



City of Portland, Oregon - Bureau of Development Services

1900 SW Fourth Avenue • Portland, Oregon 97201 • 503-823-7300 • www.portlandoregon.gov/bds



Type II and IIX Decision Appeal Form

LU Number: 14-134289 DZ

FOR INTAKE, STAFF USE ONLY

Date/Time Received 6.5.14 @ 3:27 PM Action Attached _____

Received By 5th floor Reception Fee Amount 250

Appeal Deadline Date 6/6/14 [N] Fee Waived

Entered in Appeal Log Bill # _____

Notice to Dev. Review Neighborhood Pearl Dist.

APPELLANT: Complete all sections below. Please print legibly.

PROPOSAL SITE ADDRESS 315-317 NW 11th ave DEADLINE OF APPEAL June 5, 2014

Name Pearl District Neighborhood Association - contact: Patricia Gardner

Address 2257 NW Raleigh St City Portland State/Zip Code OR 97210

Day Phone 503-806-4186 Email patig57@gmail.com Fax _____

Interest in proposal (applicant, neighbor, etc.) Neighborhood Association - voted to appeal at June 3rd meeting

Identify the specific approval criteria at the source of the appeal:

Zoning Code Section 33. _____ Zoning Code Section 33. _____

Zoning Code Section 33. _____ Zoning Code Section 33. _____

Describe how the proposal does or does not meet the specific approval criteria identified above or how the City erred procedurally:

Does not meet Central City Design Guideline or River District Guidelines:
CC-A4, CC-C2, CC-C3, CC-C11, RD-A5-1-1. Roof form does not work with design of building and is an aberration in neighborhood.

Appellant's Signature [Signature]

FILE THE APPEAL - Submit the following:

- This completed appeal form
- A copy of the Type II or IIX Decision being appealed
- An appeal fee as follows:
 - \$250, payable to City of Portland
 - No appeal fee is charged when appeal is filed by ONI recognized organizations for properties within organization's boundaries
 - Fee waiver for low income individual approved (attach letter from Director)
 - Fee waiver for Unincorporated Multnomah County recognized organizations is signed and attached

The appeal must be filed by 4:30 pm on the deadline listed in the Decision. To ensure the appeal is received within this deadline, the appeal should be filed in the Development Services Center at 1900 SW 4th Ave, 1st Floor, Suite 1500, Portland, Oregon, between 8:00 am and 3:00 pm on Monday through Wednesday and Friday, and between 8:00 am and 2:00 pm on Thursday. After 3:00 pm on Monday through Wednesday and Friday, and after 2:00 pm on Thursday, the form(s) must be submitted at the Reception Desk on the 5th Floor.

The Portland City Council will hold a hearing on this appeal. The land use review applicant, those who testified and everyone who received notice of the initial hearing will receive notice of the appeal hearing date.

Information about the appeal hearing procedure and fee waivers is on the back of this form.

Type II and IIx Appeal Procedure

For land use review applications that follow a Type II and IIx procedure, the Bureau of Development Services makes the decision on the application. This decision is called the Administrative Decision and may be appealed. The applicant and/or an interested person who does not agree with the Administrative Decision may appeal it by using the Type II and IIx Decision Appeal Form and submitting an appeal fee. No appeal fee is charged for Type II and IIx appeals when filed by an ONI recognized organization; the appeal must be for property located within the organization's boundaries, and the vote to appeal must be in accordance with the organization's bylaws. An appeal of a decision triggers an initial hearing before a City review body.

There is a 14-day appeal period that starts the day that the decision is mailed. The last day to appeal is stated in the decision. If appealed, a specific review body hears the case and makes the final City decision. These review bodies include:

- The Hearings Officer
- The Design Commission
- The Portland Historic Landmarks Commission
- The Adjustment Committee

Type II and IIx Appeal Hearing

When a decision is appealed, the Bureau of Development Services schedules a public hearing and sends out a notice within five days of receiving the appeal. The hearing is held at least 21 days from the mailing of the notice.

At the hearing, everyone attending is allowed to speak to the review body. The testimony must address whether or not the proposal meets the approval criteria as described in the Administrative Decision or how the City erred procedurally. Written testimony is also accepted prior to or at the hearing. This may include additional information submitted by the applicant and/or appellant.

If a committee reviews the appeal, a decision is made at the hearing. If the Hearings Officer is the review body, they may make a decision at the hearing, or make a decision later. Both the Hearings Officer and the committee must make a written decision and send notice of the decision within 17 days after the hearing. The decision is mailed to the appellant, applicant, and to anyone who submits oral or written testimony at the hearing.

The review body may adopt, modify, or overturn the Administrative Decision based on the information presented at the hearing and in the case record.

Appeal Fees

An appeal of a land use decision must include an appeal fee. There is a \$250 fee charged for appealing a Type II and IIx decision. This fee is refunded if the decision-maker grants the appeal; i.e. agrees with the appellant.

In order for an appeal to be valid, an appeal fee must accompany the appeal form or a fee waiver request must be approved before the appeal deadline as stated in the specific land use decision (Section 33.730.020 of the Portland Zoning Code). See below for fee waiver eligibility information.

Low Income Fee Waiver

The appeal fee may be waived for low income applicants who appeal a land use decision on the site of their primary residence in which they have an ownership interest. In addition, the appeal fee may be waived for low income individuals who have resided for at least 60 days within the required notification area for the land use review. Low income individuals requesting a fee waiver will be required to certify their annual gross income and household size. The appeal fee will only be waived for households with a gross annual income of less than 50 percent of the area median income as established and adjusted for household size by the federal Department of Housing and Urban Development (HUD). All financial information submitted to request a fee waiver is confidential. Fee waiver requests must be approved prior to appeal deadline to be considered for a fee waiver.

An information sheet on how to apply for a fee waiver for a low income individual is available at Development Services Center, 1900 SW 4th Avenue; 1st floor, 503-823-7526.

Information is subject to change

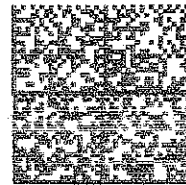
Appeal



CITY OF PORTLAND
Bureau of Development Services
1900 SW Fourth Avenue, Suite 5000
Portland, OR 97201 P524
Land Use Decision Enclosed
Case # LU 14134289 DZ

16

PRESORTED
FIRST CLASS



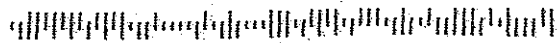
Master

016H26521487
\$00.381
05/22/2014
Mailed From 97204
US POSTAGE

Return Service Requested

RESPONDENT
PEARL DIST NA
PAT GARDNER
1116 NW JOHNSON ST
PORTLAND OR 97209

88 CRANKS1 97209



CASE NO LU 14134289 DZ
EXHIBIT _____



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
 Paul L. Scarlett, Director
 Phone: (503) 823-7300
 Fax: (503) 823-5630
 TTY: (503) 823-6868
 www.portlandoregon.gov/bds

Date: May 22, 2014
To: Interested Person
From: Mark Walhood, City Planner
 (503) 823-7806, mark.walhood@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in 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 14-134289 DZ – JANEY II STAIR

GENERAL INFORMATION

Applicant: Marcus Lima / GBD Architects Inc.
 1120 NW Couch St., Suite 300 / Portland, OR 97209

Owner: 315 NW 11th, LLC & HFTB LLC
 1477 NW Everett St / Portland, OR 97209

Site Address: 315-317 NW 11TH AVE

Legal Description: Couchs Addition, Block 78, Lots 1 & 4
Tax Account No.: R180207180
State ID No.: 1N1E33DA 02900
Quarter Section: 3028
Neighborhood: Pearl District, contact Patricia Gardner at 503-243-2628.
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.
Zoning: **EXd** (Central Employment base zone with Design overlay zone),
Central City Plan District/River District Subdistrict

Case Type: **DZ** (Design Review)
Procedure: **Type II**, an administrative decision with appeal to the Design Commission.

Proposal: The Janey II Apartments, currently under construction on a quarter-block site at NW 11th & Everett, received Design Review approval in 2013 (LU 13-147922 DZM AD). The project was approved with a rooftop amenity deck and a single stairwell/elevator access enclosure on the western portion of the roof. After Design Review approval, it was determined that a second stairway was required to access the roof to serve the tenant deck and amenity spaces. In response, the project team has developed a proposal to extend the second stairwell in the eastern portion of the building up to the roof. An L-shaped stairwell enclosure, measuring 19'-0" or less on the long sides, will rise up to 8'-0" above the existing rooftop, placed 4'-0" back from the NW 11th Avenue parapet. The new stair enclosure has a sloping roof in the area closest to the parapet to diminish views of the structure from adjacent streets, and is clad in dark brown metal siding and standing seam metal roofing materials that match materials used elsewhere on the building.

Because exterior alterations are proposed to a building within a Design overlay zone in the Central City, a Design Review is required. Given the project scope and valuation of \$35,000, the application is handled through a Type II procedure.

Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

- The *Central City Fundamental Design Guidelines*; and
- The *River District Design Guidelines*.

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 meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of Design Review for a new rooftop access stair overrun on the Janey II apartment building in the River District Subdistrict of the Central City Plan District.

Approval is granted based on the placement, size, materials and design as shown on Exhibits C.1 through C.38, all signed and dated May 19, 2014, and subject to the following condition:

- 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-38. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-134289 DZ."

Staff Planner: Mark Walhood

Decision rendered by: MARK WALHOOD on May 19, 2014.
By authority of the Director of the Bureau of Development Services

Decision mailed: May 22, 2014

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 April 2, 2014, and was determined to be complete on **April 16, 2014**.

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 April 2, 2014.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information

CASE NO. LU 14-134289 DZ
EXHIBIT _____

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 June 5, 2014** 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 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 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 **June 6, 2014**.
- 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:

CASE NO. LU 14-134289 DZ
EXHIBIT _____

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

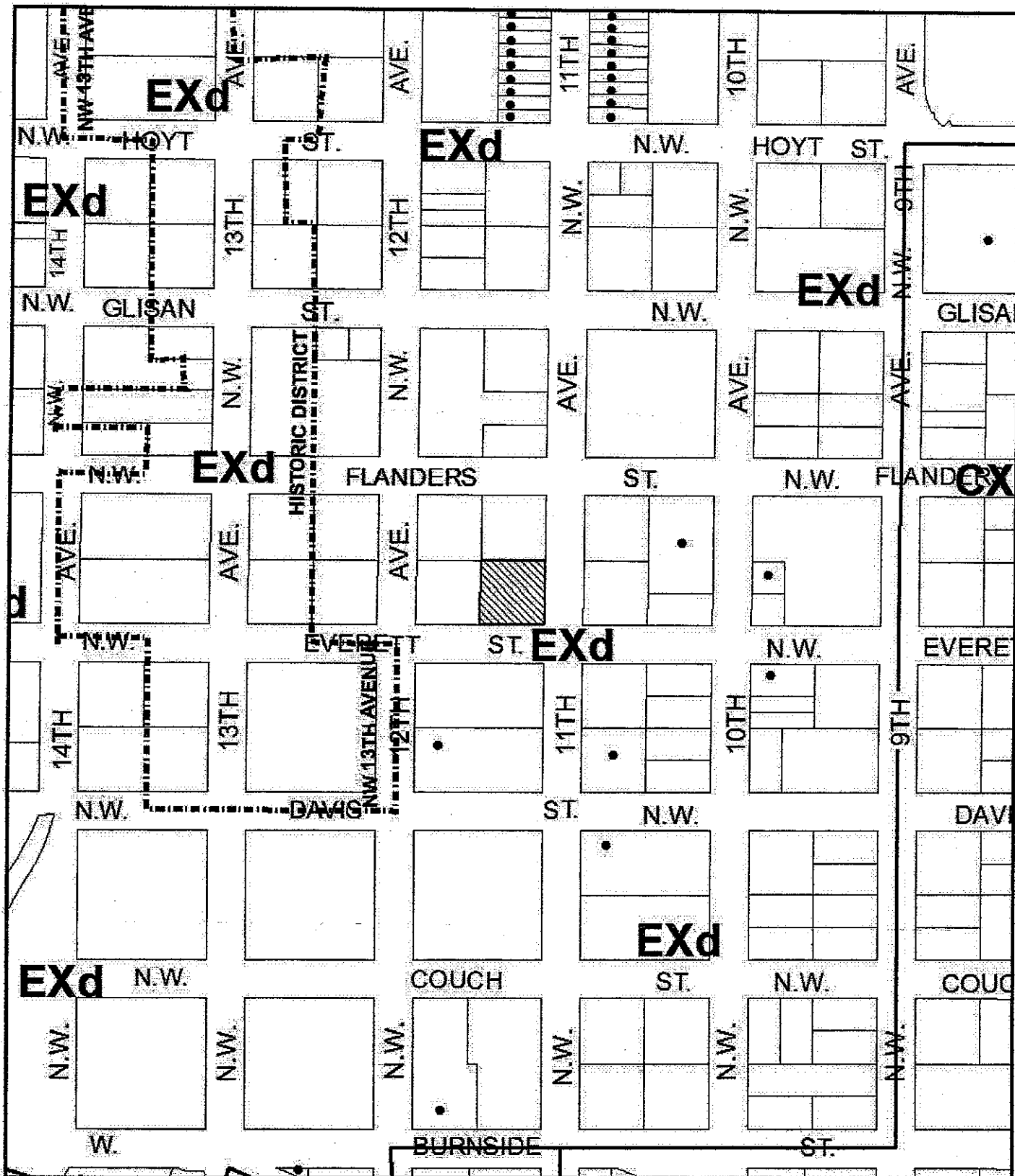
- A. Applicant's Statements
 1. Written material from original application
- B. Zoning Map (**attached**)
- C. Plans/Drawings:
 1. Site Plan (**attached**)
 2. View to NW from 11th & Everett
 3. Roof Level Floor Plan (**attached**)
 4. Rooftop Amenity Deck - Upper Roof Planting Plan
 5. Roof Level Enlarged Roof and Floor Plan
 6. Previous South Elevation - REFERENCE ONLY
 7. South Elevation (**attached**)
 8. South Elevation, Black & White
 9. Previous North Elevation - REFERENCE ONLY
 10. North Elevation
 11. North Elevation, Black & White
 12. Previous East Elevation - REFERENCE ONLY
 13. East Elevation (**attached**)
 14. East Elevation, Black & White
 15. Longitudinal Building Section
 16. Enlarged Partial Building Section
 17. Aerial View from the SE
 18. Aerial View from the NE
 19. Vignettes from Sidewalk
 20. Large/Scalable Site Plan
 21. Large/Scalable View to NW from 11th & Everett
 22. Large/Scalable Roof Level Floor Plan

CASE NO. LU 14-134289 DZ
EXHIBIT _____

23. Large/Scalable Rooftop Amenity Deck – Upper Roof Planting Plan
 24. Large/Scalable Roof Level Enlarged Roof and Floor Plan
 25. Large/Scalable Previous South Elevation – REFERENCE ONLY
 26. Large/Scalable South Elevation
 27. Large/Scalable South Elevation, Black & White
 28. Large/Scalable Previous North Elevation – REFERENCE ONLY
 29. Large/Scalable North Elevation
 30. Large/Scalable North Elevation, Black & White
 31. Large/Scalable Previous East Elevation – REFERENCE ONLY
 32. Large/Scalable East Elevation
 33. Large/Scalable East Elevation, Black & White
 34. Large/Scalable Longitudinal Building Section
 35. Large/Scalable Enlarged Partial Building Section
 36. Large/Scalable Aerial View from the SE
 37. Large/Scalable Aerial View from the NE
 38. Large/Scalable Vignettes from Sidewalk
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
 2. Life Safety Review Section of the Bureau of Development Services
 3. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of the Bureau of Development Services
 6. Portland Transportation
 7. Urban Forestry Division of Portland Parks and Recreation
- F. Correspondence:
1. Letter from Patricia Gardner, Pearl District Neighborhood Association, rec'd. 5/15/14
- G. Other:
1. Original LU Application Form and Receipt

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).

CASE NO. LU 14-134289 DZ
EXHIBIT _____



ZONING



Site



Historic Landmark



NORTH

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

File No. LU 14-134289 DZ

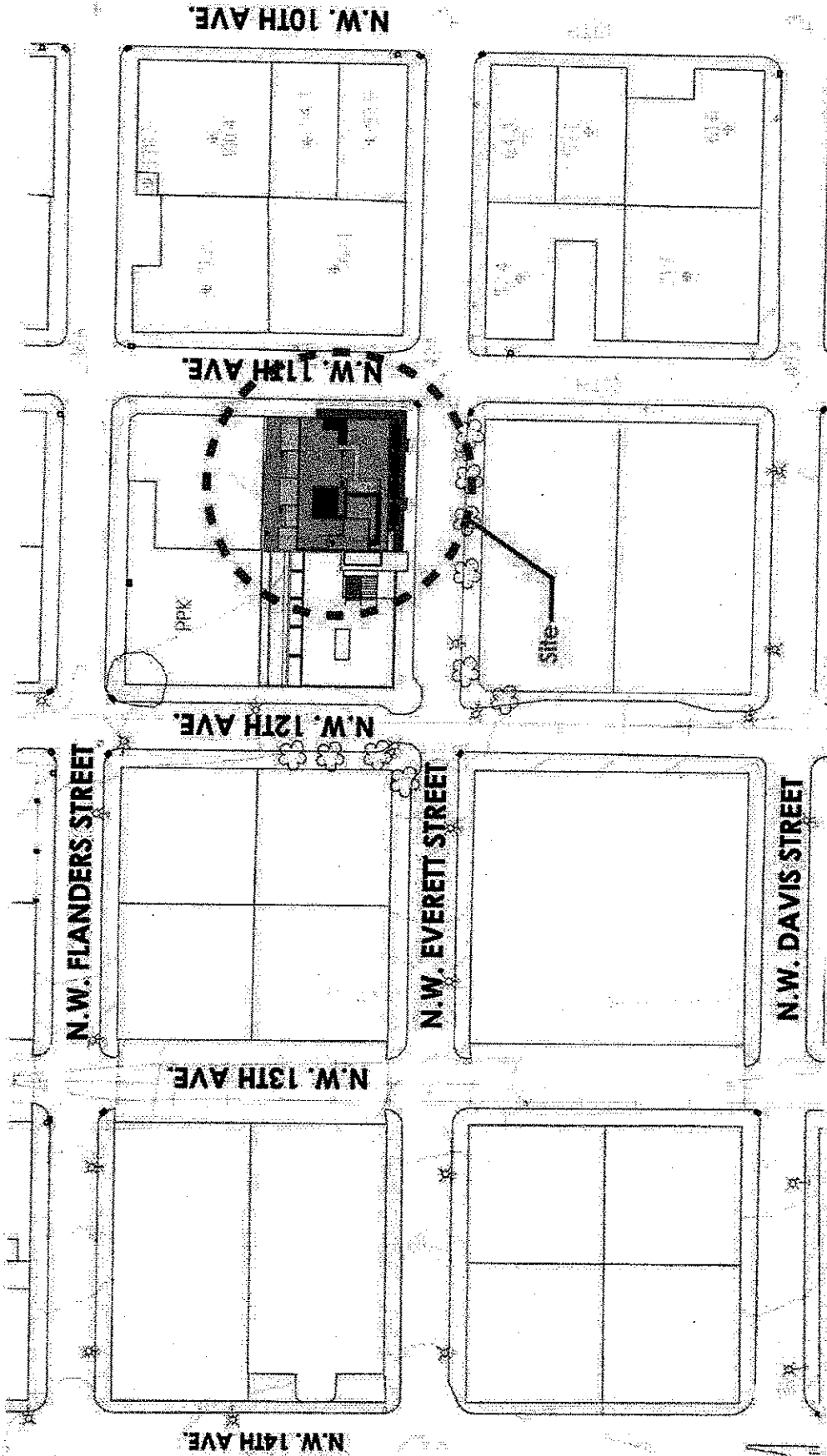
1/4 Section 3028

Scale 1 inch = 200 feet

State Id 1N1E33DA 2900

Exhibit B (Apr 07, 2014)

CASE NO. LU 14-134289 DZ
 EXHIBIT _____



1/8" = 1'-0"

SITE PLAN
 City of Portland - Bureau of Development Services
 Approved*
 For MARC WATKINS Date MAY 19 2014
 Approval applies only to the reviews requested and is subject to change of approval. Additional zoning requirements may apply.

LU 14-134289DZ

EXHIBIT C.1

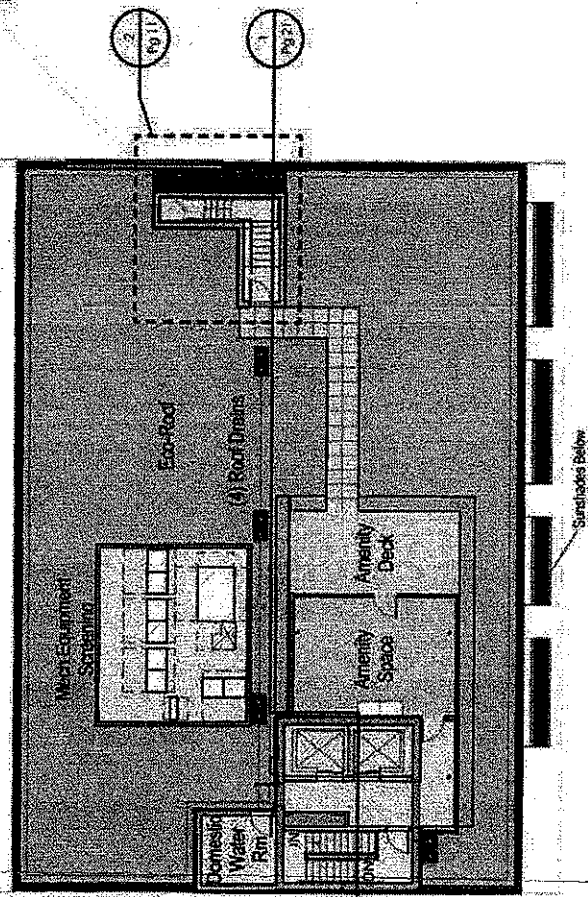
SITE PLAN

CASE NO. LU 14-134289DZ

EXHIBIT

Approved
 City of Portland - Bureau of Development Services
 Applicant: **MARK WALKER** Date: **MAY 19, 2014**
 This approval applies only to the reviews requested and is subject to the terms of approval. Additional zoning requirements may apply.

Proposed view
 they pop-up
 wind paths



LU 14-134289DZ
 EXHIBIT C.3

RESIDENTIAL STRATEGIC PLAN

SERVICE PARKING RESIDENTIAL STRATEGIC PLAN

ROOF LEVEL FLOOR PLAN

3011911101 LLC and HFTB LLC Residential Development

LU 14-134289 DZ

EXHIBIT

Material Legend

- 1. Light Gray Panels
- 2. Dark Gray Panels - Core
- 3. Dark Gray Panels - Sign
- 4. Stone/Glass/Aluminum
- 5. Glass/Aluminum
- 6. Glass/Aluminum
- 7. Dark Gray Panels
- 8. Dark Gray Panels

Proposed new
shelving
beyond



W 14-134289DZ
EXHIBIT C-7

ELEVATION - SOUTH, NEW PROPOSAL

Approved

City of Portland - Bureau of Development Services

By MARK WALKER Date MAY 19 2014

315 NW 11th Avenue Portland, Oregon 97209

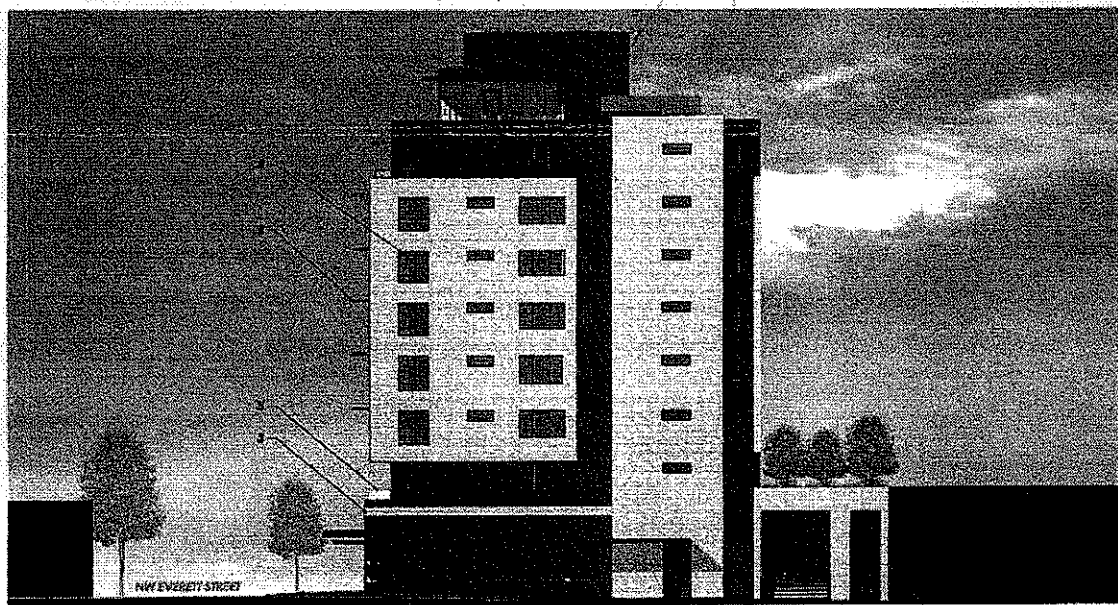
315 NW 11th Avenue Portland, Oregon 97209

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

Material Legend

- 1. Light Gray Panels
- 2. Dark Gray Panels - Core
- 3. Dark Gray Panels - Sign
- 4. Stone/Glass/Aluminum
- 5. Glass/Aluminum
- 6. Glass/Aluminum
- 7. Dark Gray Panels
- 8. Dark Gray Panels

Proposed new
shelving
beyond



W 14-134289DZ
EXHIBIT C-13

ELEVATION - EAST, NEW PROPOSALS

Approved

City of Portland - Bureau of Development Services

By MARK WALKER Date MAY 19 2014

315 NW 11th Avenue Portland, Oregon 97209

315 NW 11th Avenue Portland, Oregon 97209

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

CASE NO W 14-134289 DZ
EXHIBIT