



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
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Date: September 22, 2016
To: Interested Person
From: Hannah Bryant, Land Use Services
503-823-5353 / Hannah.Bryant@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 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 16-213574 DZ
PEARL LOFTS EXTERIOR ALTERATIONS

GENERAL INFORMATION

Applicant: Tim Merrill | Merrill Architecture
5500 SE Belmont, Portland OR 97215

Representative: Otto C Papasadero, *property manager*
1009 NW Hoyt St #211, Portland, OR 97209

Owner: Ron L Leon, *owner*
9621 Citation Ct., Monterey, CA 93940

Site Address: **1009 NW HOYT ST**

Legal Description: GENERAL COMMON ELEMENTS, PEARL LOFTS CONDOMINIUMS;
LOT 210, PEARL LOFTS CONDOMINIUMS

Tax Account No.: R652840010, R652840480

State ID No.: 1N1E34BC 80000, 1N1E34BC 80016

Quarter Section: 2929

Neighborhood: Pearl District, contact Kate Washington at planning@pearldistrict.org.

Business District: Pearl District Business Association, contact Carolyn Ciolkosz at 503-227-8519.

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - River District

Other Designations: None

Zoning: **EXd**, *Central Employment zone 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 for alterations to the west elevation of an existing three-story condominium building including:

- The construction of one balcony.
- Railing for the balcony is proposed to be vertical to match the existing decks and balconies on this building.
- The existing divided windows will be replaced with a three panel sliding glass door to match existing sliding doors adjacent to balconies on this elevation.

Relevant Approval Criteria:

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

- *Chapter 33.420 Design Overlay Zone*
- *Chapter 33.825 Design Review*
- *River District Design Guidelines*
- *Central City Fundamental Design Guidelines*

ANALYSIS

Site and Vicinity: This half block Pearl District site is bound by 10th Avenues and NW Hoyt and Irving Streets. It is within the designated Central City Pedestrian District. NW 10th Avenue is a Traffic Street, Transit Street, and Pedestrian Street. Constructed in 1993, it is a three-story brick residential building styled after the nearby rail yard buildings. It contains 27 condominium units.

Zoning: The Central Employment Zone (EX) 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 Overlay Zone [d] 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.

Land Use History: City records indicate there is a prior land use record for this site.

- LU05-116163 DZ; CO05-132185; CO05-132186; CO05-132187; CO05-132188: Design Review approvals of addition of five balconies located on this same exterior wall in 2005.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **August 22, 2016**.

The following Bureaus have responded with no issues or concerns:

- *Fire Bureau*
- *Life Safety*

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on August 22, 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

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.

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 Distinct Areas. Enhance the qualities that make each area distinctive within the River District, using the following “Area Design Guidelines” (A5-1-1 – A5-1-8).

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

- a. Recognizing the urban warehouse character of the Pearl District when altering existing buildings, and when designing new ones. Designs should provide a unified, monolithic tripartite composition (base/middle/top), with distinct cornice lines. Suburban dwelling forms should be avoided; or
- b. Celebrating and encouraging the concentration of 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 and A5-1-1: The proposed balcony will serve to enhance the appearance of the building façade and activate the outdoor space adjacent to the surface level parking below. The design of the proposed balcony and sliding glass door is consistent with the appearance, materiality and finish of the existing balconies and sliding doors on this façade. The addition of a balcony is consistent with the typology of many surrounding Pearl District residential units. *Therefore these guidelines are met.*

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

Findings: This proposal respects the architecture of the original building. The building will not be altered and only one additional balcony will be added to the west elevation above the garages. The new balcony and sliding door will match the five existing balconies and sliding doors, and will serve to add visual interest to the outside of the building and allow more outside activities for the residents. *Therefore this guideline is 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 proposed balcony is visible from the sidewalk and serves to activate the parking area below it. Its furnishings, plants, and users will activate the area and provide visual interest. *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.

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

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 design of the balcony, railing and doors is consistent with what is existing on this building and very similar to many others in the Pearl District. The three panel sliding glass doors are designed to match the building's existing window and door systems. In addition, the deck is intended to be quality permanent fixtures. *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

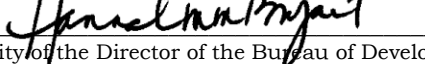
The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal is consistent with the Central City Fundamental and River District Design Guidelines. The proposal is visually consistent with the existing, surrounding structures, which reflect Portland's personality, pedestrian emphasis and sensitivity to design.

ADMINISTRATIVE DECISION

Approval of the addition of one balcony including vertical railings with three panel sliding glass doors to the west elevation, per the approved site plans, Exhibits C-1 through C-2, signed and dated September 19, 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 16-213574 DZ. No field changes allowed."

Staff Planner: Hannah Bryant

Decision rendered by:  **on September 19, 2016**
By authority of the Director of the Bureau of Development Services

Decision mailed: 9/22/2016

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 July 29, 2016, and was determined to be complete on August 12, 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 July 29, 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: December 10, 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 September 30, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 **October 3, 2016**. 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:

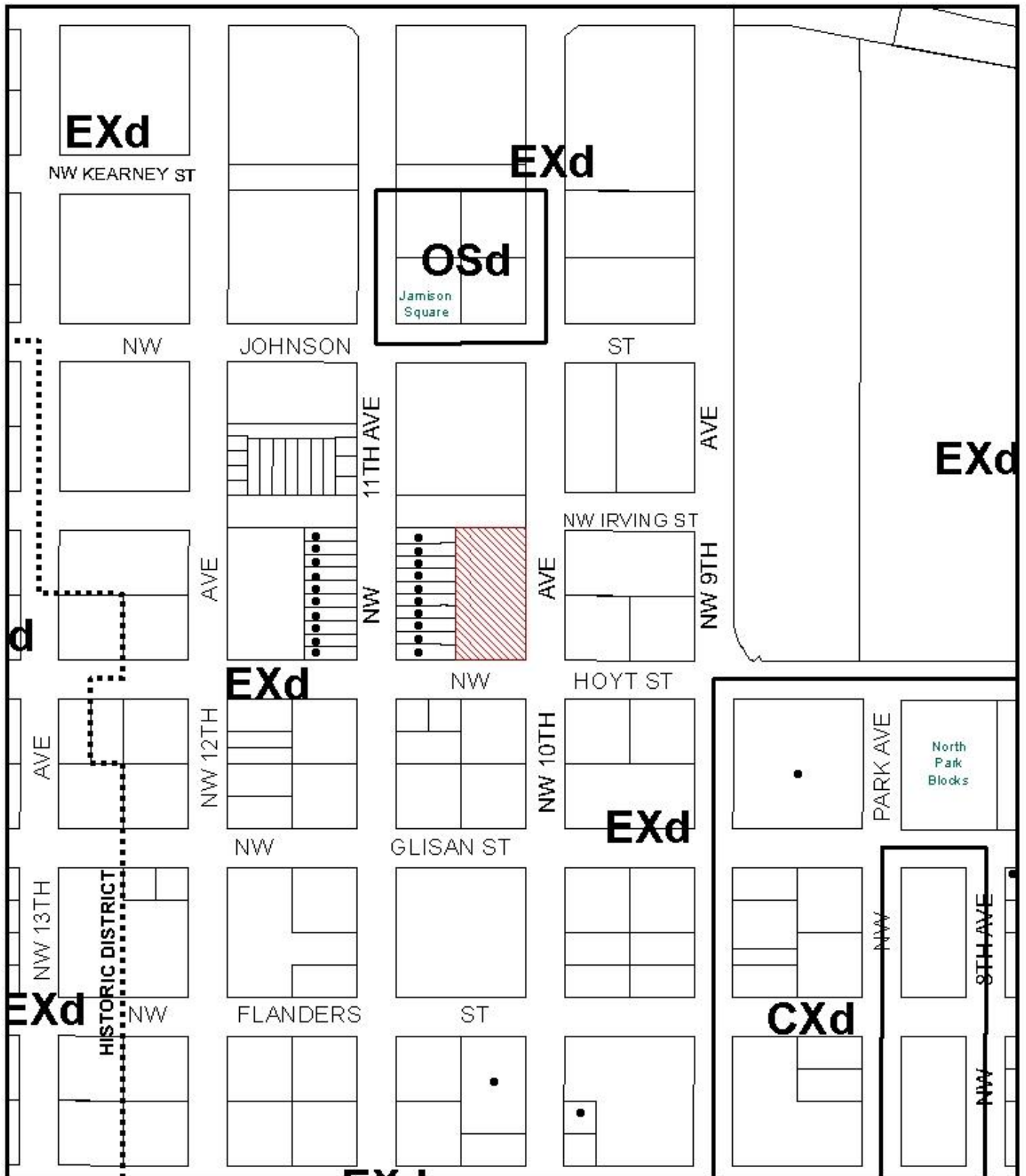
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Applicant's Statement
 - 2. Site Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Balcony Sections and Building Elevation (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Fire Bureau
 - 2. Life Safety
- F. Correspondence: None Received
- G. Other:
 - 1. Original LU 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



This site lies within the:
CENTRAL CITY PLAN DISTRICT
RIVER DISTRICT SubDistrict

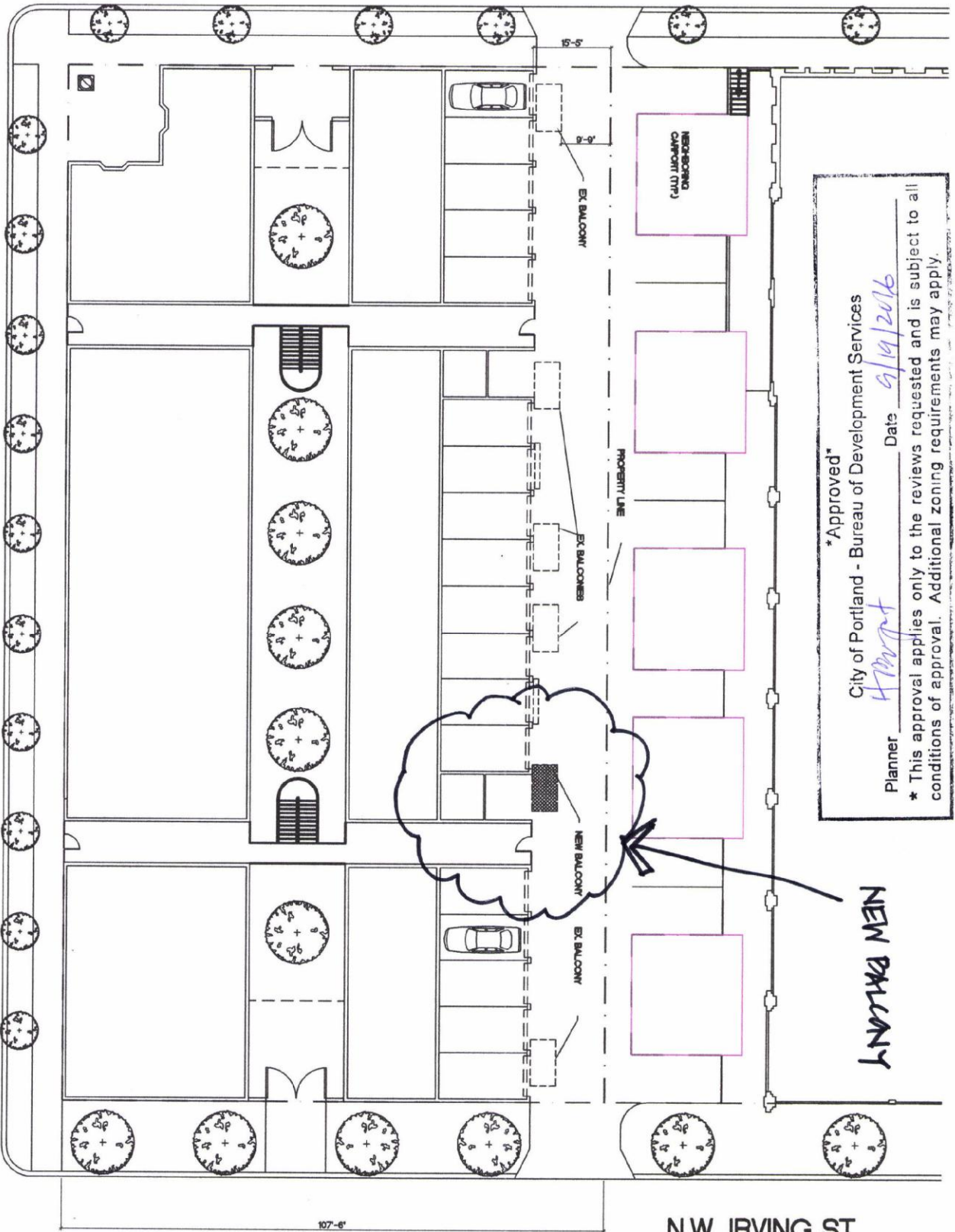
- Site
- Historic Landmark

File No.	<u>LU 16-213574 DZ</u>
1/4 Section	<u>2929</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E34BC 80000</u>
Exhibit	<u>B (Aug 02, 2016)</u>

N.W. HOYT ST.

N.W. TENTH AVE.

LO 16 - 213 5740Z



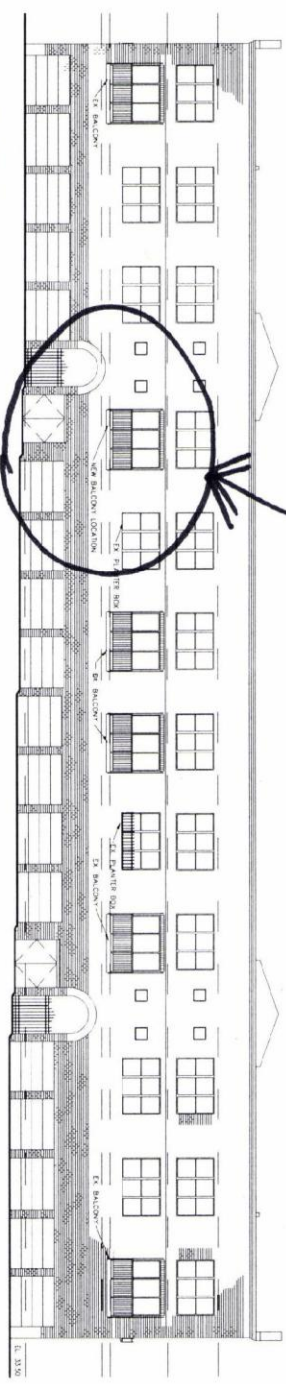
* Approved*
 City of Portland - Bureau of Development Services
 Planner H. M. J. P. Date 9/19/2016
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

NEW BALCONY

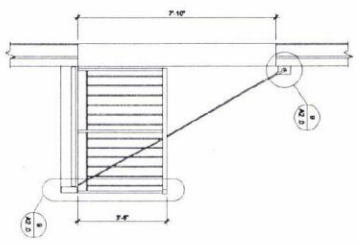
N.W. IRVING ST.

C-1

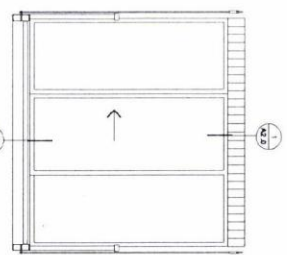
NEW BALCONY



1 WEST ELEVATION
A10 1/8" = 1'-0"



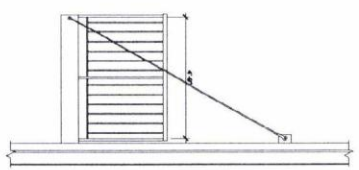
2 BALCONY SECTION
A10 1/2" = 1'-0"



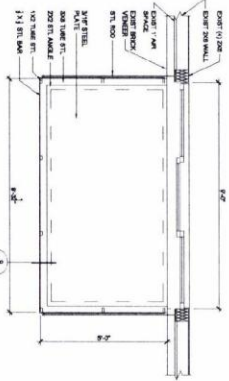
3 BALCONY SECTION
A10 1/2" = 1'-0"



4 BALCONY FRONT ELEVATION
A10 1/2" = 1'-0"



5 BALCONY SIDE ELEVATION
A10 1/2" = 1'-0"



6 BALCONY PLAN
A10 1/2" = 1'-0"

*** Approved ***
 City of Portland - Bureau of Development Services
 Planner Approved
 Date 9/19/2016
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

M
 ARCHITECTURE
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 Portland, OR 97206
 Tel: 503.238.8100
 Fax: 503.238.8109
 Web: www.mai-arch.com

BALCONY ADDITION
 Pearl Lofts #211
 1009 NW Hoyt
 Portland Oregon 97209

DESIGNED BY: [Signature]
 DATE: 7/28/16
 CHECKED BY: [Signature]
 DATE: 7/28/16
 PROJECT No. 1601
A1.0