



City of Portland, Oregon
Bureau of Development Services
Land Use Services

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Portland, Oregon 97201
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TTY 503-823-6868
www.portlandonline.com/bds

Date: July 22, 2010
To: Interested Person
From: Chris Caruso, Land Use Services
503-823-5747 / Christine.Caruso@portlandoregon.gov

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 10-145173 DZ
903 NW DAVIS ST. DOOR

GENERAL INFORMATION

Applicant: Raphael Goodblatt
5010 SW Mitchell St
Portland, OR 97221

Representative: Jon Naviaux
Heart Of The Pearl, LLC
33470 Chinook Plaza, PM B209
Scappoose, OR 97056

Site Address: 223-233 NW 9TH AVE

Legal Description: BLOCK 63 LOT 1&4 E 1/2 OF LOT 2&3, COUCHS ADD
Tax Account No.: R180205670, R180205730
State ID No.: 1N1E34CB 06300, 1N1E34CB 06200
Quarter Section: 3029

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 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 approval for the installation of one insulated metal exit door with wood and glass transom in an existing opening on the east building façade facing NW 9th Avenue. The new door and transom will match the existing door to the east in style, profile, and

surrounding trim but will have no exterior hardware. The door's proposed location means it will extend over the public sidewalk when fully open. This requires a building code appeal which has been approved. The building is located in the River District of the Central City Plan District and has a design overlay which requires this proposal to go through 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 criteria are:

- 33.825 Design Review
- River District Design Guidelines
- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The 6,000 square foot lot is located on the corner of NW Davis Street and NW 9th Avenue and contains two one story warehouses that have been converted to retail use. The site is one-half block east of the Portland Streetcar which has a stop at NW 10th and Everett. NW 9th Avenue is a City Bikeway. NW Davis Street is a Local Service Bikeway and the site is within the Northwest Triangle Pedestrian District.

Zoning: The Central Employment (EX) 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 “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review.

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

- LU 05-106110 DZ, approval of rooftop mechanical units
- LU 03-161641 DZ, approval of tensile fabric awnings
- LU 02-142861 DZ, approval of exterior façade improvements
- LU 02-132820 DZ AD, approval of a paved pocket park for art displays

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **June 28, 2010**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division
- Site Development Review Section of BDS

The Life Safety Review Section of BDS had the following comment: Doors and windows shall not open or project into the public right-of-way. OSSC 3202.2. Alternative methods may be approved by the Administrative Building Code Appeal Board. For information about the building code appeal process, please view our web site at <http://www.portlandonline.com/bds/index.cfm?c=34196>. OSSC 104.10 and 104.11

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 28, 2010. 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 a remarkable place within the region. The area is rich with special and diverse qualities that are characteristic of Portland. Further, the River District accommodates a significant portion of the region's population growth. This area emphasizes the joy of the river, connections to it, and creates a strong 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.

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. This guideline may be accomplished by:

- 1) Providing street furniture outside of ground floor retail, such as tables and chairs, signage and lighting, as well as large windows and balconies to encourage social interaction.
- 2) Providing stoops, windows, and balconies within the ground floors of residential buildings.

B7. Integrate Barrier-Free Design. Integrate access systems for all people with the building's overall design concept.

Findings for B1, B1-1 & B7: The new door is for emergency exiting only and will not open onto the sidewalk with any regularity. The existing pedestrian travel route past the building, the existing sidewalk amenities will remain in place as will the accessible entries into the building. *These guidelines are therefore met.*

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

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.

Findings for C2, C3 & C5: The new door respects the original character of the existing building and will integrate well by matching an adjacent door in style, profile, trim, and placement within the wall. The metal, wood, and glass used in the door and transom are all proven durable materials that promote quality and permanence in this urban setting. *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 new door and transom are quality durable pieces that fit within the architectural composition of the building. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations to the 903 NW Davis Street building in the River District of the Central City Plan District. Alterations include:

- One insulated metal exit door with wood and glass transom above placed in an existing opening on the east building façade facing NW 9th Avenue;
- The new door and transom will match the existing door to the east in style, profile, and surrounding trim and will have no exterior hardware;

Approved per the approved site plans, Exhibits C-1 through C-4 signed and dated July 20, 2010, 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.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-145173 DZ. No field changes allowed."

Staff Planner: Chris Caruso

Decision rendered by:  **on July 20, 2010.**
By authority of the Director of the Bureau of Development Services

Decision mailed: July 22, 2010

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 11, 2010, and was determined to be complete on **June 24, 2010.**

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 11, 2010.

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, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: October 26, 2010.**

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 5, 2010** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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 call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, 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 6, 2010 – (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:

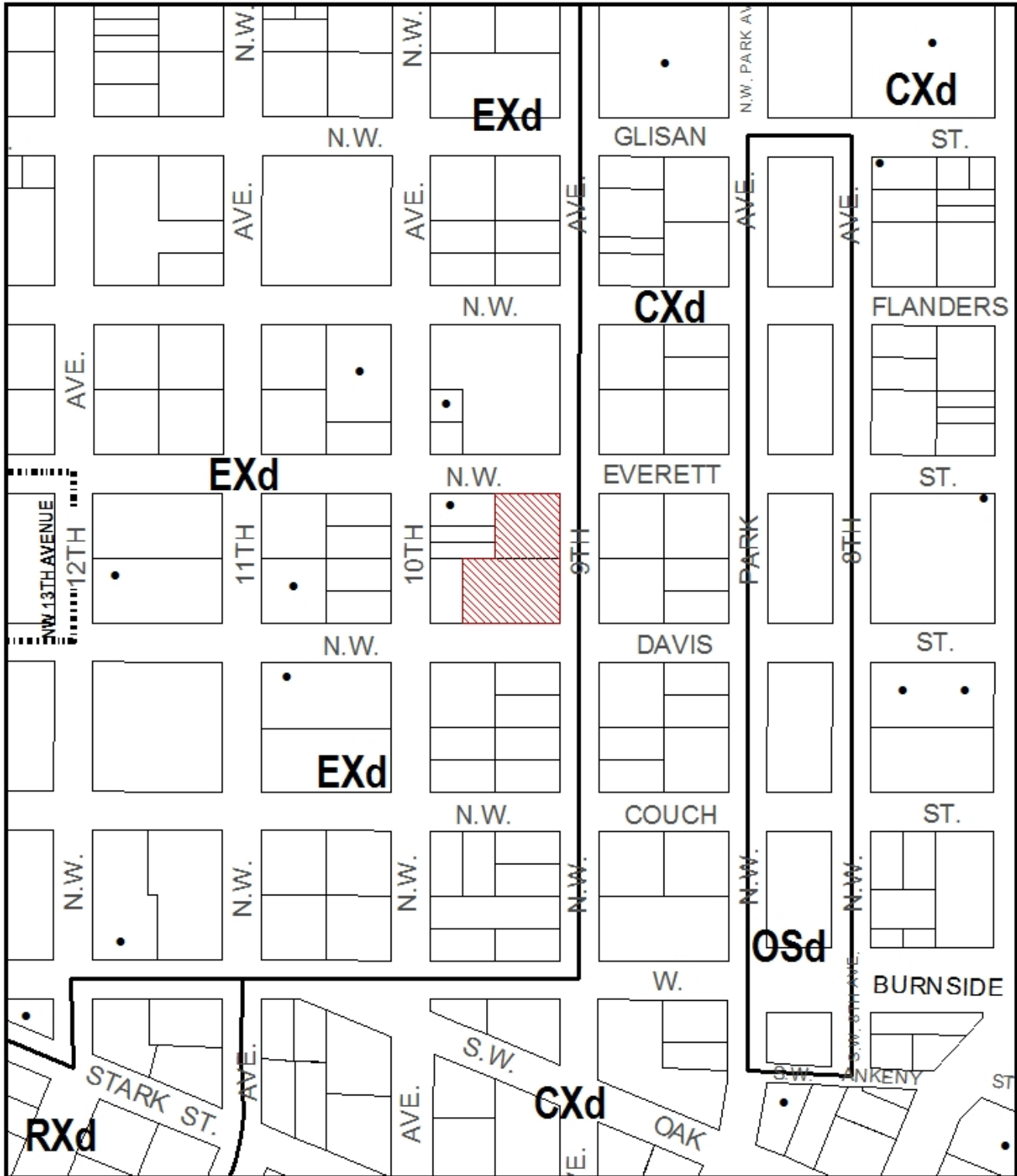
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevations (attached)
 - 3. Main Floor Plan & 9th Street Elevation
 - 4. Section thru Door
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Approved Building Code Appeal
 - 2. Life Safety Review Section of BDS
- F. Correspondence: none received
- 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. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

-  Site
-  Historic Landmark



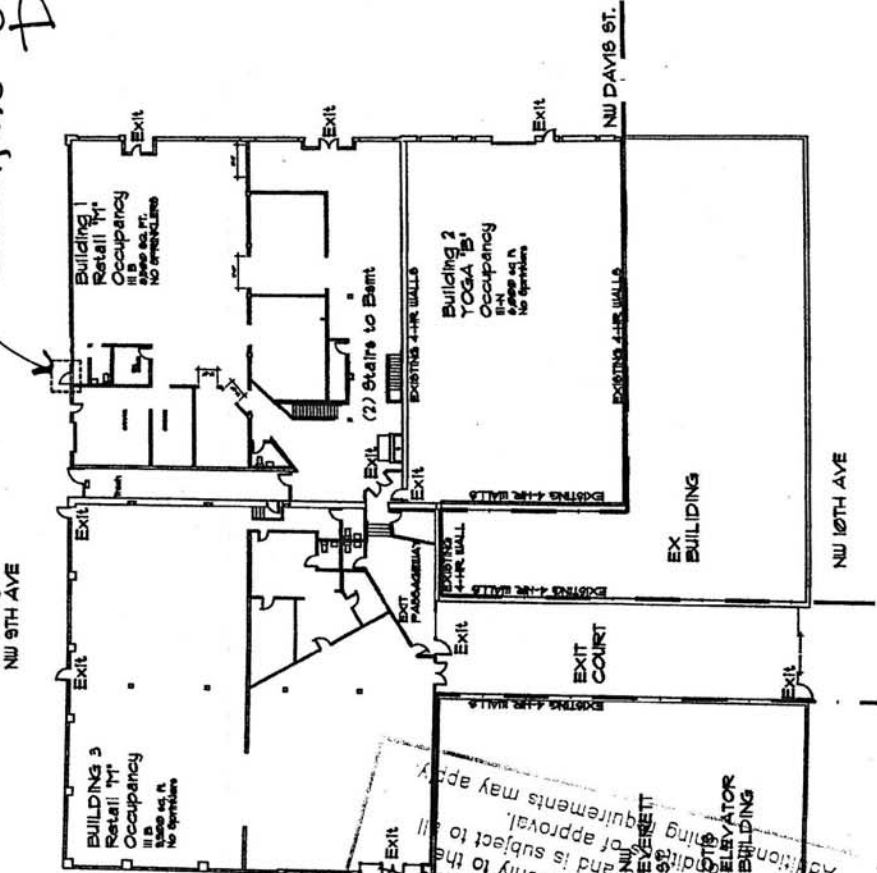
This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	LU 10-145173 DZ
1/4 Section	3029
Scale	1 inch = 200 feet
State_Id	1N1E34CB 6200
Exhibit	B (Jun 15, 2010)

RECEIVED
 JUN 11 2010
 By _____

Location of Door

LU 10-145173 DZ
 EXH.C-1



Approved
 City of Portland
 Bureau of Development Services
 Planner *A. C. [Signature]*
 Date *7/20/10*
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional requirements may apply.

Project Description:
 New exterior exit door located in original exterior opening. This door will require a building code appeal. This door will follow Portland Dept of Transportation guidelines. Guidelines are attached to these documents.
 1) 'Emergency Exit Only' label on door.
 2) No External hardware
 3) Equipped with an audible alarm to alert pedestrians that this door is opened.

Project Address:
 923 NW Davis
 Portland Or.

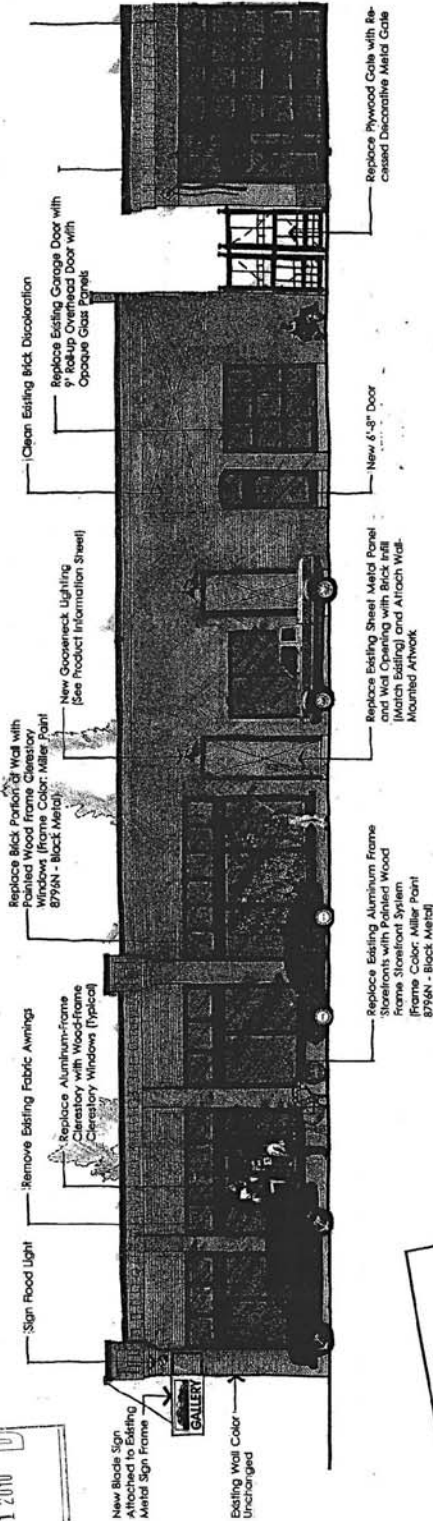
LEGAL DESCRIPTION
 COUCHS ADD: LOT 1 & 4 BLOCK 63
 PROPERTY ID: R140514
 STATE ID: N1E34CB 6200
 292950LD
 QUARTER SEC: FEARL DISTRICT
 NEIGHBORHOOD: FEARL DISTRICT
 PLAN DISTRICT: CENTRAL CITY PLAN DISTRICT,
 RIVER DISTRICT SUB-DISTRICT
 ZONING: EX4
 BUILDING TYPE: III-N

OWNERS
 JON NAVIAUX & ANNE KILKENNY
 33470 CHINOOK PLAZA F1B209
 9CAFFO00E, OR 97056
 (503) 784-2150

1 SITE PLAN
 1/32" = 1'-0"
 N

Architect
 Rag Architecture
 Raphael Goodblatt
 5010 SW Mitchell St.
 Portland Or. 97221
 503.734.8210
 ragarchitecture@gmail.com

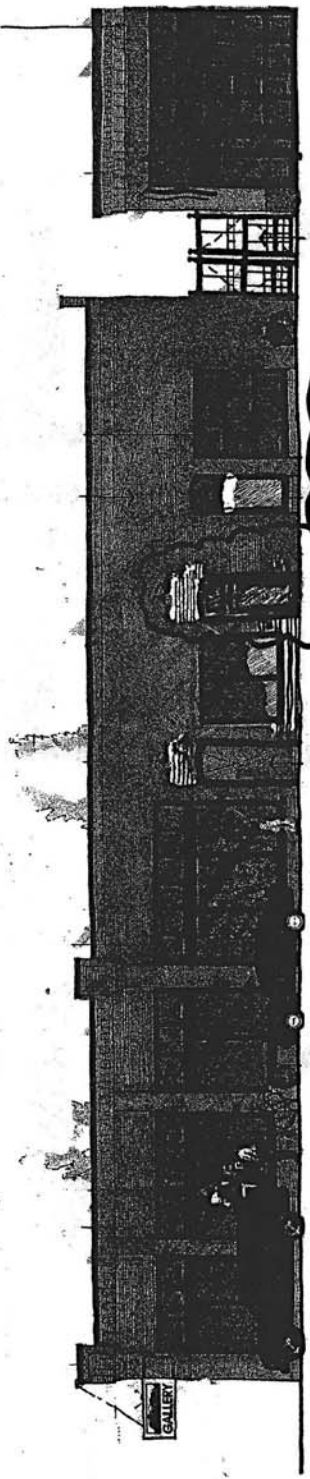
RECEIVED
JUN 11 2010
By _____



FACADE APPROVED - LUR # 02-00001-DZ

1/8" = 1'-0"

Approved
City of Portland Services
Bureau of Development Services
Planner *[Signature]*
Date 7/20/10
* This approval applies only to the review's request of approval. Additional zoning requirements may apply.



FACADE - NW 9th
1/8" = 1'-0"

LU 10-14573 DZ
EXH. C-2