



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Dan Ryan, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portland.gov/bds

**NOTICE OF A PUBLIC HEARING BEFORE
THE CITY COUNCIL ON AN APPEAL OF THE
PORTLAND DESIGN COMMISSION**

CASE FILE: LU 21-053731 CCMS - RiverPlace Central City Master Plan
WHEN: Thursday, May 26, 2022, 2pm
WHERE: COUNCIL CHAMBERS, 1221 SW FOURTH AVENUE
REMOTE ACCESS: CITY COUNCIL AGENDA
<https://www.portlandoregon.gov/auditor/26997>

Date: April 26, 2022
To: Interested Person
From: Grace Jeffreys, Land User Services, 503.865.6521

A public hearing will be held to consider an appeal of the Design Commission's decision to approve a Central City Master Plan for an 8.03-acre site located in the University/ South Downtown Subdistrict of the Central City Plan District at **150 S MONTGOMERY ST.** The Design Commission's decision of approval has been appealed by Walter Weyler on behalf of the Downtown Neighborhood Association. At the hearing City Council will consider the appeal. You are invited to testify at the hearing.

This will be an Evidentiary hearing, one in which new evidence can be submitted to the City Council. For a general explanation of the City Council hearing process please refer to the last page of this notice.

GENERAL INFORMATION

Appellant: Walter Weyler, Portland Downtown Neighborhood Association
walter_weyler@sequenceusa.com, (503) 490-3907

Applicant: Agustin Enriquez, GBD Architects Inc.
1120 NW Couch St, Suite 300, Portland OR 97209
Agustin@gbdachitects.com, (503) 224-9656

Owner: NBP River Drive Investments LLC
9 SE 3rd Ave #100, Portland, OR 97214-1247

Owner: NBP 0150 S Montgomery LLC
1640 NW Irving St., Portland, OR 97209-2213

Site Address: 150 S MONTGOMERY ST

Legal Description: BLOCK 104&105 TL 1100, PORTLAND; BLOCK 104&105 TL 1000, PORTLAND; LOT 1&2 SPLIT MAP R326736 (R991030290), SOUTH WATERFRONT EXTN; LOT 2 LAND ONLY, CANCEL INTO R273071 / SOUTH WATERFRONT EXTN; TL 1200 3.28 ACRES LAND & IMPS SEE R326737 (R991030291) FOR AIRSPACE SPLIT MAP R273071 (R779900200), SECTION 03 1S 1E

Tax Account No.: R667709430, R667709440, R779900200, R779900250, R991030290
State ID No.: 1S1E03CA 01100, 1S1E03CA 01000, 1S1E03CD 00500, 1S1E03CD 00600, 1S1E03CA 01200

Quarter Section: 3229

Neighborhood: Portland Downtown, contact Wendy Rahm at wwrahm@aol.com

Business District: NONE

District Coalition: Neighbors West/Northwest, contact at admin@nwnw.org.

Plan District: Central City - University District

Other Designations: Master Plan Site

Zoning: **CXd, g*** - Central Employment (CX) with Design (d) and River General (g*) overlays

Case Type: **CCMS** - Central City Master Plan Review

Procedure: **Type III**, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

Proposal:

Central City Master Plan for an 8.03-acre (349,708 square foot) site located in the University/ South Downtown Subdistrict of the Central City Plan District. The Central City Master Plan will establish the framework for future development proposals within the Master Plan boundary (South Harbor Way/ South Harbor Trail, South Montgomery Street, South River Drive and South River Parkway). The site will ultimately be home to approximately three (3) million square feet of new commercial, employment, and residential development, as well as approximately 70,000 square feet of new open space.

The proposed framework includes phased development. "Phase 1" is focused on redeveloping the RiverPlace Athletic Center (RAC) site while maintaining existing RiverPlace Parcel 2 Douglas Apartments and Douglas Townhomes developments to the east of the RAC. The final "Conceptual Buildout" shows redevelopment of the remainder of the site.

A Central City Master Plan Review is required because this site was identified in Map 510-19 of the Portland Zoning Code as requiring a Central City Master Plan Review prior to development of the site.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

- 33.510.255.H [Central City Master Plan] Approval criteria

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. This application was submitted on **June 3, 2021** and was determined to be complete on **August 9, 2021**.

REVIEW BODY DECISION

The following decision was issued on March 16, 2022:

It is the decision of the Design Commission to approve Design Review for a Central City Master Plan for the 8-acre RiverPlace site. The Central City Master Plan will establish the framework for future development proposals within the Master Plan boundary (South Harbor Way/ South Harbor Trail, South Montgomery Street, South River Drive and South River Parkway). The site will ultimately be home to approximately three (3) million square feet of new commercial,

employment, and residential development, as well as approximately 70,000 square feet of new open space.

The full decision is available on the BDS website:

<https://efiles.portlandoregon.gov/Record/15012282/>

APPEAL

The Design Commission decision of approval with condition has been appealed by Walter Weyler on behalf of the Downtown Neighborhood Association. According to the appellants' statement, the appeal of the Design Commission's decision is based on arguments that:

- A. Zoning Code Sections 33.510.255 H1 - Goals and policies of Central City 2035 as well as the University Subdistrict Policies have not been fully addressed. The RPMP decision does not directly address the goals and policies of Central City 2035.
- B. Zoning Code Sections 33.510.255 H1 - University Subdistrict Policies. The Design Commission approval decision primarily addresses connectivity issues, while failing to specifically address numerous University Subdistrict Policies which address the required creation of a vibrant and diverse neighborhood. Because a neighborhood is connected or activated does not necessarily mean that it is diverse. Of special concern is the failure to:
 - 1) encourage residential redevelopment with mixed use and mixed income residential, commercial, retail and hospitality to support PSU growth as required by Policy 1.UD-3;
 - 2) ensure housing diversity by requiring multi-family housing supportive of families and students as required by Policy 2.UD-4;
 - 3) ensure adequate transportation as required by Policy 3.UD-1 (the only evidence presented at hearing was that the Portland streetcar does not have even the current capacity to enhance multimodal access to PSU); and
 - 4) ensure a broad mix of residential, commercial, recreational and boating opportunities which embrace the RiverPlace character as required by Policy 5.UD-3.
- C. Zoning Code Section 33.510.255 H1 subdistrict policy approval criteria: The proposed development does not present evidence that this development complies with additional subdistrict policy approval criteria, including:
 - 1) that it creates a "vibrant and diverse neighborhood" with respect to non-residential elements as required in Policy UD-1;
 - 2) that it increases "tourism, retail and entertainment" as required by Policy 1.UD-2;
 - 3) that the development establishes "complete neighborhoods" as required by Policy 2.UD-1;
 - 4) that it supports a cohesive development, connected to PSU community with successful neighborhood-oriented retail and commercial areas as required by Policy 2.UD-2; and
 - 5) that evening and weekend activity is encouraged by development of active uses in evenings, such as galleries, retail and performance spaces as required by Policy 2.UD-3.

The Design Commission failed to require retail, entertainment or other active uses to the degree necessary to supplement the Phase I uses, which are nearly entirely residential. The result will place a greater demand for vehicles and/or alternative transportation modes to reach the grocery store, the gym, restaurants, and other necessary services.

- D. Zoning Code Section 33.510.255 H2 – The approval decision fails to find actual evidence presented by the Applicant that this development, especially when each phase must stand alone, will ensure:
 - 1) that Block 1 and Block 2 respect the Portland block structure of 200 feet as required by Guideline A3.
 - 2) the "use of unifying elements" required by Guideline A4, so that this development blends into the surrounding neighborhood and that it "compliment the context of existing buildings" in proportion and scale. Phase 1 is clearly inappropriate in context

to existing buildings if the rest of the project never materializes, as there is no guarantee within this approval.

- 3) that the development will “enhance” and “embellish” the existing area by reflecting and building on the existing area’s character as required by Guideline A5; and
 - 4) that the development will “ensure pedestrian protection” as required by Guideline B2. This criterion is not proven especially in Block 1 given that garage access is directly onto a major pedestrian and bicycle route on Montgomery Street which is also especially designated for ADA access.
- E. Zoning Code Section 33.510.255 H 6 – The masterplan application does not demonstrate “easy and safe access to transit”. The Design Commission has accepted PBOT’s conclusion that convenient transit can be located within ¼ mile walking distance of the site and no consideration was made to ADA access, and elevation gains creating barriers to safe access.
- F. Zoning Code Section 33.510.255 H 7 – The masterplan does not provide open areas which are internal and accessible to residents and distributed throughout the site, with connections to the surrounding neighborhood and which enhance visual permeability. All open spaces under Policy 5.UD-5 must be “accessible, usable and engaging spaces for the community rather than remnant areas that do not fit within the envelope for development.
- G. Zoning Code Section 33.510.255 H 8 - There is insufficient evidence presented by the Applicant that the transportation system is capable of supporting the proposed uses in addition to the existing uses in the plan area. As to vehicular usage in this difficult geographic location which already has bottle necks, the trip caps of the TIS:
- 1) fails to accurately incorporate the existing and planned development in the South Waterfront area and instead relies upon a presumptive and inaccurate 1% per year growth modeling assumption,
 - 2) fails to provide evidence of adequate automobile and transit connectivity to the University District and the rest of the city,
 - 3) fails to consider real world transit capacity, availability, convenient routing (see above) and,
 - 4) provides no mitigation to ameliorate the impact of this project on the central city’s transportation system.
- H. Zoning Code Section 33.510.210 D3 - Height Standards are not addressed as part of the RiverPlace Central City Masterplan review as promised by City Council in its Findings after the passage of Ordinance 189001. To the contrary, the Applicant presumes that the height opportunities established by that Ordinance are its right and has presented no evidence of meeting the above requirement. The Design Commission decision fails to address this shortcoming with respect to the height requirements.

The full appeal statement can be viewed in the notice located on the BDS website at <https://www.portlandoregon.gov/bds/35625>. Click on the District Coalition then scroll to the relevant Neighborhood and case number.

Review of the case file: The file and all evidence on this case are available for your review by making a request online or contacting me.

- If you would like to request a copy of the file online, please visit <https://www.portlandoregon.gov/bds/54732>. The fee for this service varies based on the size of the case file and how long it would take to scan or copy documents.
- I can provide some information over the phone or through email.

We are seeking your comments on this proposal. The hearing will be held before the City Council. To comment, you may write a letter in advance, or testify at the hearing. In your comments, you should address the approval criteria, as stated above. Please refer to the file number when seeking information or submitting testimony. Written comments **must be received by the end of the hearing** and should include the case file number and the name

and address of the submitter. It must be given to the Council Clerk, in person, or mailed to 1221 SW Fourth Avenue, Room 140, Portland, OR 97204. A description of the City Council Hearing process is attached.

If you choose to provide testimony by electronic mail, please direct it to the Council Clerk at CCTestimony@portlandoregon.gov . Due to legal and practical reasons, City Council members cannot accept electronic mail on cases under consideration by the Council. Any electronic mail on this matter must be received no less than one hour prior to the time and date of the scheduled public hearing. The Council Clerk will ensure that all City Council members receive copies of your communication.

City Council's decision is final. Any further appeal must be filed with the Oregon Land Use Board of Appeals (LUBA). Failure to raise an issue in a hearing, in person or by letter, by the close of the record or at the final hearing on the case or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the City Council, they may not be able to respond to the issue you are trying to raise. For more information, call the Auditor's Office at (503) 823-4086.

If you have a disability and need accommodations, please call 503-823-4085 (TDD: 503-823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.

Attachments

1. Zoning Map
2. Site Plan, Building Envelope Diagrams, Summary of Phases, Conceptual Buildout, Active Frontages, Open Areas
3. City Council Appeal Process
4. Appeal Statement (on-line version only)