

Preserve the Pearl LLC appeal LU 14-230014 DZM  
BLOCK 136, 1241 NW Johnson St.

**MOTIONS:**

**04-23-15**

**Motion to tentatively deny the appeal and uphold Design Commission's decision:**  
Moved by Novick and seconded by Fish.

COMMISSIONERS VOTED AS FOLLOWS:

YEA: Fritz, Fish, Novick, Saltzman, Hales.

**Agenda Disposition:**

**TENTATIVELY DENY APPEAL AND UPHOLD DESIGN COMMISSION'S DECISION;  
PREPARE FINDINGS FOR MAY 20, 2015 AT 10:40 AM TIME CERTAIN**

**05-20-15**

**Adopt the Findings:** Moved by Fish and seconded by Fritz

COMMISSIONERS VOTED AS FOLLOWS:

YEA: Fritz, Fish, Novick, Saltzman and Hales.

**Agenda Disposition:**

**FINDINGS ADOPTED**



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner  
Paul L. Scarlett, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

## MEMORANDUM

**Date:** April 13, 2015  
**To:** Portland City City Council  
**From:** Jeff Mitchem, Development Review  
**Re:** LU14-130014 DZM – Block 136  
Updated Exhibit List for DAR #3 (August 1, 2014) Summary Memorandum

This case was the subject of three Design Advice Request Hearings: DAR #1, May 15; DAR #2, June 5; and DAR #3, July 24, 2014. Each DAR was summarized by BDS Staff in a DAR Summary Memorandum which included Exhibits of all written material entered into the record at each DAR hearing. Due to a clerical error during the generation of the DAR #3 Summary Memorandum, the Exhibits were not updated to include material entered into the record at DAR #3. The contents of the DAR #3 Summary Memorandum however, accurately summarized the comments of the Design Commission at DAR #3. In addition, hard copies of all materials entered into the record at DAR #3 were retained in staff files. These materials were used to generate an accurate list of Exhibits that included all materials entered into the record by the closing of the record for DAR #3.

Attached, please find both the original DAR #3 Summary Memorandum (WRONG EXHIBITS) and the corrected DAR #3 Summary Memorandum (CORRECT EXHIBITS). Please do not hesitate to contact me for clarification.



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

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## MEMORANDUM

**Date:** August 1, 2014  
**To:** HEIDI OIEN, MITHUN  
**From:** Kara Fioravanti, Development Review  
Senior Planner  
**Re:** 14-134106 DA – Pearl Block 136  
Design Advice Request Summary Memo July 24, 2014  
WRONG EXHIBITS

Thank you for taking advantage of the opportunity to hold a Design Advice Request regarding your project. I hope you find it informative and valuable as you continue with your project development. Attached is a summary of the comments provided by the Design Commission at the July 24, 2014 Design Advice Request. This summary was generated from notes taken at the public meeting and a subsequent review of the public meeting recordings. To review those recordings, please visit:

[http://efiles.portlandoregon.gov/webdrawer/search/rec?sm\\_class=uri\\_7547&count&rows=50](http://efiles.portlandoregon.gov/webdrawer/search/rec?sm_class=uri_7547&count&rows=50)

These Design Commission comments are intended to guide you in further design exploration of your project. These comments may also inform City staff when giving guidance over the course of future related land use reviews. It should be understood that these comments address the project as presented on July 24, 2014. As the project design evolves, the comments, too, may evolve or may no longer be pertinent.

Design Advice Requests are not intended to substitute for other Code-required land use or legislative procedures. Please keep in mind that the formal Type III land use review process [which includes a pre-application, a land use review application, public notification, a Staff Report and a public hearing] must be followed once the Design Advice Request meetings are complete, if formal approval for specific elements of your project is desired.

Please continue to coordinate with me as you prepare your formal land use application, or if you desire another Design Advice Request meeting with the Commission.

*Encl:*  
Summary Memo

*Cc:* Design Commission  
Respondents

This memo summarizes **Design Commission** design direction provided on July 24, 2014.

Commissioners in attendance on June 5, 2014: David Keltner, David Wark, Ben Kaiser, Jane Hansen, Gwen Milius

### **Height**

- Support for the Bonus: preserves NW 13<sup>th</sup> Ave character; provides light, connections and open space with a N-S public connection activated by commercial uses; high-density projects most appropriate in the Central City Plan District; synergy between residential uses next to office uses will positively impact the transportation system; mixed-use nature and provision of open space contributes to healthy city.
- View from Jamison Square
- BDS Staff determined that shadow impact on Jamison Square is insignificant per shadow study.
- Rooftop mechanical enclosure atop Tower Building?

### **12<sup>th</sup> Ave Tower Building**

- How does design reference favorite qualities of the Pearl?
  - Answered with Board Form?
- Specifically, how can the proposed tower design and materiality reinforce the character of this particular district?
  - Answered
- What building material best expresses the seedling metaphor in a friendly, tactile way? GFRC @ ground level?
  - GFRC replaced with Board Form Concrete at entire base. Corten planter bases?
- What is height of GFRC base – 12-14"
  - 9'-7", Board Form
- Why metal orientation to a particular direction – north?
- Height of Board Form base – 9'-7"
- East Elevation lacking in G.F.W.
  - same
- Why white millions and charcoal mullions?
  - same
- Why silver vs. white color?
  - same
- PV doesn't look refined????
- GFRC too much in-out.
  - gone
- Should base be one story, or two?
  - Double height – townhomes (2-level) and lobby/leasing (double height volume) – all @ 18'-7".
- Stoop is 14" about street grade.
  - 2'-6"?
- Too Ghostly (DW)
- First floor proportions are odd/off (DW)
- Keep concept and get a very workable base (DW)
- Why pick cold/flat material for tower (DW)
- Get a great base – tension now (BK)
- Ground floor needs to blend all 3 separate pieces (BK)
- Visit successful porches (BK)
- Base needs another round (BK)
- Can't reconcile panels dropping down (BK)
- GFRC maintenance concerns (TS)
  - Gone
- Base is odd – shirt untucked or too short (TS)
- Consider retail on 12<sup>th</sup> – explain why/why not (DK)
  - None
  - NE corner possible?
- Base must be 2-stories (DK)

- Verticality collides with base (DK)
- Panels – punctuation in wrong place (GM)
- Base is compressed (GW)
- Ground floor residential tough – live/work? Streetcar lofts good ex. (GM)
- Heavy-deadly SE corner (GM)
  - Townhome entries on south!

### **13<sup>th</sup> Ave Brick Building**

- Should dock be longer to get ramp out of restaurant usable spill-out space?
- Study length of dock – extend to building edges @ north and south.(DW)
- What are columns @ dock inset? Steel / concrete structure?
- What two canopies at dock?
  - One now proposed.
- Height of dock – 3' @ south corner, rising to 4' – find a sweet spot for less ramp?
  - 4'-9" ?
- This building has a residential appearance. How would it change and/or would it change if it began as office and/or were converted to office?
- Binding element with 12<sup>th</sup> Ave tower build? (DW)
- 13<sup>th</sup> Ave Brick Bld sets stage for character – dig deeper for relationship (DW)
- Concerned with height of first floor – look at it (DW)
- Study dock more (GM)
- Clearer expression of building relationships (GM)

### **Courtyard**

- Does courtyard unify or separate the two buildings?
- Are similar elements serving to “cross-over” and bring together?
- Why does the Brick Building have less in-outs and balconies than others?
- Courtyard dock should not be so high as to be looming.
  - Same
- Some logs pinch clear-zone – think functionality
  - Same
- Concentrated logs for kids – Liz Caruthers park
  - Same
- Courtyard has weird interface with tower base – get base better (BK)
- Courtyard needs to knit two buildings (JH)
- No Corten in touch zone (TS)
  - Planters?
- Success of logs is 3-D, down to the inch.
  - Same

### **Exhibit List**

- A. Applicant's Submittals
  1. Original drawing set
  2. Drawing set provided to Commission in advance of 5-15-14
  3. Drawing set, received June 4<sup>th</sup>
- B. Zoning Map
- C. Drawings – *see A Exhibits*
- D. Notification
  1. Posting instructions sent to applicant, 4-11-14
  2. Applicant's statement certifying posting
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  5. Posting instructions sent to applicant, 5-19-14
  6. Second Posting notice as sent to applicant
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- E. Service Bureau Comments  
*none received*
- F. Public Testimony
  1. Stiffler, 5-9-14

2. Quinn, 5-9-14
  3. Anderson, 5-9-14
  4. Winn, 5-11-14
  5. Jaecksch, 5-12-14
  6. Francis, 5-12-14
  7. Drake, 5-13-14
  8. McKinnis, 5-14-14
  9. Backstrand, 5-14-12
  10. Remen-Willis, 5-14-14
  11. Moiel, 5-15-14
  12. Kirby, 5-14-14
  13. Wymore, 5-15-14
  14. Backstrand, 6-3-14
  15. Anderson, 6-5-14
  16. Francis, 6-2-14
  17. Schwartz, 6-4-14
  18. Yeiter, 6-4-14
  19. Merrick, 5-20-14
  20. Luan, 6-4-14
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  23. Cartwright, 5-15-14
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  7. Staff summary memo from 5-15-14, dated 6-4-14
  8. Memo to Design Commission, 5-28-14



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## MEMORANDUM

**Date:** August 1, 2014  
*(Revised April 15, 2015 – Exhibit list amended to accurately reflect material entered into the record at DAR #3 on July 15, 2014)*

**To:** HEIDI OIEN, MITHUN

**From:** Kara Fioravanti, Development Review  
Senior Planner

**Re:** 14-134106 DA – Pearl Block 136  
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CORRECT EXHIBITS

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29. Merrick, 5-19-14
30. Buck, 6-5-14
31. Gardner, 6-5-14
32. 6-5-14
33. 6-5-14
34. Drake, 6-5-14
35. Strand, 6-6-14
36. Haines, 6-12-14
37. Hansen, 6-23-14
38. Trout, 7-7-14
39. King, 7-7-14
40. Randall, 7-7-14
41. Remen-Willis, 7-8-14
42. Krattenmaker, 7-9-14
43. McBride, 7-10-14
44. Evans, 7-18-14
45. Jess, 7-20-14
46. Hickerson, 7-21-14
47. Yeiter, 7-21-14
48. Cartwright, 7-22-14
49. Merrick, 7-22-14
50. Beach, 7-22-14
51. Garsha, 7-23-14
52. Rocheld, 7-23-14 and 12-18-14
53. Garsha, 7-23-14
54. Moiel, 7-23-14 and 12-18-14
55. Czarnecki, 7-23-14
56. Rocheld, 7-23-14
57. Nallakrishnan, 7-24-14
58. Gardner, 7-24-14
59. Czarnecki, 7-24-14
60. Rahm, 7-24-14

61. Lennard, 7-24-14
  62. Hoang, 5-15-14
  63. Hoang, 6-5-14
  64. Buck, 6-5-14
  65. Schwartz, 7-24-14
  66. Strever, 12-18-14
  67. Tim Allen, 10-22-14, Email in opposition to the project citing bulk, excessive height, traffic, visual impacts, demand for water.
  68. Mark Litchman, 12-09-14, Email in opposition to the project citing excessive height.
  69. David Moiel, MD, 12-18-14, Email in opposition to the project citing excessive height, climate impacts, cutesy rooftop garden, public process, lack of low-income housing and loss of sun, and increased parking demand and crime.
  70. Ann Remen-Wills, 12-22-15, Email in opposition to the project citing massing, bulk, imposing scale, lack of blending design and public process (PNDA).
- G. Other
1. Application form
  2. Memo to Design Commission, 5-5-14
  3. Staff presentation to Commission, 5-15-14
  4. Discussion topics for 5-15-14
  5. Staff notes from 5-15-14
  6. Staff notes from 5-15-14
  7. Staff summary memo from 5-15-14, dated 6-4-14
  8. Memo to Design Commission, 5-28-14
  9. Updated Exhibit G7
  10. Summary of Staff Presentation at DAR #2
  11. Summary of Testimony at DAR #2
  12. Staff Summary Memo, dated 7-1-14
  13. Memo do Design Commission, dated 7-17-14
  14. Staff Presentation for DAR #3, dated 7-24-14
  15. Pearl District Shadow Study, Bureau of Planning & Sustainability, dated July 2014



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner  
Paul L. Scarlett, Director  
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**MEMORANDUM**

March 25, 2015

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

FROM: Paul L. Scarlett, Director *RE for PLS.*  
Bureau of Development Services

RE: City Council hearing on LU 14-230014 DZM Type III Appeal 1241 NW Johnson St

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 April 8, 2015 at 3pm, time certain.

**Site Address:** 1241 NW Johnson St

**BDS Representative:** Jeff Mitchem, Design Review Planner

1. **Land Use Reviews Requested:** Type III Land Use Review before the Portland Design Commission.
2. **Key Elements of Proposal:** A new full-block mixed-use project in the Central City Plan District's River sub-District. The project includes 2 north-south oriented bar buildings with a courtyard (approximately 10,000 square feet) between.

**BLD #1: NW 13<sup>th</sup> Avenue Brick Building**

- 5 stories
- Maximum Allowed Height of 120', the proposed building reaches 76'-1"
  - 75' base height
  - 45' General Height Bonus (33.510.210.D.). Maximum available for 3:1 FAR – 45'.
- Approximately 15,000 square feet of retail at ground level
- Approximately 60,000 square feet of office at levels 2-5.
- Rooftop program includes roof terrace, elevator/stair overrun, mechanical enclosure and eco roof.
- An at-grade loading space will be located within the public right-of-way on the east side of NW 13<sup>th</sup> Ave immediately north of the intersection with NW Johnson St

- 13<sup>th</sup> Ave dock within the right-of-way, as allowed by the River District ROW standards – approximate dimensions: 124' long, 12'-16' deep, 3' – 4'-9" high. Single ADA ramp oriented north to NW Johnson St.
- Courtyard dock – approximate dimensions: 124' long, 8'-14' deep, 3' – 4'-9" high

#### **BLD #2: NW 12<sup>th</sup> Avenue Tower Building**

- 15 stories
- Maximum Allowed Height of 150', the proposed building reaches 148'-4"
  - 75' base height
  - 75' height bonuses
    - 45' General Height Bonus (33.510.210.D.). Maximum available for 3:1 FAR – 45'.
    - 30' Bonus Height Option for Housing (33.510.210.E.). Maximum available for housing – 75'.
    - If both bonus options are used, combined bonus height may not exceed 75'.
- Approximately 208 residential flats
- Total number of parking spaces proposed is 196 spaces in two levels of underground parking
- Parking and loading will be accessed from NW 12<sup>th</sup> Avenue. Three loading spaces are proposed: *Space A*. A space within the footprint of the NW 12th Ave apartment building (with access from NW 12<sup>th</sup> Ave) is 35 feet long x 11 feet 5 inches wide. *Space B*. Standard B size (18' long x 9' wide x 10' clear) located within the footprint of the NW 12<sup>th</sup> Ave apartment building (with access from NW 12<sup>th</sup> Ave). The space will be scheduled for food deliveries in the morning and generally available for office deliveries and service vehicles. *Space C*. A cargo van loading space (18' long x 10' wide x 8'-11" clear) located within the footprint of the NW 13<sup>th</sup> Ave building. Scheduled for food deliveries in the morning and available generally for office deliveries and service vehicles.

#### **Site FAR**

- Maximum FAR allowed for the site is 7:1, the proposed buildings combined reach approximately 6:1.
  - 4:1 base FAR (Map 510-2)
  - 3:1 FAR Residential Bonus (33.510.210.C.1.a(1)). For each square foot of housing, a bonus of 1 square foot of floor area is earned (max 3:1).

#### **Three (3) Modifications are required for**

- 1. Rooftop Access & Mechanical (33.140.210.B.2.)** All rooftop mechanical equipment and enclosures of stairwells that provide rooftop access must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Rooftop elevator mechanical equipment may extend up to 16 feet above the height limit. Stairwell enclosures, and other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit. **12th Ave Building** – The rooftop mechanical enclosure is set back 13'-2" from the roof edge abutting 12<sup>th</sup> Ave and 8'-0" from the roof edge facing the courtyard. One piece of mechanical equipment is in excess of 10 feet tall (a make-up air unit at 13 feet tall.) And, the cumulative area

of roof enclosures 10' above the height limit – exceeds the 10% of roof area limit. Total coverage for this building is 18.8%.

2. **Size of Loading Spaces (33.266.310.D.a.)** Two (2) Standard A loading spaces are required. A Standard A loading space must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet. The project proposes three loading spaces:
  - **Space A.** A space within the footprint of the NW 12th Ave apartment building (with access from NW 12<sup>th</sup> Ave) is 35 feet long x 11 feet 5 inches wide (except at doorway which is 10 feet wide). The height of the space, however, varies. A majority of the space (28 feet of it) is 19 feet 6 inches high with the remaining portion varying from 11 feet (at doorway) to 12 feet outside the doorway. The space will be scheduled for food deliveries in morning, resident move-in/out during the day and generally available for office deliveries.
  - **Space B.** Standard B size (18' long x 9' wide x 10' clear) located within the footprint of the NW 12<sup>th</sup> Ave apartment building (with access from NW 12<sup>th</sup> Ave). The space will be scheduled for food deliveries in the morning and generally available for office deliveries and service vehicles.
  - **Space C.** A cargo van loading space (18' long x 10' wide x 8'-11" clear) located within the footprint of the NW 13<sup>th</sup> Ave building. Scheduled for food deliveries in the morning and available generally for office deliveries and service vehicles.
3. **Modification Request #2: Bike Parking Space Dimension (33.266.220.C.3.b.)** A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components. The project proposes staggered vertical storage, dimensioned at 18" x 6' with a 5' walk aisle.

#### **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:

- River District Design Guidelines
- Central City Fundamental Design Guidelines
- 33.510.210 E.4. Bonus Height Option for Housing
- Modification Criteria (33.825.040)

#### **3. Final Decision:**

The decision of the Design Commission is to approve the request.

#### **4. Alternatives Facing Council:**

- Deny the appeal, and uphold the Design Commission's decision to approve the request.
- Deny the appeal, and uphold the Design Commission's decision with a modified proposal and/or conditions to approve the request.
- Grant the appeal, and overturn the Design Commission's decision to approve the request thereby denying the request.



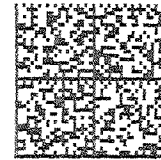
P393

**CITY OF PORTLAND, OREGON**



Office of the City Auditor  
Council/Contracts Division  
1221 SW 4th Avenue, Room 130  
Portland, OR 97204

ADDRESS SERVICE REQUESTED



U.S. POSTAGE >> PITNEY BOWES



ZIP 97204 \$ 000.48<sup>0</sup>  
02 1W  
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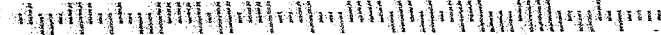
JOHN KIRBY  
1420 NW LOVEJOY ST  
PORTLAND, OR NIXIE

970 DE 1009 0003/02/15

RETURN TO SENDER  
INSUFFICIENT ADDRESS  
UNABLE TO FORWARD

123 97204198799

BC: 97204198799 \*0329-03961-24-40



BDS ATTN: YVONNE POELWIJK 1900 SW 4 <sup>TH</sup> AVE, STE 5000 PORTLAND, OR 97201	DAVID L & MARIA L MOIEL 820 NW 12TH AVE #604 PORTLAND, OR 97209	PAT GARDNER PEARL DISTRICT NA 1116 NW JOHNSON ST PORTLAND, OR 97209
BURTON FRANCIS-PRESERVE THE PEARL c/o FRANCIS & BONNELL LLP 3430 SE BELMONT ST STE 209 PORTLAND, OR 97214	KEVIN K & LAURI J STREVER PO BOX 1644 NEWPORT, OR 97365	JUSTIN DOLLARD/PAUL CATHCART PORTLAND SCHOOL DIST #1 501 N DIXON ST PORTLAND, OR 97227
NANNEY MICHAEL SECURITY PROPERTIES 701 FIFTH AVE STE 5700 SEATTLE, WA 98101	SAUNDRA STEVENS AIA URBAN DESIGN COMMITTEE 403 NW 11TH PORTLAND, OR 97209	GRANT O'CONNELL TRIMET 1800 SW FIRST AVE STE 300 PORTLAND, OR 97201
SP PEARL LLC 1201 THIRD AVE #5400 SEATTLE, WA 98101	OREGON DIV SUPERINTENDENT BNSFRR 1313 WEST 11TH STREET VANCOUVER, WA 98660	PORTLAND TERMINAL RR 3500 NW YEON AVE PORTLAND, OR 97210
OIEN HEIDI MITHUM 1201 ALASKAN WAY STE 200 SEATTLE, WA 98101	SUSTAINABILITY CENTER METRO 600 NE GRAND AVE PORTLAND, OR 97232	TEAM OREGONIAN 1320 SW BROADWAY PORTLAND, OR 97201
KAREN KARLSSON KLK CONSULTING LLC 906 NW 23RD AVE PORTLAND OR 97210	MARK SEIBER NEIGHBORS WEST/WEST 2257 NW RALEIGH ST PORTLAND, OR 97210	JACK ROCHELD 1410 NW KEARNEY ST PORTLAND, OR 97209
TIMOTHY J & KATHLEEN A ALLEN 46881 MORNING SKY TRAIL COARSEGOLD, CA 93614	MIKE CONKLIN NOB HILL BUSINESS ASSOC 25 NW 23 <sup>RD</sup> PL #6-PMB 217 PORTLAND, OR 97210	SARA DRAKE B106/R1302/TRAILS
MARK A & MARIE LITCHMAN 3556 BLACK OAK RD EUGENE, OR 97405	JOHN BRADLEY NORTHWEST DISTRICT ASSOC 2350 NW JOHNSON ST PORTLAND, OR 97210	<del>LU 14-230014 DZM AD</del> <del>DATE MAILED: 2/24/2015</del> <del>27 LABELS</del>
JAMES WILLIS & ANN REMEN-WILLIS 1420 NW LOVEJOY ST #713 PORTLAND, OR 97209	OREGON WALKS c/o DOUG KLOTZ 1908 SE 35TH PLACE PORTLAND, OR 97214	
SHIVANI SEASTONE 1410 NW KEARNEY ST PORTLAND, OR 97209	ADELE NOFIELD PEARL DISTRICT BA PO BOX 6767 PORTLAND, OR 97228-6767	



CASE FILE MITCHEM 1900 SW 4TH AVE #5000 PORTLAND, OR 97201	EVA BERNHARD COOL MOON ICE CREAM 1105 NW JOHNSON ST. PORTLAND, OR 97209	JOHN CZARNECKI, AIA 208 SW STARK ST #505 PORTLAND, OR 97204
PDC B129	DAVE RAYAT 1146 NW JOHNSON ST. PORTLAND, OR 97209	ELANA SCHWARTZ 820 NW 12TH AVE #216 PORTLAND, OR 97209
SUSAN DAVIS 1410 NW KEARNEY ST PORTLAND, OR 97209	KATHERINE RICHARDSON 1146 NW JOHNSON ST. PORTLAND, OR 97209	SAM BUCK 1410 NW KEARNEY ST #625 PORTLAND, OR 97209
ALLEN HANSEN 1410 NW KEARNEY ST #811 PORTLAND, OR 97209	PETER STIFFLER 1410 NW KEARNEY ST. #812 PORTLAND, OR 97209	NAM HOANG 1410 NW KEARNEY ST #519 PORTLAND, OR 97209
JOHN KIRBY 1420 NW LOVEJOY ST PORTLAND, OR 97209	TIFFANY SWEITZER HOYT STREET PROPERTIES 1022 NW MARSHALL STE 270 PORTLAND, OR 97209	DOTTIE QUINN 820 NW 12TH AVE #316 PORTLAND, OR 97209
KIM STRAND 1410 NW KEARNEY ST #1111 PORTLAND, OR 97209	MARY & JOHN CZRANECKI NEW TRADITIONAL ARCHITECTURE 208 SW STARK ST #404 PORTLAND, OR 97208	ELIZABETH ANDERSON ANDERSON KRYGIER, INC 820 NW 12TH AVE #106 PORTLAND, OR 97209
THOMAS LAWWILL 1410 NW KEARNEY ST PORTLAND, OR 97209	PATTY KERNS 1221 NW 11TH AVE #613 PORTLAND, OR 97209	PAUL YEITER 821 NW 11TH AVE PORTLAND, OR 97209
IAN CARTWRIGHT, M.D. 820 NW 12TH AVE #324 PORTLAND, OR 97209	SUZANNE LENNARD INT'L MAKING CITIES LIVABLE 1030 NW JOHNSON ST #501 PORTLAND, OR 97209	STEPHANIE NUTE 820 NW 12TH AVE #504 PORTLAND, OR 97209
DONALD DRAKE 820 NW 12TH AVE #408 PORTLAND, OR 97209	WENDY RAHM 1221 SW 10TH AVE #1001 PORTLAND, OR 97205	DAVID HAINES 1410 NW KEARNEY ST #617 PORTLAND, OR 97209
ANDREA WELKE 1410 NW KEARNEY ST #611 PORTLAND, OR 97209	DAVID HALLIBURTON 820 NW 12TH AVE #416 PORTLAND, OR 97209	KATHY HANSEN 1030 NW 12TH AVE #202 PORTLAND, OR 97209

KRISTIN KING/KEM ROOS/RETA BONDS  
820 NW 12TH AVE #310  
PORTLAND, OR 97209

TOM KRATTENMAKER  
1410 NW KEARNEY ST #513  
PORTLAND, OR 97209

DENNIS MCBRIDE  
820 NW 12TH AVE  
PORTLAND, OR 97209

BROOKS HICKERSON  
1255 NW 9TH AVE #309  
PORTLAND, OR 97209

DENISON BEACH  
1030 NW 12TH AVE #214  
PORTLAND, OR 97209

MURALI NALLAKRISHNAN  
1142 NW JOHNSON ST #104  
PORTLAND, OR 97209

**LU 14-230014 DZM AD**  
**DATE MAILED: 2/24/2015**  
**63 LABELS**

Portland, Oregon  
**FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT**  
**For Council Action Items**

(Deliver original to City Budget Office. Retain copy.)

1. Name of Initiator Jeff Mitchem	2. Telephone No. 503.823.7011	3. Bureau/Office/Dept. Bureau of Development Services
4a. To be filed (hearing date):  April 8, 2015, 3 pm TC	4b. Calendar (Check One)  Regular    Consent    4/5ths <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	5. Date Submitted to Commissioner's office and CBO Budget Analyst: March 25, 2015
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed	6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

**1) Legislation Title:**

LU 14-230014 DZM – Block 136 Mixed Use. There is no legislation involved. This is a quasi-judicial action. An appeal of Design Commission approval LU14-230014 DZM- Block 136 – a new full-block mixed-use project in the Central City Plan District’s River sub-District. The project includes 2 north-south oriented bar buildings with a courtyard (approximately 10,000 square feet) between.

**2) Purpose of the Proposed Legislation:**

This is an appeal of Type III Land Use Review decision (quasi-judicial action). Title 33, Zoning Code Section 33.730.020.F provides Type III Land Use Review decisions may be appealed to City Council.

**3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?**

- |  |                                    |                                    |                                |
|--|------------------------------------|------------------------------------|--------------------------------|
| <input type="checkbox"/> City-wide/Regional      | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast       | <input type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East  |
| <input checked="" type="checkbox"/> Central City |                                    |                                    |                                |

**FINANCIAL IMPACT**

**4) Revenue:** Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

This is not a legislative action. This quasi-judicial action applies to one site. The decision will not solely or substantially impact City revenues.

**5) Expense:** What are the costs to the City as a result of this legislation? What is the source

**of funding for the expense?** *(Please include costs in the current fiscal year as well as costs in future year, including Operations & Maintenance (O&M) costs, if known, and estimates, if not known. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the **level of confidence**.)*

This is not a legislative action. Generally, Land Use Reviews are fee supported. Fees are charged to file an appeal, however, the appeal fee for this application was waived by the Director of BDS as indicated in Section 33.750.050. There are no additional costs to the City associated with this appeal.

**6) Staffing Requirements:**

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)*
- **Will positions be created or eliminated in future years as a result of this legislation?**

No positions will be created, eliminated, or reclassified in current or future years as a result of this quasi-judicial action.

*(Complete the following section only if an amendment to the budget is proposed.)*

**7) Change in Appropriations** *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

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

**[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]**

## PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

YES: Please proceed to Question #9.

NO: Please, explain why below; and proceed to Question #10.

9) If “YES,” please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item?

Any impacts associated with the current application and appeal procedure are related to the height and orientation of proposed buildings. Specifically, orientation of the buildings along the north-south axis, and the height bonuses allowing the residential portion of the project to be awarded both General and Housing bonuses. The appeal cites misapplication of these bonuses (Zoning Code Sections 33.510.210.D. 33.510.210.E.4.e. and f.) Additionally, the appeal claims flawed public process on behalf of the Pearl District Neighborhood Association (PDNA) during Applicant’s neighborhood outreach efforts. Specifically, the appeal cites three specific due process flaws:

1. *Pearl Residents were not consulted by the PDNA at a crucial phase of the process. The PDNA failed to ‘provide a facility’ for ‘an exchange of information for citizens’ and thus failed to ‘broaden the channels of communication’ between the residents of the Pearl and the City.*
2. *The Design Commission solicited improper information from those testifying. During the course of the first DAR on this project, one commissioner asked each public commenter to state not only their residence building or location, but also asked each member of the public to designate the particular side of the building their unit is on. This inquiry was calculated to elicit information regarding what view, if any, may be affected by the proposal. Private views, however, are not part of the design guidelines applicable except for one brief mention in the River District Design Guidelines at page 46, as a passing suggestion that developers consider.*
3. *The Design Commission improperly considered future design guidelines. As is stated in the opinion on page 5, the project in question must be evaluated by the zoning code applicable at the time the project comes under consideration. However, one commissioner noted in response to the ‘out of character’ aspects of the project that ‘this will be a transitional building’ in the neighborhood. The context was the fact that the looming prospect of the West Quadrant plan changing the applicable height limits in the neighborhood from a 75’ base to 250’ (presumably, including bonuses, but that is unclear).*

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?

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, Nob Hill Business

Association and Neighbors West/Northwest (district coalition), Northwest District Association, Oregon Walks and Portland School District #1 all were mailed notice. In addition, all property owners within the 400 feet of the site are also mailed notice of the public hearing and the site was posted with notice boards 30 days prior to the hearing. City Bureaus, Tri-Met, AIA Urban Design Committee, Metro and BNSFRR were also mailed notice. Hearings are also posted on the BDS website. Some parties participated through testimony at hearings.

**c) How did public involvement shape the outcome of this Council item?**

A written Notice of Proposal was sent to the above-referenced entities notifying them of the proposal and seeking their comments. Neighborhood and community comments were received before and at the public hearings before Design Commission on May 15, 2014, June 15, 2014, July 24, 2014, December 18, 2014 and January 22, 2015. Public comments regarding various aspects of the proposal were considered by city staff and the Design Commission during the review process.

The outcome of the appeal will not be known until the City Council makes its final decision.

**d) Who designed and implemented the public involvement related to this Council item?**

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.

**e) Primary contact for more information on this public involvement process (name, title, phone, email):**

Jeff Mitchem, City Planner II, Bureau of Development Services –Land Use Services  
503.823.7011, Jeffrey.mitchem@portlandoregon.gov

**10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.**

No. The Notice of Appeal was published on February 24, 2015. Once the City Council conducts the hearing and 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. 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).



Paul L. Scarlett, Director, Bureau of Development Services

APPROPRIATION UNIT HEAD (Typed name and signature)