



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

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Portland, Oregon 97201  
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[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** March 30, 2010  
**To:** Interested Person  
**From:** Dave Skilton, Land Use Services 503-823-0660  
dave.skilton@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 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 10-112439 DZ - NEW ENTRY**

**GENERAL INFORMATION**

**Applicant:** EB Partners LLC  
4800 SW Macadam Avenue #120  
Portland, OR 97239  
  
AWS Real Estate / EB Partners LLC  
1136 NW Hoyt Street, Suite 200  
Portland, OR 97209

**Representative:** Patricia Gardner, Architect 503-806-0381  
A57  
1116 NW Johnson Street  
Portland, OR 97209

**Site Address:** 905 NW 12<sup>th</sup> Avenue

**Legal Description:** LOT 1-8 BLOCK 143, COUCHS ADD  
**Tax Account No.:** R180212420  
**State ID No.:** 1N1E33AD 00100  
**Quarter Section:** 2928

**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 - River District  
**Zoning:** EXd, Central Employment, with Design Overlay  
**Case Type:** DZ, Design Review  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

**Proposal:**

The applicant is seeking Design Review approval to alter the exterior of a building in the Central City Plan District – River Subdistrict. The proposal is to change out two sections of storefront glazing at an existing entry recess, to install one overhead door and one person door. Design Review is required for exterior alterations in the Central City Plan District.

**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:

- Central City Fundamental Design Guidelines
- River District Design Guidelines

**ANALYSIS**

**Site and Vicinity:** The subject property is a two-level, full block, industrial warehouse building, which has mostly been converted to commercial and office uses. The west face of the building, which faces NW 13<sup>th</sup> Avenue, has a raised “loading dock” structure that serves in lieu of a traditional sidewalk. This pattern, which occurs all along the street, owes its existence to the fact that NW 13<sup>th</sup> Avenue originally accommodated a rail spur which allowed direct train delivery of goods to and from properties like this one.

The River District is a plan area bounded by the Willamette River, W Burnside Street, and the I-405 freeway, with a small extension along the riverfront north of the Fremont bridge. Subject to intensive new development in the last decade, the area nonetheless contains some of Portland’s oldest developed areas and historic resources. This mix of old and new, industrial and commercial, makes for an attractive area. As the district name implies, the desired area character is one of orientation to the river.

NW Lovejoy Street, to the north is a busy corridor, carrying streetcar, bus, vehicular, bicycle, and pedestrian traffic. NW 12<sup>th</sup>, 13<sup>th</sup>, and Kearny are less intensely used but still carry significant amounts of traffic. Virtually the entire River District is designated as a pedestrian zone.

**Zoning:** The Central Employment (EX) zone 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 promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. 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 or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

**Land Use History:** City records indicate the following prior land use reviews for this site:

- LU 99-016899 DZ, approving conversion from industrial warehouse to multi-tenant commercial;
- LU 00-007010 AD, adjusting required bike parking downward from 15 to 7 spaces; and
- LU 00-007190 DZ, approving a walk-up ATM and a sign.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **March 3, 2010**. None of the Bureaus has responded with issues or concerns:

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on March 3, 2010. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## **ZONING CODE APPROVAL CRITERIA**

### **Chapter 33.825 Design Review**

#### **Section 33.825.010 Purpose of Design Review**

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

#### **Section 33.825.055 Design Review Approval Criteria**

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

**Findings:** The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site’s location, the applicable design guidelines are the Central City Fundamental Design Guidelines and River District Guidelines.

#### **River District Design Guidelines and Central City Fundamental Design Guidelines**

The River District is a remarkable place within the region. The area is rich with special and diverse qualities that are characteristic of Portland. Further, the River District accommodates a significant portion of the region’s population growth. This area emphasizes the joy of the river, connections to it, and creates a strong sense of community. The goals frame the urban design direction for Central City and River District development.

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland’s character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

#### **River District Design Goals**

1. Extend the river into the community to develop a functional and symbolic relationship with the Willamette River.
2. Create a community of distinct neighborhoods that accommodates a significant part of the region’s residential growth.
3. Enhance the District’s character and livability by fostering attractive design and activities that give comfort, convenience, safety and pleasure to all its residents and visitors.
4. Strengthen connections within River District, and to adjacent areas.

#### **Central City Plan Design Goals**

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City’s districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City’s districts and the Central

City as a whole;

6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

*Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.*

**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.

**B7. Integrate Barrier-Free Design.** Integrate access systems for all people with the building's overall design concept.

**Findings for B-1 and B-7:** The “pedestrian access system” at this location is a converted rail loading dock structure running the length of the building. The addition of another retail entry adjacent to this walkway helps to reinforce area character, and the use of a recess for the opening allows people entering or leaving the building to remain outside of the flow of pedestrian traffic before or after opening the door. The secondary, roll-up, door will serve the same purpose and will also enliven the sidewalk by blurring the traditional demarcation between “inside” and “outside”. When open it will also offer a more easily negotiated accessible route into the unit. *These guidelines are therefore met.*

**C3. Respect Architectural Integrity.** Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

**C5. Design for Coherency.** Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

**C9. Develop Flexible Sidewalk-Level Spaces.** Develop flexible spaces at the sidewalk-level of buildings to accommodate a variety of active uses.

**Findings for C-3, C-5, and C-9:** The proposed new storefront system elements will match the existing glazed storefront system in dimensions and finishes. This approach respects the integrity of the building and integrates the new elements seamlessly into its facade. The use of one roll-up bay will make the space it serves more flexible in terms of use. *These guidelines are therefore met.*

## DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

This small alteration to an existing storefront will have only a very minor effect on the visual character of the building and its surroundings. 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 the alteration of an existing storefront in the Central City Plan Area – River District;

Approval per Exhibit C-1, signed and dated March 26, 2010, 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 Exhibit C-1. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-112439 DZ. No field changes allowed."

**Staff Planner: Dave Skilton**

**Decision rendered by:**  **on March 26, 2010.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: March 30, 2010**

**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 February 18, 2010, and was determined to be complete on **March 1, 2010**.

*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 February 18, 2010.

*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 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 April 13, 2010** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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 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](http://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 **April 14, 2010**.
- 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:

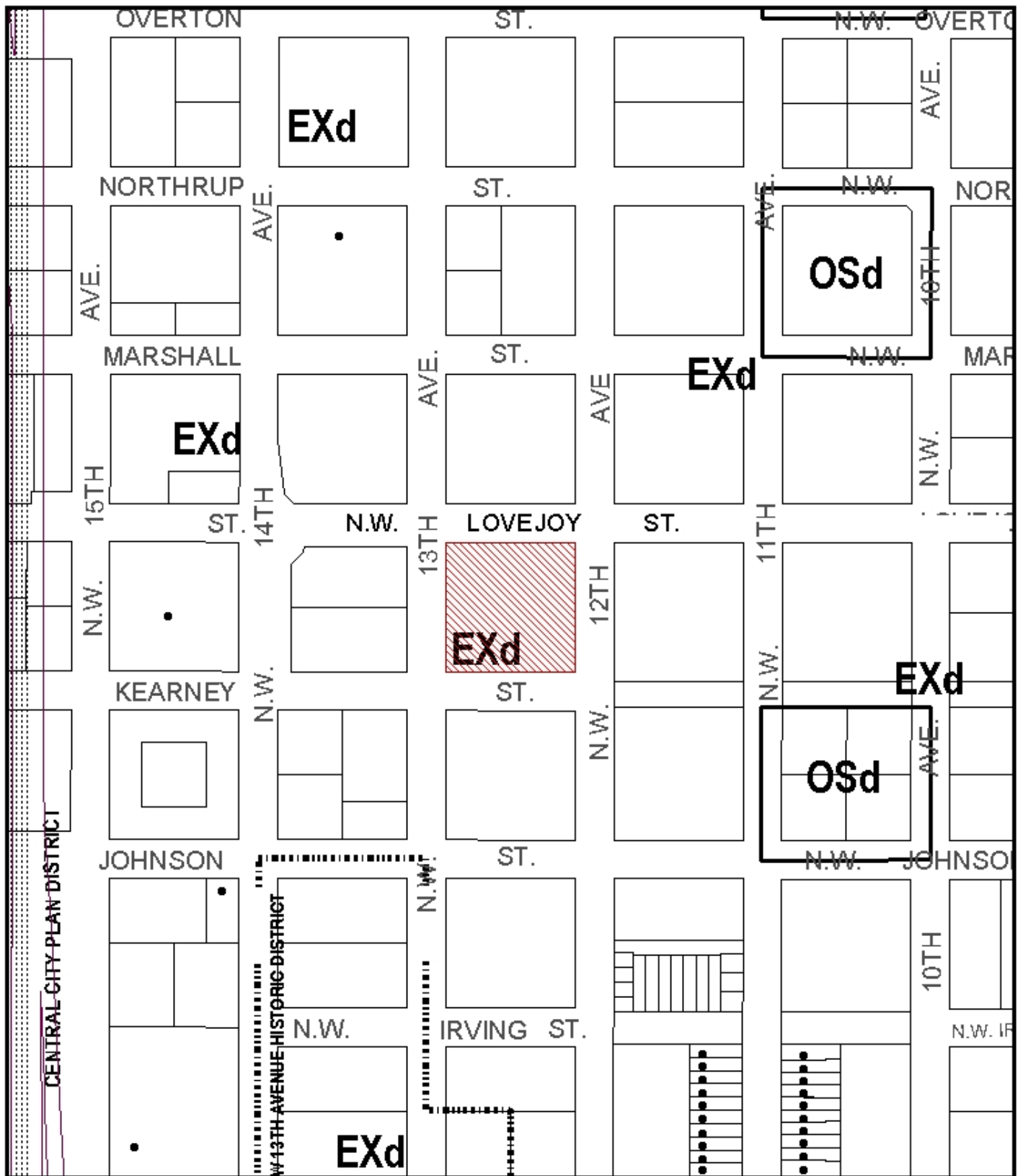
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan, Elevations, and Sections (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: none
- F. Correspondence: none
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research

**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



Site



Historic Landmark



NORTH

This site lies within the:  
CENTRAL CITY PLAN DISTRICT

File No. LU 10-112439 DZ  
1/4 Section 2928  
Scale 1 inch = 200 feet  
State\_Id 1N1E33AD 100  
Exhibit B (Feb 19,2010)

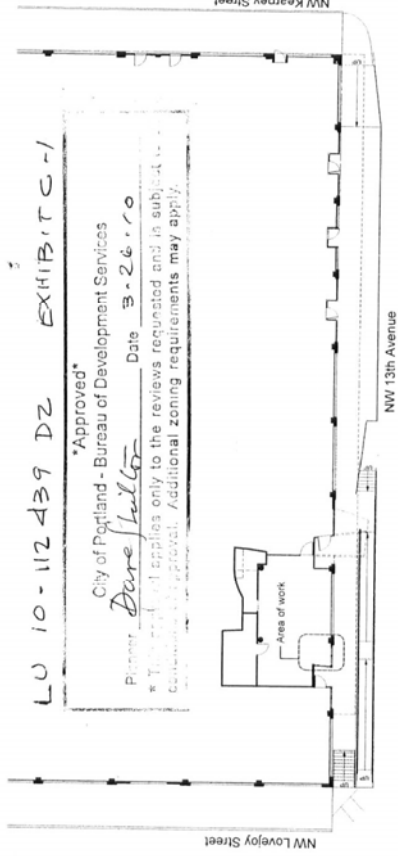


RECEIVED  
FEB 18 2010

# Retail Store



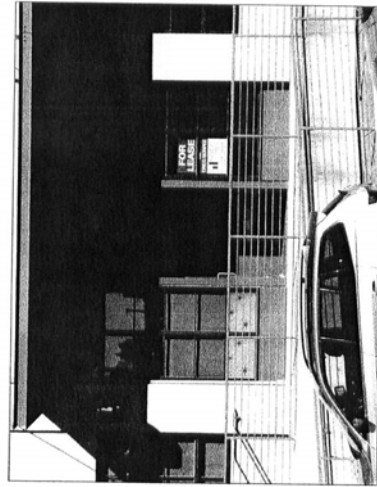
1 West Elevation  
Scale: 1/32" = 1'-0"



2 Site Plan  
Scale: 1/32" = 1'-0"



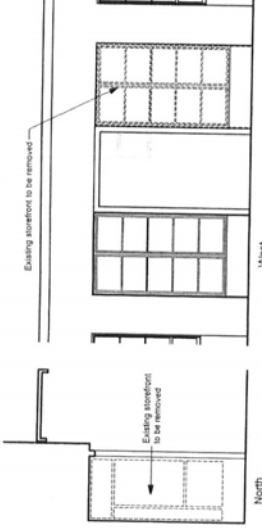
6 Location Map  
No Scale



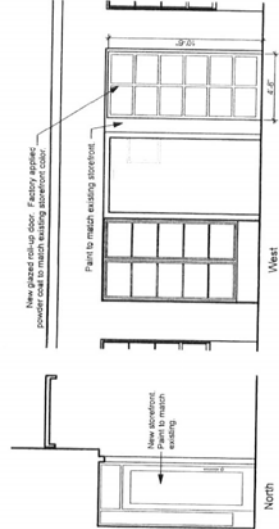
7 Existing Elevation  
No Scale



8 Proposed Elevation  
No Scale



4 Existing Elevations  
Scale: 1/8" = 1'-0"



5 Proposed Elevations  
Scale: 1/8" = 1'-0"

## PROJECT DIRECTORY:

Project Name: Retail  
Address: 902 NW 13th Avenue, Suite 160  
Portland, OR 97209  
Client: AWS Real Estate  
1136 NW Hoyt Street, Suite 200  
Portland, OR 97209  
Telephone: (503) 294-0361

## DESIGN TEAM

a57  
Address: 1116 NW Johnson Street  
Portland, OR 97209  
Contact: Patricia Gardier  
Telephone: (503) 806-4186  
E-mail: patricia@a-57.com

Design  
Review  
2/12/2010  
DRAWN BY: TMR

1

Retail Store  
902 NW 13th Avenue, Suite 160  
Portland, OR 97209

1116 NW Johnson Street  
Portland, OR 97209  
(503) 806-4186

a57

LU 10-112439 DZ

