



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

Chloe Eudaly, Commissioner  
Rebecca Esau, Interim Director  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**NOTICE OF A PUBLIC HEARING BEFORE  
THE CITY COUNCIL ON AN APPEAL OF THE  
PORTLAND LANDMARKS COMMISSION**

**CASE FILE:** LU 16-153002 - Pearl East Building  
**WHEN:** June 14<sup>th</sup>, 2017 at 2pm  
**WHERE:** COUNCIL CHAMBERS, 1221 SW FOURTH AVENUE

**Date:** April 25, 2017  
**To:** Interested Person  
**From:** Mike Gushard, Land User Services, 503-823-5091

The Landmarks Commission decision of **approval** has been appealed by **Mr. John Hollister**.

A public hearing will be held to consider an appeal of the Landmarks Commission's decision to approve an building with a penthouse at NW 13<sup>th</sup> Avenue and NW Glisan St. The Landmarks Commission's decision of approval with conditions has been appealed by John Hollister. At the hearing, City Council will consider the appeal. You are invited to testify at the hearing.

This will be an Evidentiary hearing, one in which new evidence can be submitted to the City Council. For a general explanation of the City Council hearing process please refer to the last page of this notice.

**GENERAL INFORMATION**

**Appellant:** John Hollister  
526 NW 13<sup>th</sup> Avenue #4  
Portland, OR 97209

**Applicant:** The Pearl Building LLC  
PO Box 1672  
Palo Alto, CA 94302

Suzannah Stanley and Mark Person  
Mackenzie Architects  
1515 SE Water Ave, Suite 100  
Portland, OR 97214

Brent Hedberg  
PBE, LLC C/O Specht Development, Inc  
10260 SW Greenburg Rd #170  
Portland OR 97223

**Site Address:** NW 13th and NW Glisan St

**Legal Description:** BLOCK 87 LOT 2&3, COUCHS ADD  
**Tax Account No.:** R180207950  
**State ID No.:** 1N1E33AD 04000

**Quarter Section:** 3028

**Neighborhood:** Pearl District, contact [planning@pearldistrict.org](mailto: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:** Non-contributing resource 13th Avenue Historic District

**Zoning:** EX- Central Employment Zone with Design and Historic Resource Protection Overlays

**Case Type:** HRM AD – Historic Resource Review with Modifications and Adjustments

**Procedure:** Type III, with a public hearing before the Landmarks Commission. The decision of the Landmarks Commission can be appealed to City Council.

**Proposal:**

The applicant requests approval of a 6-story office building with a three story underground parking garage for 45 vehicles and rooftop amenity space. The proposed building includes a wooden accessibility ramp and platform on its west elevation that is made to approximate the loading docks that define the NW 13th Avenue Historic District. The submitted drawings show a building that is primarily clad in brick with concrete at the base. End walls facing north and east are proposed to be CMU with a banded detail and board-formed concrete defining a stair tower on the north. Because the proposal is in the NW 13th Avenue Historic District it requires historic resource review.

A **Modification** is requested to:

1. 33.140.230 – To reduce the ground floor windows on the NW Glisan Street elevation from the required 50% of the length of the building to 0% and from 25% of the ground level wall area to 0% .

**Adjustments** are requested to:

1. 510.265.F.6.b – To allow parking access on NW Glisan Street, an access restricted street and;
2. 266.310.C.2.c – To reduce the number of loading spaces from 2 required Standard A to 0 (zero).

## RELEVANT APPROVAL CRITERIA

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

- NW 13th Avenue Historic District Design Guidelines
- 33.805 Adjustment Approval Criteria
- Central City Fundamental Design Guidelines
- 33.846.070 Modifications Considered During Historic Resource Review.

## REVIEW BODY DECISION

It is the decision of the Landmarks Commission to approve Historic Design Review for a 6-story office building with a three story underground parking garage for 45 vehicles and a penthouse amenity space.

Approval of the following Modification requests:

1. 33.140.230 – To reduce the ground floor windows on the NW Glisan St. elevation from the required 50% of the length of the building to 0% and from 25% of the ground level wall area to 0%

Approval of the following Adjustment requests:

1. 510.265.F.6.b – To allow parking access on NW Glisan Street, an access restricted street and
2. 266.310.C.2.c – To reduce the number of loading spaces from 2 required Standard A to 0 (zero).

Approvals per Exhibits C.1-C-42, signed, stamped, and dated April 3, 2017, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through F) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 16-153002 HRM AD". All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. No more than 15% of the bricks used to clad the building will be dark clinker brick or show signs of paint, efflorescence or other forms of distress.
- C. All pre-distressed decorative brick on street-facing facades will be distributed evenly across the building.
- D. If any exterior changes come as a result of Bureau of Environmental Service's requirements for onsite infiltration, a Type II land use review may be required to ensure that the modifications are in keeping with the approved land use review.
- E. Window sill returns shall be clad in brick as indicated in the project renderings.
- F. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.

## **APPEAL**

The Landmarks Commission's decision of an approval with conditions has been appealed by Mr. John Hollister. According to the appellants' statement, the appeal of the Landmarks Commission is based on arguments that "the building does not meet the NW 13<sup>th</sup> Avenue Historic District Design Guidelines approval criteria for height and visual compatibility."

**Review of the case file:** The Landmarks Commission's decision and all evidence on this case are now available for review at the Bureau of Development Services, 1900 SW 4<sup>th</sup> Avenue, Suite 5000, Portland, OR 97201. Copies of the information in the file can be obtained for a fee equal

to the City's cost for providing those copies. I can provide some of the information over the phone.

**We are seeking your comments on this proposal.** The hearing will be held before the City Council. To comment, you may write a letter in advance, or testify at the hearing. In your comments, you should address the approval criteria, as stated above. Please refer to the file number when seeking information or submitting testimony. Written comments **must be received by the end of the hearing** and should include the case file number and the name and address of the submitter. It must be given to the Council Clerk, in person, or mailed to 1221 SW Fourth Avenue, Room 140, Portland, OR 97204. A description of the City Council Hearing process is attached.

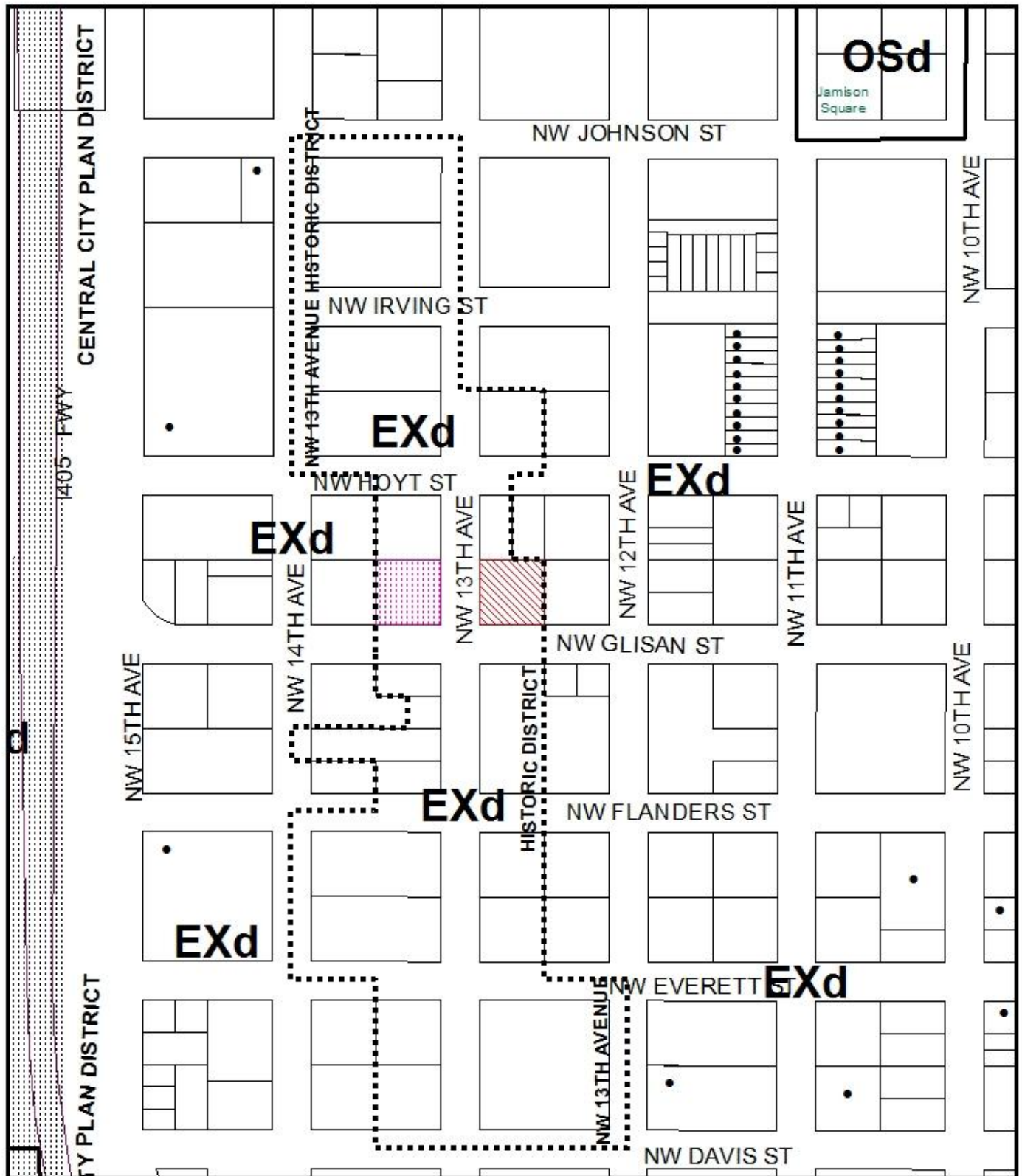
If you choose to provide testimony by electronic mail, please direct it to the Council Clerk at [karla.Moore-Love@portlandoregon.gov](mailto:karla.Moore-Love@portlandoregon.gov). Due to legal and practical reasons, City Council members cannot accept electronic mail on cases under consideration by the Council. Any electronic mail on this matter must be received no less than one hour prior to the time and date of the scheduled public hearing. The Council Clerk will ensure that all City Council members receive copies of your communication.

City Council's decision is final. Any further appeal must be filed with the Oregon Land Use Board of Appeals (LUBA). Failure to raise an issue in a hearing, in person or by letter, by the close of the record or at the final hearing on the case or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the City Council, they may not be able to respond to the issue you are trying to raise. For more information, call the Auditor's Office at (503) 823-4086.

**If you have a disability and need accommodations, please call 503-823-4085 (TDD: 503-823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.**

#### Attachments




1. Zoning Map
2. Site plan
3. Elevations
4. Appeal Statement
5. City Council Appeal Process



# ZONING

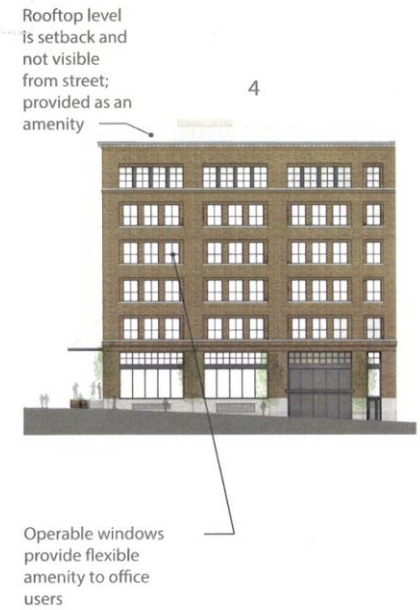
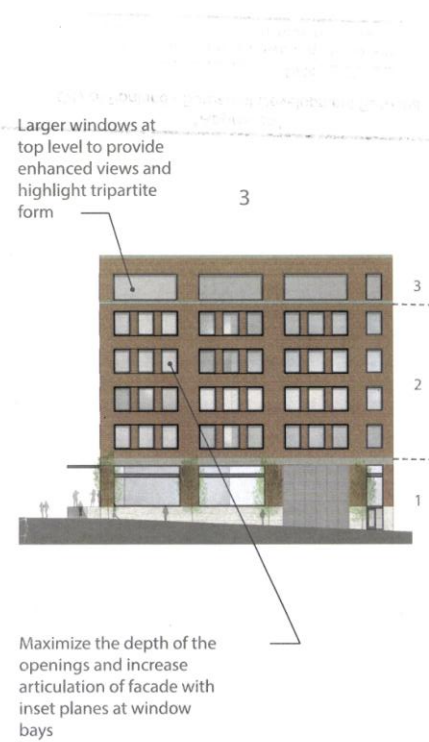
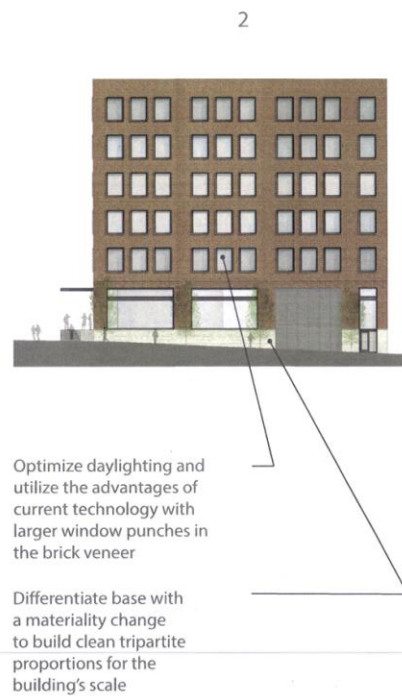
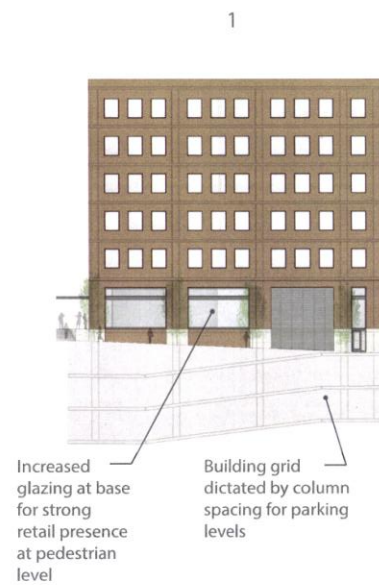


This site lies within the:  
CENTRAL CITY PLAN DISTRICT  
RIVER DISTRICT SUBDISTRICT  
13TH AVENUE HISTORIC DISTRICT

-  Site
-  Also Owned Parcels
-  Historic Landmark

File No. LU 16-153002 HRM, AD  
1/4 Section 3028  
Scale 1 inch = 200 feet  
State\_Id 1N1E33AD 4000  
Exhibit B (Apr 18, 2016)





# Elevation Progression Diagrams




Pearl Building East  
LU 16-153002 HRM AD

C6

B.23

M.



-  BRICK VENEER
-  BOARDFORM CONCRETE
-  WOOD LOADING DOCK


**SOUTH ELEVATION**  
**(NW GLISAN ST.)**  
1/16" = 1'-0"



**WEST ELEVATION**  
**(NW 13TH AVE)**  
1/16" = 1'-0"

\*Approved\*

City of Portland - Bureau of Development Services

Planner  Date 6/3/17

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

Elevations

Pearl Building East  
LU 16-153002 HRM AD

C7

B.24

M.





# City of Portland, Oregon - Bureau of Development Services

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## Type III Decision Appeal Form

LU Number: LU 16-153002 HRM

### FOR INTAKE, STAFF USE ONLY

Date/Time Received 4/19/17 @ 2:20 PM

☒ Action Attached Decision

Received By Mary

Fee Amount \$ 5000

Appeal Deadline Date 4/20/17

☐ Fee Waived

☐ Entered in Appeal Log

Bill # 4109466

☐ Notice to Auditor

☐ Unincorporated MC

☐ Notice to Dev. Review

### APPELLANT: Complete all sections below. Please print legibly.

PROPOSAL SITE ADDRESS NW 13th + NW GILMAN DEADLINE OF APPEAL 4/20/2017  
 Name John Hollister # 4 LU 16-153002  
 Address 526 NW 13th Ave City Portland State/Zip Code OR 97209  
 Day Phone 503 956-6294 Email JHollister@greatergiving.com Fax \_\_\_\_\_  
 Interest in proposal (applicant, neighbor, etc.) Neighbor/Concerned Citizen

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

Zoning Code Section 33. 846 . DBD F1A

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:

Building does not meet NW 13th Ave Historic District Design Guidelines for APPROVAL CRITERIA for Height and Visual Compatibility (see Attached)

Appellant's Signature John Hollister

### FILE THE APPEAL - Submit the following:

- ☒ This completed appeal form
- ☒ A copy of the Type III Decision being appealed
- ☒ An appeal fee as follows:
  - ☒ Appeal fee as stated in the Decision, payable to City of Portland
  - ☐ Fee waiver for ONI Recognized Organizations approved (see instructions under Appeals Fees A on back)
  - ☐ Fee waiver request letter for low income individual is signed and attached
  - ☐ Fee waiver request letter for Unincorporated Multnomah County recognized organizations is signed and attached

The City must receive the appeal by 4:30 pm on the deadline listed in the Decision in order for the appeal to be valid. To file the appeal, submit the completed appeal application and fee (or fee waiver request as applicable) at the Reception Desk on the 5th Floor of 1900 SW 4th Ave, Portland, Oregon, between 8:00 am and 4:30 pm Monday through Friday.

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.



## **NW13th Ave Historic District Design Guidelines**

*(Relevant excerpts regarding approval criteria for height and visual compatibility)*

- One of the essential elements which defines the character of the NW 13<sup>th</sup> Ave Historic District is the high degree of compatibility among its visual elements and architectural relationships
- Contemporary design for new buildings and additions to existing buildings is not discouraged if such design is compatible with the size, scale, color, material, and character of the district, buildings or its environment
- The added height is visually compatible with adjacent historic buildings

## GENERAL EXPLANATION OF CITY COUNCIL APPEAL HEARING PROCESS FOR EVIDENTIARY/DE NOVO APPEALS

### 1. SUBMISSION OF TESTIMONY

- a. Testimony may be submitted via email to [CCTestimony@portlandoregon.gov](mailto:CCTestimony@portlandoregon.gov) or in writing to the Council Clerk, 1221 SW Fourth Avenue, Room 130, Portland, Oregon 97204. Written comments must be received by the time of the hearing and should include the case file number.
- b. Testimony may be submitted orally (see below).

### 2. HEARINGS PROCESS

- a. The order of appearance and time allotments is generally as follows:

Staff Report	10 minutes
Appellant	10 minutes
Supporters of Appellant	3 minutes each
Principal Opponent of the Appeal	15 minutes
Other Opponents of the Appeal	3 minutes each
Appellant Rebuttal	5 minutes
Council Discussion	

- b. The applicant has the burden of proof to show that each and every element of the approval criteria can be satisfied. If the applicant is opposing the Hearings Officer's recommendation, the applicant may also argue the criteria are being incorrectly interpreted, the wrong approval criteria are being applied or additional approval criteria should be applied.
- c. In order to prevail, the opponents of the application must persuade the City Council to find that the applicant has not carried the burden of proof to show that the evidence submitted in support of the application demonstrates that each and every element of the approval criteria is satisfied. The opponents may wish to argue the criteria are being incorrectly applied, the wrong criteria are being applied or additional approval criteria should be applied.
- d. The failure to address an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals (LUBA) on that issue.

### 3. OTHER INFORMATION

- a. Prior to the hearing, the case file and the Review Body decision are available for review by appointment, at the Bureau of Development Services, 1900 SW 4<sup>th</sup> Avenue, Portland, OR 97201. Call 503-823-7617 to make an appoint to review the file.

**If you have a disability and need accommodations, please call 503-823-4085 (TDD: 503-823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.**