

CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Council / Contracts

1221 S.W. 4th Avenue, Room 130, Portland, Oregon 97204

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Phone: (503) 823-4086 Fax: (503) 823-4571



March 21, 2014

FEE REVISION

TVA Architects, Robert Thompson
920 SW 6th Ave., Suite 1500
Portland, OR 97204

RE: LU 13-214772 DZM MS AD

Appeal of SEIU Local 49 against the Design Commission's decision to approve the application of TVA Architects for the Park Avenue West Tower, a new 30-story mixed use building at 728 SW 9th Avenue (Hearing; LU 13-214772 DZM MS AD)


To Whom It May Concern:

We are in receipt of your checks no.14004 for \$46.00 from TVA Architects, Inc. and check no. 1278 for \$46.00 from TMT Development Co Inc. Due to Multnomah County Recording Fee increases effective January 1, 2014, the fee to record this document is **\$51.00**. Enclosed is a copy of the Order of Council on LU 13-214772 DZM MS AD. This Order must be recorded with the Multnomah County Recorder within 10 days of receipt of this letter. **Please send one check for \$51.00 (and we will return ck.14004) OR an additional check for \$5.00 made payable to the Multnomah County Recorder, indicating the file number on your check and Send to: The City of Portland, Office of the City Auditor, 1221 SE 4th Ave. Room 130, Portland, OR 97204-1900.**

I am returning TMT Development Co Inc. check no. 1278 for \$46.00 to Refinement Israel, West Park Ave LLC, 805 SW Broadway, Suite 2020, Portland, OR 97205.

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with the Board within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have appeared orally or in writing during the City's proceedings on this land review. The Board's address is: DSL Building, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283. You may call the Land Use Board of Appeals at 1-503-373-1265 or visit LUBA's website (www.oregon.gov/LUBA) for further information on filing an appeal.

Sorry for any inconvenience this may cause.

Yours sincerely,
LaVonne Griffin-Valade
Auditor of the City of Portland
By: 

Karla Moore-Love, Council Clerk

Encl.

cc: West Park Avenue LLC, Lamont Smith and Refinement Israel
City of Portland, Bureau of Parks and Recreation

TVA ARCHITECTS ROBERT THOMPSON
920 SW 6TH AVE SUITE 1500
PORTLAND OR 97204

CITY OF PORTLAND
BUREAU OF PARKS & RECREATION
1120 SW 5TH AVE #132
PORTLAND OR 97204

TMT DEVELOPMENT CO INC
WEST PARK AVENUE LLC
ATTN REFINEMENT ISRAEL
805 SW BROADWAY SUITE 2020
PORTLAND OR 97205

WEST PARK AVENUE LLC
ATTN LAMONT SMITH
805 SW BROADWAY SUITE 2020
PORTLAND OR 97205-3360

LU 13-214772 DZM MS AD
Notice letter re-mailed due to \$5 fee
increase: 03/21/14 KML



P 393

CITY OF PORTLAND, OREGON

Office of City Auditor
1221 S.W. Fourth Avenue
Portland, Oregon 97204-1987

LU 13-214772 DZM MS AD



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FELISA HAGINS
POLITICAL DIRECTOR
SEIU 49 26th
3536 SE 86th AVE
PORTLAND OR 97202 66

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RETURN TO SENDER
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UNABLE TO FORWARD

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97204@1987

BC: 97204198799

*2489-00021-11-42



ATTN: JEFFREY STUHR
HOLST ARCHITECTURE
110 SE 8TH AVE
PORTLAND, OR 97214

ATTN: MAGGIE LONG
SEIU LOCAL 49
3536 SE 26TH AVE
PORTLAND, OR 97202

DAVID NOREN
217 E MAIN
PO BOX 586
HILLSBORO, OR 97123

ATTN: ROBERT THOMPSON
TVA ARCHITECTS
920 SW 6TH AVE
SUITE 1500
PORTLAND, OR 97204

WEST PARK AVENUE LLC
805 SW BROADWAY #2020
PORTLAND, OR 97205-3360
* (see current label below)

AIA URBAN DESIGN COMMITTEE
ATTN: SAUNDRA STEVENS
403 NW 11TH
PORTLAND, OR 97209

DOWNTOWN RETAIL COUNCIL
ATTN: LISA FRISCH
200 SW MARKET ST
SUITE 150
PORTLAND, OR 97201

METRO
SUSTAINABILITY CENTER
600 NE GRAND AVE
PORTLAND, OR 97232

NEIGHBORS WEST/WEST
ATTN: MARK SEIBER
2257 NW RALEIGH ST
PORTLAND, OR 97210

ODOT REGION 1
DEVELOPMENT REVIEW PROGRAM
123 NW FLANDERS ST
PORTLAND, OR 97209

OREGON WALKS
C/O DOUG KLOTZ
1908 SE 35TH PL
PORTLAND, OR 97214

PIONEER COURTHOUSE SQUARE
ATTN: JENNIFER POLVER
715 SW MORRISON #702
PORTLAND, OR 97205

PORTLAND DOWNTOWN NA
ATTN: JENNIFER GESKE
1221 SW 10TH AVE #103
PORTLAND, OR 97205

PORTLAND SCHOOL DIST #1
ATTN: JUSTIN DOLLARD
501 N DIXON
PORTLAND, OR 97227

PORTLAND SCHOOL DIST #1
ATTN: PAUL CATHCART
501 N DIXON
PORTLAND, OR 97227

TRI-MET
ATTN: BEN BALDWIN
710 NE HOLLADAY
PORTLAND, OR 97232

TEAM OREGONIAN
1320 SW BROADWAY
PORTLAND, OR 97201

CITY OF PORTLAND
BUREAU OF PARKS &
RECREATION
1120 SW 5TH AVE #132
PORTLAND OR 97204

B129 / PDC

* WEST PARK AVENUE LLC
• ATTN: LAMONT SMITH
805 SW BROADWAY #2020
PORTLAND, OR 97205-3360

YVONNE POELWIJK
1900 SW 4TH AVE
SUITE 5000
PORTLAND, OR 97204

ATTN: STEVEN L. PFEIFFER
PERKINS COIE LLP
1120 NW COUCH ST
TENTH FLOOR
PORTLAND, OR 97209-4128

MEG NIEMI-PRESIDENT
SEIU LOCAL 49
3536 SE 26TH AVE
PORTLAND OR 97202-2901

JOHN MOHLIS-EXE SEC
OREGON STATE BULIDNG &
CONSTRUCTION TRADES
3535 SE 86TH AVE
PORTLAND OR 97266

BERNIE BOTTOMLY
PORTLAND BUSINESS ALLIANCE
200 SW MARKET SUITE 150
PORTLAND OR 97201

WILLY MYERS
3535 SE 86TH
PORTLAND OR 97266

ADELA MAZA
4725 W POWELL BLVD #107
GRESHAM OR 97030

GRICELDA TELLEZ
2020 SW 196TH AVE
BEAVERTON OR 97006

FELISA HAGINS
POLITICAL DIRECTOR
SEIU 49
3536 SE 86TH AVE
PORTLAND OR 97202

EMAILED: K.FIORAVANTI,
K.BEAUMONT, L.REES, Y.
POELWIJK, S.DRAKE,
D.MORGAN,K. KRUEGER, D.
KRANTZ, R. HALEY, C.
SHARKEY, D. UCHIYAMA,

E. REESE CADIGAN, M. MOORE,
T. HERON

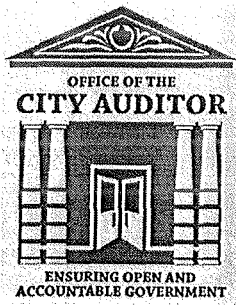
LU 13-214722 DZM

DATE MAILED: 1/14/2014

21 LABELS

STEVEN PFEIFFER ADDED TO LIST PER BDS 1/17/2014

ORDER OF COUNCIL MAILED/EMAILED: 3/11/2014 *pu*



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March 11, 2014

TVA Architects, Robert Thompson
920 SW 6th Ave., Suite 1500
Portland, OR 97204


RE: LU 13-214772 DZM MS AD

Appeal of SEIU Local 49 against the Design Commission's decision to approve the application of TVA Architects for the Park Avenue West Tower, a new 30-story mixed use building at 728 SW 9th Avenue (Hearing; LU 13-214772 DZM MS AD)

To Whom It May Concern:

Enclosed is a copy of the Order of Council on LU 13-214772 DZM MS AD. This Order must be recorded with the Multnomah County Recorder within 10 days of receipt of this letter. **Please send a check for \$46.00 made payable to the Multnomah County Recorder, indicating the file number on your check and Send to: The City of Portland, Office of the City Auditor, 1221 SE 4th Ave. Room 130, Portland, OR 97204-1900**

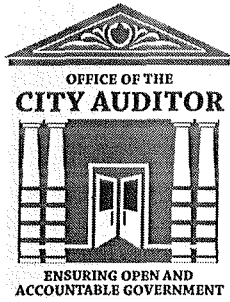
City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with the Board within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have appeared orally or in writing during the City's proceedings on this land review. The Board's address is: DSL Building, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283. You may call the Land Use Board of Appeals at 1-503-373-1265 or visit LUBA's website (www.oregon.gov/LUBA) for further information on filing an appeal.

Yours sincerely,
LaVonne Griffin-Valade
Auditor of the City of Portland
By: 

Karla Moore-Love, Council Clerk

Encl.

cc: West Park Avenue LLC, Lamont Smith
City of Portland, Bureau of Parks and Recreation



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NOTICE OF FINAL DECISION

TO: All Interested Persons

DATE: March 11, 2014

RE: LU 13-214772 DZM MS AD

Appeal of SEIU Local 49 against the Design Commission's decision to approve the application of TV Architects for the Park Avenue West tower, a new 30-story mixed use building at 728 SW 9th Avenue (Hearing; LU 13-214772 DZM MS AD)

Enclosed is a copy of the Order of Council on LU 13-214772 DZM MS AD denying the appeal of SEIU Local 49 and upholding the Design Commission's decision with an additional condition to approve the application of TVA Architects for the Park Avenue West Tower. If you wish to obtain a copy of the City Council's findings and decision, please contact Karla Moore-Love, Council Clerk by email at: Karla.Moore-Love@portlandoregon.gov or at (503) 823-4086.

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with the Board within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have appeared orally or in writing during the City's proceedings on this land review. The Board's address is: DSL Building 775 Summer Street NE, Suite 330, Salem, OR 97301-1283. You may call the Land Use Board of Appeals at 1-503-373-1265 or visit LUBA's website (www.oregon.gov/LUBA) for further information on filing an appeal.

Encl.

ORDER OF COUNCIL ON APPEAL OF SEIU LOCAL 49 AGAINST THE DESIGN COMMISSION'S DECISION TO APPROVE THE APPLICATION OF TVA ARCHITECTS FOR THE PARK AVENUE WEST TOWER, A NEW 30-STORY MIXED USE BUILDING AT 728 SW 9TH AVENUE (HEARING; LU 13-214772 DZM MS AD)

Appellant: David Noren, Attorney at Law representing SEIU Local 49
217 East Main Street
PO Box 586
Hillsboro, OR 97123

Applicants: TVA Architects, Robert Thompson
920 SW 6th Ave., Ste. 1500
Portland, OR 97204

Property Owners: West Park Avenue LLC, Lamont Smith
805 SW Broadway #2020
Portland, OR 97205-3360

City of Portland
Bureau of Parks and Recreation
1120 SW 5th Avenue, #132
Portland, OR 97204

Site Address: Building site: 728 SW 9th Avenue
Floor Area Transfer site: 877 SW Taylor Street, 800 SW Yamhill Street, 825 WI/SW Park Avenue

Legal Description: PORTLAND PARK BLOCKS BLOCK 4 LOTS 1-4, PORTLAND; PORTLAND PARK BLOCK, BLOCK 4; PORTLAND PARK BLOCK 5; PORTLAND, PORTLAND PARK BLOCKS, BLOCK 5, LOT 4

Zoning: CXd: Central Commercial zone with a design overlay

Procedure: Type III, with a public hearing before the Design Commission and the right to appeal the Design Commission's decision to City Council.

Proposal: The applicant seeks **Design Review** for a new 30-story mixed-use tower. The project includes underground parking, 2 floors of retail, 15 floors of housing (203 units), and 13 floors of office. The tower has been approved in 2007 as a 33-story tower and also in 2009 as a 26-story tower (07-140633 DZM, MS, AD; 07-169105 PR; 09-104171 DZ; and 09-136017 DZM MS). The 2007 design included housing, the 2009 design removed the housing, and the 2013 design reinserts a housing component. The current proposal matches the 26-story tower's exterior design exactly, but includes 4 additional floors. Other than the additional 4 floors, nothing else about the exterior design has changed.

The **Central City Master Plan Amendment** is necessary to allow an increase in the transfer of floor area from Director Park (formerly known as Park Block 5) to the proposed tower site (Park Block 4). The maximum development capacity of each of the two blocks is 12:1 (9:1 base FAR + 3:1 bonus FAR). In 2009 an MS approval allowed a 9.1:1 FAR transfer. The current proposal is for an additional 2.6:1 FAR transfer, for a total FAR transfer of 11.7:1 from Director Park to Park Block 4.

Modification Requests:

1. 33.130.210.B.1., Height –A Modification is requested so that the spire may rise more than 10' above the height limit. The proposed spire will be 41'-7" above the site's 460' height limit.
2. 33.266.310 Loading Standards –Size of loading spaces – Two on-site 10' x 35' x 13' loading spaces are required. The proposal includes a loading dock on the SW Park Avenue façade. The loading dock can accommodate one full-size loading vehicle, one sub-standard loading vehicle for 22'-5" wide vehicles, and a dedicated trash pick-up space. Additionally, the full-size and sub-standard loading spaces cannot be utilized at the same time. A Modification to this standard is requested.

Adjustment Request:

1. 33.510 Map 510-9, Parking Access Restricted Streets – All four streets are designated as Parking Access Restricted. The proposal includes access to loading and the below-grade parking at SW Park Avenue.

The appeal hearing before the City Council was opened in the Council Chambers, 1221 SW 4th Avenue on February 12, 2014 at approximately 2:00 p.m. After hearing public testimony, Council voted 5-0 to tentatively deny the appeal of SEIU Local 49, uphold the Design Commission's decision, and approve the applicant's proposal with an additional condition requiring the applicant to submit a signed and recorded covenant for the transfer of an additional 2.6:1 FAR from Park Block 5 to Park Block 4 prior to issuance of a building permit consistent with PCC 33.700.060.B., and ordered revised findings be prepared for March 5, 2014 at 10:00 a.m. On March 5, 2014 at 10:00 a.m. Council voted 4-0 to deny the appeal, uphold Design Commission's decision with additional condition and adopt findings.

DECISION

Based on evidence in the record and adoption of the Council's Findings and Decision in **Case File LU 13-214772 DZM MS AD** and by this reference made a part of this Order, **it is the decision of Council** to deny the appeal by SEIU Local 49 and uphold the Design Commission's Decision with an additional condition to **approve application** for the Park Avenue West Tower, a new 30-story mixed use building at 728 SW 9th Avenue. The effect of the Council's decision is:

- 1) **Approval of Design Review** for a full-block, 30-story retail, residential and office development in the Central City Plan District.
- 2) **Approval of a Central City Master Plan amendment.**
The previous CCMP under LU 09-136017 DZ MS approved a 9.1:1 floor area ratio transfer from Park Block 5 to Park Block 4. The current CCMP amendment requests an additional 2.6:1 FAR (52,000 SF) be transferred from Park Block 5 to Park Block 4 for a total of 11.7:1 FAR (234,000 SF) transferred to Park Block 4.

Park Block 5 FAR: Park Block 5 will achieve a 3:1 bonus FAR – .5 bonus FAR through the "water feature/public fountain bonus option" and 2.5 bonus FAR through the "locker room bonus option". Park Block 5 will retain a base FAR of 0.3:1 to accommodate 3 small park structures. The remaining 11.7:1 FAR will be transferred to Park Block 4.

Park Block 4 FAR: Park Block 4 will achieve a 3:1 bonus FAR through the “residential bonus option. Through the Central City Master Plan process Park Block 4 will be allowed to develop the site with a 23.7:1 FAR (474,000 SF) – 11.7 FAR transferred from Park Block 5 and 12:1 from the maximum development potential of Park Block 4.

3) Approval of 2 Modification Requests.

1. 33.130.210.B.1. and 2, Height –A Modification is requested so that the spire may rise more than 10’ above the height limit. The proposed spire will be 41’-7” above the site’s 460’ height limit.

2. 33.266.310 Loading Standards – Vehicle Size – Two on-site 10’ x 35’ x 13’ loading spaces are required. The proposal includes a loading dock on the SW Park Avenue façade. The loading dock can accommodate one full-size loading vehicle, one sub-standard loading vehicle for 22-5” loading vehicles, and a dedicated trash pick-up space. The full-size and sub-standard loading spaces cannot be utilized at the same time.

4) Approval of 1 Adjustment Request.

33.510 Map 510-9, Parking Access Restricted Streets – All four streets are designated as Parking Access Restricted. The proposal includes access to loading and the below-grade parking at SW Park Avenue.

Approvals per Exhibits C.1-C-82, signed, stamped, and dated December 19, 2013, subject to the following Conditions of Approval:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in the drawings contained in Exhibits C.1-C.82. The sheets on which this information appears must be labeled, “Proposal and design as approved in Case File # LU 13-214772 DZM, MS, AD. No field changes allowed.”
- B. As required by PCC 33.700.060.B, the Applicant will submit a signed and recorded covenant for the transfer of an additional 2.6:1 FAR from Park Block 5 to Park Block 4 before BDS may issue a building permit for any development using this transferred FAR.

IT IS SO ORDERED:

MAR 11 2014

Date



Mayor Charlie Hales
Presiding Officer at Hearing of
March 5, 2014
9:30 a.m. Session