before the Design Commission.

A written Notice of Proposal was sent to the above-referenced entities notifying them of the proposal and seeking their comments. No comments from the public were received by city staff or the Design Commission during the review process.

The outcome of the appeal will not be known until the City Council makes its final decision. Once the City Council has made its decision on this land use appeal, there is no more opportunity for public involvement at the City level, per Zoning Code Section 33.730.030.H.9. However, the

City Council's decision on this quasi-judicial land use review may be appealed to the Oregon Land Use Board of Appeals (LUBA).

Budgetary Impact Worksheet

Does this action change appropriations?

- YES:** Please complete the information below.
- NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount