

Preserve The Pearl

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To: The Pearl District Neighborhood Association
Attn: Patricia Gardner, President
c/o Neighbors West/Northwest
2257 NW Raleigh Street
Portland, OR 97210

Re: PNCA Development, Pearl Block 136

June 6th, 2014

Dear Ms Gardner:

As the President of the Pearl District Neighborhood Association and the Chair of the Planning and Transportation Committee, we are writing to ask that the Planning and Transportation Committee formally consider the development of Pearl Block 136, the PNCA building. Time is of the essence since, as you are aware, this proposed development has already gone through two Design Application Review hearings and the next step will very likely be a formal submission for Type III approval.

While you voiced your personal opinions at the recent DAR, it is important for the integrity of the PDNA that a fair hearing be conducted by the Planning and Transportation Committee where affected residents are provided notice of the agenda item and where those residents may be heard.

Frankly, we expect the Planning Commission to ultimately disregard our request to preserve the unique quality of our little part of the Pearl. However, given the clear design guidelines that are being ignored, the misinterpretation of the applicable statute by the Commission, and certain procedural failings that have already occurred, we believe there exist solid grounds for an appeal of this anticipated decision. Any appeal would go first to the Portland City Council and then to the State of Oregon Land Use Board of Appeals (LUBA). After exhausting administrative remedies, a suit challenging the entire process could then be filed in state court.

Since the PDNA is our designated representative by the Office of Neighborhood Involvement (ONI), clearly the PDNA needs to be involved in this process. We trust your 'Letter of Recognition' by ONI is current and that you are meeting the 'minimum standards' of PCC Chapter 3.96 in the operation of the PDNA.

Given the time limitations involved, we request a three-part procedure. First, there must be a meeting of the Planning and Transportation Committee where affected residents may be heard and the members of the Committee can begin to assess the current proposal.

This should occur as soon as possible since it would appear that the developer intends to move quickly on their application.

Upon the developer's filing of their Type III proposal but prior to the Planning Commission hearing, a second meeting of the Committee must take place where a vote is taken to either support or oppose the application, or make no comment. If the vote is to oppose, we would request the Committee designate a representative to appear at the Planning Commission hearing and address the specific design criteria at issue.

Finally, in the event that the PDNA opposes the development **and** the Planning Commission approves the Type III application of the developer, a third meeting would need to be noticed immediately upon receiving the Commission's decision. The purpose of this third meeting would be to consider the filing of an appeal of the Commission's decision. The time from when a decision is issued to when an appeal must be filed can be as short as 14 days. This is all the more reason to get this entire process going as soon as possible.

Since the PDNA is an organization recognized by the ONI, it is entitled to a waiver of the appellate fee under Portland City Code 33.750.050. The application for the fee waiver sets forth certain conditions:

1. The PDNA testified at the Type III hearing and addressed the specific approval criterion;
2. The appeal is made on behalf of the PDNA;
3. The vote to appeal was done in accordance with the PDNA bylaws.

Because the PDNA is subject to the public meetings act, we request the third meeting be noticed to the public at large via a posting on the PDNA website, to all affected residents (basically, all members of the PDNA via email and the residents of the buildings within a four block radius of the development via a posting at each building), and finally to the developer, as an interested party, via email and a notification via the USPS.

After consideration of the development and the decision of the Commission at the third meeting, a vote should be taken on whether or not to appeal the Commission's approval. If the Committee votes to appeal, the appeal form and the request for fee waiver may be filed at the same time.

So that we may better engage with the PDNA (of which many of us are members), we request that you provide us with the following as soon as possible:

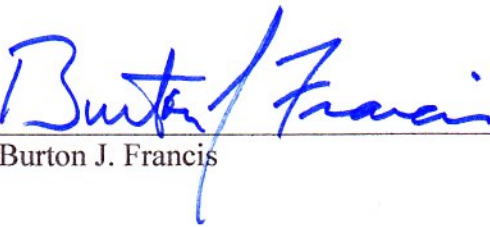
1. A copy of the PDNA articles of incorporation, bylaws and any other rules the PDNA operates by;
2. The names and contact information of all members of the Planning and Transportation Committee;
3. A summary of what notice, if any, you provided under the public meetings and records act to the affected persons (e.g., residents of the Riverstone, Johnson

Street Townhomes, The Marshall Wells, and the Edge Lofts) when you met with the developer regarding Block 136 at your November 2014 and April 2014 meetings.

We have no idea whether you have gone through this process before; it is a lot to digest. Inconvenient as it may be, it is the obligation of the PDNA as an ONI designated organization to represent the interests of the Pearl district residents. As such, your prompt attention to this matter is most appreciated. A response to our email address is acceptable: PreserveThePearl@riseup.net

Sincerely,

Preserve The Pearl

By: 
Burton J. Francis