



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

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Date: October 4, 2012
To: Interested Person
From: Kate Marcello, Land Use Services
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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 the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 12-176877 DZ

NEW ELEVATOR STRUCTURE AT TOWNHOUSE

GENERAL INFORMATION

Applicant: Marcus Koch, Koch Architecture LLC (503-888-9743)
7042 NE Hoyt St | Portland, OR 97213

Owners: Richard B Solomon and Alyce Flitcraft
1107 NW Irving Street | Portland, OR 97209

Site Address: 1107 NW Irving Street

Legal Description: LOT 28, PEARL BLOCK NO 3
Tax Account No.: R652720100
State ID No.: 1N1E34BC 03500
Quarter Section: 2928
Neighborhood: Pearl District Neighborhood Assoc, Patricia Gardner at 503-228-3273
Business District: Pearl District Business Association, Adele Nofield at 503-223-0070
District Coalition: Neighbors West/Northwest; contact Mark Sieber at 503-823-4212
Plan District: Central City Plan District; River Subdistrict
Zoning: Central Employment base zone (EX); Design overlay zone (d)
Case Type: Design Review (DZ)
Procedure: Type II (an administrative decision with appeal to the Design Commission)

Proposal: The applicant requests Design Review approval for an elevator structure to be located at the rear façade of unit #4, a three-story townhouse at Irving Street Townhouses. The proposal includes the following elements:

- The elevator structure will be 3'-4" long x 3'-4" wide. It will be three stories tall, the same height as the townhouse.
- The portion of the elevator structure that aligns with the ground floor of the townhouse will be clad in board and batten siding, and the portion of the elevator structure aligning with the second and third floors will be clad in plaster stucco. These materials match those of the existing townhouse.

- A vinyl door will be located at each level of the elevator structure. These vinyl doors will match the existing vinyl doors on the rear façade of the townhouse.
- The roof of the existing townhouse will extend over the proposed elevator structure at a slightly shallower pitch. The roof of the elevator structure will have asphalt composite shingles to match the existing shingles on the townhouse roof.
- Cylindrical wall sconces will be installed at the second floor on the rear façade, in alignment with existing cylindrical wall sconces.

Because the proposal is for non-exempt exterior alterations to an existing building in the River Subdistrict of the Central City Plan District, Design Review is required prior to the issuance of building permits.

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,
- Central City Fundamental Design Guidelines, and
- River District Design Guidelines.

ANALYSIS

- I. Site and Vicinity:** The subject townhouse is part of Irving Street Townhouses, which is comprised of 14 attached homes. The three-story development was completed in 1996. It occupies the northern half of the block bounded by NW Irving Street to the north, NW 12th Avenue to the east, NW Johnson Street to the south, and NW 11th Avenue to the west. Three of the units facing NW 11th Avenue and two of the units facing 12th Avenue feature ground-floor retail spaces. There are curb cuts and garages located on both 11th and 12th Avenues. At this block, NW Irving Street is a pedestrian path closed to automobile traffic. The Irving Street path features landscaping, a paved walkway, and benches.

The subject townhouse faces the Irving Street pedestrian path. A concrete walkway leads to the townhouse front door from the Irving Street path. The ground floor of the townhouse features split-face concrete masonry units (CMU). The second and third floors are clad in stucco. All of the windows are vinyl. At the rear façade of the townhouse, there is a private courtyard. A garage with second-floor living space is located beyond the courtyard. The garage is accessed via a paved alley located along the north edge of the property.

The site is located in the Pearl District neighborhood. There is a fitness center located on the westerly abutting block; townhouse developments on the northerly and southerly abutting blocks, and a mixed-use retail and condominium building on the block directly east.

With regard to transportation, Portland's Transportation System Plan classifies NW Irving Street as a Local Service Bikeway and Local Service Walkway. NW 11th Avenue is classified as a Local Service Bikeway, Central City Transit/Pedestrian Street, Traffic Access Street, and Transit Access Street. In terms of street design, NW 11th Avenue is a designated Community Main Street. The site is located in the Northwest Triangle Pedestrian District. The southbound Portland Streetcar runs along NW 11th Avenue. The nearest bus route is the #77, which runs along NW Glisan Street.

II. Zoning:

The Central Employment (EX) base 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 that 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 Design (d) overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design overlay zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, Design Review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

III. Land Use History: City records indicate no prior land use reviews within the past ten years.

IV. Agency Review: A *Notice of Proposal in Your Neighborhood* was mailed on September 7, 2012.

- Six bureaus responded with no comments:
 - Portland Fire & Rescue;
 - Portland Water Bureau;
 - Bureau of Environmental Services;
 - Urban Forestry Division of Portland Parks & Recreation;
 - Development Review Section of the Portland Bureau of Transportation; and
 - Site Development Review Section of the Bureau of Development Services.
- The Life Safety/Building Code Section of the Bureau of Development Services responded with comments (Exhibit E-1).

V. Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on September 7, 2012. No written comments in response to the proposal have been received from the neighborhood association (Pearl District Neighborhood Association) or notified property owners.

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.

B2. Protect the Pedestrian.

Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

Findings for B2: The proposed elevator structure will be located at the rear of the existing townhouse, directly abutting the townhouse's private courtyard. This location ensures that the elevator structure will have no visual or functional impact on the pedestrian environment of the abutting streets. *Therefore this guideline is 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 proposed elevator structure employs design principles and

building materials that promote quality and permanence in development. The structure will be clad in durable materials that match those of the townhouse's north façade: The portion of the structure aligning with the ground floor of the townhouse will be clad in board and batten siding, and the portion of the structure aligning with the second and third floors will be clad in plaster stucco. The doors located on the elevator structure (which will provide access to the interior of the structure, for cleaning and maintenance), will be vinyl to match the existing doors on the north façade, as well as all of the windows on the townhouse. The proposed sconces will be located on the rear façade at the second floor, in alignment with existing lights. They will exactly match existing sconces located elsewhere on the Irving Street townhouses. The roof of the elevator structure will be composed of asphalt composite shingles to match the existing shingles on the townhouse roof. The roof of the existing townhouse will extend over the proposed elevator structure at a slightly shallower pitch. The portion of roof located on the elevator structure will be comprised of asphalt composite shingles to match the existing shingles on the townhouse roof. The proposed elevator structure will be located at the rear of the existing townhouse, directly abutting the townhouse's private courtyard. This discreet location, the usage of matching materials, and the structure's modest size – about 11 square feet – ensure that the structure is compatible with the existing townhouse. The elevator structure will be integrated with the design of the townhouse and allow it to remain a coherent architectural composition. *Therefore these guidelines are met.*

C11. Integrate Roofs and Use Rooftops.

Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

Findings for C11: The roof of the existing townhouse will extend over the proposed elevator structure at a slightly shallower pitch. The portion of roof located on the elevator structure will be comprised of asphalt composite shingles to match the existing shingles on the townhouse roof. The structure will be located at the rear façade of the townhouse, abutting a fully enclosed private courtyard. Thus the roof of the proposed structure will be integrated with the existing townhouse and will not adversely impact views from the townhouse or neighboring homes. *Therefore this guideline is met.*

C12. Integrate Exterior Lighting.

Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.

Findings for C12: Cylindrical wall sconces will be installed as part of the proposed work. The new sconces will exactly match existing ones located elsewhere on the Irving Street townhouses. They will be located on the rear façade at the second floor, in alignment with existing sconces. There will be no exposed electrical conduit associated with the lights. *Therefore this guideline is 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 proposed elevator structure's discreet location, the usage of materials that match those of the existing townhouse, and the structure's modest size ensure that it is compatible with the townhouse. The elevator structure will be integrated with the design of the townhouse and allow it to remain a coherent architectural composition. The proposal meets the applicable design guidelines and therefore warrants approval.


ADMINISTRATIVE DECISION

Approval of an elevator structure three stories tall, with board and batten siding at the ground floor and stucco at the second and third floors, with can-lights, vinyl doors, and asphalt-composite roof shingles.

Approval per the approved plans and drawings, Exhibits C-1 through C-4, signed and dated October 2, 2012, subject to the following conditions:

- A. As part of the building permit application submittal, each of the four 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 through C-4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-176877 DZ. No field changes allowed."

Staff Planner: Kate Marcello

Decision rendered by:  on **October 2, 2012**

By authority of the Director of the Bureau of Development Services

Decision mailed: October 4, 2012

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 August 28, 2012, and was determined to be complete on **September 4, 2012**.

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 August 28, 2012.

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.

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 October 18, 2012** 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. 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 **October 19, 2012.**
- 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.

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:

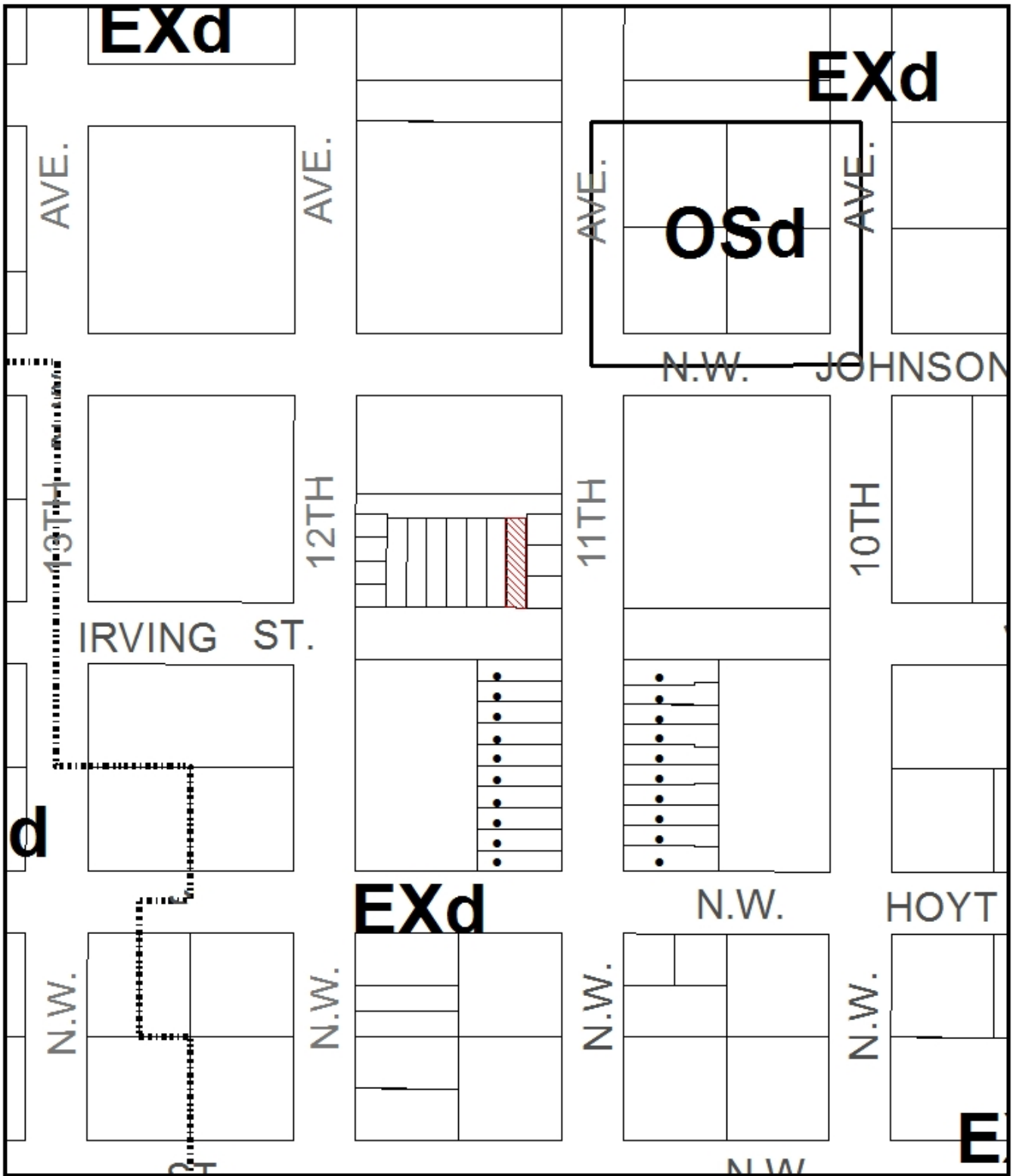
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Narrative/Applicant's Statement
- B. Zoning Map (*attached*)
- C. Plans and Drawings:
 - 1. Site Plan (*attached*)
 - 2. Floor Plans
 - 3. Roof Plan
 - 4. North and West Elevation Drawings (*attached*)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety/Building Code Section of the Bureau of Development Services
- F. Correspondence: None received.
- G. Original Land Use Review Application

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

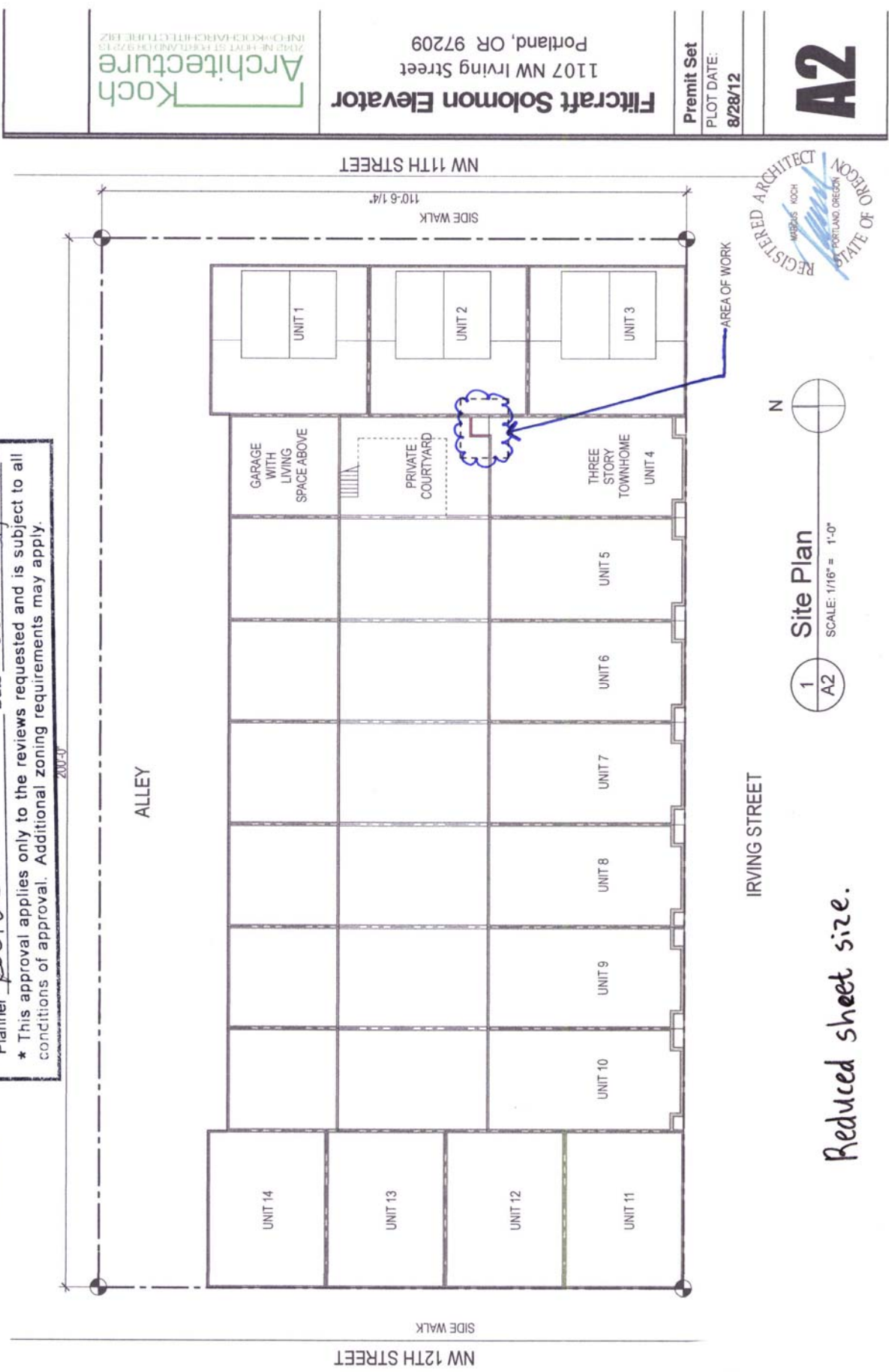


This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	LU 12-176877 DZ
1/4 Section	2928
Scale	1 inch = 417 feet
State_Id	1N1E34BC 3500
Exhibit	B (Aug 29, 2012)

CASE NO. LU 12-176877 DZ
EXHIBIT C-1

*** Approved***
City of Portland - Bureau of Development Services
Planner [Signature] Date October 2, 2012
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



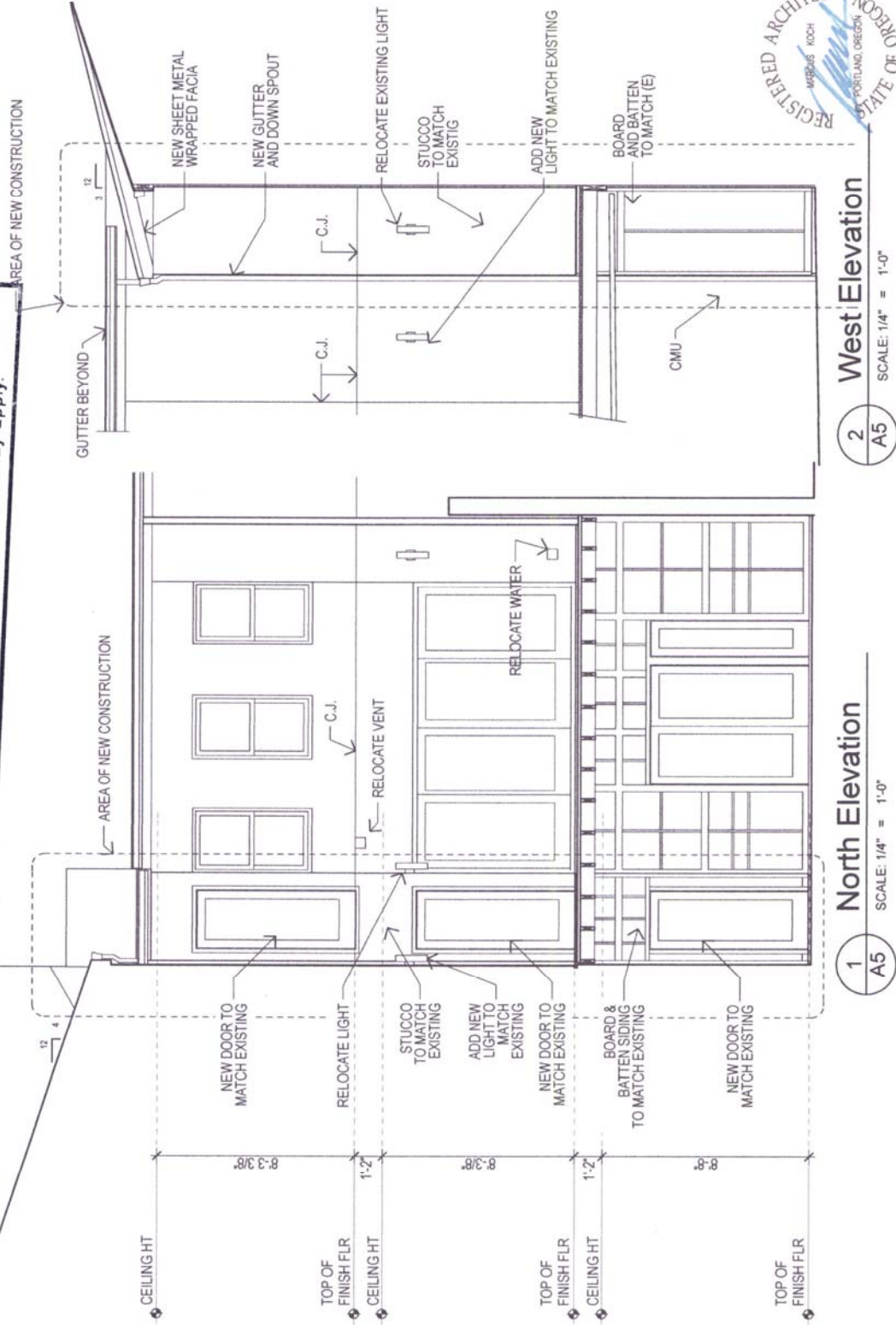
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CASE NO. LU12-176877 DZ
 EXHIBIT C-4

Approved
 City of Portland - Bureau of Development Services

Planner KATHLEEN

Date October 2, 2012
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



Reduced sheet size.

Koch Architecture
 7042 NE 117th St, Portland, OR 97220
 INFO@KOCHARCHITECTURE.COM

Fitcraft Solomon Elevator
 1107 NW Irving Street
 Portland, OR 97209

Permit Set
 PLOT DATE:
 8/28/12



A5