

CITY OF PORTLAND, OREGON



Land Use Review Appeal to
City Council

Appeal of Design Commission Decision of Approval
LU 14-230014 DZM
BLOCK 136 MIXED USE

April 8, 2015

Type III Design Review with Modifications (3)*

Approval Criteria

- Central City Fundamental Design Guidelines
- River District Design Guidelines
- Modification Criteria (33.825.040)
- Bonus Height Option for Housing (33.510.210.E.4)
- Land Use Review appeal findings must find a nexus to relevant Design Guidelines or Modification approval criteria.
- Design Commission Decision: Rendered – January 22, 2015; Published – February 2, 2015; Appeal – February 17, 2015.

* Modifications

1. *Rooftop Access & Mechanical (33.140.210.B.2). 10% coverage limit, project proposes 18.8%.*
2. *Size of Loading Spaces (33.266.310.D.a). Three internal loading stalls of varying sizes.*
3. *Bike Parking Space Dimension (33.266.220.C.3.b). 24"x72" required, project proposes 18"x72" staggered.*

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2 North – South Oriented Buildings + Courtyard

1. **13th Ave Office / Retail Building – 75,000 GSF | Brick**
 - A. 76'-1" in Height (4 stories office over 1 of retail)
 - B. 60,000 SF Office
 - C. 15,000 SF Retail
 - D. Rooftop Terrace & Eco-Roof
2. **12th Ave Residential Tower – 205,000 GSF | Glass & Metal**
 - A. 150' in Height (15 stories)
 - B. 208 Apartment | 8 Townhomes
 - C. Rooftop Terrace & Eco-Roof
3. **Central Courtyard – 10,000 SF**
 - A. Public Access
 - B. Internal Dock on west
 - C. Program – spill-out, active and passive spaces
4. **Parking & Loading – Accessed from NW 12th Ave**
 1. 196 spaces & long-term bike parking underground
 2. 3 loading stalls

Unanimous Design Commission Approval – January 22, 2015

The Applicant has addressed all major concerns expressed by staff and designed a building that embodies the spirit intended by the Central City Fundamental Design Guidelines, and responds well to the natural, cultural and built context. The proposal meets, and in some cases exceeds the applicable design guidelines and Modification criteria and therefore warrants approval.

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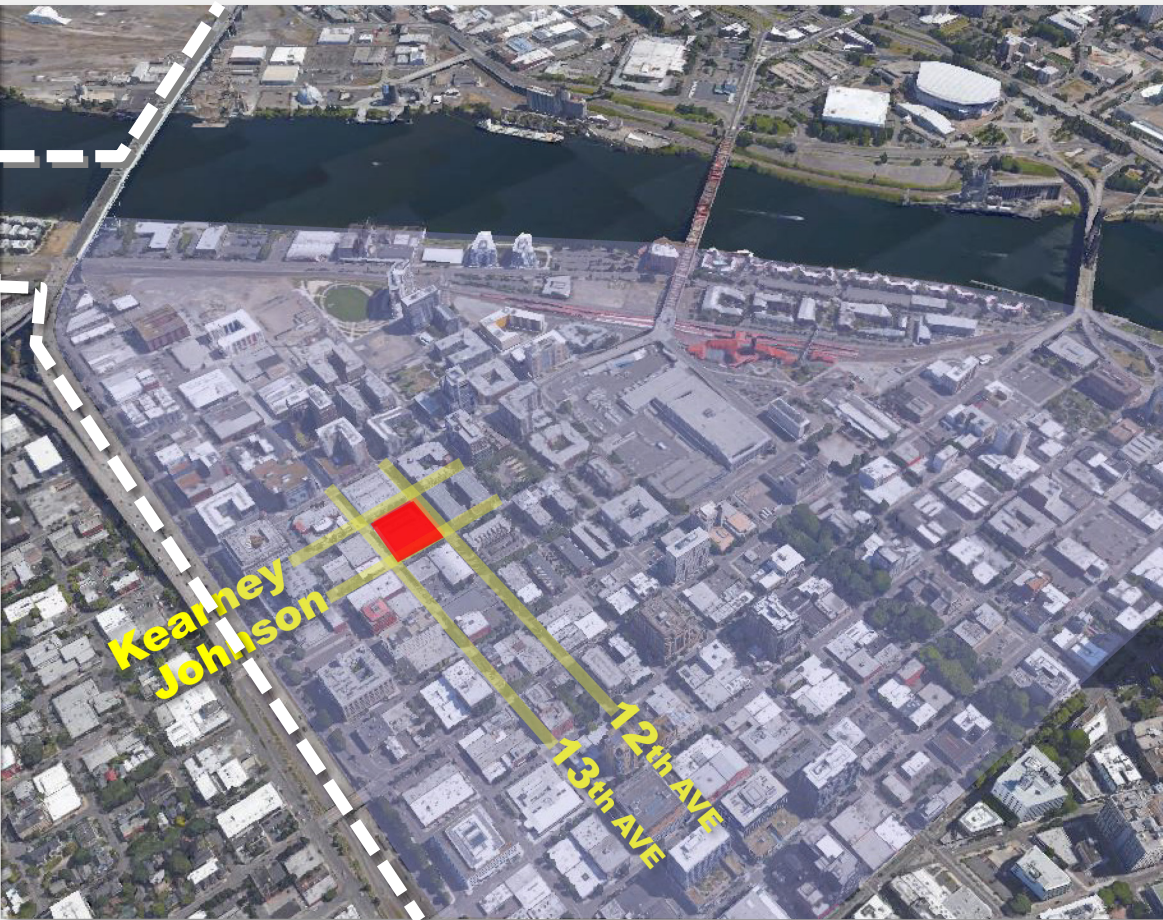
PLAN DISTRICTS

Central City Plan / River District

NEIGHBORHOOD + HISTORIC DISTRICT + SUBAREA

PDNA / NW 13th Ave / North Pearl Subarea / Union Station





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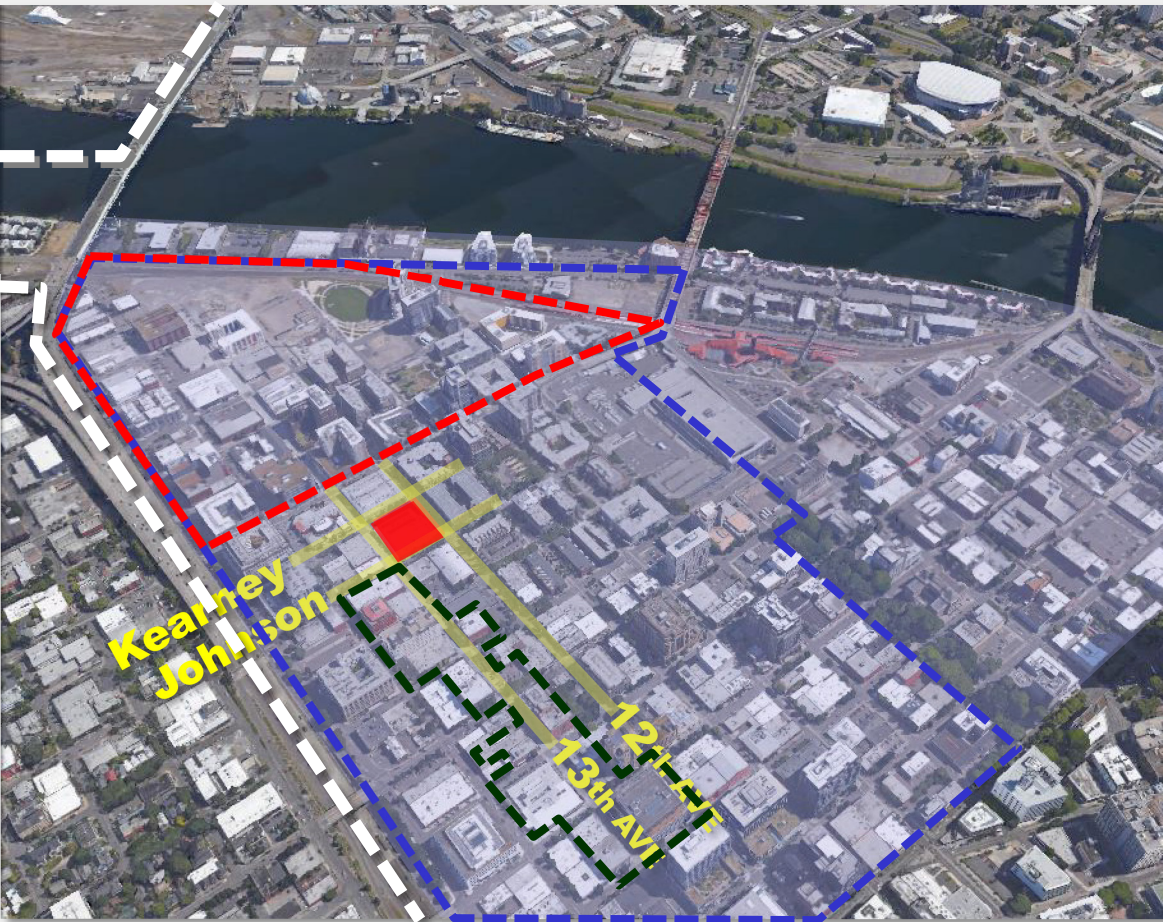
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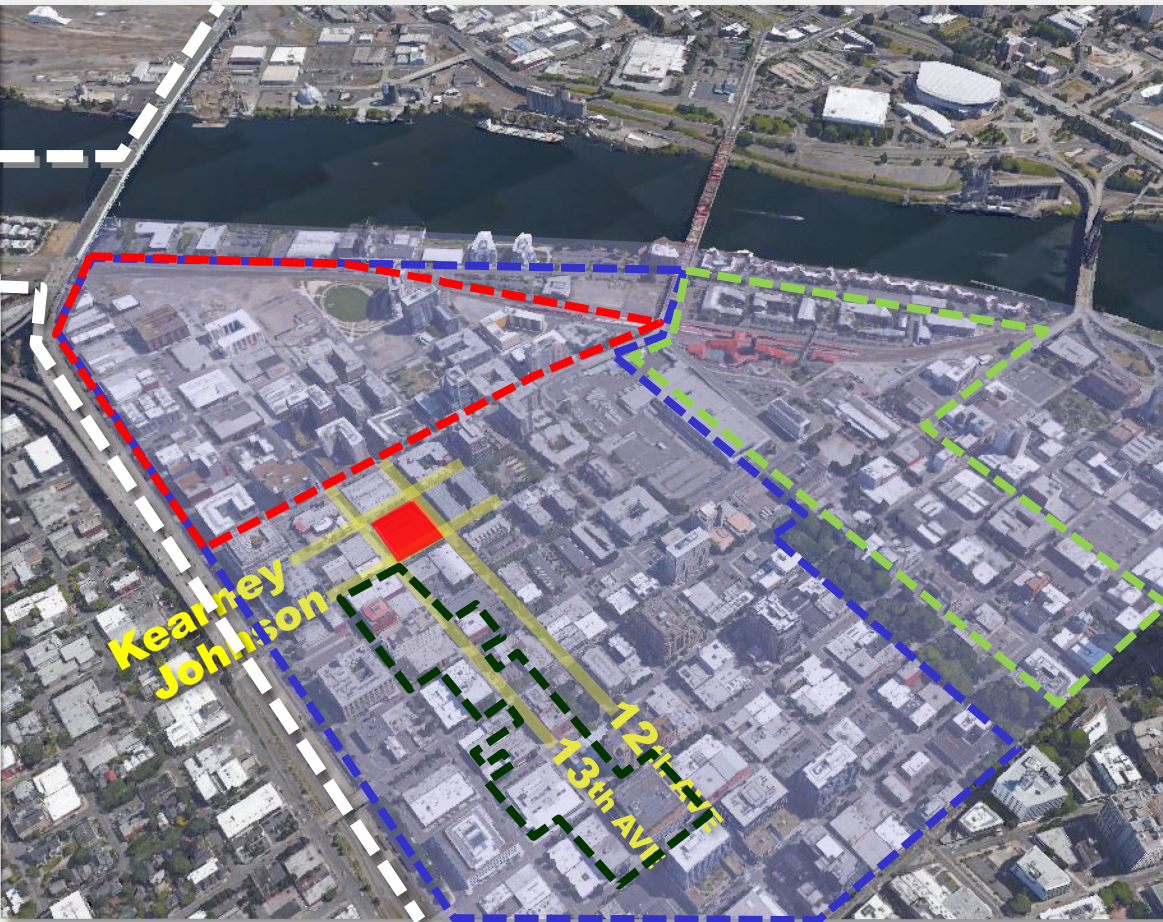
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1 –



2 –

3 –

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VIEWS –

1. Southeast view on NW 13th Ave & Kearney St
2. Southwest view on NW 12th Ave & Kearney St
3. Northwest view from site on NW 13th Ave & Johnson St



1 –



2 –



3 –

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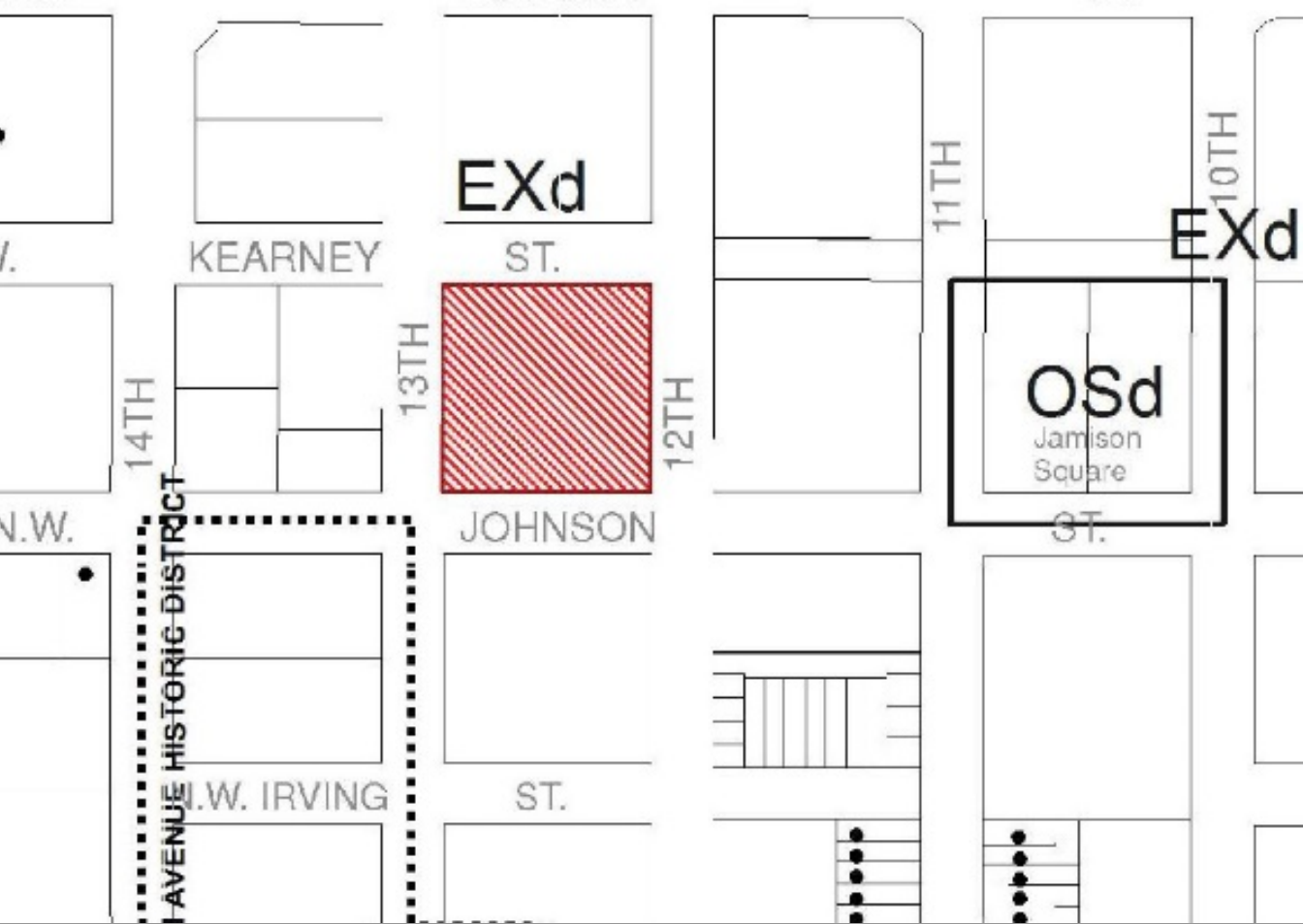
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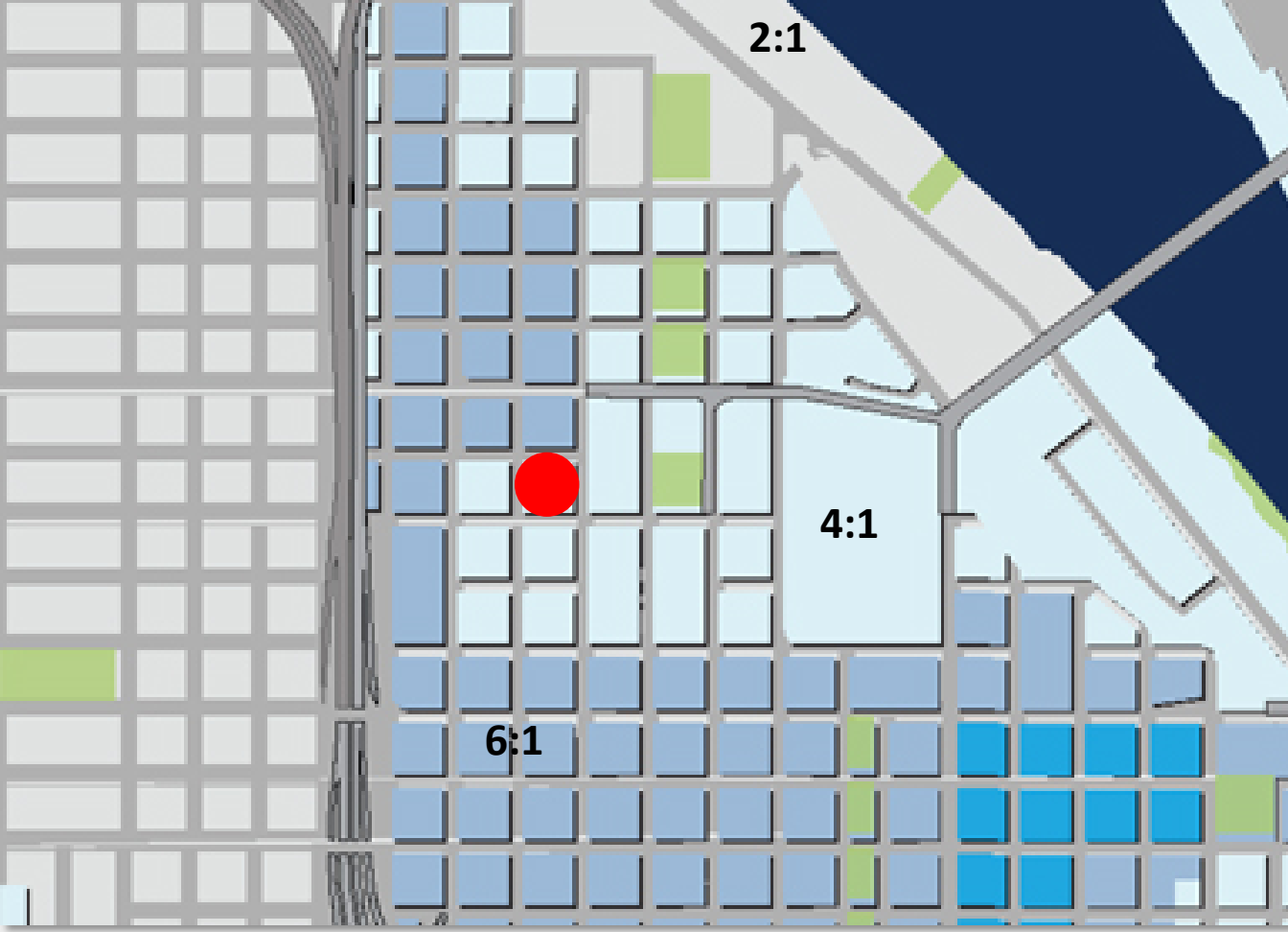
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ZONING

Exd, Central Employment
d, Design Overlay





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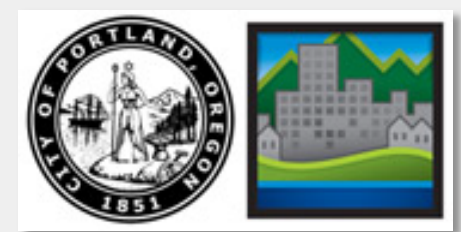
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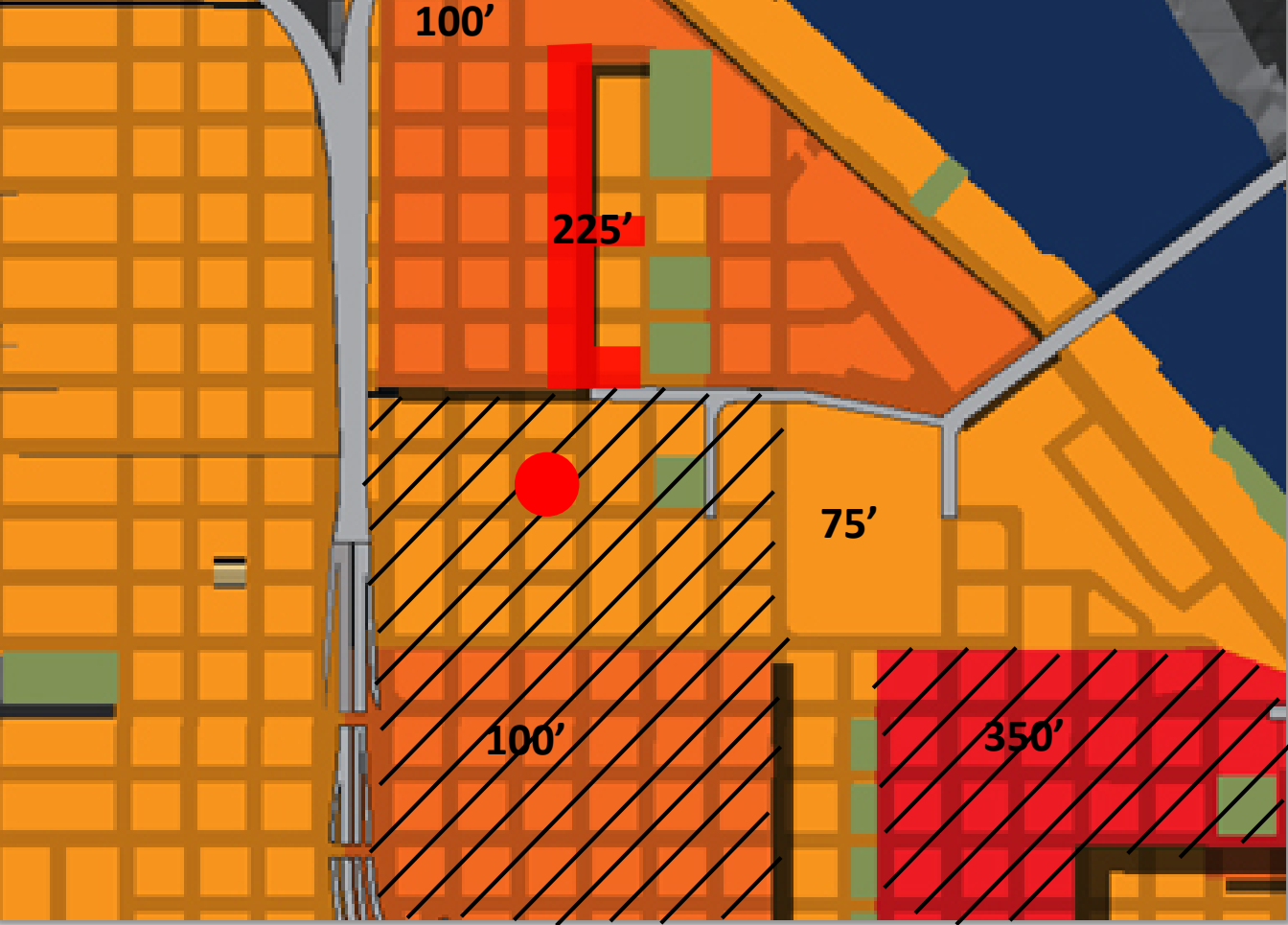
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FLOOR AREA RATIO

4:1 Base

7:1 Maximum achieved with Residential Bonus Option.





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HEIGHT

- 75' Base
- 45' General Height Bonus for Achieving 3:1 Floor Area Ratio.
- 30' Bonus Height Option for Housing.

150' Maximum





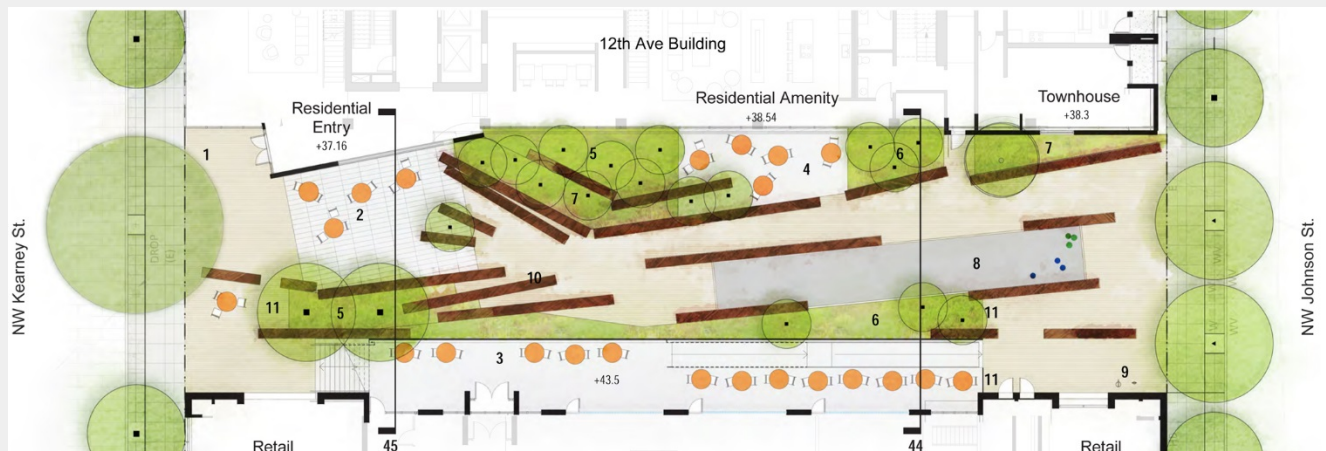
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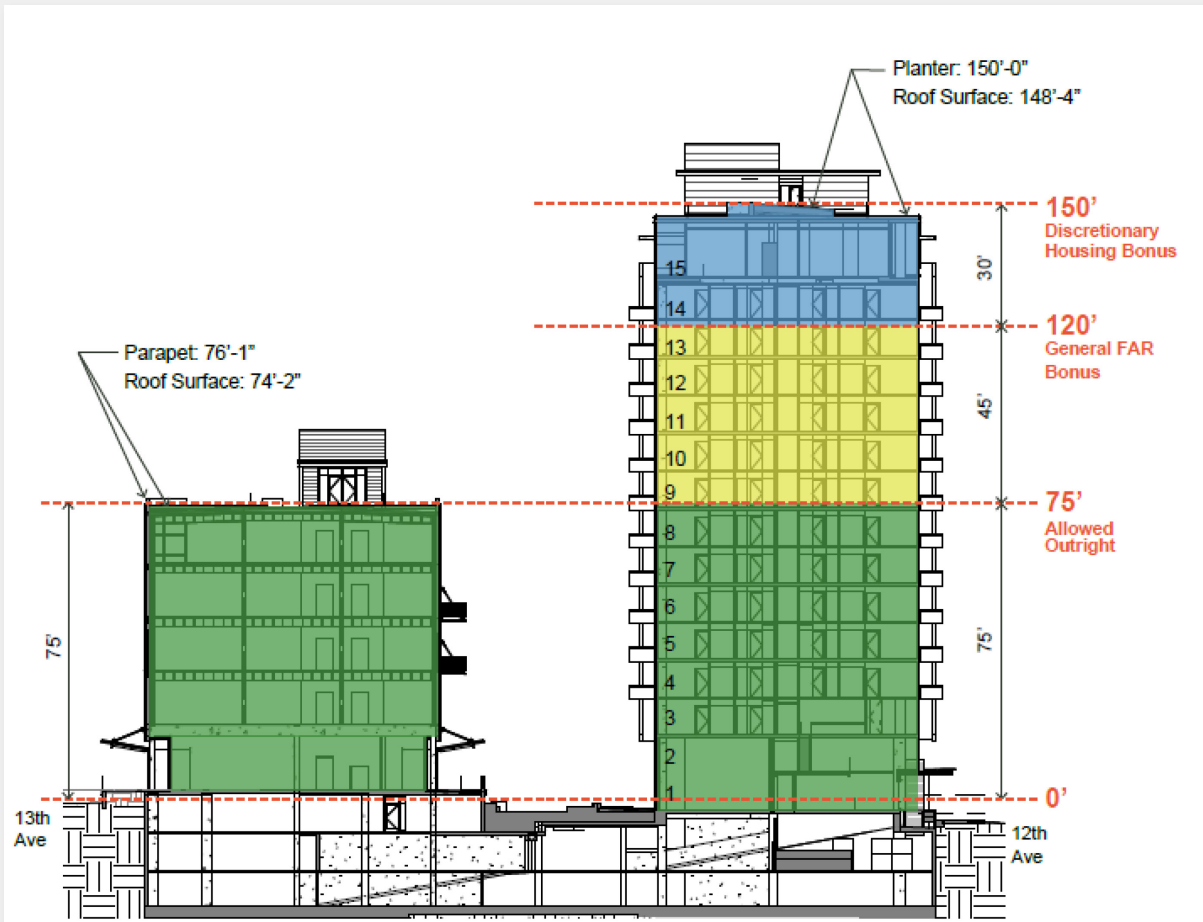
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1. Flawed Public Process

- A. PDNA Due Process Failures
- B. Design Commission Solicitation of Improper Information
- C. Design Commission Improper Consideration of Future Guidelines

2. Improper Awarding Height Bonuses

3. Project Does Not Meet All Design Guidelines

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Source: Memorandum in Support of Appeal

Submitted by: Preserve the Pearl, LLC. Burton Francis, Officer & Agent representing.



Appellant Asserts:

PDNA did not comply with ONI due process standards.

Staff / Design Commission Conclude:

1. Coordination between neighborhood associations and ONI are outside the Bureau of Development Services and Design Commission Powers and Duties.
2. Staff and Design Commission complied with all City and State mandated public notice requirements.
 - A. Hearing Notices – organizations (100') & property owners (400')
 - B. Site Posting
 - C. BDS Website
 - D. Public Testimony – DARs and LU Hearings (x5)

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Appellant Asserts:

Commission asking LU Hearing testifiers where they lived in reference to assessing view impacts was improper.

Staff / Design Commission Conclude:

Design Commission was acting within authority to seek clarity on specific view shed impacts.

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Appellant Asserts:

Commission improperly considered future design guidelines in the LU Hearing process. Implied by Commission referring to the building as “transitional” and that the Commission was considering impending height limit increases vis-à-vis the West Quadrant Plan.

Staff / Design Commission Conclude:

Design Commission referred to the building as “transitional” *under current height limits* – from lower in the adjacent NW 13th Ave Historic District to higher in the North Pearl Subarea one block north.

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Appellant Asserts:

The allowance of two separate residential / housing exceptions to the height limits is improper. All height bonuses should be discretionary within the Design Review process.

Staff / Design Commission Conclude:

As described in the Final Findings and Decision, bonus height was awarded because it was determined that the project met and in some cases, exceeded all applicable design guidelines and criteria contained in the Portland Zoning Code, River District Design Guidelines and the Central City Fundamental Design Guidelines. In short, the bonus award is a 3-step process.

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3-Step Process to Height Bonus:

1. **Achieve Bonus Floor Area Ratio (33.510.210.C.1-19).** Project achieves bonus – C.1 Residential (C.4 Rooftop Gardens, C.10 Eco-Roof). Maximum FAR award 3:1.
2. **Height Award.** Because the project achieves 3:1 FAR, it is automatically awarded general height bonus of 45'. This award does not have additional criteria in the Design Review process.
3. **Discretionary Bonus for Housing.** Additional height bonus is available through application of additional criteria (33.510.210.E.4.a-f). Commission findings supported bonus in their decision citing all criteria.

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Appellant Asserts:

The opinion of the Design Commission fails to include 33.510.210.D as part of the specifically enumerated “Approval Criteria”.

Staff / Design Commission Conclude:

The project achieved bonus FAR and was awarded general height bonus of 45'. This award is non-discretionary in the Design Review process – *sites eligible for this award (Map 510-3) have undergone discretionary review in past legislative BPS planning studies. And, Design Commission evaluated the project, in its entirety, under all applicable guidelines.*

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- 1. Deny the appeal, and uphold the Design Commission's decision to approve** the requested Block 136 Design Review (DZ) and Modifications (M), case file #14-230014 DZM.
- 2. Deny the appeal, and uphold the Design Commission's decision to approve with conditions added** the requested Block 136 Design Review (DZ) and Modifications (M), case file #14-230014 DZM.
- 3. Grant the appeal, and overturn the Design Commission's decision to approve** the requested Block 136 Design Review (DZ) and Modifications (M), case file #14-230014 DZM, **thereby denying the project.**

City Council Alternatives



End of Staff Presentation

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LU 14-230014 DZM
BLOCK 136 MIXED USE

