



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

Date: November 15, 2012
To: Interested Person
From: Chris Caruso, Land Use Services
503-823-5747 / Chris.Caruso@portlandoregon.gov

**NOTICE OF A PUBLIC HEARING ON A PROPOSAL
IN YOUR NEIGHBORHOOD**

CASE FILE: LU 12-186554 DZM AD - Grant Park Village
PC #12-139528
REVIEW BY: Design Commission
WHEN: 1:30 PM Thursday December 6, 2012
WHERE: 1900 SW Fourth Ave., Room 2500A
Portland, OR 97201

It is important to submit all evidence to the Design Commission. City Council will not accept additional evidence if there is an appeal of this proposal. Development has been proposed in your neighborhood requiring a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map are attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Applicant/Architect: Greg Mitchell/LRS Architects (503-221-1121)
720 NW Davis St. #300/Portland, OR 97209

Owner/Contact: Lauren Golden-Jones/Capstone Partners LLC (503-226-1972)
1015 NW 11th Ave, Ste 243/Portland, OR 97209

Owners: Jeff Sackett/Capstone Partners, LLC
1015 NW 11th Ave, Ste 243/Portland, OR 97209

KAL LLC
111 N Post, Ste 200/Spokane, WA 99201

Site Address: 3246 NE BROADWAY

Legal Description: BLOCK 5 LOT 1&2 EXC N 10' TKN FOR E BRDWY, BROADWAY ADD;
BLOCK 5 LOT 3-5 EXC N 10' TKN FOR E BRDWY, BROADWAY ADD;
BLOCK 5 LOT 6 EXC N 10' TKN FOR E BRDWY, BROADWAY ADD; BLOCK
5 LOT 7&8 EXC N 10' TKN FOR E BRDWY W 48' OF LOT 9 EXC N 10' TKN
FOR E BRDWY, BROADWAY ADD; BLOCK 5 E 2' OF LOT 9 EXC N 10' TKN
FOR BRDWY LOT 10 EXC N 10' TKN FOR E BRDWY, BROADWAY ADD;
BLOCK 5 LOT 11&12 TL 11800 LAND & IMPS SEE R121899
(R105500591) FOR BILLBOARD, BROADWAY ADD; BLOCK 5 LOT 13&14,
BROADWAY ADD; BLOCK 5 LOT 15, BROADWAY ADD; LOT 13&16 TL

Tax Account No.: 11900 LAND & IMPS SEE R162223 (R276000701) FOR BILLBOARD & R162224 (R276000702) FOR BILLBOARD, FERNWOOD R105500480, R105500500, R105500530, R105500540, R105500570, R105500590, R105500610, R105500630, R276000700

State ID No.: 1N1E25CD 11300, 1N1E25CD 11400, 1N1E25CD 11500, 1N1E25CD 11600, 1N1E25CD 11700, 1N1E25CD 11800, 1N1E25CD 12000, 1N1E25CD 12100, 1N1E25CD 11900

Quarter Section: 2833

Neighborhood: Sullivan's Gulch, contact Carol Gossett at 503-449-1253.

Business District: Northeast Broadway Business Association, contact Murray Koodish at info@nebroadway.com

District Coalition: Northeast Coalition of Neighborhoods, contact Chris Lopez at 503-823-4575.

Plan District: None

Design District: None

Zoning: CS along Broadway; RXd for the remainder of the site

Case Type: DZM AD, Design Reviw with Modifications and an Adjustment

Procedure: Type III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

Proposal:

The applicant seeks Design Review with Modifications and Adjustment Review approval for a mixed use project including residential over retail and structured parking in the Sullivan's Gulch neighborhood. The proposal includes a large retail anchor tenant at NE 32nd and NE Broadway, 211 dwelling units in five, four- and five-story buildings. Main pedestrian entries to the residential areas are provided along NE Broadway as well as near the end of NE Weidler Street. The parking is on two levels accessed from NE Weidler and accommodates 261 spaces that are shared between retail and residential users. The parking area is partially covered by landscaped roof terraces. Exterior building materials include brick, cement board panels and siding, stucco plaster, exposed concrete, metal canopies and other metal elements such as grilles, vents, and railings, vinyl windows, and rooftop equipment screens. Pedestrian walkways and a large landscaped outdoor area are provided at the building's southern edge to connect public sidewalks along NE Weidler Street through the project area to the future Sullivan's Gulch Trail and NE 33rd Avenue. This proposal is part of a planned multi-phase development but only this first phase is being proposed at this time.

The development team is concurrently requesting a Type III Zone Change amendment (LU 12-189581) to LUR 00-00672 CP ZC for a new signal and left turn at NE Broadway and NE 32nd Avenue. This land use review will go before the Hearings Officer as a separate procedure.

One Adjustment is requested to reduce the required minimum number of dwelling units on the three RXd-zoned parcels, part of this project area, from the 173 units required to 105 units. The remaining 106 of the total 211 proposed units are in the CS zone portion of the project area which has no minimum required number of dwelling units.

Modifications requested include:

1. Title 32 Projecting Sign Size – To allow signs projecting into the right-of-way to be larger than 30 SF each. Two projecting signs at 100 SF each are proposed.
2. 33.120.232.B.2 & 33.130.230.B.2 Ground Floor Windows – To reduce the amount of ground floor windows to below the required standards for non-residential development walls facing public and private rights-of-way around the site.
3. 33.130 Table 130-3 Building Height – To increase portions of the building height in the CS zone from 45 feet to as tall as 60'-8" above grade.
4. 33.266.310.F Loading – To allow trucks to enter the loading area off of NE Weidler with rearward rather than forward motion.

Approval Criteria:

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

- 33.825 Design Review
- 33.805 Adjustments
- 33.825.040 Modifications thru Design Review
- Community Design Guidelines

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 September 25, 2012 and determined to be complete on October 25, 2012.

DECISION MAKING PROCESS

The Bureau of Development Services will be making a recommendation on this proposal; our report and recommendation will be available 10 days before the hearing. The Staff report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services then click on the Zoning/Land Use section select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <http://www.portlandonline.com/auditor/index.cfm?c=28197>

The neighborhood association, listed on the first page of this notice, may take a position on this application and may have scheduled an open meeting prior to making their recommendation to the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

We are seeking your comments on this proposal. The evidentiary proceeding before the Design Commission will be the only opportunity for the parties to submit oral and written evidence in this matter. Any appeal to the City Council will be limited to legal arguments concerning the Design Commission decision and the evidence in the record compiled by the Design Commission in support of that decision.

To comment, you may write to the Bureau of Development Services, 1900 SW Fourth Ave., Suite 5000 or FAX your comments to 503-823-5630; or you may testify at the hearing. In your comments, you should address the approval criteria. Please refer to the file number when seeking information or submitting testimony. Written comments must be received by the end of the hearing. The applicant and Planning staff will be at the hearing to answer questions and respond to comments. The general order of appearance for oral testimony at the hearing is as follows: Bureau of Development Services staff report, applicant testimony, testimony of interested parties who wish to ask questions or testify, staff response and closing comments, and applicant's closing comments. The Design Commission will make a decision about this proposal at the hearing or will grant a continuance.

Comments for a Design Review or Historic Design Review should be sent directly to the Planning staff listed in this document.

The applicant and proponents have the burden of proof to show that each and every element of the approval criteria is satisfied. In order to prevail, the opponents must persuade the Design Commission to find that the applicant has not carried the burden of proof with regard to one or more of the approval criteria. The opponents may also explain to the Design Commission how or why the facts asserted by the applicant are not supported by evidence in the record. Opponents

may wish to recommend conditions of approval which will make the proposal more acceptable, if approved.

Prior to the conclusion of the hearing before the Design Commission, any participant may request an opportunity to present additional evidence or testimony regarding the application. If such a request is made, the record will be held open for seven days to receive the new evidence and the record shall be held open for at least an additional seven days to provide the other parties an opportunity to respond to that new evidence.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be extended at the request of the applicant.

APPEAL PROCESS

You can appeal the Design Commission decision to City Council. However, the appeal to City Council will be conducted as an on-the-record review of the Design Commission decision. The City Council will consider legal arguments (for example arguments pointing out ways the Design Commission decision improperly interprets or applies relevant approval criteria). The City Council will also consider arguments that the Design Commission findings are not supported by the evidence submitted to the Design Commission. However, the City Council will not accept or consider new evidence that was not submitted to the Design Commission.

A fee is charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver. City Council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA).

Failure to raise an issue, in person or by letter, by the close of the record by the Design Commission in this case may preclude an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the Design Commission, they may not be able to respond to the issue you are trying to raise. In such a situation, an appeal to LUBA on that issue may not be allowed.

Thank you for any information you can provide to help us make this decision. Please call me if you have any questions. My name and number are on the first page of this notice.

HEARING CANCELLATION

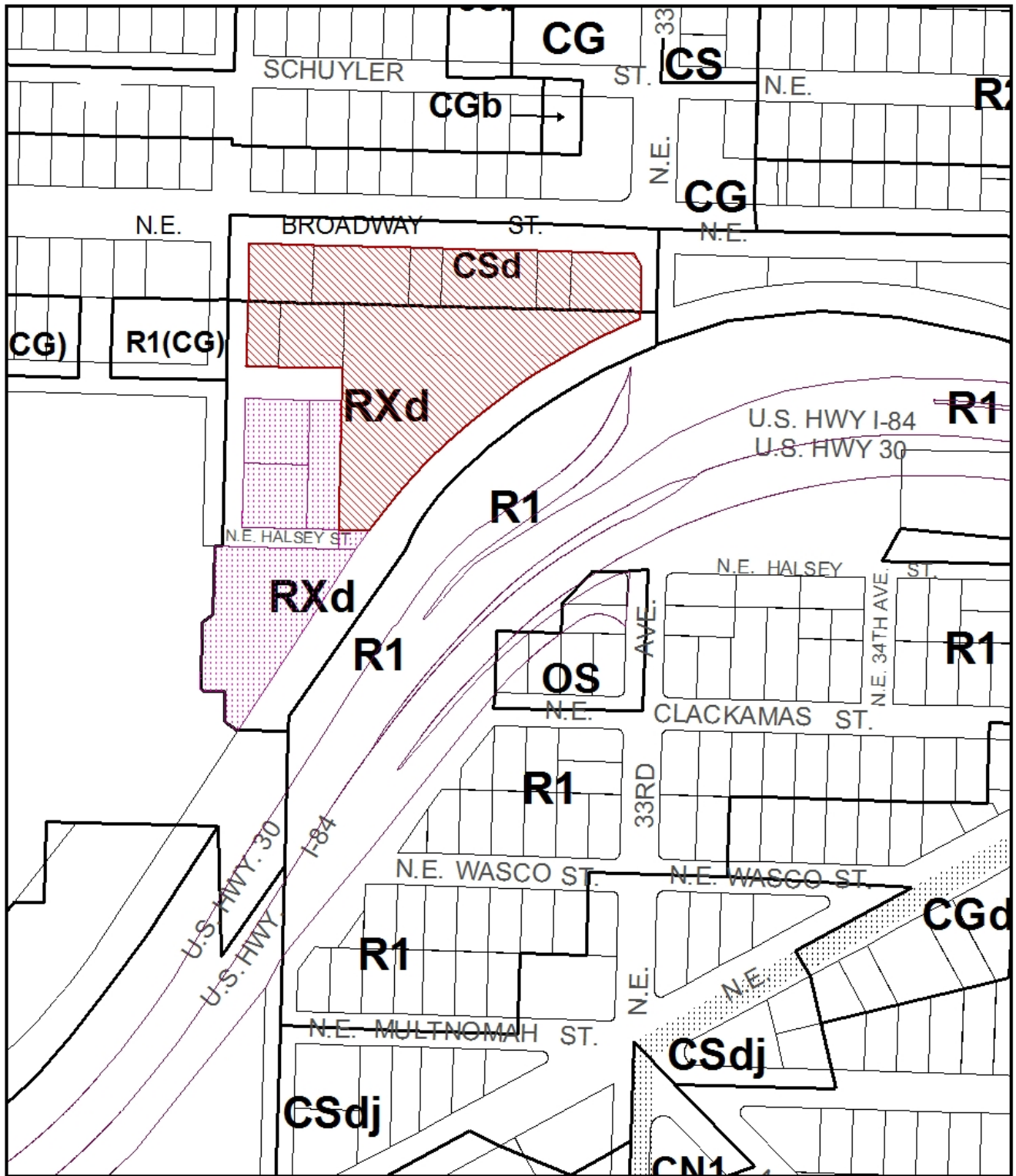
This public hearing will be cancelled if Portland Public Schools close due to inclement weather or other similar emergency. Check local television and radio reports for school closures. The hearing will be rescheduled for the earliest possible date. A re-notification notice will not be sent. Please call the Bureau of Development Services at 503-823-7617, for information regarding cancellations or rescheduling.

To attend the hearing, public transportation is available. Tri-Met buses stop near the BDS building at SW Fifth or Sixth Ave. at SW Hall St. and SW Harrison St. Call Tri-Met at 503-238-7433 (or www.trimet.org/schedule/allroute.htm) for routes and times. Hourly rated public parking is available a half block south of the building on Fourth Ave.

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

Enclosures:

Zoning Map, Site Plan, Elevations

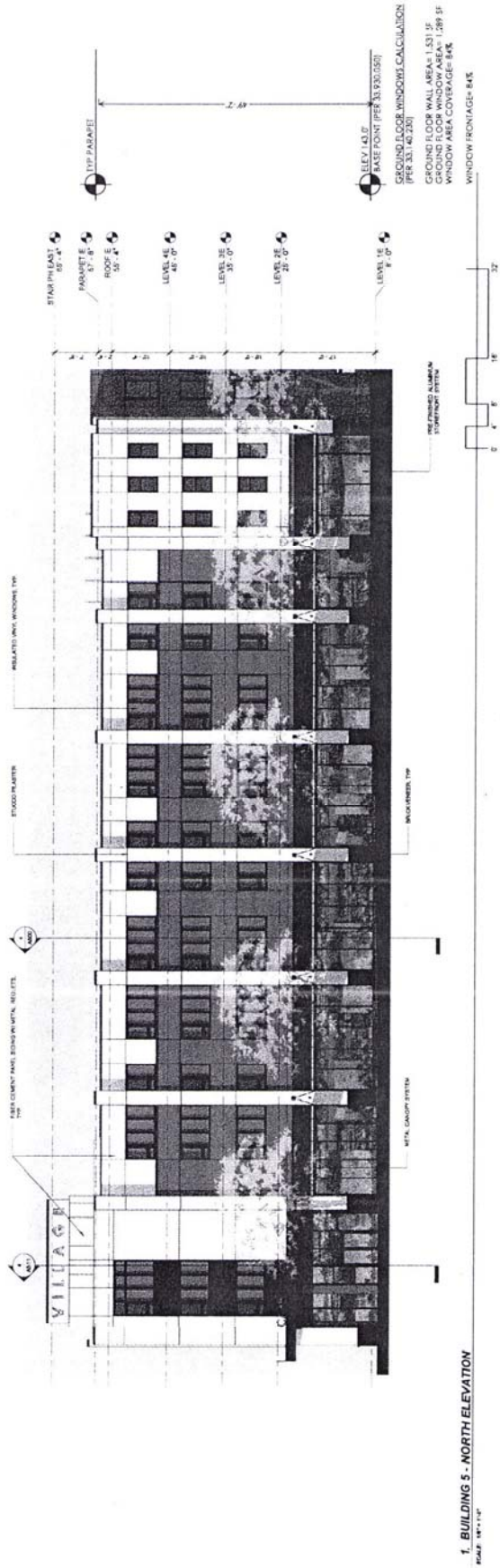


ZONING

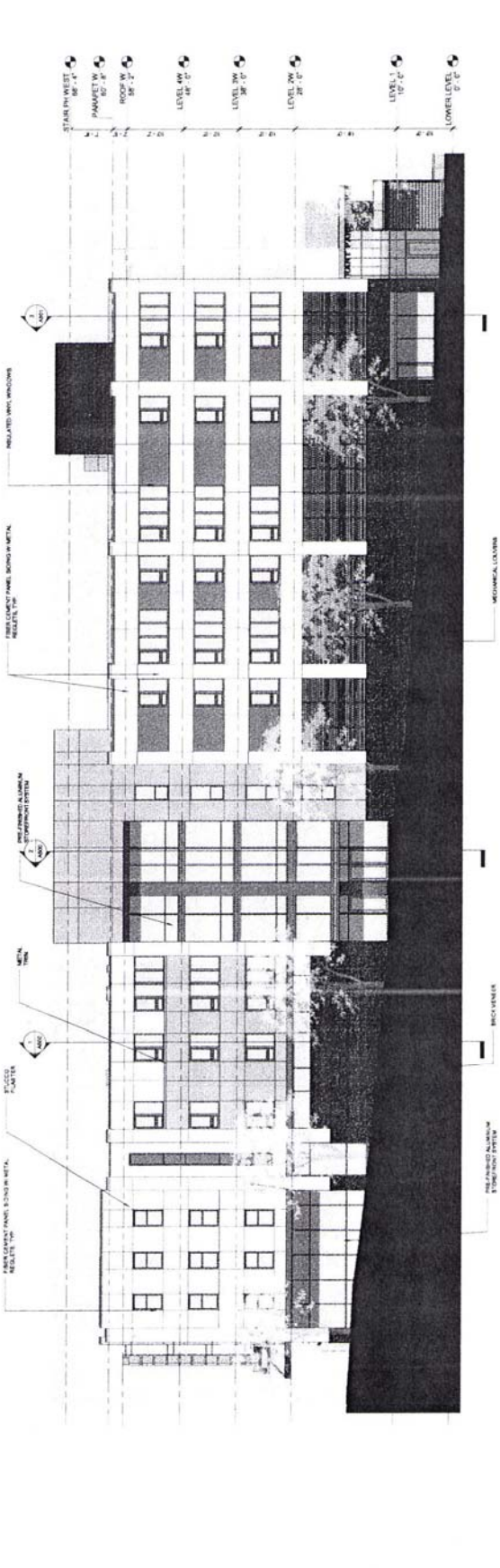
- Site
- Also Owned



File No. LU 12-186554 DZM
 1/4 Section 2833,2933
 Scale 1 inch = 300 feet
 State_Id 1N1E25CD 11900
 Exhibit B (Sep 27, 2012)



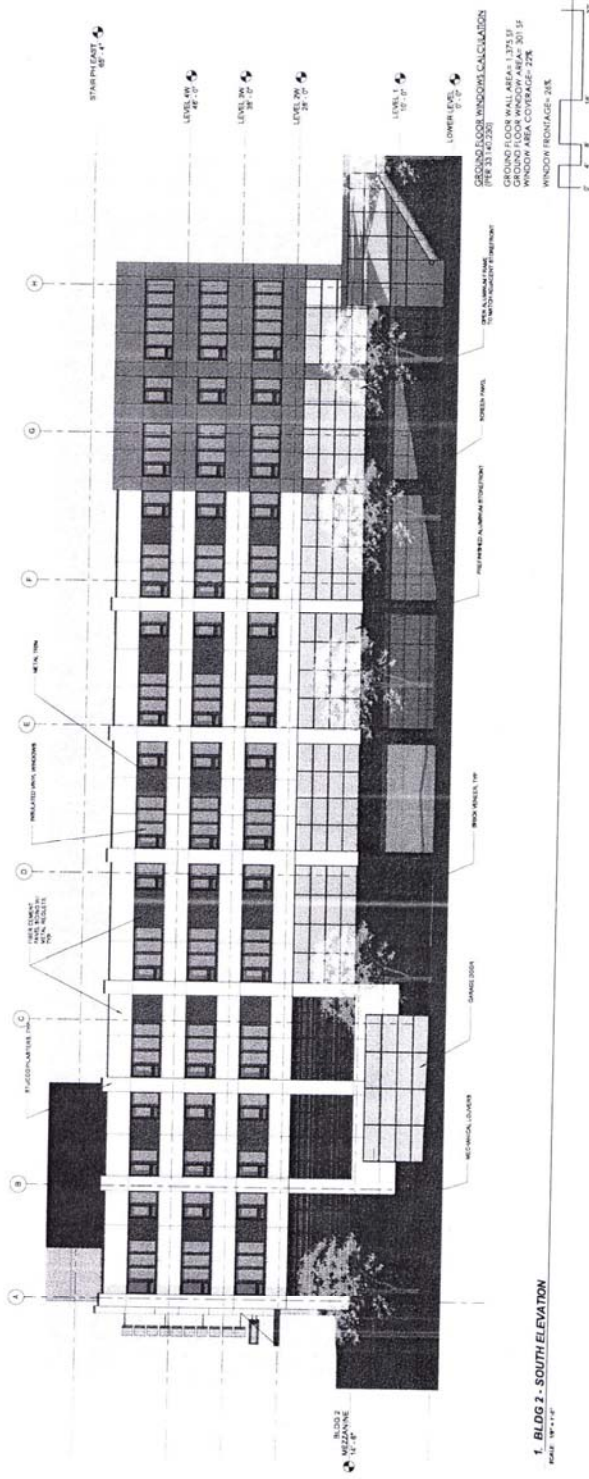
1. BUILDING 5 - NORTH ELEVATION
SCALE: 1/8" = 1'-0"



3. BUILDING 1 & 2 WEST ELEVATION
SCALE: 1/8" = 1'-0"

GROUND FLOOR WINDOWS CALCULATION
(PER 33.1.40.230)
GROUND FLOOR WALL AREA= 1,751 SF
GROUND FLOOR WINDOW AREA= 533 SF
WINDOW AREA COVERAGE= 30%
WINDOW FRONTAGE= 33X

GROUND FLOOR WINDOWS CALCULATION
(PER 33.1.40.230)
GROUND FLOOR WALL AREA= 1,751 SF
GROUND FLOOR WINDOW AREA= 533 SF
WINDOW AREA COVERAGE= 30%
WINDOW FRONTAGE= 33X



GENERAL NOTES:
 1. REFER TO ARCHITECTURAL SPECIFICATIONS FOR MATERIALS AND FINISHES.
 2. REFER TO STRUCTURAL DRAWINGS FOR COLUMN AND BEAM SIZES AND SPACING.
 3. REFER TO MECHANICAL DRAWINGS FOR WINDOW AND DOOR SIZES AND PLACEMENT.
 4. REFER TO ELECTRICAL DRAWINGS FOR LIGHT FIXTURE PLACEMENT.
 5. REFER TO LANDSCAPE ARCHITECTURE DRAWINGS FOR PLANTING AND Hardscape.

1. BLDG 3 - SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"