

## **MOTIONS**

**788 693    TIME CERTAIN: 2:00 PM** – Appeal of John Hollister against the Portland Historic Landmark Commission's Historic Resource Review decision of approval with conditions in the River District sub district of Central City plan district for construction of a 6-story office building with a penthouse and 3-story underground garage at NW Glisan and NW 13<sup>th</sup> Ave (Hearing introduced by Mayor Wheeler; LU 16-153002 HRM AD)

### Motion 6-14-17

**Motion to tentatively deny appeal and uphold Portland Historic Landmark Commission decision:** Moved by Fritz and seconded by Eudaly.

COMMISSIONERS VOTED AS FOLLOWS:

YEAS: Eudaly, Fish, Fritz, Saltzman and Wheeler

Disposition

**TENTATIVELY DENY APPEAL AND UPHOLD  
PORTLAND HISTORIC LANDMARK COMMISSION DECISION;  
PREPARE FINDINGS FOR  
JULY 12, 2017 AT 10:20 AM TIME CERTAIN**

### Motion 7-12-2017

**Motion to deny the appeal and uphold Portland Historic Landmark Commission decision of approval with conditions and adopt findings:** Moved by Wheeler and seconded by Saltzman.

COMMISSIONERS VOTED AS FOLLOWS:

YEAS: Eudaly, Fritz, Saltzman and Wheeler. (Fish absent).

Disposition

**Findings Adopted**

## IMPACT STATEMENT

**Proposal:** The request is not for a legislative action, but instead is an appeal of Type III Land Use Review decision (quasi-judicial action).

**Contact name:** Mike Gushard, City Planner II, Land Use Services

**Contact phone:** 503-823-5091

**Presenter name:** Mike Gushard

**Purpose of proposal and background information:**

This is a quasi-judicial action. The applicant is requesting 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, and the 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, and the AIA Urban Design Committee 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



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Office of the Director**  
**FROM CONCEPT TO CONSTRUCTION**

Ted Wheeler, Mayor  
Rebecca Esau, Interim Director  
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**MEMORANDUM**

June 14, 2017

To: Mayor Ted Wheeler  
Commissioner Chloe Eudaly  
Commissioner Nick Fish  
Commissioner Amanda Fritz  
Commissioner Dan Saltzman

From: Rebecca Esau, Interim Director  
Bureau of Development Services

Subject: City Council hearing on LU 16-153002 HRM AD Pearl East Building

The purpose of this memorandum is to provide a summary and brief description of the land use review decision that has been appealed and will be presented to you in a public hearing on June 14, 2017 at 2:00 PM, time certain.

**Site Address:** NW 13<sup>th</sup> and NW Glisan

**BDS Representative:** Mike Gushard, City Planner II  
503-823-5091, [mike.gushard@portlandoregon.gov](mailto:mike.gushard@portlandoregon.gov)

**1. Land Use Reviews Requested:** Type III Historic Resource Review (HR) with a Modification (M) and adjustment (AD) requests.

**2. Key Elements of Proposal:**

Original Applicant: Suzannah Stanley, Mackenzie Architects for  
Brent Hedberg, Specht Development

Appellant: John Hollister

Site Location: NW 13<sup>th</sup> Avenue and NW Glisan St

Site Size: 10,000 SF

Proposal: The applicant requested approval of a 6-story office building with a three story underground parking garage for 45 vehicles and rooftop amenity space. The proposed building included accessibility ramp and platform on its west elevation that is made to approximate the loading docks that define the NW 13th Avenue Historic District. The submitted drawings show a building that is primarily clad in brick with concrete at the base. End walls facing north and east are proposed to be structural brick with a soldier course detail and board-formed concrete defining stair and

elevator towers defining vertical circulation. Because the proposal is within the boundaries of the NW 13th Avenue Historic District it required historic resource review.

Additional reviews requested:

One (1) Modification (M) was requested:

1. A modification to zoning code chapter 33.140.230 – to reduce the ground floor windows on the NW Glisan Street elevation from the required 50% of the length of the building to 0% and from 25% of the ground level wall area to 0%

Two (2) Adjustments were requested:

1. 510.265.F.6.b – To allow parking access on NW Glisan Street, an access restricted street and;
2. 266.310.C.2.c – To reduce the number of loading spaces from 2 required Standard A to 0 (zero)

**3. Final Decision:** The decision of the Landmarks Commission approved the Historic Resource Review with modifications (M) and adjustments (AD). The conditions of approval are as follows:

- A. As part of the building permit application submittal, the following development-related conditions (B through F) 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 16-153002 HRM AD". All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. No more than 15% of the bricks used to clad the building will be dark clinker brick or show signs of paint, efflorescence or other forms of distress.
- C. All pre-distressed decorative brick on street-facing facades will be distributed evenly across the building.
- D. If any exterior changes come as a result of Bureau of Environmental Service's requirements for onsite infiltration, a Type II land use review may be required to ensure that the modifications are in keeping with the approved land use review.
- E. Window sill returns shall be clad in brick as indicated in the project renderings.
- F. At the time of building permit submittal, a signed Certificate of Compliance form <https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.

- 4. Appeal:** The appellant (John Hollister) is requesting that City Council deny the Landmarks Commission Historic Resource Review (HR) approval of the project.

**5. Alternatives Facing Council:**

1. Deny the appeal and uphold the Landmarks Commission's decision to approve the requested Pearl East Building Historic Resource Review (HR) with Modifications (M) and Adjustments (AD), case file #16-153002
2. Deny the appeal, and uphold the Landmarks Commission's decision to approve with a modified proposal and/or modified conditions, case file #16-153002
3. Grant the appeal and overturn the Landmarks Commission's decision to approve the Pearl East Building's Historic Resource Review (HR) with Modifications (M) and Adjustments (AD), case file #16-153002, thereby denying the proposal.