



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

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Date: Wednesday, February 25, 2009
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 this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-157405 DZ
REVISIONS TO WATERFRONT PEARL CONDOMINIUMS
[IN ADDITION TO ORIGINAL REVIEW LU 05-108039 DZM & FOLLOW-UPS LU 05-148471 DZ, LU 06-128654 DZM, LU 07-184154 DZ]

GENERAL INFORMATION

Applicants: Soren Rasmussen, Soren Rasmussen Architects, Inc
450-375 Water Street / Vancouver, BC Canada V6b 5c6
(604) 681-4292

Paul Mayer, Waterfront Pearl LLC
1111 West Hastings St, Ste 200 / Vancouver, BC V6e 2je
(604) 687-1818

Dale Pinney, First Western Development Services, Inc
8129 Ballinger Way, Ste 104 / Edmonds, WA 98026
(425) 329-0848

Site Address: 1300 NW Naito Parkway

Legal Description: TL 400 LOT 16&17 BLOCK 318, CANCEL INTO R141438 / COUCHS ADD; BLOCK 318, LOT 16-24 TL 300, COUCHS ADD; NWLY 10' OF LOT 24 BLOCK 318 STATE TAX COMM, COUCHS ADD; GENERAL COMMON ELEMENTS, WATERFRONT PEARL CONDOMINIUM

Tax Account No.: R180236180, R180236220, R180236240, R882430010
State ID No.: 1N1E34BB 00400, 1N1E34BB 00300, 1N1E34BB 00200, 1N1E34BB 88000

Quarter Section: 2929
Neighborhood: Pearl District, contact Patricia Gardner at 503-228-3273.
Business District: Pearl District Business Association, contact Adele Nofield at 503-223-0070.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City Plan District, River Sub-district

Zoning: Central Employment base zone (EX); design and greenway overlay zones (dg)

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 revisions to Waterfront Pearl, a previously approved project. The proposed revisions are located in the outdoor areas of Waterfront Pearl. The revisions include the following:

Item #	Location of Proposed Revision	Previously Approved	Proposed Revision
1	Southwest corner of Building "B", facing NW Naito Parkway	Raised sidewalk between Building "B" and public sidewalk along Naito Parkway	Sidewalk will be flush with the public sidewalk along Naito Parkway, to accommodate outdoor dining area for commercial space in ground floor of Building "B"
2	Northeast corner of site	An overlook protruding east-ward toward the Willamette River	Reduced size for overlook; slight shift in location of overlook to comply with requirement that no permanent structure be built over existing utility infrastructure
3	Southern edge of site	Two overlooks along the southern walkway, cantilevered northward over the water feature	No overlooks
4	Water feature	Light fixtures	No light fixtures. The intent is for the water feature to reflect light rather than emit light.
5	General site	Liberty Ship memorial plaques were earmarked for re-use on the site.	The plaques are the property of the Oregon Maritime Museum. The museum has re-claimed the plaques and they are no longer available for re-use on the site.
6	Outdoor areas along eastern edge of site	Concrete seating "discs"	Wood and steel benches
7	Concrete in outdoor area on southern edge of site	Grated mesh design	No grated mesh design
8	Railings at western edge of water feature and southern path	Composed of wood; with intermittent luminaires	Composed of steel; no intermittent luminaires, as there is sufficient lighting from other fixtures nearby
9	Between the Greenway trail and the Willamette River	New trees	Less trees (The number of trees originally approved exceeded the City's planting requirements.)

The proposal is for alterations to a project previously approved through Design Review; therefore Design Review is required.

[Note: The proposal originally included Greenway Review. The proposed revisions do not require Greenway Review; therefore Design Review is the only type of review necessary.]

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

Site and Vicinity: The subject site is 2.7 acres in size. It is located on the northeast side of NW Naito Parkway, just northwest of the Broadway Bridge and along the west bank of the Willamette River. Portland's Transportation System Plan has classified NW Naito Parkway as a Transit Street, Bikeway, and Pedestrian corridor.

South of the site, along the Greenway path, is the USS Oregon war memorial with a smokestack artifact and commemorative and informational plaques that illustrate the significance of the ship and its veterans. Immediately north of the site is a horse barn for the mounted police of the City of Portland. To the west is historic Union Station, which provides Amtrak passenger rail service. South of the site is the Broadway Bridge and a similarly sized site, the McCormick Pier Condominiums, which has recently been converted from apartments to condominiums.

The Waterfront Pearl project was approved through Design Review in 2005. Construction on the two buildings that comprise the project has largely been completed. Construction of the outdoor areas will be completed soon.

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 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.

The Greenway overlay zone, designated as "g", "i", "n", "q" or "r" is intended to protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland's rivers; establish criteria, standards, and procedures for the development of land, change of uses, and the intensification of uses within the greenway; and implement the City's Willamette Greenway responsibilities as required by ORS 390.310 to 390.368 and Metro's Title 3. Specifically, the "g" overlay zone is intended to allow for public use and enjoyment of the waterfront, and which enhance the river's natural and scenic qualities.

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

- CU 006-65 CU: Conditional Use approval (with conditions) for a landfill.
- GP 001-82 GP: Approval of Willamette Greenway Permit for a stormwater sewer outfall.
- HL 11-84: Approval for Rank II Historic designation for Albers Mill building.
- HL 25-88: Approval for Historic Landmark designation for Albers Mill building.
- HL 35-88: Design Review approval (with conditions) for renovation of Albers Mill Building as a wheat marketing center.
- GP 018-88 GP: Approval (with conditions) of request for Goal 15 exception (Oregon statewide land-use Goal), Comprehensive Plan Amendment, Conditional Use, and Greenway Permit for redevelopment of Albers Mill Building as Wheat Marketing Center.

- CU 064-88 CU: Conditional Use approval (with conditions) to develop Albers Mill site.
- GP 017-90 GP: Greenway permit approval (with condition) for boat landing at Albers Mill site.
- LUR 93-00124 DZ: Design Review approval for awning with lettering over storefront entrance (presumably at Albers Mill building).
- LUR 96-00395 DZ, AD: Design Review and Adjustment Review approval (with conditions) for multi-block, multi-phased development.
- LUR 00-00773 DZ: Design Review approval (with conditions) for two antennas on existing penthouse (at Albers Mill building).
- LUR 01-00620 HDZ: Historic Design Review approval (with condition) for exit door in aluminum wall on east façade, and aluminum grill louvers on north and east facades for HVAC equipment (at Albers Mill building).
- LU 05-108039 DZM: Design Review with Modifications approval for Waterfront Pearl development.
- LU 05-148471 DZ: Design Review approval for revisions to previously approved Waterfront Pearl development.
- LU 06-128654 DZM: Design Review approval with Modification for revisions to previously approved Waterfront Pearl development.
- LU 07-184154 DZ: Design Review approval for revisions to previously approved Waterfront Pearl development.

Agency Review: A *Notice of Proposal in Your Neighborhood* was mailed on October 17, 2008.

- Five bureaus have responded with no issues or concerns:
 - Portland Fire & Rescue,
 - Portland Water Bureau,
 - Urban Forestry Division of Portland Parks & Recreation,
 - Development Review Section of the Bureau of Transportation, and
 - Life Safety (Building Code) Section of the Bureau of Development Services.
- Two bureaus have responded:
 - The Bureau of Environmental Services responded with comments. Please see Exhibit E-1 for details.
 - The Site Development Section of the Bureau of Development Services responded with comments. Please see Exhibit E-2 for details.

(Note: The comments pertain to the Greenway Review portion of this land-use review. The Greenway Review is no longer part of this land-use review.)

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on October 17, 2008. 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 River District Design Guidelines and the Central City Fundamental Design 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 Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City.

The Central City Fundamental 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.

Central City Plan Design Goals

This set of goals has been developed to guide development throughout the Central City. The goals apply within the eight Central City sub-districts, or policy areas. The nine goals for design review within the Central City and its sub-districts are as follows:

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 that is safe, humane and prosperous; and
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.

A1. Integrate the River.

Orient architectural and landscape elements including, but not limited to, lobbies, entries, balconies, terraces, and outdoor areas to the Willamette River and greenway. Develop accessways for pedestrians that provide connections to the Willamette River and greenway.

A1-1. Link the River to the Community.

Link the Willamette River to the community reinforcing the river's significance. This guideline may be accomplished by:

- 1) Organizing land areas and groupings of buildings to visually define the river's linkage to the community.
- 2) Focusing and articulating roadways and pedestrianways to emphasize the river.
- 3) Developing projects that celebrate the river and contribute to creating centers of interest and activity that focuses on the Willamette.
- 4) Connecting the internal areas of the District to the Willamette Greenway Trail.

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, thus 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.

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).

A5-1-5. Reinforce the Identity of the Waterfront Area.

Reinforce the identity of the Waterfront Area with design solutions that contribute to the character of the waterfront and acknowledge its heritage. This guideline may be accomplished by:

- 1) Recognizing the area's industrial history by incorporating remnants of maritime and rail infrastructure and/or providing docking facilities for a cruise line.
- 2) Orienting buildings toward the waterfront and adjacent parks and trails.
- 3) Integrating an active mix of uses along the waterfront and making development open and accessible in order to maintain the publicness of the greenway.

B4. Provide Stopping and Viewing Places.

Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.

C1. Enhance View Opportunities.

Orient windows, entrances, balconies and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building façades that create visual connections to adjacent public spaces.

C1-1. Increase River View Opportunities.

Increase river view opportunities to emphasize the River District ambiance. This guideline may be accomplished by:

- 1) Designing and locating development projects to visually link their views to the river.
- 2) Providing public stopping and viewing places which take advantage of views of River District activities and features.

- 3) Designing and orienting open space and landscape areas to emphasize views of the river.

Findings for A1, A1-1, A3-1, A5, A5-1, A5-1-5, B4, C1, C1-1: The overlook at the northeast corner of the site will be shifted southward by about eight feet, and it will be about one-third smaller than previously approved; nevertheless it will provide a comfortable, attractive, safe gathering place from which to view the Willamette River. This overlook and the previously approved overlook at the site's southeast corner will have benches that encourage pedestrians and bicyclists to stop and view the river as well as the Greenway path, which is located along the eastern edge of Waterfront Pearl. In addition, the previously approved paths located along the southern and northern edges of the site will link the public sidewalk of NW Naito Parkway with the Greenway path, providing clear connections from the eastern reaches of the Pearl District to the Willamette River. The concrete benches at three locations along the southern path will provide a succession of stopping points that draw people riverward. *Therefore, 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.

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 for A4, C4, C5: The proposal is for revisions to the outdoor areas surrounding the two buildings that comprise Waterfront Pearl. With the proposed revisions, the outdoor areas will remain unified with the buildings. The project's emphasis on the Willamette River and Greenway path will be expressed by the overlooks at the northeast and southeast corners of the site and the benches contained therein. The project's predominant use of metal as a building material will be reinforced by the steel railing at the western edge of the water feature and along the southern path, as well as the proposed benches, some of which are partially composed of steel, located at the overlooks. The project's large water feature will remain a central landscape design element. Although light fixtures are being removed from the water feature, other exterior lighting on the site provides sufficient illumination to allow visual enjoyment of the water feature. The proposed revisions successfully employ the local design vocabulary of Waterfront Pearl, and allow the project to remain a coherent composition. *Therefore, these guidelines are met.*

A5-3. Incorporate Water Features.

Incorporate water features or water design themes that enhance the quality, character, and image of the River District. This guideline may be accomplished by:

- 1) Using water features as a focal point for integrated open spaces.
- 2) Taking cues from the river, bridges, and historic industrial character in the design of structures and/or open space.
- 3) Integrating stormwater management into the development.

Findings for A5-3: The water feature approved through the original Design Review (LU LU 05-108039 DZM) is still part of the Waterfront Pearl project. Although light fixtures are being removed from the water feature, other exterior lighting on the site provides sufficient illumination to allow visual enjoyment of the water feature. *Therefore, this guideline is met.*

A8. Contribute to the Cityscape, Stage and the Action.

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.

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.

Findings for A8, B1: The proposal calls for the sidewalk on the property, at the southwest corner of Building "B," to be at the same grade as the abutting public sidewalk on NW Naito Parkway. This creates a more seamless transition between the private realm of the development and the public realm of the sidewalk on NW Naito Parkway. By perceiving the outdoor area of Waterfront Pearl as a more seamless appendage of the public sidewalk on NW Naito Parkway, passersby will have increased opportunity to passively experience, or actively partake in, the outdoor activity associated with the ground-floor retail space of Building "B," such as outdoor dining. Additionally, this enhances the pedestrian system on NW Naito Parkway by increasing definition of the street furniture zone of the sidewalk. *Therefore, these guidelines are met.*

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.

Findings for B1-1: The proposed revisions provide human scale and interest along the sidewalks and paths adjacent to the Waterfront Pearl buildings. The steel railings at the western edge of the water feature and along the southern path are appropriately scaled elements that add detail and visual interest to the pedestrian environment. The benches to be located at the overlooks also provide humanly scaled elements and encourage social interaction. *Therefore, this guideline is met.*

B3. Bridge Pedestrian Obstacles.

Bridge across barriers and obstacles to pedestrian movement by connecting the pedestrian system with innovative, well-marked crossings and consistent sidewalk designs.

B7. Integrate Barrier-Free Design.

Integrate access systems for all people with the building's overall design concept.

Findings for B3, B7: The proposal calls for the sidewalk on the property, at the southwest corner of Building "B," to be at the same grade as the abutting public sidewalk on NW Naito Parkway. This reduces pedestrian obstacles at the southwest corner of Building "B" by creating a more seamless physical condition between the public sidewalk and the sidewalk on the Waterfront Pearl property. Making the sidewalk on the property at grade with the public sidewalk also makes the area at the southwest corner of Building "B" easier to traverse for people with physical disabilities.

The other proposed revisions do not affect the accessibility of the paths leading to the Greenway path nor the Greenway path itself. *Therefore, this guideline is met.*

B5. Make Plazas, Parks and Open Space Successful.

Orient building elements such as main entries, lobbies, windows, and balconies to face public parks, plazas, and open spaces. Where provided, integrate water features and/or public art to enhance the public open space. Develop locally oriented pocket parks that incorporate amenities for nearby patrons.

C6. Develop Transitions between Buildings and Public Spaces.

Develop transitions between private development and public open space. Use site design features such as movement zones, landscape element, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

Findings for B5, C6: Benches are proposed at the overlooks located at the site's northeast and southeast corners. The benches will provide comfortable seating from which people can view the Greenway, which is a public path located between the Waterfront Pearl buildings to the west and the Willamette River to the east. By providing nearby seating opportunities, the benches will contribute to the success of the Greenway path. *Therefore, these guidelines are met.*

C2. Promote Quality and Permanence in Development.

Use design principles and building materials that promote quality and permanence.

Findings for C2: The proposed revisions to the Waterfront Pearl project employ high-quality materials. Sidewalks, paths, and gathering areas have concrete surfacing; benches are made of wood and steel; and the railings at the western edge of the water feature and along the southern path are made of steel. The proposal's design principles also promote quality and permanence. Firstly, the choice of materials remains consistent with the predominant materials of the project, such as metal. Secondly, the project's outdoor areas remain oriented to the Willamette River and the Greenway path, through the retention of the overlooks at the northeast and southeast corners of the site, and the provision of comfortable seating at the overlooks. Thirdly, the revisions do not affect the project's emphasis on the water feature as a central landscape design element. Although light fixtures are being removed from the water feature, other exterior lighting on the site provides sufficient illumination to allow visual enjoyment of the water feature. The proposal supports Waterfront Pearl as an enduring new presence at the banks of the Willamette River. *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 revisions successfully employ the local design vocabulary of Waterfront Pearl, and allow the development to remain a coherent composition. Additionally, proposed revisions support the project's emphasis on the Willamette River and Greenway path. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of revisions to the outdoor areas of Waterfront Pearl, per the approved plans and drawings, Exhibits C-1 through C-10, signed and dated 23 February, 2009, 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 through C-10. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-157405 DZ. No field changes allowed."

Decision rendered by:  on February 23, 2009
By authority of the Director of the Bureau of Development Services

Decision mailed: February 25, 2009

Staff Planner: Kate Marcello

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 22, 2008, and was determined to be complete on **October 14, 2008**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on August 22, 2008.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the 120-day review period was extended for a total of 53 days.

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 Wednesday, March 11, 2009** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

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

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

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

Recording the final decision.

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

- *Unless appealed,* The final decision may be recorded on or after **Thursday, March 12, 2009 (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.

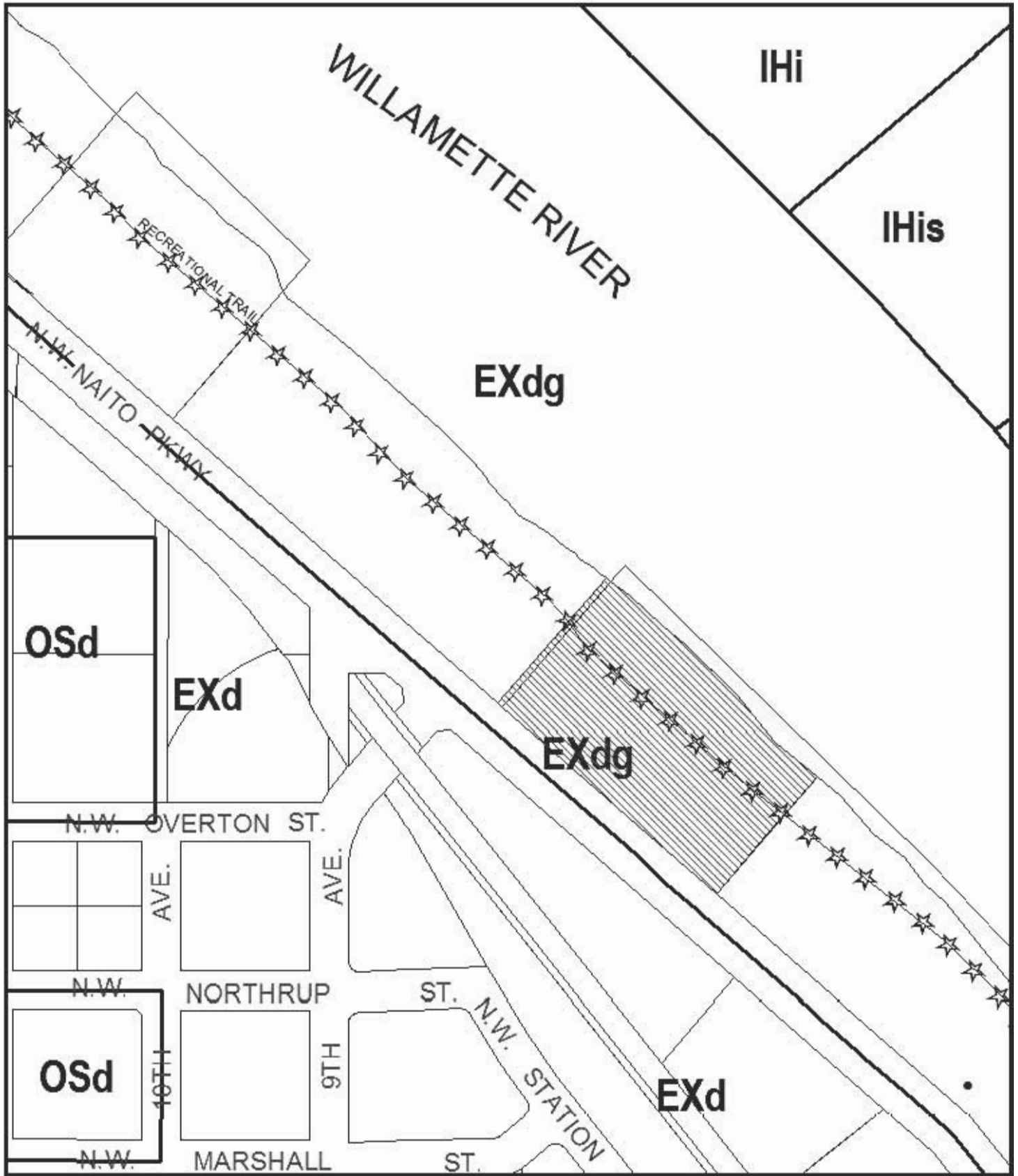
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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 and Drawings:
 - 1. Basic Site Plan
 - 2. Detailed Site Plan (attached)
 - 3. Item 1 – Sidewalk at Northwest Corner of Building “B” (attached)
 - 4. Item 2 – Plan View of Northeast Overlook (attached)
 - 5. Item 3 – Plan View of Southern Path (attached)
 - 6. Items 4, 6 – Images of Light Fixtures Removed from Water Feature Design, Seating “Discs” Removed from Design, Proposed Benches (attached)
 - 7. Item 8 – Previously Approved Railing Design
 - 8. Item 8 – New Proposed Railing Design (attached)
 - 9. Item 9 – Previously Approved Planting Plan
 - 10. Item 9 – Previously Approved Plant Schedule
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Site Development Section of the Bureau of Development Services
- F. Correspondence: None received.
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research



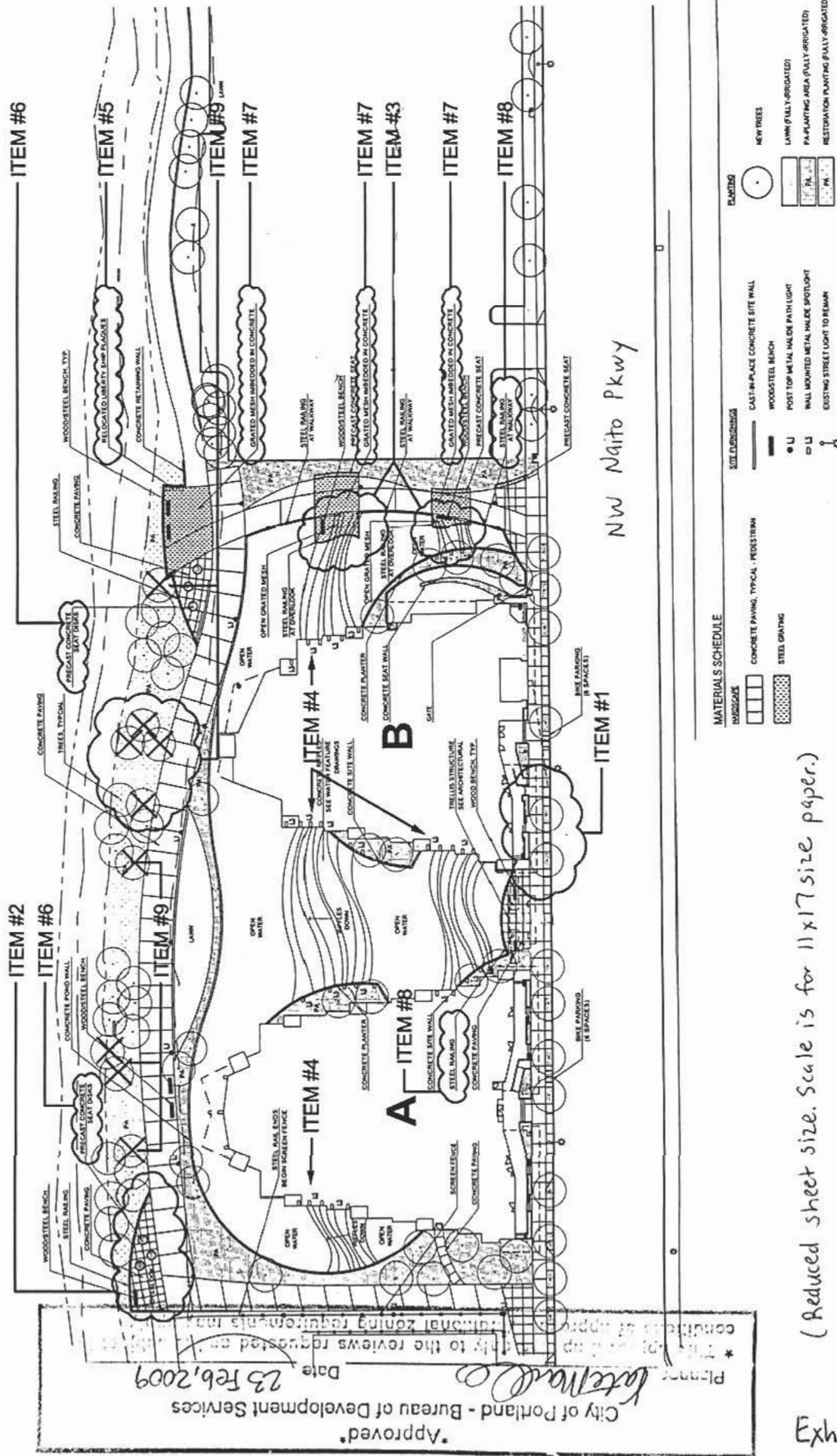
ZONING



This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	LU 08-157405 DZ GW
1/4 Section	2929
Scale	1 inch = 200 feet
State_Id	1N1E34BB 88000
Exhibit	B (Oct 1, 2008)

WATERFRONT PEARL Site Plan



(Reduced sheet size. Scale is for 11x17 size paper.)

Site Materials Plan

scale: 1"=60'-0"
 June 10, 2005
 Design Review Submittal



Case File No: LU 05-108039 D2M, GW, AD -- Waterfront Pearl



Sheet No: C-

MATERIALS SCHEDULE	
CONCRETE PAVING, TYPICAL - PEDESTRIAN	CONCRETE PAVING
STEEL PAVING	STEEL PAVING
CAST-IN-PLACE CONCRETE SITE WALL	CAST-IN-PLACE CONCRETE SITE WALL
WOOD STEEL BENCH	WOOD STEEL BENCH
POST TOP METAL WALKER PATH LIGHT	POST TOP METAL WALKER PATH LIGHT
WALL MOUNTED METAL WALKER SPOTLIGHT	WALL MOUNTED METAL WALKER SPOTLIGHT
EXISTING STREET LIGHT TO REMAIN	EXISTING STREET LIGHT TO REMAIN
NEW TREES	NEW TREES
LAWN (FULLY-IRRIGATED)	LAWN (FULLY-IRRIGATED)
PA-PLANTING AREA (FULLY-IRRIGATED)	PA-PLANTING AREA (FULLY-IRRIGATED)
RESTORATION PLANTING (FULLY-IRRIGATED)	RESTORATION PLANTING (FULLY-IRRIGATED)

Approved
 City of Portland - Bureau of Development Services
 Planner: *late*
 Date: 23 Feb, 2009
 * This plan is set up for the reviews requested on the additional zoning requirements map. The City of Portland is not responsible for the accuracy of the information on this map.

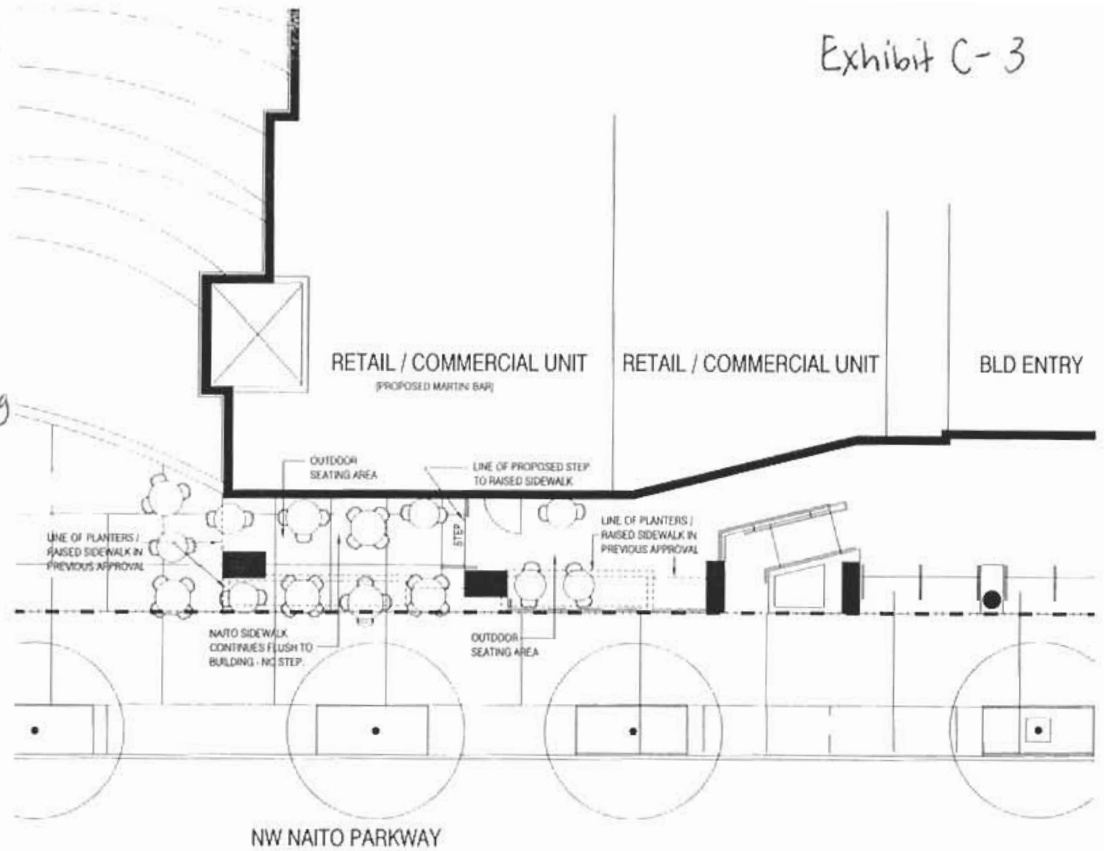
LU 08-157405 D2

Exhibit C-2

LU 08-157405 DZ

Exhibit C-3

Item #1
at nw corner of
building "B," facing
NW Naito Pkwy



← N

ITEM 1: Raised Sidewalk Area at NW Corner of BLD 'B'
 REVISIONS TO LANDSCAPING ITEMS
 ADDITIONAL INFORMATION FOR JULY 18 SUBMITTAL SCALE 1/8" = 1'-0"
 TYPE 2 MINOR B DESIGN REVIEW

(reduced sheet size.)

SUITE 450
 375 WATER STREET
 VANCOUVER BC
 CANADA V6B 5C4
 TEL: +1 604 681 4257
 FAX: +1 604 681 4257
 www.sorenra.com

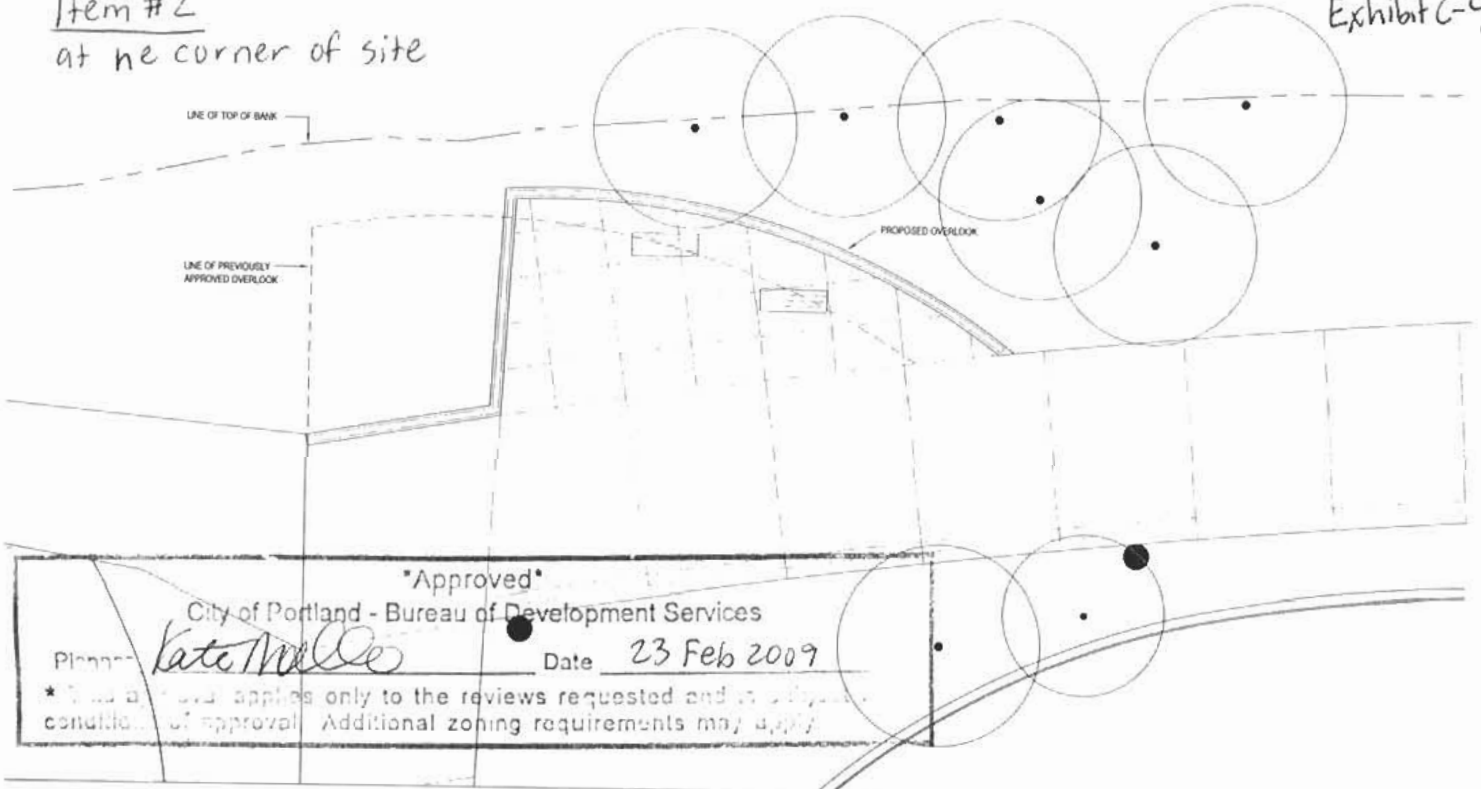
Soren
 RASMUSSEN
 architects inc.

MCA
 30 NW FIRST AVENUE
 PORTLAND OREGON 97209
 PHONE 503 224 0622
 FAX 503 224 0624

© COPYRIGHT

Item #2
at ne corner of site

Exhibit C-4



WATERFRONT · PEARL
 PORTLAND'S VIBRANT DOCKSIDE COMMUNITY

1 & 1260 NW NAITO PARKWAY PORTLAND OREGON 97209



ITEM 2: Overlook at NE corner of site
 REVISIONS TO LANDSCAPING ITEMS

ADDITIONAL INFORMATION FOR JULY 18 SUBMITTAL SCALE 1/8" = 1'-0"
 TYPE 2 MINOR B DESIGN REVIEW

(reduced sheet size.)

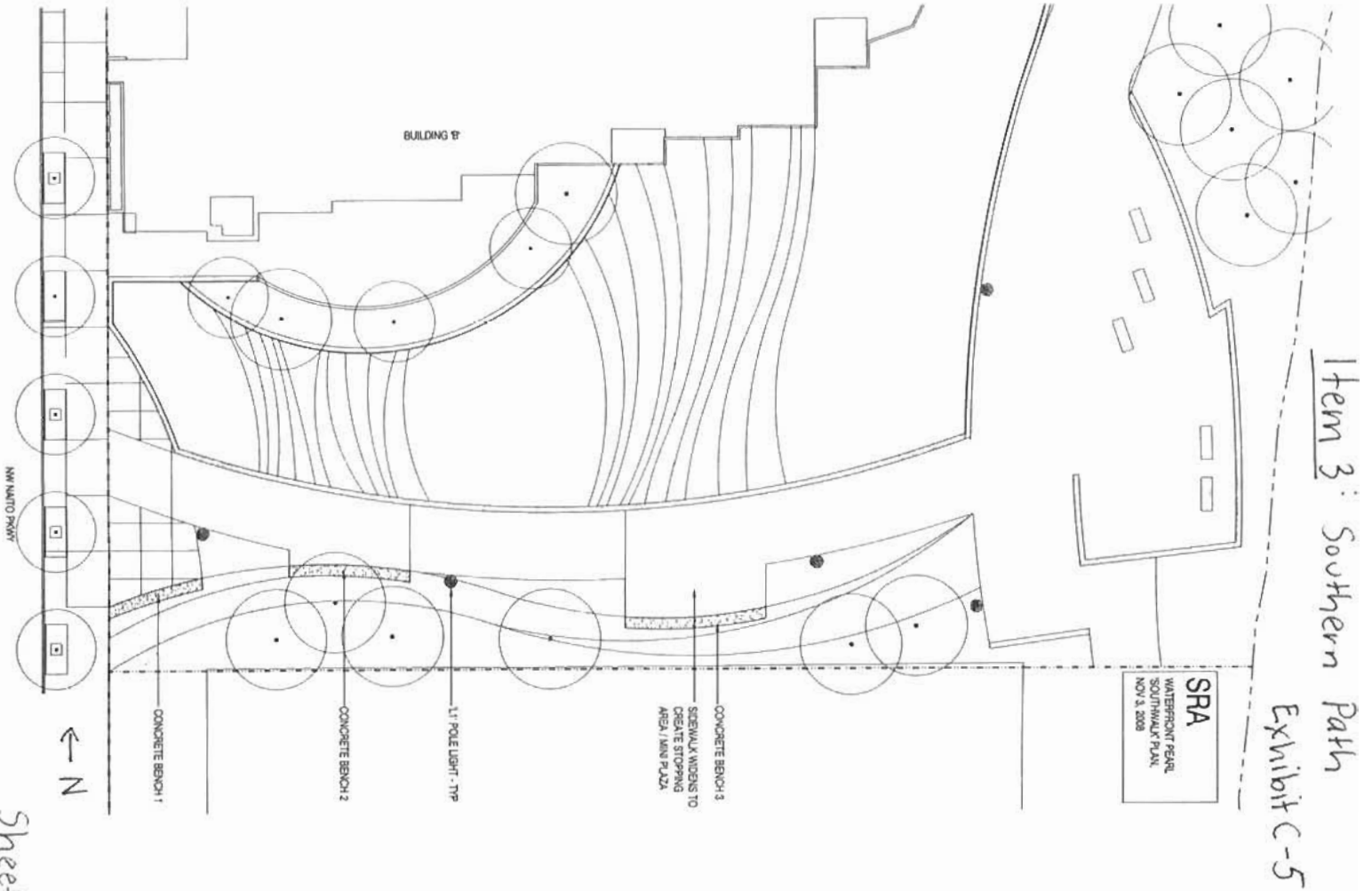
SUITE 450
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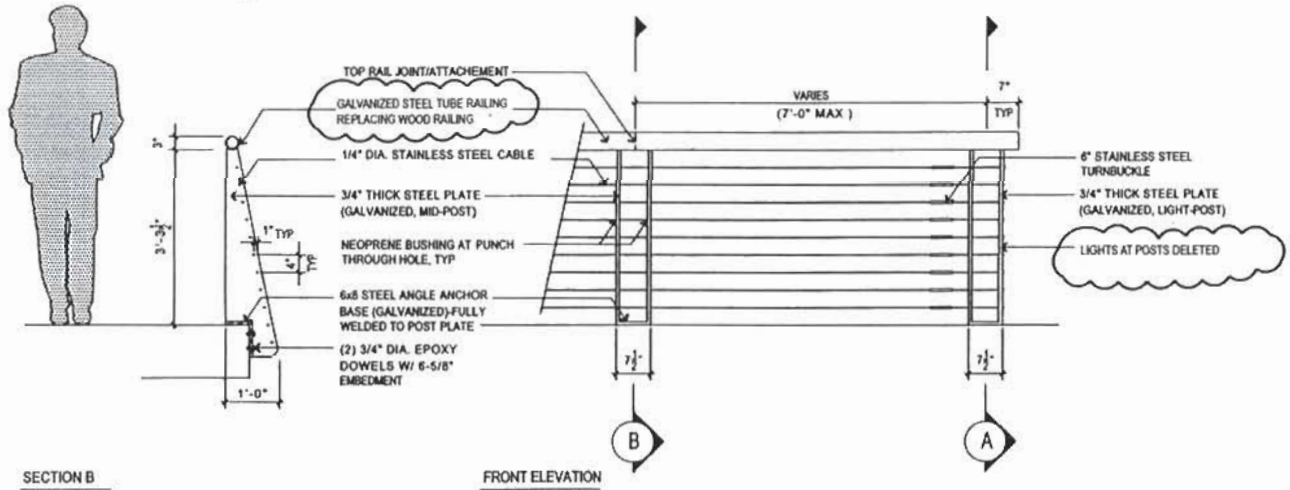
LU 08-157405 DZ



Sheet sizes have been altered.

Item 8

at western edge of water-feature;
at southern path



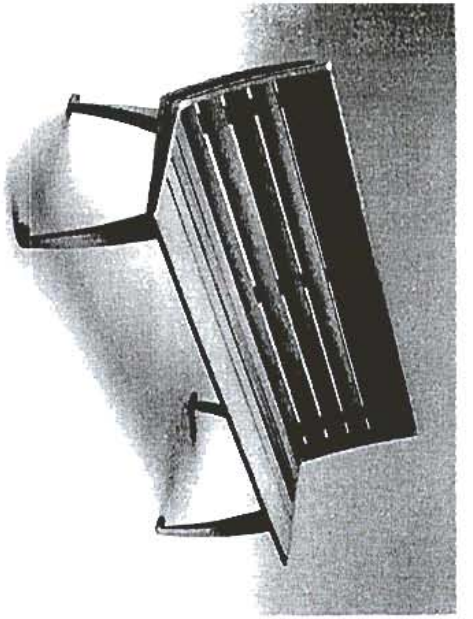
Approved

City of Portland - Bureau of Development Services

Planner: Kate Maulde Date: 23 Feb 2009

* This approval is limited to the reviews requested and does not constitute a final zoning or other regulatory determination.

Exhibit C-8
LU 08-157405 DZ

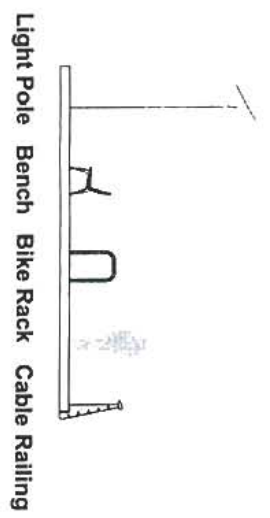


Landscape Forms "Austin" Series Wood/Steel Bench

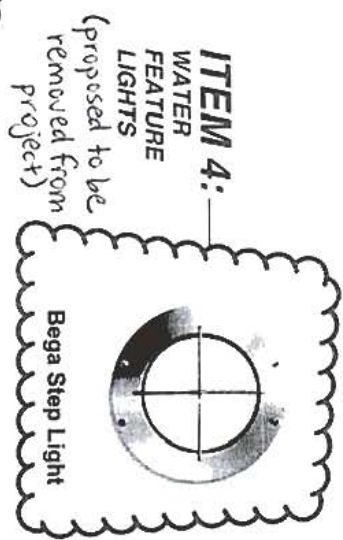


Landscape Forms "Sonoma" Series Wood Bench

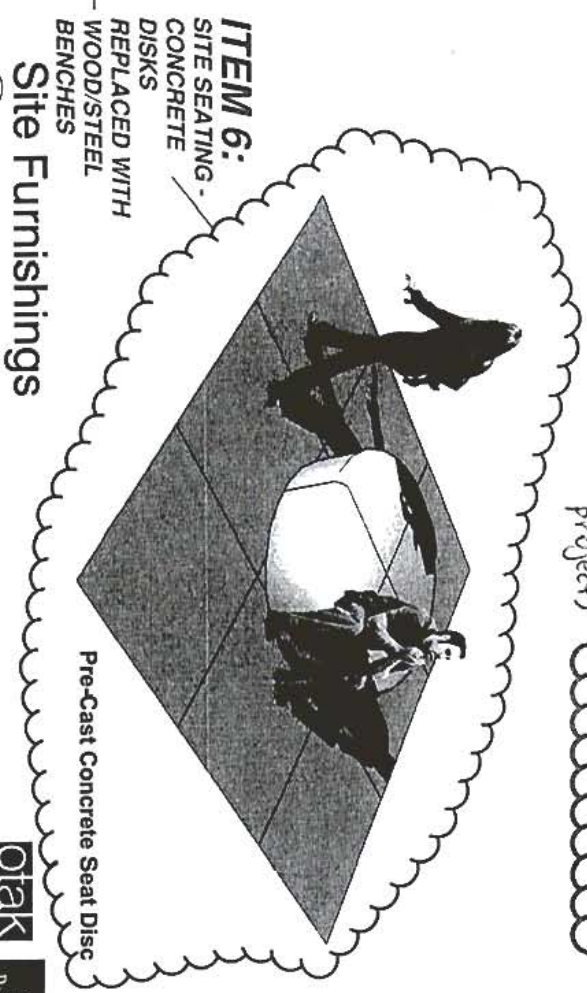
Items 4 and 6
at water feature;
at ne and se overlooks



Light Pole Bench Bike Rack Cable Railing



ITEM 4:
WATER
FEATURE
LIGHTS
(proposed to be
removed from
project)



ITEM 6:
SITE SEATING -
CONCRETE
DISKS
REPLACED WITH
WOOD/STEEL
BENCHES

Site Furnishings



Design Review Submittal

June 10, 2005

WALKER-MACY
Case File No: LU 05-108329 D2M, GW, AD - Waterfront Pearl Sheet No: C-6f



WATERFRONT PEARL

Approved

City of Portland - Bureau of Development Services

Planner: *Karen Miller* Date: 23 Feb 2009

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

Sheet size has been altered.

Exhibit C-6
LU 08-157405 DZ