



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Ave. Suite 5000
Portland, Oregon 97201
Telephone: 503-823-7300
TDD: 503-823-6868
FAX: 503-823-5630
www.portlandonline.com/bds

Date: July 24, 2008
To: Interested Person
From: Staci Monroe, Land Use Services
503-823-7870 / Staci.Monroe@ci.portland.or.us

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-136590 DZ DESIGN REVIEW FOR NEW LOUVER VENTS

GENERAL INFORMATION

Applicant: Block 16 LLC
1022 NW Marshall St #270
Portland, OR 97209-2989

Representative: Janet Monda (architect), 425-823-2244
Architectural Werks, Inc.
12020 113th Ave NE Suite 210
Kirkland, Wa 98034

Site Address: 1255 NW 9TH AVENUE

Legal Description: LOT C-01, PINNACLE CONDOMINIUMS
Tax Account No.: R659525310
State ID No.: 1N1E34BB 70379
Quarter Section: 2929
Neighborhood: Pearl District, contact Patricia Gardner at 503-228-3273.
Business District: Pearl District Business Association, contact Adele Nofield at 503-223-0070.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - River District
Zoning: EXd - Central Employment Zone with Design overlay
Case Type: DZ - Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant seeks Design Review for new louver vents on the exterior façade of the building for mechanical ventilation of the interior tenant space. The four vents would be located as follows:

- One 12"x30" vent on the north façade above the storefront set within the brick;
 - One 12"x30" vent on the south façade above the storefront set within the metal panel;
- and

- Two 12"x12" vents on the west façade between two storefront bays set within the brick.

The vents would match the existing vents on the building in type, color (gray) and installation.

Exterior alterations to existing development with a Design "d" overlay and within the Central City Plan District require Design Review.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines
- River District Design Guidelines

ANALYSIS

Site and Vicinity: The 40,000 square foot site is bordered by NW Northrup and NW Overton Streets and NW 9th and NW 10th Avenues. It is now vacant, but will be developed with a mixed-use structure in the near future. Converted warehouses, high-rise condominium buildings, new restaurants, galleries, and shops characterize the area to the south. Lands to the north and west are undeveloped between the site and the railroad tracks parallel to NW Naito Parkway.

Zoning: Central Employment. This zone implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.

The Design (d) overlay zone designation also ensures that exterior alterations to existing development conserve and enhance the identified historic, scenic, architectural, and cultural values of each design district.

Land Use History: City records indicate that prior applicable land use reviews include the following:

- **PC 7948 PC:** Approval of a 1979 Zone Change & Master Plan Review with Conditions.
- **DZ 91-89 DZ:** Approval of a 1989 Railroad Area Master Plan Review with Conditions.
- **LUR 92-00798 MS, LA:** Approval of a 1992 Master Plan Amendment and late Acceptance Review of ZC 7948 & DZ 91-89 with Conditions.
- **LUR 99-00542 SU, MS:** Approval of a 1999 Subdivision Review to create 43 lots with new street; Amendment to Glacier Park Company/Hoyt Street Yards Master Plan (approved 11/7/89); Development Agreement between City of Portland & Hoyt Street Properties, LLC (approved 9/8/97 & 3/12/99). Approval with Conditions.
- **LU 03-100642 DZM:** Approval of 2003 Design Review with modifications for mixed-use project with 179 dwelling units, ground level retail space, one level of below grade residential parking (197 spaces), a corner retail pavilion, and an L-shaped courtyard.
- **LU 03-158491 DZM:** Approval of 2003 Design Review for numerous minor revisions to the exterior including the final design for the northeast corner of the site and landscaping treatments for The Pinnacle Condominiums.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **June 30, 2008**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau

- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division
- Bureau of Transportation Engineering

The Plan Review Section of BDS provided a response. Details of their response are attached as Exhibit E-1.

- Based on the information provided, there appears to be no conflicts between the proposal and applicable building codes for the purposes of obtaining an LU approval.
- A separate Building Permit is required for the work proposed and the work must be designed to meet all applicable building codes and ordinances. More information regarding building code requirements can be obtained by visiting the Bureau of Development Services Development Services Center -1900 SW 4th Ave, 1st floor, between the hours of 7:30 AM and 3:00 PM Monday through Friday and also 5:00 PM to 7:30 PM Thursday evening (no appointment necessary.) Building Code information is also available online at: <http://www.portlandonline.com/bds/>, or by calling (503) 823-1456.
- A separate Mechanical Permit is required for the work proposed. OMSC 106.1

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 30, 2008. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Central City Fundamental Design Guidelines and River District Guidelines.

River District Design Guidelines and Central City Fundamental Design Guidelines

The River District is planned to become a place that is remarkable within the region. The area is intended to grow rich with special and diverse qualities that are, or will become characteristic of Portland. Further, the River District will accommodate a significant portion of the region's population growth. The plan calls for the creation of a new community of dense neighborhoods, housing a resident population of over 15,000 people, and providing jobs, services, and recreation to this population and others. This area is intended to emphasize the joy of the river, connections to it, and create a sense of community. The goals frame the urban design direction for Central City and River District development.

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian

environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

River District Design Goals

1. Extend the river into the community to develop a functional and symbolic relationship with the Willamette River.
2. Create a community of distinct neighborhoods that accommodates a significant part of the region's residential growth.
3. Enhance the District's character and livability by fostering attractive design and activities that give comfort, convenience, safety and pleasure to all its residents and visitors.
4. Strengthen connections within River District, and to adjacent areas.

Central City Plan Design Goals

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

C4. Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.

Findings for A4 and C4: The addition of vents within a storefront is a common feature in the ground floor commercial façade of mixed use buildings. Interior improvements for new commercial tenants often result in the need for ventilation of mechanical units that operate within the space. Exhausting these units up through the roof is not always an option for buildings with residential units on the upper floors. Incorporating the vents within the storefront bay and window pattern, as proposed, is consistent with the mixed use buildings within the Pearl District. *These guidelines are therefore met.*

A8. Contribute to a Vibrant Streetscape. Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

Findings: The new vents will not reduce or remove any existing storefront glazing and thus will maintain the vibrancy of the streetscape along the north, south and west elevations. *This guideline is therefore met.*

B1. Reinforce and Enhance the Pedestrian System. Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone,

movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

B1-1. Provide Human Scale to Buildings along Walkways. Provide human scale and interest to buildings along sidewalks and walkways.

Findings for B1 and B1-1: The 12"x30" vents on the north and south elevations are located above the storefront glazing above the pedestrian environment. The two dryer vents located lower to the ground are smaller in size (12"x12") than the other vents and thus less perceptible. The gray color of the vents, matching the gray within the brick and the metal panels on the building's exterior, and the flush installation will further reduce the visibility and impacts on the pedestrian system. *These guidelines are therefore met.*

C2. Promote Quality and Permanence in Development. Use design principles and building materials that promote quality and permanence.

Findings: The louvered vents match the existing vents of the same material and installation method. The vents are constructed of aluminum which is durable material that can be easily maintained with a coat of paint. A flange on the exterior face of the vents provides a uniform and clean transition between the vent and brick and metal panel. *This guideline is therefore met.*

C3. Respect Architectural Integrity. Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

C5. Design for Coherency. Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

C8. Differentiate the Sidewalk-Level of Buildings. Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.

Findings: The new vents are compatible with the existing vents in terms of type and location and result in a coherent composition on the ground level façade. The two vents on the north and south elevations will be located above the existing storefront and centered horizontally within each bay to match the existing vents. This location above the pedestrian environment yet within the ground level assists in defining the sidewalk level of the building as well incorporates these features within the established rhythm of the storefront. In addition to matching the location, the color (gray), material (aluminum), size (12"x30") is also the same as the existing vents. The dryer vents adjacent to the storefront are vertically centered with the lower window helping to balance this feature on the west façade. The reduced size of these two vents also assists in limiting their visibility. *These guidelines are therefore met.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The louvered vents match the existing vents on the building's façade resulting in a coherent composition. The proposal meets the applicable design guidelines and therefore warrants approval.

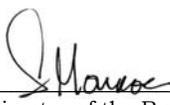
ADMINISTRATIVE DECISION

Approval of 4 louvered vents as follows:

1. One 12"x30" vent on the north façade above the storefront set within the brick;
2. One 12"x30" vent on the south façade above the storefront set within the metal panel; and
3. Two 12"x12" vents on the west façade between two storefront bays set within the brick.

Per the approved site plans, Exhibits C-1 through C-5, signed and dated 7/22/08, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-136590 DZ. No field changes allowed."

Decision rendered by:  on July 22, 2008
By authority of the Director of the Bureau of Development Services

Decision mailed: July 24, 2008

Staff Planner: Staci Monroe

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on June 12, 2008, and was determined to be complete on **June 26, 2008**.

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. Therefore this application was reviewed against the Zoning Code in effect on June 12, 2008.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, applicant did not waive or extend the 120-day review period.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the

permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 7, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed,* The final decision may be recorded on or after **August 8, 2008 – (the day following the last day to appeal).**
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

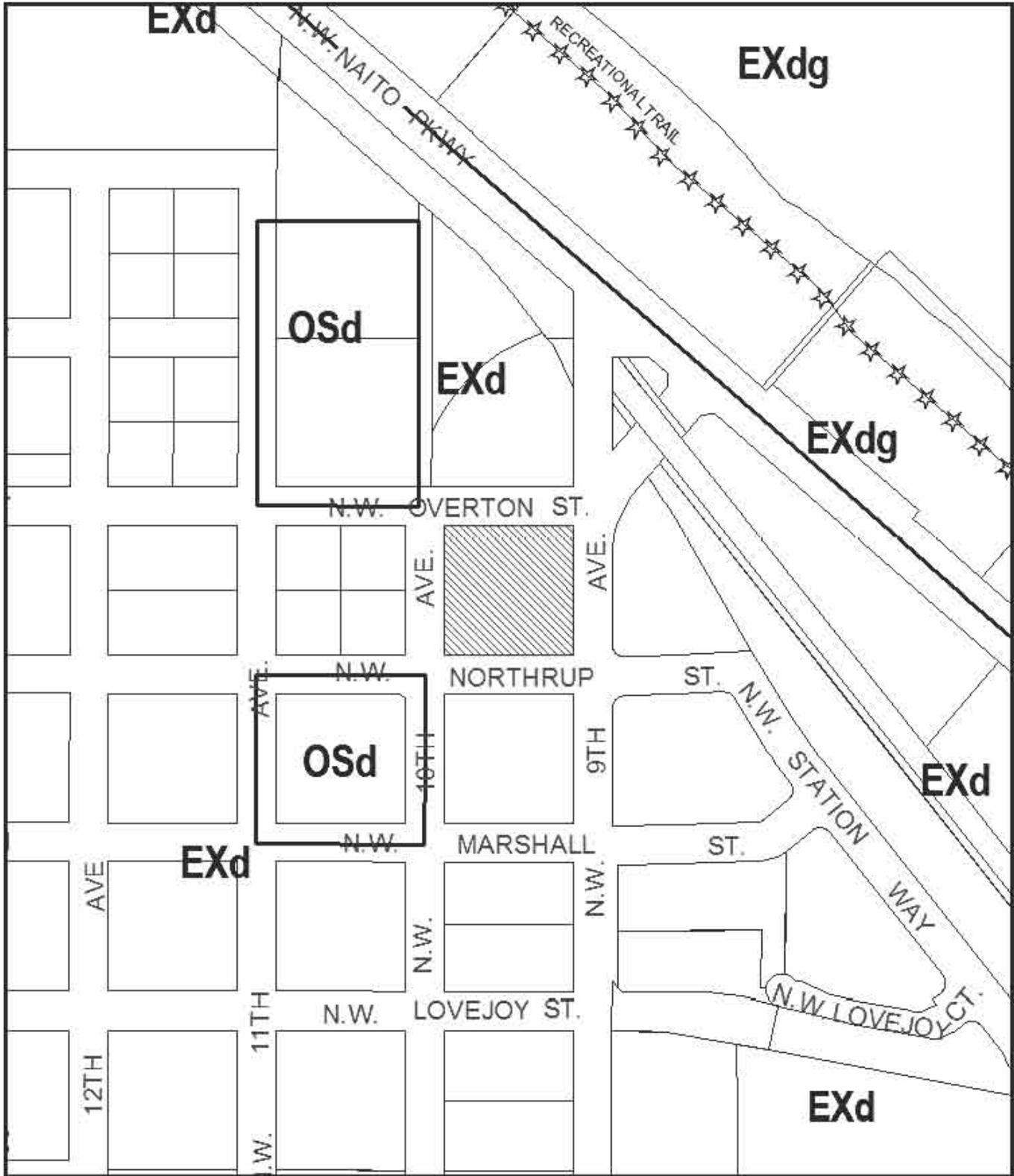
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. North Building Elevation (attached)
 - 3. South Building Elevation (attached)
 - 4. West Building Elevation (attached)
 - 5. Louver Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Plan Review Section of BDS
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING

 Site



This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No. LU 08-136590 DZ
 1/4 Section 2929
 Scale 1 inch = 200 feet
 State Id 1N1E34BB 70000
 Exhibit B (Jun 16, 2008)

LM08-136590 D2

Approved

City of Portland - Bureau of Development Services

Planner SMA Date 7/22/08

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

INSTITUTIONAL WORKS
1033 NE CEDAR WAY
SUITE 200
PORTLAND, OREGON 97232
PHONE: 503.253.1111 FAX: 503.253.1111

CONSULTANT:

SEAL ARCHITECT
ARCHITECT
REGISTERED ARCHITECT
STATE OF OREGON
1250 NW 10th Avenue
Portland, OR 97209

PEARL ANIMAL HOSPITAL
Pinnacle Bldg, by Hoyt St. Prop.
1250 NW 10th Avenue
Portland, OR 97209

DESIGNED BY	DATE
DRAWN BY	DATE
CHECKED BY	DATE
REVISIONS	DATE

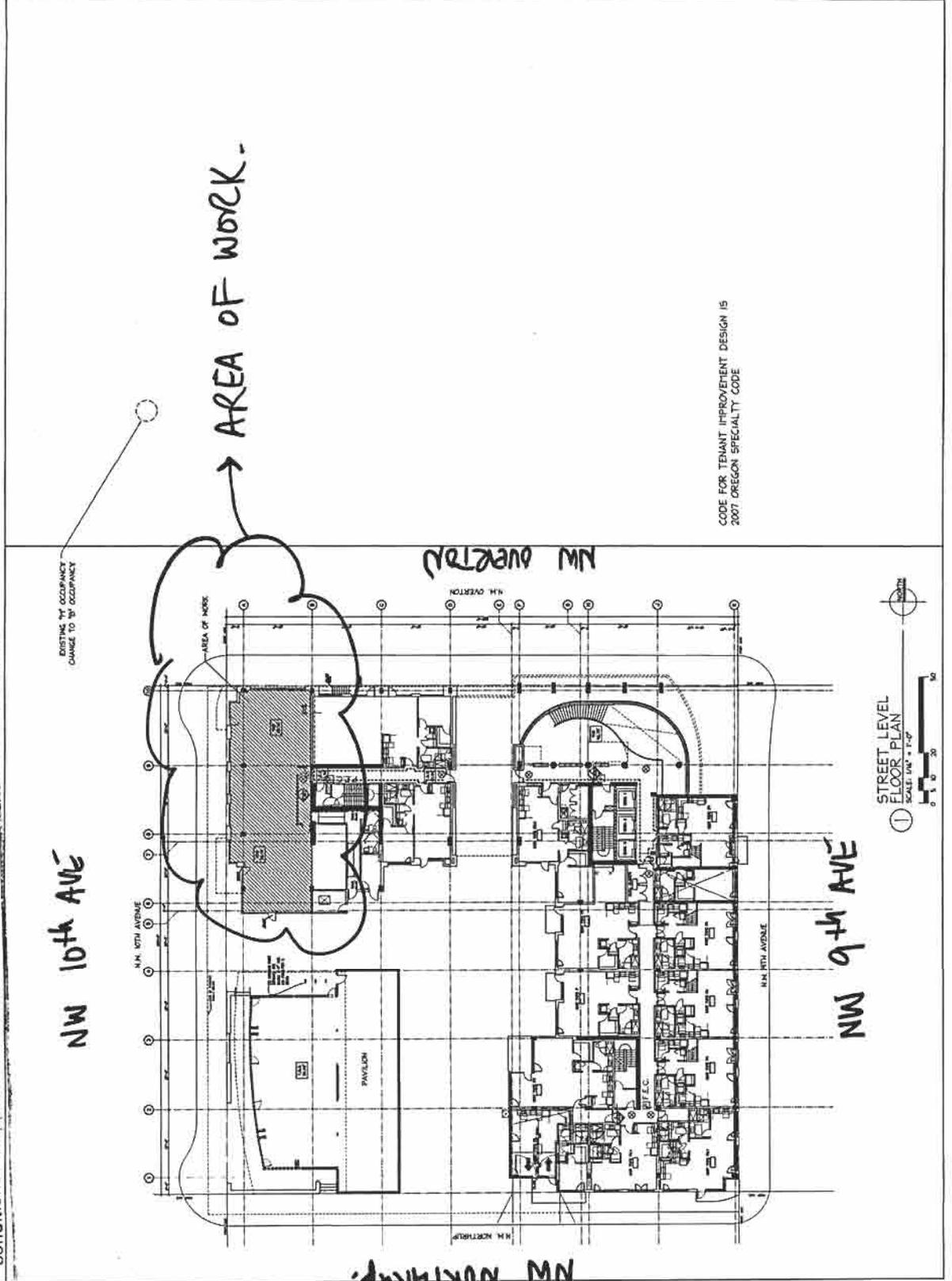
SHEET TITLE

LIFE SAFETY

PERMIT/3RD SET

SHEET NUMBER

A0.3



CASE NO. 08-136590 D2
EXHIBIT C-1

Pearl Animal Hospital

7/9/08

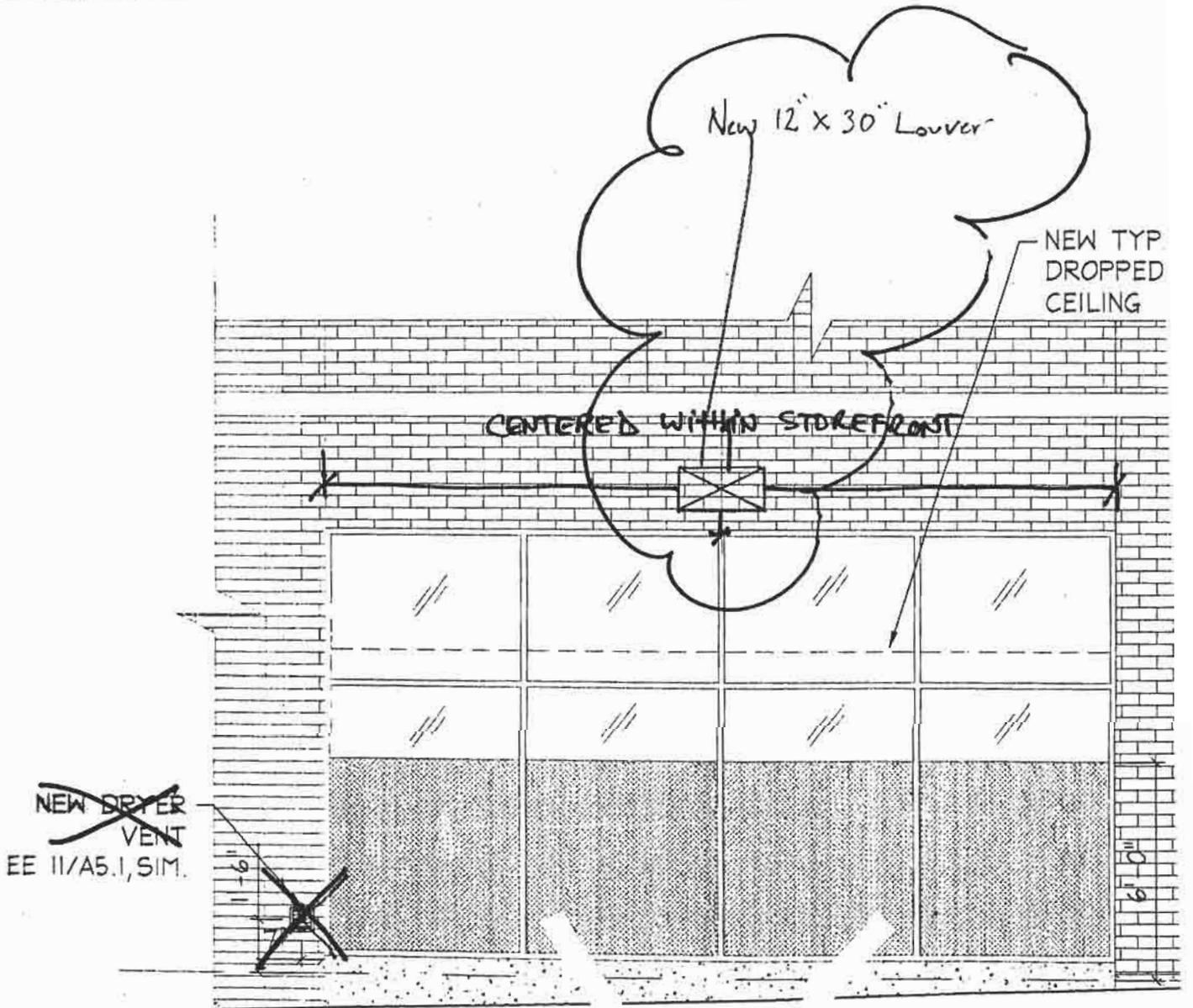
Approved

City of Portland - Bureau of Development Services

Planner SM Date 7/22/08

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

North Elevation



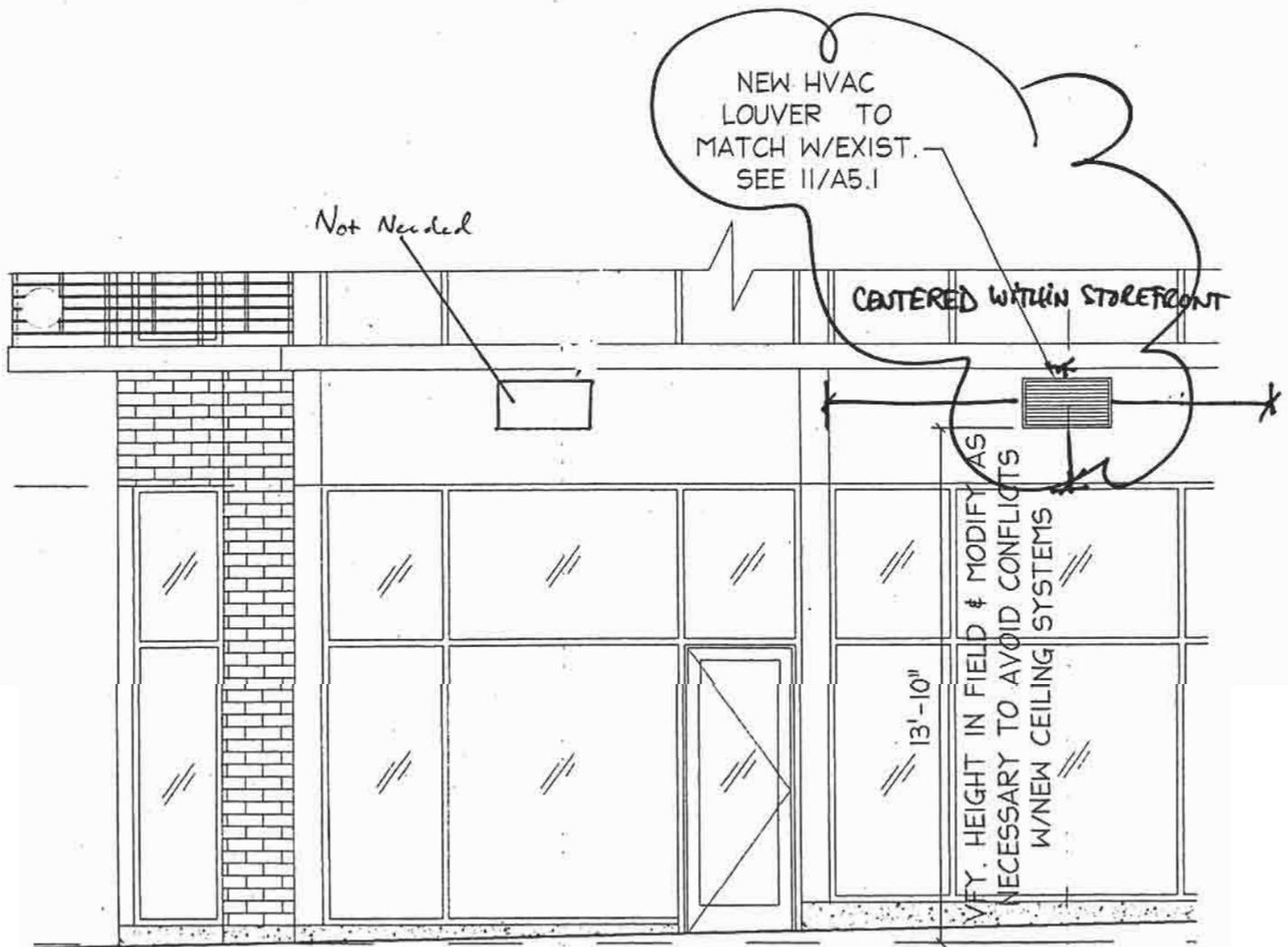
CASE NO. 08-136590 AZ
 EXHIBIT C-2

Pearl Animal Hospital

7/9/08

Approved
City of Portland - Bureau of Development Services
Planner S. Man Date 7/22/08
* This approval applies only to the reviews and studies subject to conditions of approval. Additional zoning

South Elevation



CASE NO. 08-136590 02
EXHIB. C-3

Pearl Animal Hospital

Approved
City of Portland - Bureau of Development Services

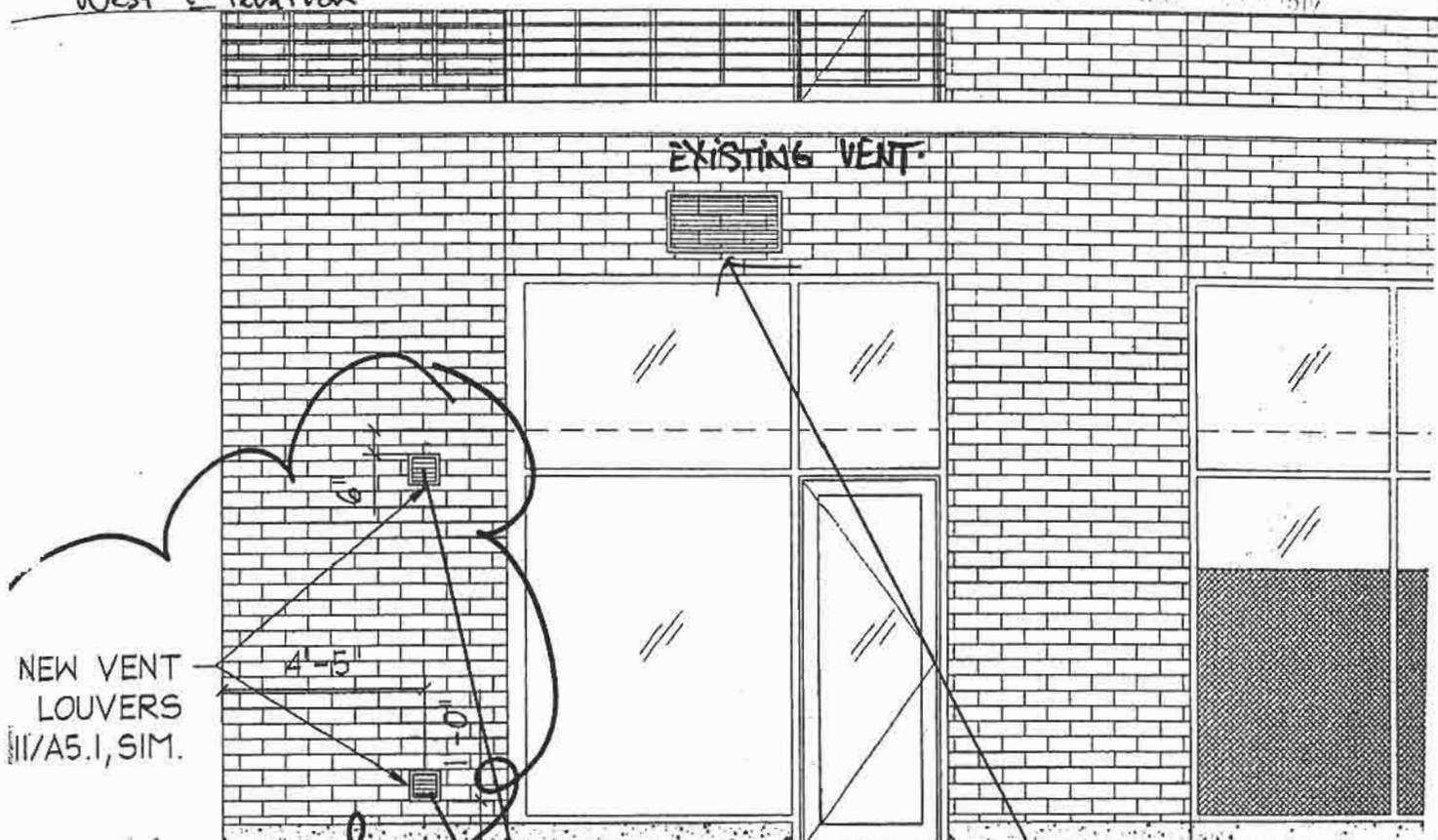
7/9/08

Planner S. Man

Date 7/22/08

* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

West Elevation



12" x 12" Medgas Louvers

- Style to match existing 12x30 above on the same wall

WEST ELEVATION

CASE NO. 08136590 DZ.
EXHIBIT C-4

Approved

City of Portland - Bureau of Development Services

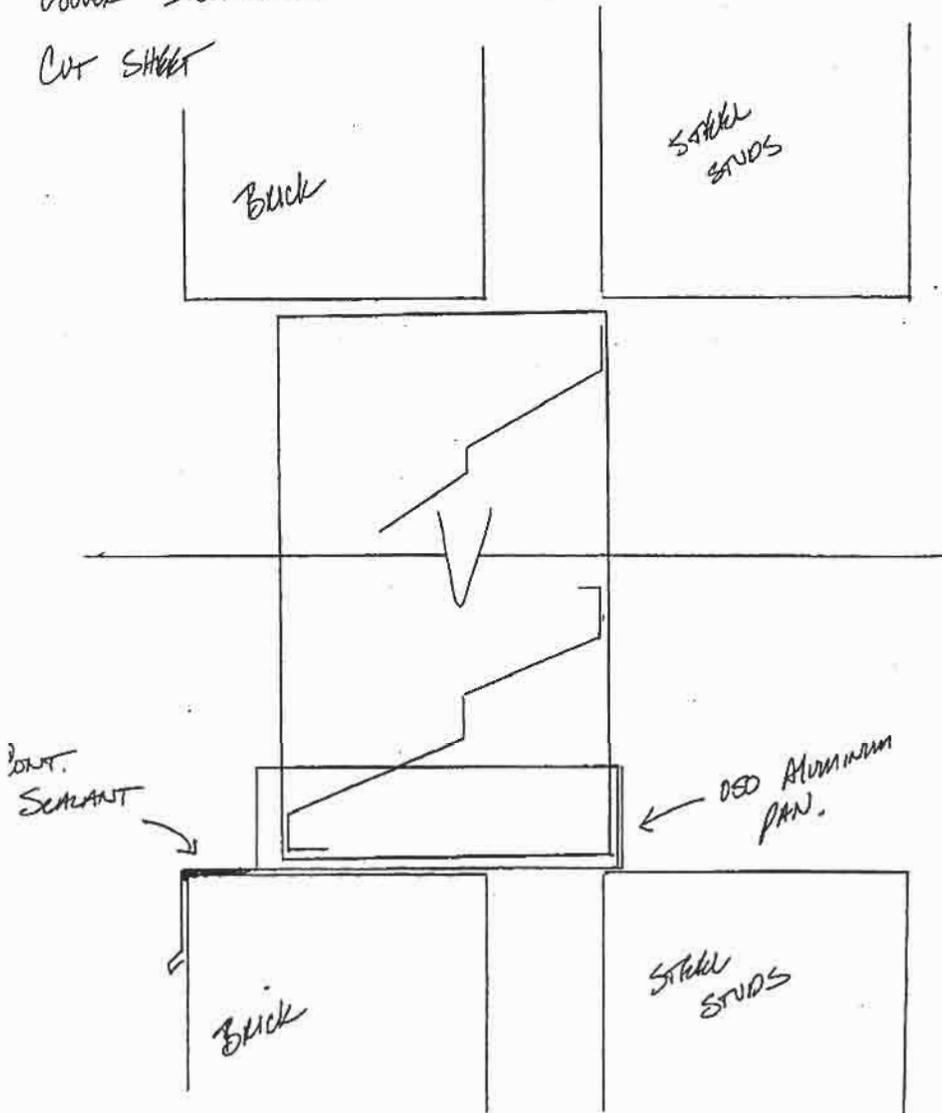
Planner SM Date 7/22/08

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

JUN-26-2008 09:20 5036668189

P. 04/05
6/26/08

SKYLINE SHEET MATERIAL
LOUVER INSTALLATION
CUT SHEET



CASE NO. 08-136590 02
EXHIBIT C-5