



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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Date: June 17, 2016
To: Interested Person
From: Grace Jeffreys, 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 mailed copy of this document is only a summary of the decision. 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 16-133961 DZ

ALTERATIONS TO STOREFRONT AT POCKET PARK

GENERAL INFORMATION

Applicant: Raphael Goodblatt and Mark Bello, Ahha Architecture
615 SE Alder Suite 203, Portland OR 97214

Representative: Jon Naviaux, Heart Of The Pearl
610 SW Alder St #910, Portland, OR 97205

Site Address: **223-233 NW 9TH AVE**

Legal Description: BLOCK 63 LOT 5&8, COUCHS ADD
Tax Account No.: R180205730
State ID No.: 1N1E34CB 06200
Quarter Section: 3029
Neighborhood: Pearl District, contact Kate Washington at planning@pearldistrict.org.
Business District: Pearl District Business Association, contact Tracy Morgan at 503-227-8519.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - River District
Zoning: **EXd**, Central Employment with a Design Overlay
Case Type: **DZ**, Design Review
Procedure: **Type II**, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant requests Design Review approval to replace an existing storefront on the west façade of a one-story structure, located at the rear of a pocket park accessed off of NW 10th Avenue, in the River District Subdistrict of the Central City Plan District. Proposal will replace a pair of French doors, a central single door, and a roll-up panelized glass door. The transoms above are to remain. The existing storefront was approved under LU 02-142861 DZ.

The alterations include:

1900 SW 4th Avenue, Suite # 5000, Portland, OR 97201

- two new 4' x 8' glazed wood doors,
- two new 4' x 6' wood windows, and
- Painted wood trim and Hardi-plank surround to match existing.

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. The relevant approval criteria are:

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

ANALYSIS

Site and Vicinity: This entrance is located in a recess at the rear of a pocket park located on a narrow lot fronting NW 10th Avenue, and previously approved under LU 02-132820 DZ. The entrance is into the rear of a one-story brick commercial building located at the corner of NW Everett Street and NW 9th Avenue. The ownership also includes a building at the southeast corner of this block, which is not included in this proposal. Nearby properties include similar one and 2-story commercial structures, with some mixed use buildings. One block east is the North Park Blocks. Two blocks west is the Brewery Blocks multi-block development. On the block to the north is the proposed 'The Elizabeth' condominium project.

The site is one-half block east of the Portland Streetcar which has a stop at NW 10th and Everett. NW 10th Avenue is classified as a Community Main Street, Central City Transit/ Pedestrian Street, a Transit Access Street, and a District Collector Street. NW Everett Street is a City Walkway, a Transit Access Street, and a District Collector Street. NW 9th Avenue is a Major Transit Priority Street, a Major City Traffic Street, a City Bikeway and a local service Walkway. 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. 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.

The Central City Plan District implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation management Plan. The Central City plan district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area. The site is within the River District Subdistrict of this plan district.

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

- LU 10-145173 DZ, approval of new door with wood and glass transom in existing opening
- 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 **May 13, 2016**. The following Bureaus have responded with no issues or concerns:

- Site Development Section of BDS (Exhibit E.1)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 13, 2016**. 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.

A2. Emphasize Portland Themes. When provided, integrate Portland-related themes with the development's overall design concept.

A3. Respect the Portland Block Structures. Maintain and extend the traditional 200-foot block pattern to preserve the Central City's ratio of open space to built space. Where superblocks exist, locate public and/or private rights-of-way in a manner that reflects the 200-foot block pattern, and include landscaping and seating to enhance the pedestrian environment.

A3-1. Provide Convenient Pedestrian Linkages. Provide convenient linkages throughout the River District that facilitate movement for pedestrians to and from the river, and to and from adjacent neighborhoods. This guideline may be accomplished by:

- 1) Using visual and physical cues within the design of the building and building entries to express connections to the river and to adjacent neighborhoods.
- 2) Orienting integrated open spaces and trails that physically and visually link the river and/or surrounding neighborhoods.
- 3) Reusing or retaining cobblestone within the design of new development.
- 4) Encouraging flexibility and creativity along streets enhancing their historic or cultural role.
- 5) Creating visual and physical links across major corridors such as I-405, Burnside, and Front/Naito to strengthen connections to the river and other neighborhoods.

Findings for A2, A3 and A3-1: The proposal maintains existing through-block access. These new doors will continue to provide a convenient pedestrian linkage from tenant spaces in the building at the corner of NW 9th and NW Everett to the public sidewalk on NW 10th Avenue via the existing courtyard/ pocket park. The courtyard will not be altered and will retain its functionality. *These guidelines are met.*

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

A5. Enhance, Embellish and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

A5-1. Reinforce Special Areas. Enhance the qualities that make each area distinctive within the River District, using the following "Special Area Design Guidelines" (A5-1-1 – A5-1-5).

A5-1-1. Reinforce the Identity of the Pearl District Neighborhood. This guideline may be accomplished by:

- 1) Recognizing the urban warehouse character of the Pearl District when altering existing buildings and when designing new ones.
- 2) Recognizing the urban warehouse character of the Pearl District within the design of the site and open spaces.
- 3) Designing buildings which provide a unified, monolithic tripartite composition (base/middle/top), with distinct cornice lines to acknowledge the historic building fabric.
- 4) Adding buildings which diversify the architectural language and palette of materials.
- 5) Celebrating and encouraging the concentration of art and art galleries and studios with design features that contribute to the Pearl District's "arts" ambiance. Consider features that provide connectivity and continuity such as awnings, street banners, special graphics, and streetscape color coordination, which link shops, galleries, entrances, display windows

and buildings. Active ground level retail that opens onto and/or uses the sidewalk can contribute to the attraction of the “arts” concentration.

Findings for A4, A5, A5-1 and A5-1-1: This guideline calls for retention of the urban warehouse character, and celebrates the concentration of art and art galleries. This proposal for replacement doors and windows retains the connections into the courtyard leading to NW 10th and retains the gate on NW 10th. The new glazed storefront will provide continued connectivity and celebrate the “arts” ambiance of the Pearl District. These exterior alterations continue the street presence of the gate, courtyard and welcoming glazed façade. *These guidelines are therefore met.*

A6. Reuse/Rehabilitate/Restore Buildings. Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

Findings: This 1920s building was renovated in 2002, and this new proposal is part of a new major upgrade to intensify use of the building. This proposal maintains glazed storefront connections through the gated courtyard to NW 10th. *This guideline is 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. 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: This proposal for replacement storefront doors and windows retains existing connections into the courtyard and gate on NW 10th. This change is proposed to meet building code egress requirements for a new tenant, and the proposed configuration is barrier free and will meet building code egress requirements. 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: The two new glazed doors and two new large windows with matching wood trim and “Artisan” Hardi fiber cement infill will integrate with the existing building by matching the transoms and infill above in style, profile, trim, and placement within the wall, and will thereby respect the original character of the existing building. The wood and glass used in the doors and windows 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. Located on the west façade at the rear of a pocket park facing NW 10th Ave, the proposed new storefront infill with two new glazed doors and two new windows are quality durable elements that fit within the architectural composition of the building. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

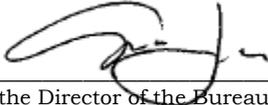
Approval of Design Review for exterior alterations to the storefront on the west elevation of the 223-233 NW 9th Avenue building in the River District of the Central City Plan District. Located at the rear of a pocket park accessed off of NW 10th Avenue, the new storefront includes:

- Two new 4' x 8' glazed wood doors,
- Two new 4' x 6' wood windows, and,
- Painted wood trim and "Artisan" Hardi surround to match existing.
- The transoms above are to remain.

Approval per the approved site plans, Exhibits C-1 through C-2, signed and dated June 13, 2016, 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.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-133961 DZ. No field changes allowed."

Staff Planner: Grace Jeffreys

Decision rendered by:  **on June 13, 2016.**
By authority of the Director of the Bureau of Development Services

Decision mailed: June 17, 2016.

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 March 11, 2016, and was determined to be complete on **May 9, 2016.**

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 March 11, 2016.

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: September 6, 2016.**

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 July 1, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 **July 5, 2016 – (the next business 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.

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:

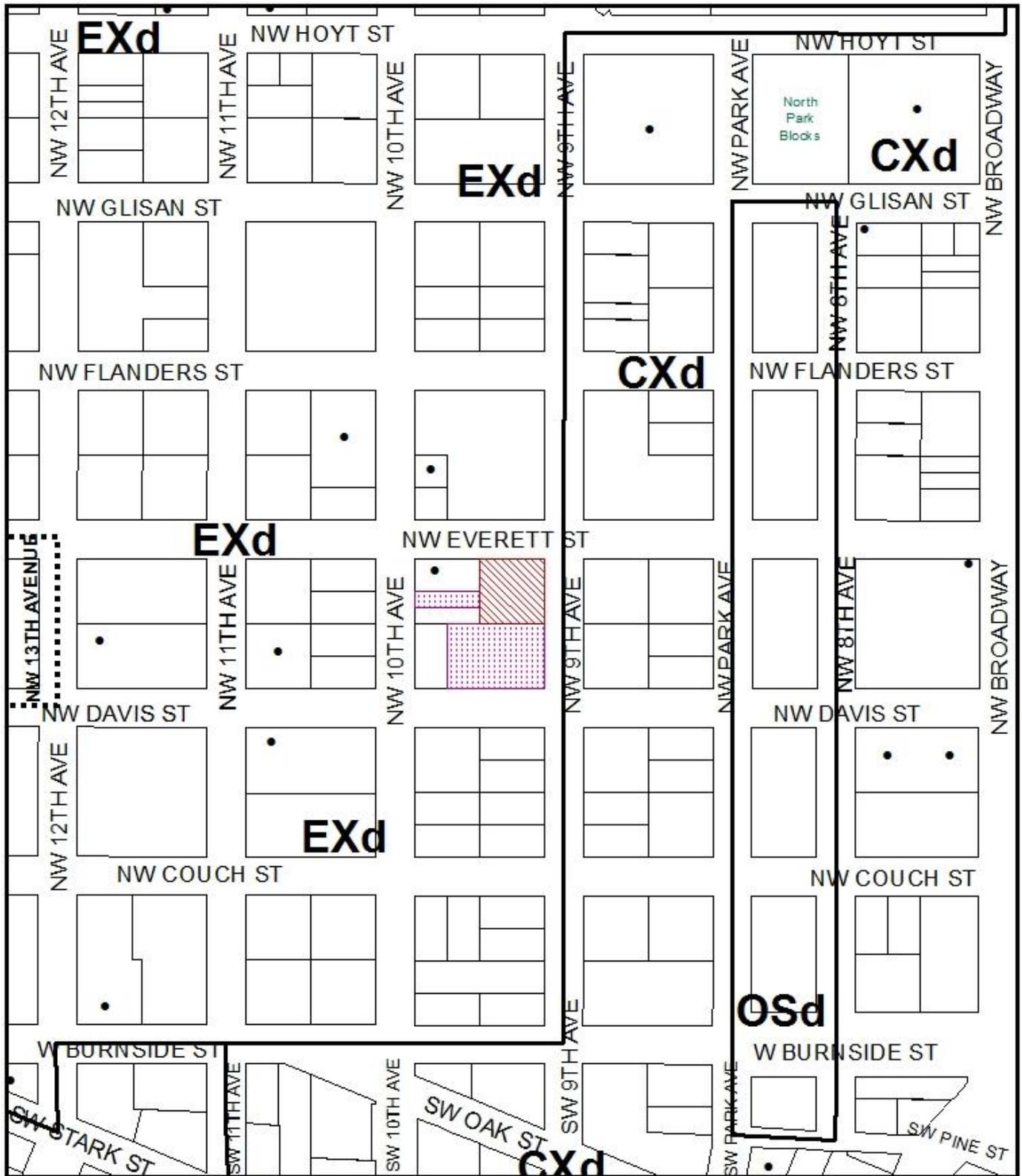
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS - NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Narrative
 2. Initial Drawing submittal
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Plans, elevations, sections and details (attached)
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Life Safety Review Section of BDS
- F. Correspondence: none received.
- G. Other:
 1. Original LU Application
 2. Incomplete letter, 4/1/16

3. Images

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



This site lies within the:
 CENTRAL CITY PLAN DISTRICT
 PEARL DISTRICT SUBDISTRICT

- Site
- Also Owned Parcels
- Historic Landmark

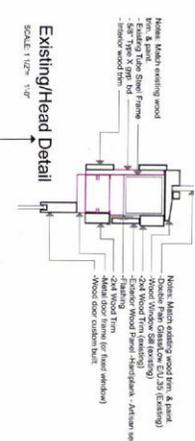
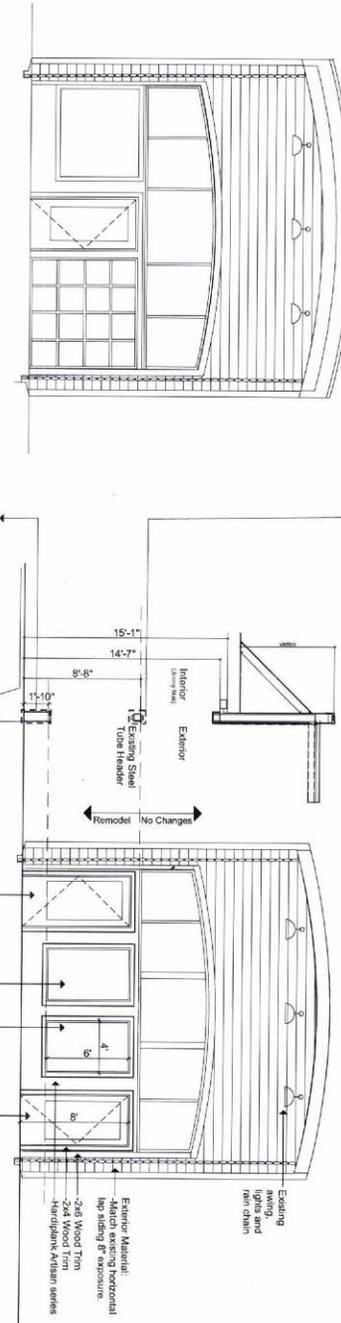
File No. LU 16-133961 DZ
 1/4 Section 3029
 Scale 1 inch = 200 feet
 State_Id 1N1E34CB 6200
 Exhibit B (Mar 14, 2016)

ahha
 architects
 people
 architecture
 Rachel A. Goodall
 615 SE Mer St #203
 Portland, OR 97214
 503.334.6270
 ragg@ahha.com

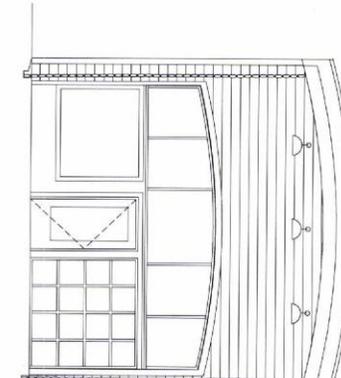


Oregon Registered Architect

New West Elevation



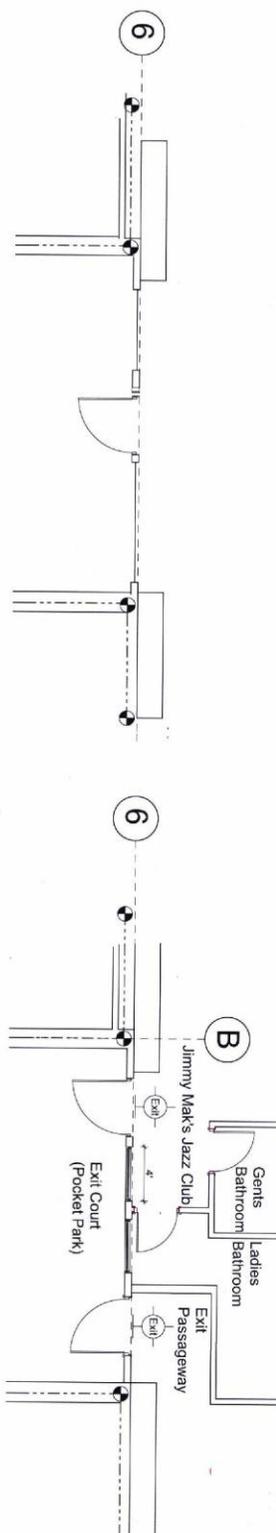
Existing West Elevation



Sill/Lamb Detail



1 Pocket Park Facade - New & Existing



Approved
 City of Portland
 Bureau of Development Services
 Planner
 Date: 6/13/16

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

Address/Tenant
 Jimmy Mak's Jazz Club
 Portland, OR 97209

Project Date:
 6/12/16

Design Review

A-2

2 Pocket Park Facade - New & Existing

