



City of Portland
Bureau of Development Services

Land Use Review Appeal to
City Council

Appeal of Design Commission Decision of Approval
LU 14-220722 DZ AD
Tess O'Brien Apartments

March 4, 2015

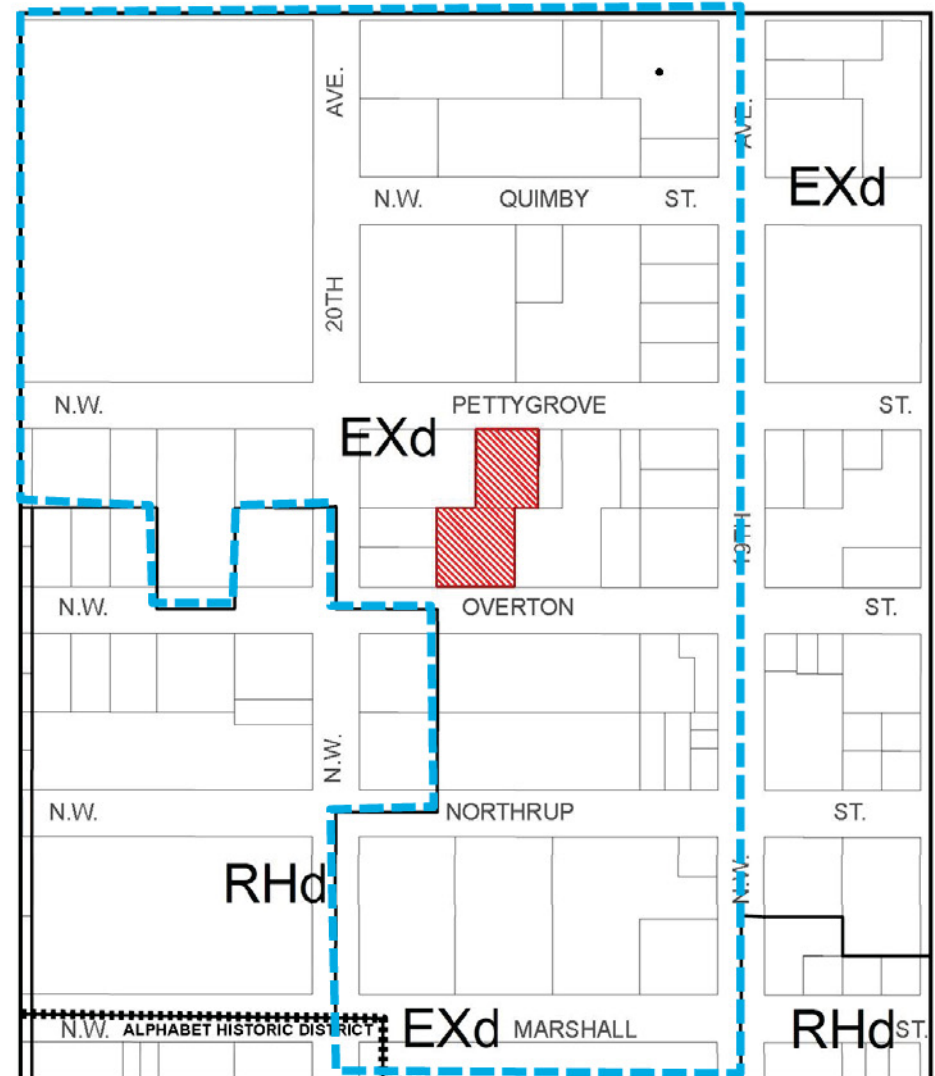


Summary of the Proposal

- Two 6-story buildings (67' tall)
- 123 residential units (1 live/work)
- Large outdoor courtyard between buildings (6,260 SF)
- 153 bike spaces for residents in building & courtyard
- Building materials:
 - Brick
 - Stucco
 - Precast stone
 - Black aluminum storefront/overhead doors & vinyl windows
 - Steel canopies & metal railings
- No parking (not required), no loading (Adjustment request)

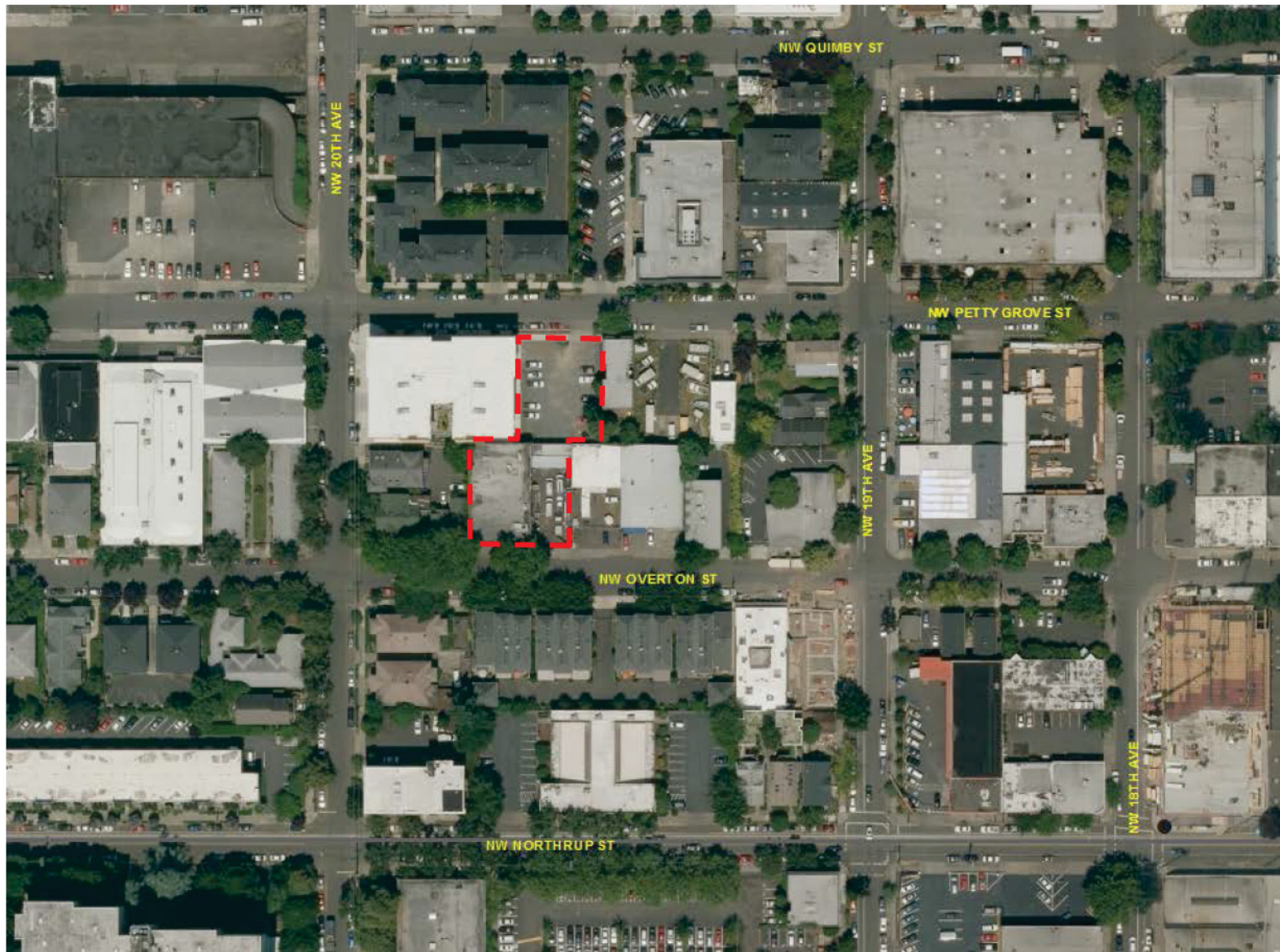
Zoning

- EXd – Central Employment zone with Design overlay
- Northwest Plan District
- 45'-0" height maximum
 - Bonus Area A of NWPD
 - >50% GFA in residential
 - Increases maximum to 75'
- 5:1 Maximum FAR
 - Bonus Area A of NWPD
 - Site bwtm 10,000 – 20,000 SF
 - 50% GFA in residential
 - Earn additional 1:1 FAR
- Northwest Pedestrian District
- Frontage on local service streets





Vicinity Plan





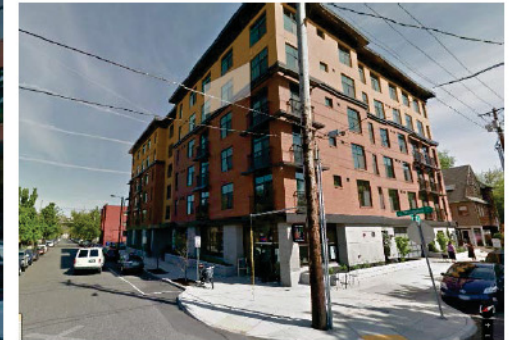
Aerial of Site



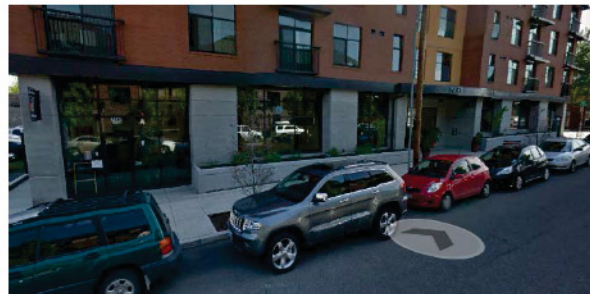


Site & Context Photos

Pettygrove



Portion of site on Pettygrove



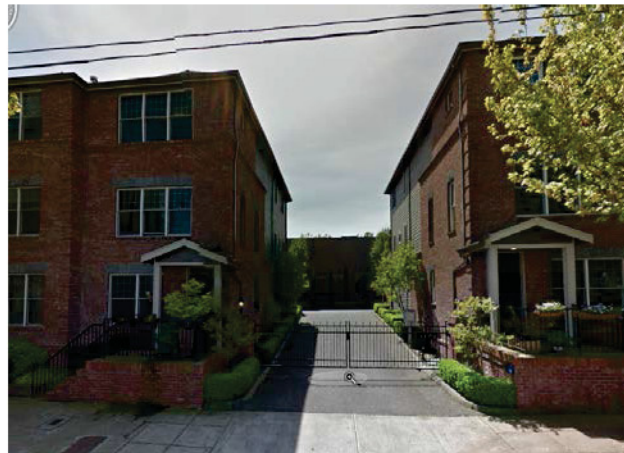


Site & Context Photos

Overton



Portion of site on Overton

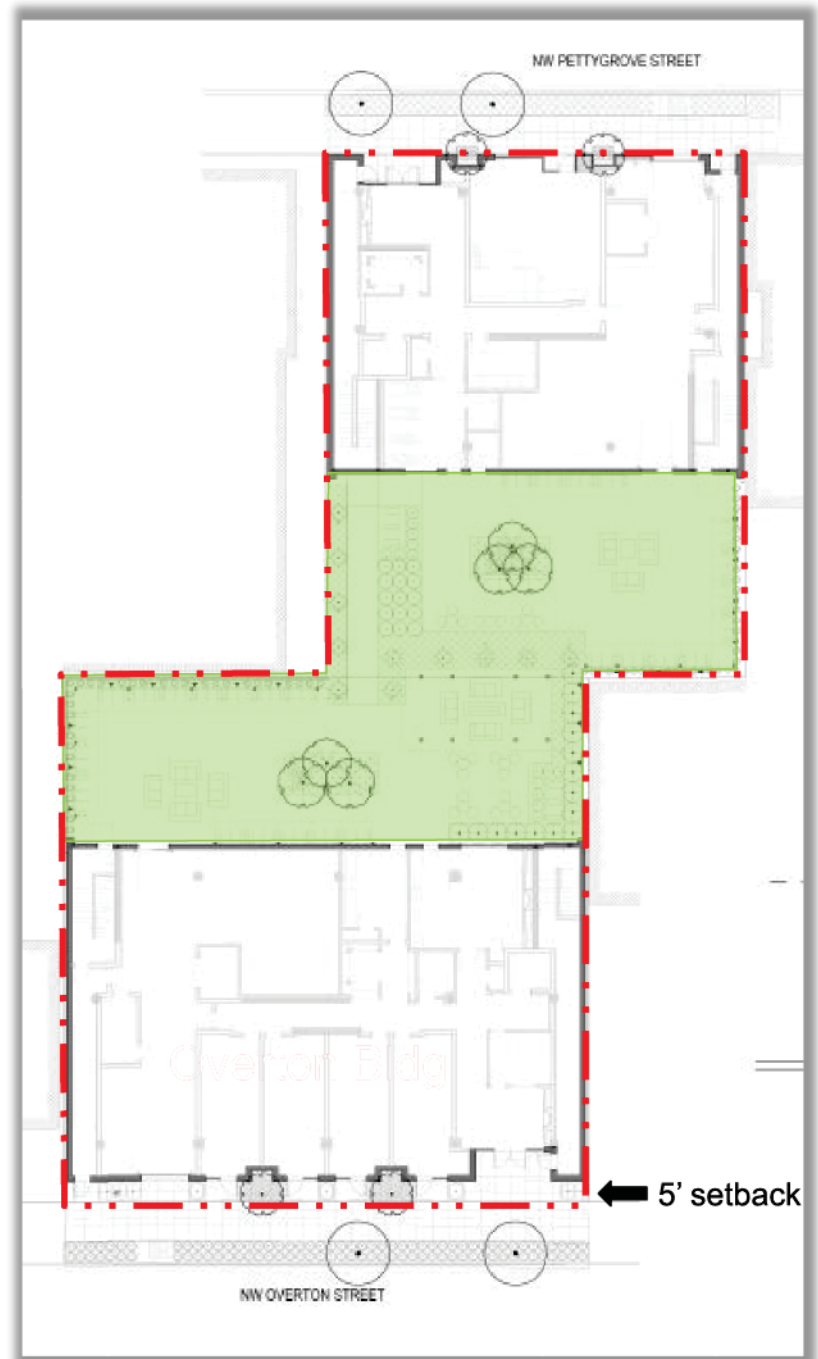




Site Plan



courtyard





Building Elevations



Overton Building



Pettygrove Building

Regulatory Framework & Appeal Information

- Type 3 Design Review with an Adjustment
- Approval Criteria
 - Community Design Guidelines
 - Adjustment Zoning Code Section 33.805.040
- Land Use Review appeal findings must find a nexus to relevant design guidelines or Modification approval criteria.
- Appellant states:
 - a) Community Design Guideline D7 (Blending into the Neighborhood)

approval criteria has not been met.
 - b) Procedural errors in the Design Review process occurred.



Regulatory Framework & Appeal Information

- Community Design Guideline D7 (Blending into the Neighborhood):
 - Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.
- Appellant:
 - Combination of the height of the buildings and that they are built up to the side property lines with no setbacks suggest that little has been done to “reduce the impact of the new development”.
 - Minimum 6’ side-yard setbacks and reduction in the height of the Overton building is suggested.



Regulatory Framework & Appeal Information

continued

Design Commission concluded D7 met:

In-fill development parameters that reinforce partial block massing

- 100' building widths (80' & 100' proposed)
- Maximum 75' height (67' proposed)
- Distinct wall planes no wider than 50'-100' (22' to 37' proposed)



Regulatory Framework & Appeal Information

continued

Design Commission concluded D7 met:

- High Quality Materials – brick, stucco
- Finer scaled details & elements (canopies, lights, pre-cast stone surrounds & lintels, cornices, recessed windows)
- Response to different frontages



Pettygrove – live work/retail with storefronts



Overton - residential with stoops



Process

- November 6, 2014 – Type 3 Design Review 1st Hearing
 - Commission Concerns: materials & composition, ground level, response to the different frontages, courtyard & bike parking.
 - NWDA testified in opposition
 - Tentative vote of denial (non-binding) to be completed on November 20, 2014. Record held open for Staff to revise original report of approval to denial.
 - Applicant exercised right to extend the 120-day Land Use timeline for this case (continuing their November 20, 2014 hearing to December 4, 2014) to revise submittal to respond to concerns raised.
- December 4, 2014 - Type 3 Design Review 2nd Hearing
 - Commission Concerns: material palette & ground floor residential transition along Overton.
 - NWDA testified in opposition & requested public record held open.
 - Applicant signed another 120-day review extension form.
- December 18, 2014 – Type 3 Design Review 3rd Hearing
 - Commission Concerns: ground floor residential transition of Overton (more vertical or horizontal separation or change to retail/live-work suggested).
 - NWDA testified in opposition & requested public record held open
 - Applicant signed another 120-day review extension form.



Process continued

- January 15, 2015 – Type 3 Design Review 4th Hearing, **Final Approval**
 - Approved project (residential option for Overton) with conditions for courtyard canopies and stucco color and banding detail)
 - NWDA testified with concerns related to massing (specifically height and setbacks), which they felt were not compatible with the neighborhood & would negatively impact solar and utility access of the abutting properties.
 - Commission responded to massing concern:
 - Fundamentals of the zoning allowances (in particular height & setback) were put into place with the neighborhood's involvement, in order to achieve housing and density goals.
 - Discussions about the intensity of future development are currently underway, and nearing its end (Comprehensive Plan) and now is the time to get involved in the Bureau of Planning and Sustainability's legislative review if these are concerns of the neighborhood.
- January 21, 2015 – Final Findings & Decision of Design Commission
- February 4, 2015 – Appeal of Design Commission Decision received



City Council Alternatives

- **Deny the appeal, and uphold the Design Commission's decision to approve with conditions** the requested Tess O'Brien Apartments Design Review (DZ) and Adjustment (AD), case file #14-220722 DZ AD.
- **Deny the appeal, and uphold the Design Commission's decision to approve with conditions with modified conditions to approve** the requested Tess O'Brien Apartments Design Review (DZ) and Adjustment (AD), case file #14-220722 DZ AD.
- **Grant the appeal, and overturn the Design Commission's decision to approve** the request with conditions the requested Tess O'Brien Apartments Design Review (DZ) and Adjustment (AD), case file #14-220722 DZ AD, **thereby denying the request.**

End of Presentation



NWDA appeal of the proposed Tess O'Brien Apartments



NWDA appeal of the proposed Tess O'Brien Apartments

What this appeal is about:

1. The intent and purview of the discretionary design review process;
2. How, in established neighborhoods, the transition from existing patterns of development to new higher density patterns of development is to be managed;



Background

1. **The project was originally submitted, *and accepted*, as a Type II Procedure**, when the project's prior Early Assistance application stated that the project's estimated value was \$6,000,000, *three times* the Type III threshold.
2. At the November 6th Design Commission hearing, the staff report concluded that all relevant guidelines for the proposal had been met, and **recommended approval of the project.**
3. The Commission, upon their review, **voted unanimously to reject the staff report** and deny approval of the proposed project.



Background

In our testimony on November 6th, the NWDA expressed its position that three guidelines were not met by the proposal at that time:

- Guideline D7 regarding the need for a more compatible scale of the buildings in relationship to the neighboring buildings;
- Guideline D8 regarding the need for clearer composition of the building facades and the their continuity from upper floors to the street level;
- Guidelines E3 regarding the need for a less awkward relationship between the residential units on the ground floor and the directly adjacent public sidewalk;

Background

In our testimony on January 15th, the NWDA commended the project team for their response to these issues, and the improvements to the building designs, and felt that the buildings now met the standards for guidelines D8 and E3.

We do not feel, however, that the buildings, as proposed, meet Guideline D7.

Blending into the Neighborhood



Background

It is to Portland's advantage to accommodate growth in a manner that has the least negative impact on its existing neighborhoods. The compatibility of new buildings may be enhanced by incorporating building and site details common in the neighborhood. Successful project design may also relate to the surrounding buildings in terms of scale, color, window proportions, and facade articulation.

Large buildings can be designed to reduce negative impacts on the neighborhood by orienting windows away from the private areas of nearby houses, stepping back building bulk from property lines to allow more sunlight to surrounding lots, and using building forms and materials that respect the character of the surrounding area. Site design considerations, such as screening and landscaping, can also help these developments blend into the neighborhood.

Guideline D7:

Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

Guideline D7

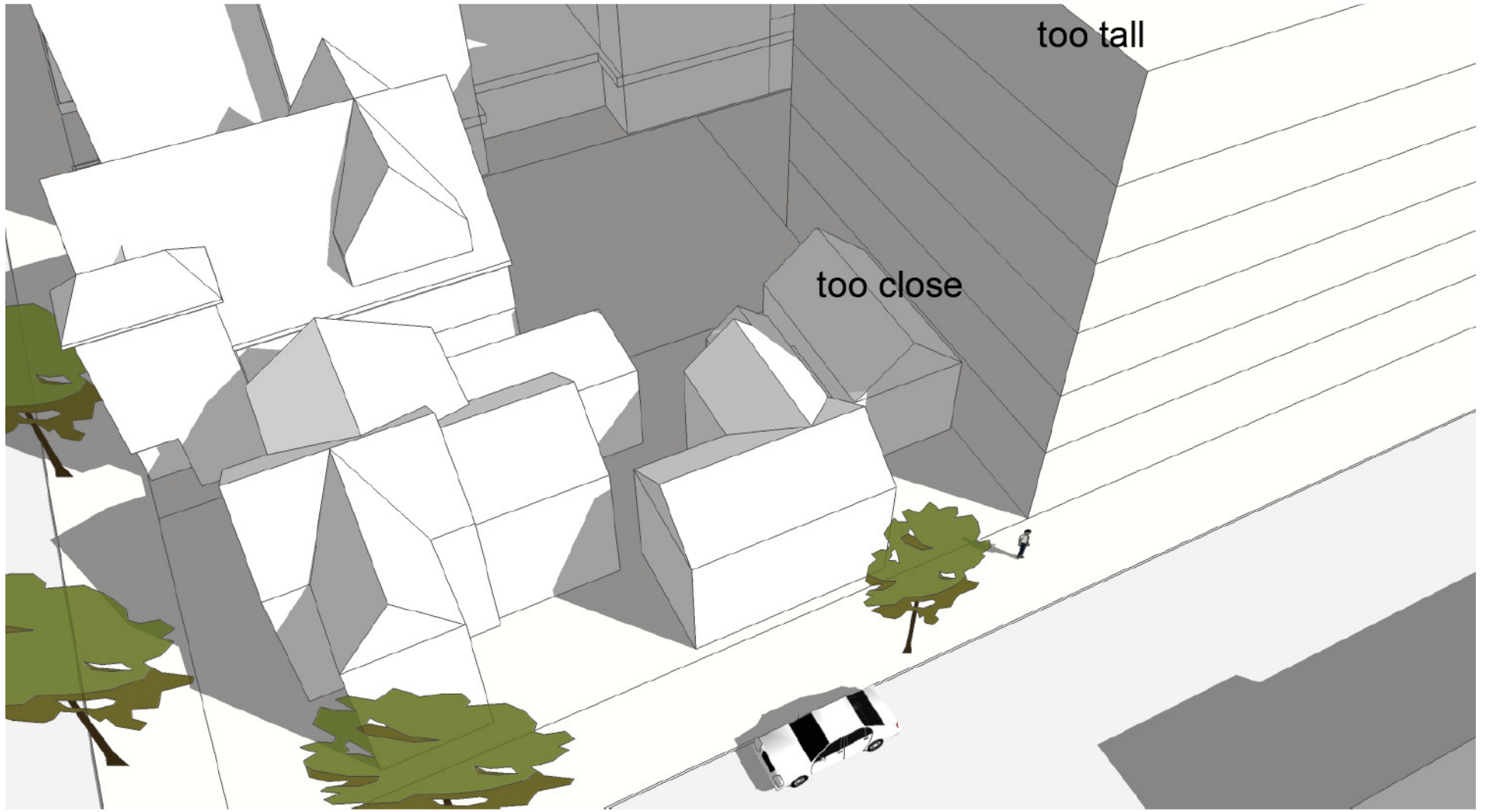
The compatible massing provision of this guideline is *the* relevant design guideline in this situation, in which significant increases in the density of development are being proposed, and *where there are additional considerations and values to be weighed other than simply what massing is allowed.*

In this instance, the combination of **the height of the buildings** and that they are built up to the side property lines with **no setbacks** suggest that little has been done to “reduce the impact of the new development.”



NWDA appeal of the proposed Tess O'Brien Apartments

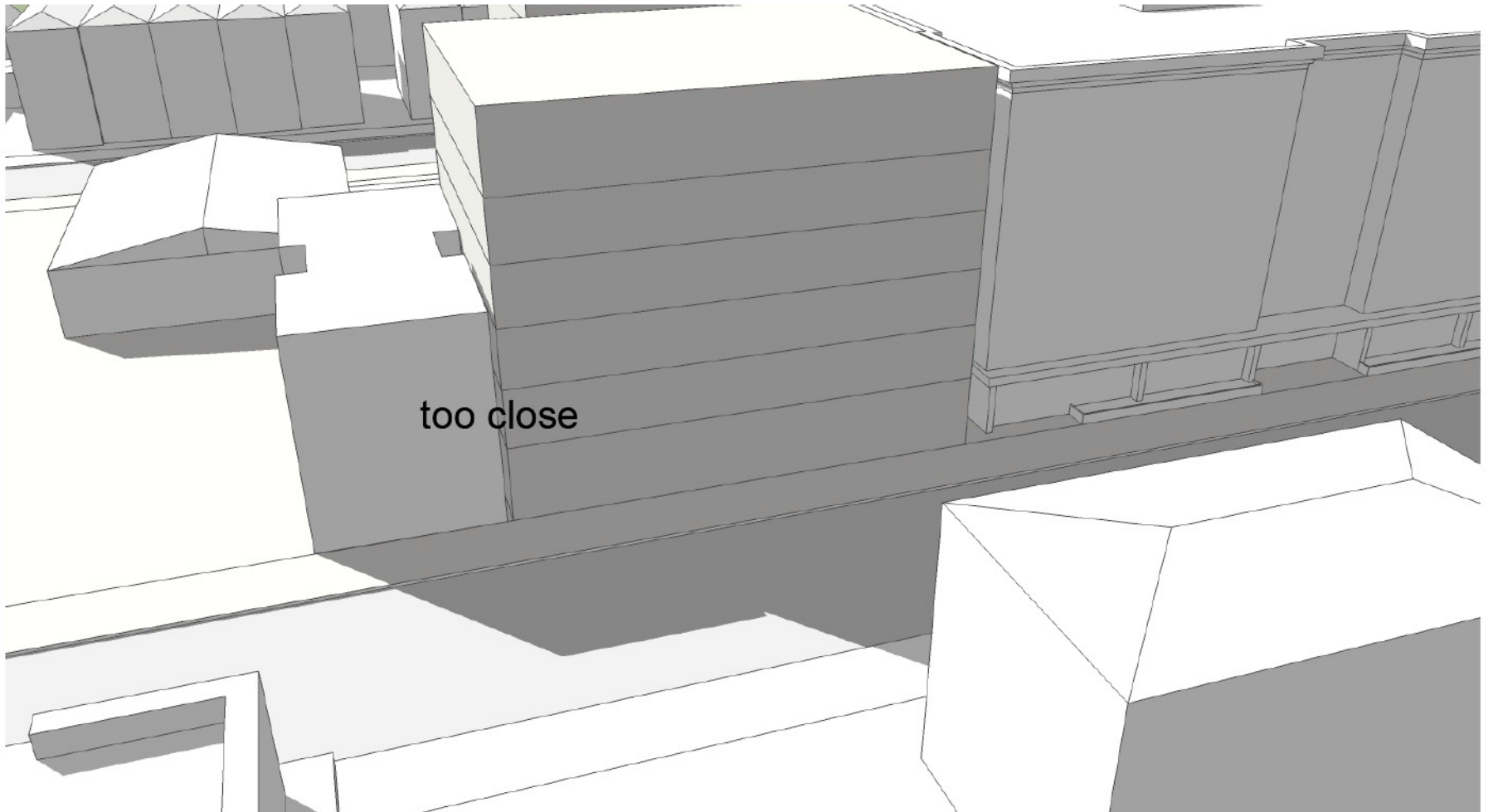
Compatibility - NW Overton St





NWDA appeal of the proposed Tess O'Brien Apartments

Compatibility - NW Pettygrove St





NWDA appeal of the proposed Tess O'Brien Apartments

Proposed Massing



Compatible Massing



Discretionary Design Review

1. At the November 6th hearing, the disparity between the Staff Report's assessment of this project and the Design Commission's was far too great;
2. The Guidelines need to be applied more rigorously: they are not intended to be decorative, but to establish a proposed project's general appropriateness with regard to scale and compatibility;
3. In discretionary design review, the application of design guidelines is not constrained to what is allowable.

Development Pattern Transition

1. The NWDA is appealing the Commission's decision on this proposal because it felt that the application of the provisions of this specific guideline have city-wide implications on how the transition from existing patterns of development to new patterns with increased densities can be achieved with some level of grace;
2. Guideline D7 envisioned the necessity for mediating the transition between development patterns, and would not have been written the way it was had the intention been otherwise;
3. The NWDA, therefore, is asking the Council to direct the BDS to apply this guideline effectively and for its intended purpose.

NWDA appeal of the proposed Tess O'Brien Apartments





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NW Overton Street



20 Pettygrove Apartments



The Museum





1230 NW 21st



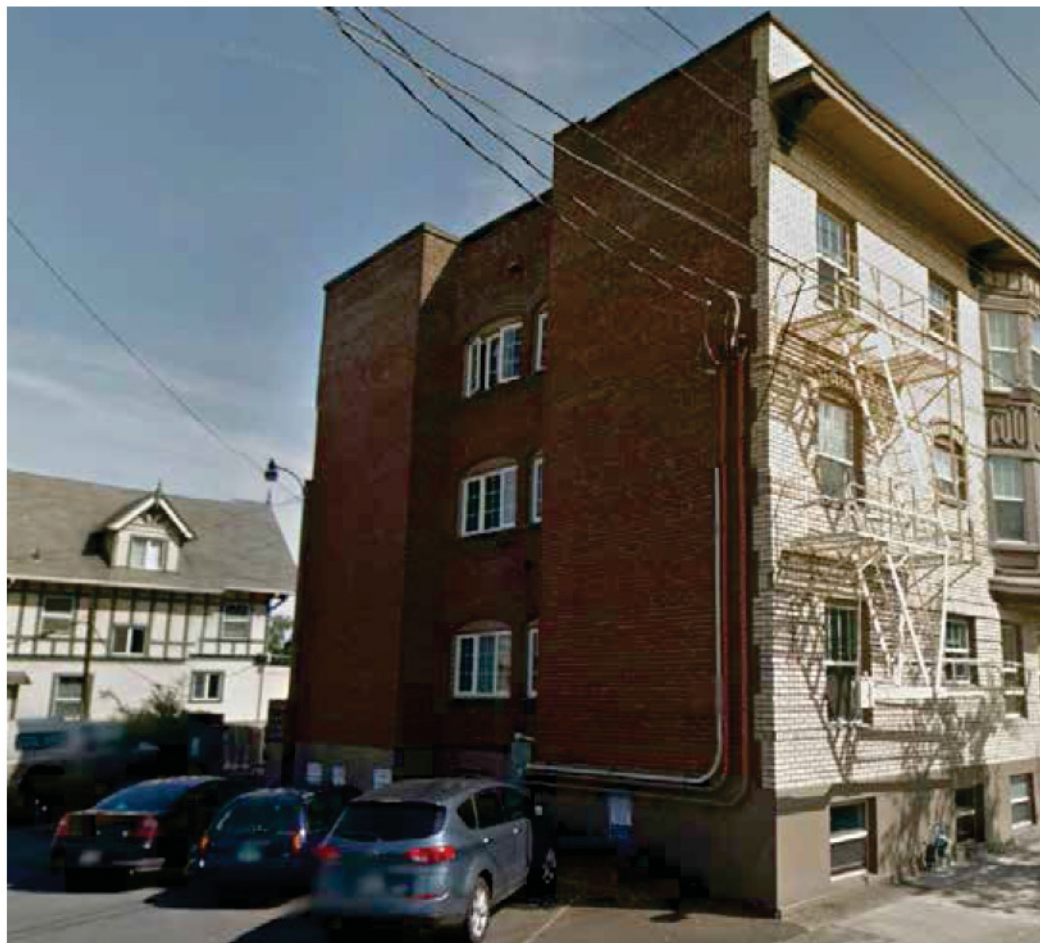


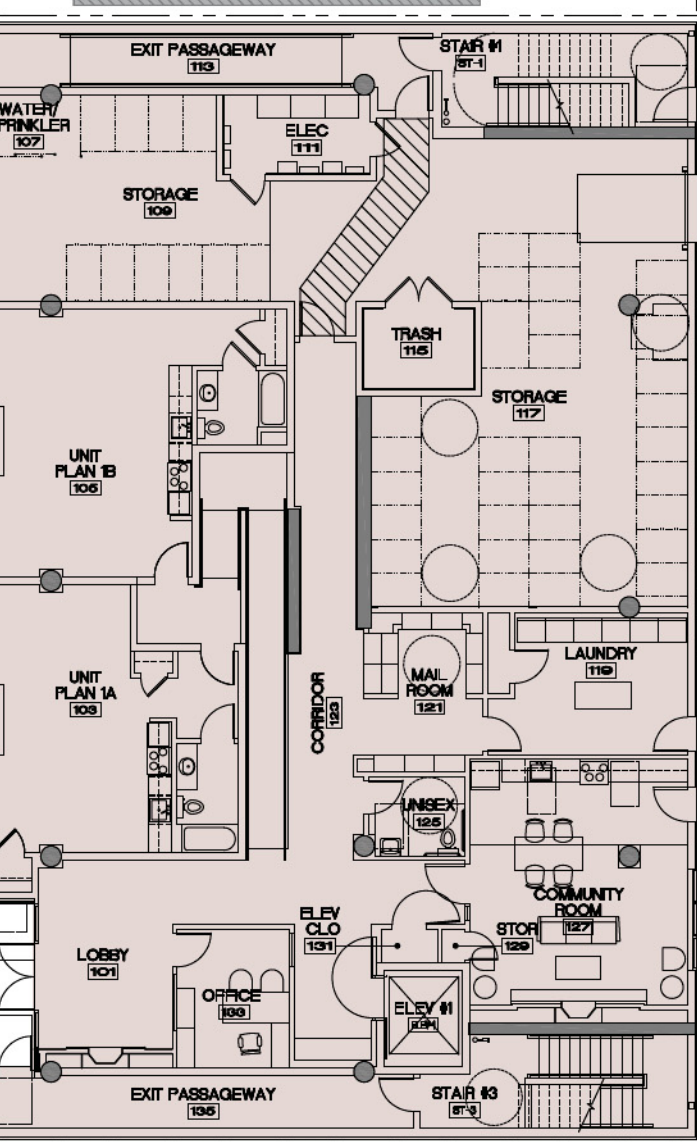
215 NW 22nd Place



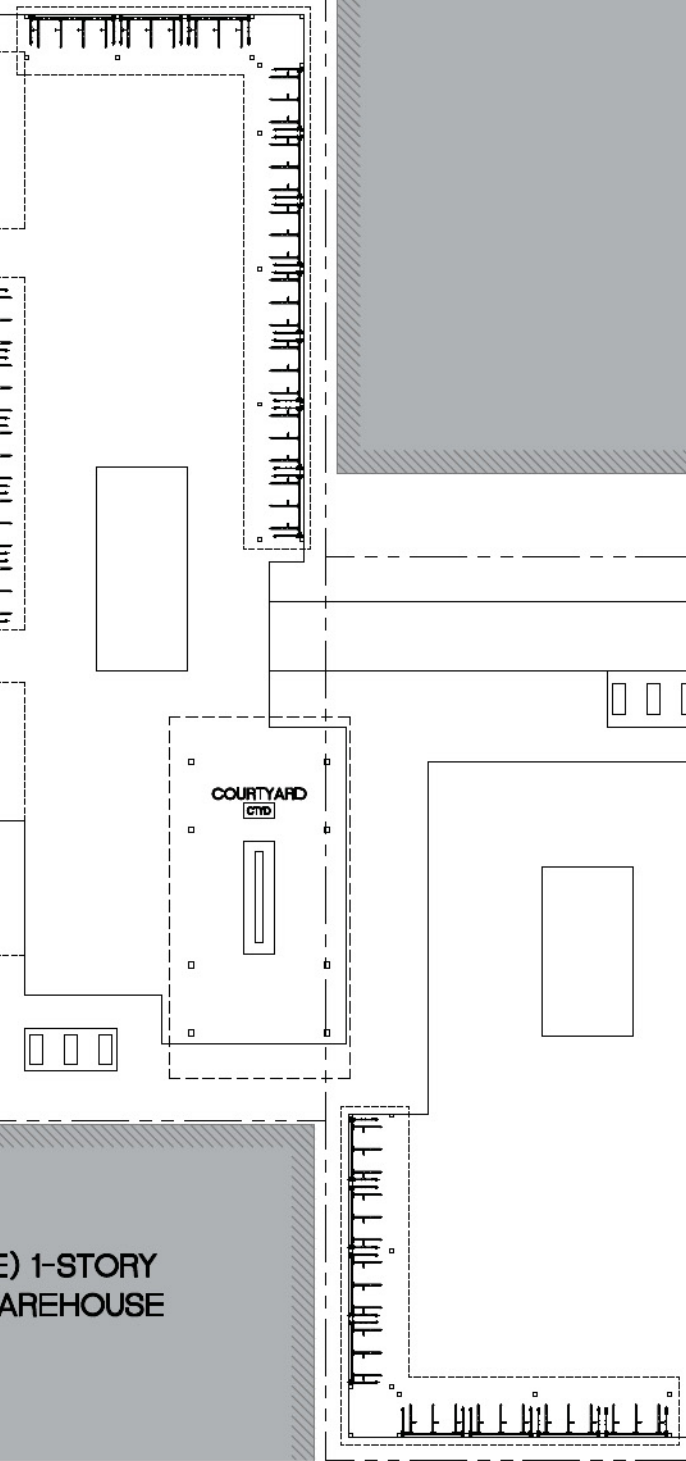


2375 NW Overton

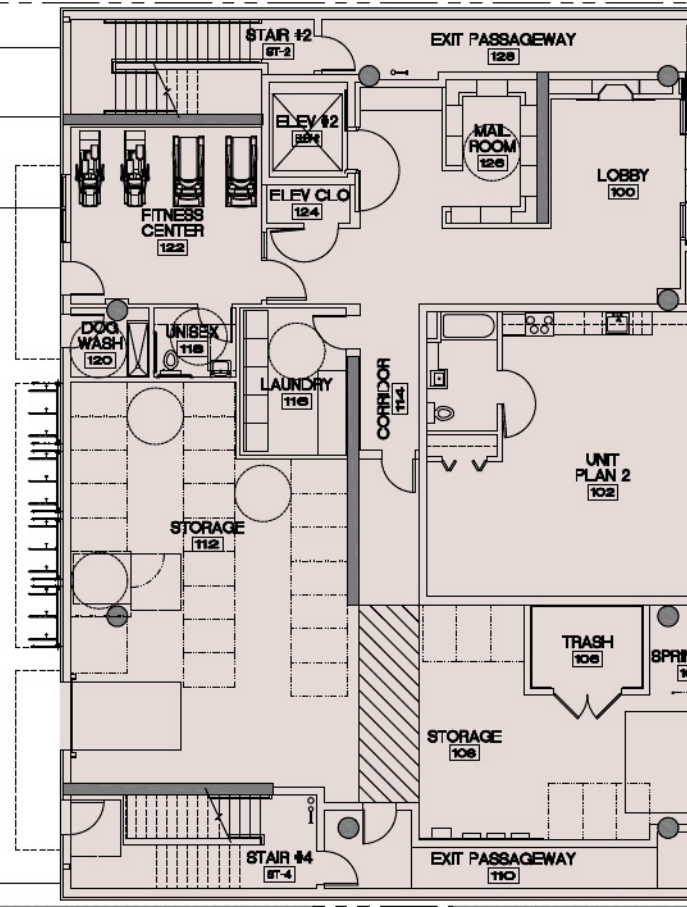




(E) 1-STORY WAREHOUSE



(E) 6-STORY APARTMENTS











Tess O'Brien | Pellgrove

1954





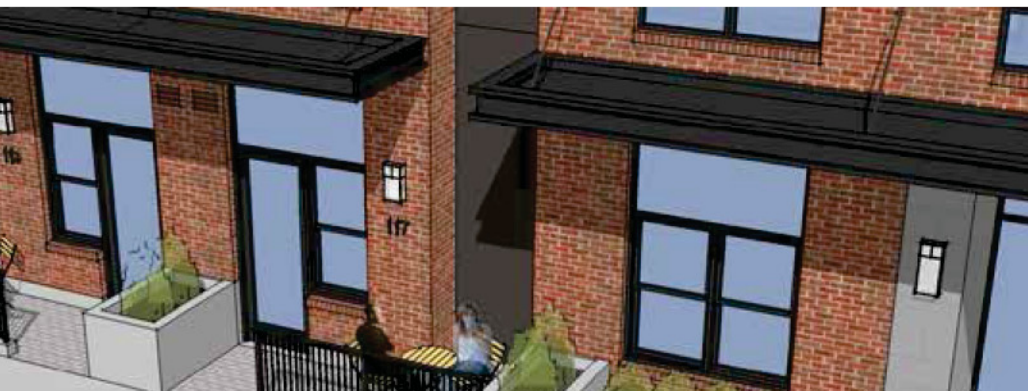




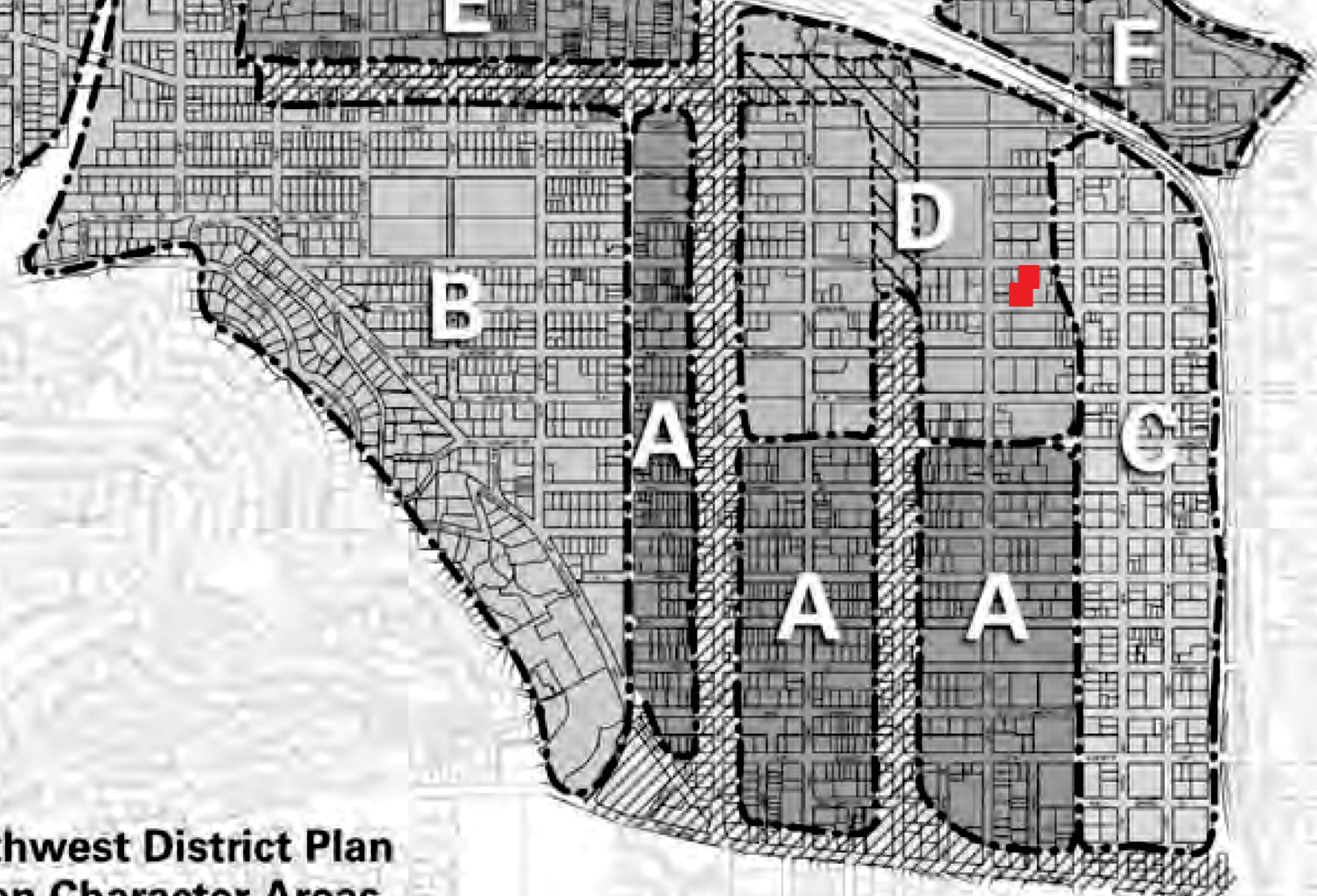
Hearing #1



Hearing #2



- Fiber cement siding eliminated in favor of traditional brick
- Residential units at Pettygrove ground story converted to commercial space
- Overton Building relocated 3 feet to provide 5 foot sidewalk
- Four residential units at Overton ground story converted to commercial space with exterior entry stoops
- Ground floor opening heights raised to 11 feet for both buildings
- Ground floor canopy heights raised for both buildings
- Area added at main entry alcoves to conceal emergency exits for both buildings
- Overhead glass doors to interior bike parking added at both elevations
- Shelters provided at all exterior bike parking
- Overton Building revised to provide 3 feet high stoop for residential units
- Courtyard facade detail provided for recessed span
- Design studies provided of end walls and courtyard to refer more directly to historic precedent



Northwest District Plan
Urban Character Areas



