



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

FROM CONCEPT TO CONSTRUCTION

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## **STAFF REPORT AND RECOMMENDATION TO THE LANDMARKS COMMISSION**

CASE FILE: LU 15-245120 HRM AD  
PC # 14-220216  
***Restoration Hardware***  
REVIEW BY: Landmarks Commission  
WHEN: December 14, 2015 @ 1:30pm  
WHERE: 1900 SW Fourth Ave., Room 2500A  
Portland, OR 97201

**Bureau of Development Services Staff:** Benjamin Nielsen 503-823-7812 /  
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### **GENERAL INFORMATION**

**Applicant/**

**Representative:** Paul Jeffreys, Ankrom Moisan Architects Inc  
6720 SW Macadam Ave  
Portland, OR 97219

**Applicant/Owner:** Natalie Kittner, Restoration Hardware  
15 Koch Rd, Suite J  
Corte Madera, CA 94925

**Owner:** Rosehill Invest LLC  
2001 6th Ave #2300  
Seattle, WA 98121-2522

**Site Address:** 2280 NW GLISAN ST

**Legal Description:** BLOCK 22 TL 400, KINGS 2ND ADD  
**Tax Account No.:** R452303580  
**State ID No.:** 1N1E33CB 00400  
**Quarter Section:** 3027

**Neighborhood:** Northwest District, contact John Bradley at 503-313-7574.  
**Business District:** Nob Hill, contact Mike Conklin at 503-226-6126.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Plan District:** Northwest  
**Other Designations:** Historic Alphabet District

**Zoning:** CS – Storefront Commercial  
**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 historic resource review for a new 3-story plus penthouse retail commercial building—a total of 36,000 square feet—at the corner of NW 23<sup>rd</sup> Avenue and NW Glisan Street in the Historic Alphabet District. One level of below-grade parking for 18 vehicles is included. Both the underground parking and at-grade, enclosed loading will be accessed from NW Glisan St via the same driveway. The main pedestrian entry to the building will be from NW 23<sup>rd</sup> Avenue. On the rooftop, an enclosure for three stairways, an elevator, a semi-open verandah structure, and a terrace are proposed.

The applicant also requests four (4) Modifications to development standards:

- Increase the maximum height from 45 feet to 57'-6" (33.130.210 and Table 130-3).
- Reduce the extent of required ground floor windows along the NW Glisan Street elevation from 25% of the building length and 12.5% of the ground floor wall area up to 9'-0" above finished grade to 13.5% of the building length and 8.9% of the ground floor wall area (33.130.230).
- Allow for the loading vehicles to back into the required loading space rather than entering and exiting in a forward motion (33.266.310.F).
- Move the required 6-foot high masonry wall along the eastern property line (adjacent to the RH-zoned parcel and required to screen the loading area) from the interior side of the required 5-foot deep landscaped area to exterior side along the property line. Near the sidewalk along NW Glisan Street, provide a metal fence at the property line in lieu of the required 5-feet of L3 landscaping. (33.248.020.C & D).

The applicant also requests one (1) Adjustment to the use standards:

- Allow exterior display areas on the roof deck and the third-floor roof terrace (33.130.245.B).

The height Modification request has been revised from 55'-8" to 57'-6", and the landscape screening Modification request has been revised to include a 6' tall open metal fence at the property line in lieu of the required L3 landscape screening since the Notice of a Proposal was mailed.

Historic resource review is required for new construction and Modifications to development standards. Adjustment review is required for Adjustments to use standards and may be reviewed concurrently with the requested historic resource review.

**Approval Criteria:**

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

- |   |  |
|---|--|
| ▪ 33.846 Historic Resource Reviews                                    | ▪ Community Design Guidelines                                      |
| ▪ 33.846.070 Modifications Considered During Historic Resource Review | ▪ Historic Alphabet District: Community Design Guidelines Addendum |
| ▪ 33.805 Adjustments  | ▪ 33.805.040 Approval Criteria                                     |

## ANALYSIS

**Site and Vicinity:** The subject site is located at the southeastern corner of the intersection of NW 23<sup>rd</sup> Avenue [*Neighborhood Collector Street, Community Main Street, Major Transit Priority Street, Local Service Walkway, Local Service Bikeway, Major Emergency Response Street*] and NW Glisan Street [*Transit Access Street, Local Service Walkway, Local Service Bikeway, Minor Emergency Response Street*] in the Historic Alphabet District and the Northwest Plan District.

The site is approximately 15,000 square feet in size and currently has two small, single-story buildings and a parking lot on it. Both existing buildings are noncontributing buildings within the historic district. A taller, three-story building lies immediately to the south, and contains retail on the ground floor (Kitchen Kaboodle) with multifamily residential uses above. Immediately to the east lies a two-and-one-half story multifamily residential building; its rear side faces the subject site, and a narrow sidewalk lies between that building and the property line. Across NW Glisan Street are a series of low-rise buildings: one is a two-and-one-half story brick multifamily residential building. Another is a four-story commercial mixed use building composed almost entirely of glass on its street-facing façade. To the west of that, at the northwestern corner of NW Glisan & 23<sup>rd</sup> is a two-and-one-half story house which has been converted to retail use. Across NW 23<sup>rd</sup> Avenue from the subject site is a single-story retail building and a two-story commercial office building set deep on its site behind a parking lot.

The site slopes down approximately 10 feet from its southwest corner towards its northeast corner and lies within the Northwest Pedestrian District.

**Zoning:** The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominately built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

The Northwest Plan District implements the Northwest District Plan, providing for an urban level of mixed-use development including commercial, office, housing, and employment. Objectives of the plan district include strengthening the area's role as a commercial and residential center. The regulations of this chapter: promote housing and mixed-use development; address the area's parking scarcity while discouraging auto-oriented developments; enhance the pedestrian experience; encourage a mixed-use environment, with transit supportive levels of development and a concentration of commercial uses, along main streets and the streetcar alignment; and minimize conflicts between the mixed-uses of the plan district and the industrial uses of the adjacent Guild's Lake Industrial Sanctuary.

The Historic Alphabet District is an irregularly-shaped, approximately 50 block area in Northwest Portland. The district contains a total of six originally platted additions, but a significant portion of the district is in Couch's addition to the city of Portland, recorded in 1865. This addition was platted in a sequential series, with the earlier plats subdividing the area into the 200 x 200-foot blocks that characterized downtown Portland. Later plats, concentrated at the western end of the district, subdivided the land into 200 (north-south) x 480 (east-west) foot blocks. These larger blocks encouraged the siting of public institutions that needed relatively large plots of land in a pleasant environment. As a result, institutions such as Good Samaritan Hospital and Bishop Scott Grammar and Divinity School were among the first settlements to populate the area. By the 1880s, the district had become home to Portland's

elite, establishing the area as a neighborhood for the well-to-do. It remained that way well into the second decade of the twentieth century, though after the Lewis and Clark Fair of 1905, the neighborhood began to include multi-family dwellings (which characterizes the neighborhood today) in its primarily single-family residential environment. The Historic Alphabet District is unique in Portland for its concentration of these early twentieth century multi-family structures—many of which were designed and constructed by the city's premier architects and developers. The district's period of significance extends from 1880 to 1940 with the beginning of World War II.

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

- LU 03-177422 HDZ – Historic design review approval for two hanging blade signs.
- EA 14-220211 – Early assistance meeting to discuss zoning issues for a proposed new 3-story retail development with rooftop terrace.
- EA 14-220216 PC – Pre-application conference to discuss a Type III Historic Resource Review for the construction of a new 3-story retail building for Restoration Hardware.
- EA 14-234834 DA – Design advice request for a proposed new 3 story retail building for Restoration Hardware and including a rooftop terrace and exterior display area. See Exhibits G-5 through G-7 for the summary notes of all DAR proceedings with the Portland Historic Landmarks Commission.
- PW 14-245906 - Public Works appeal request to allow existing 12-foot wide corridor to remain on NW 23<sup>rd</sup> Avenue and not require an additional 3-foot right-of-way dedication. Appeal was denied.
- PW 15-133335 – Public Works appeal request to allow existing 12-foot wide corridor to remain on NW 23<sup>rd</sup> Avenue and not require an additional 3-foot right-of-way dedication. Appeal was denied.
- PW 15-149155 – Public Works appeal request to allow existing 12-foot wide corridor to remain on NW 23<sup>rd</sup> Avenue and not require an additional 3-foot right-of-way dedication. Appeal decision is not indicated.
- PW 15-219009 – Public Works alternative review approval to retain existing 12-foot sidewalk and not require an additional 3-foot dedication along NW 23<sup>rd</sup> Avenue.

**Agency Review:** A “Notice of proposal in Your Neighborhood” was mailed **November 20, 2015**.

The Bureau of Environmental Services responded with comments about sanitary service availability, stormwater management requirements, and permitting requirements. Please see Exhibit E-1 for additional details.

The Water Bureau responded with comments about available water service to the site. Please see Exhibit E-2 for additional details.

The Fire Bureau responded with a comment stating that a building permit is required and that all applicable fire code requirements will apply at the time of permit review and development. Please see Exhibit E-3 for additional details.

The Site Development Section of BDS responded with comments focused on the geotechnical report required for permitting and erosion control requirements. Please see Exhibit E-4 for additional details.

The Life Safety Section of BDS responded with comments about building code and life safety requirements that must be met. Please see Exhibit E-5 for additional details.

The Bureau of Parks-Forestry Division responded with comments about existing street trees on NW Glisan St which will be removed, the required removal and mitigation fees, and requested conditions of approval related to that mitigation. Please see Exhibit E-6 for additional details.

*Staff added the following recommended condition of approval to the staff report: A Street Tree Planting Plan shall be submitted and mitigation for the removal of the two cherry trees on NW Glisan shall be paid prior to permitting.*

The Bureau of Transportation Engineering responded with comments about the requested loading Modification, including conditions of approval, and other requirements related to Title 17. Please see Exhibit E-7 for additional details.

*Staff added the following recommended condition of approval to the staff report:*

*Loading activities shall be limited to non-business hours when the parking garage is not accessible to the public, and signs shall be posted on the exterior of the building adjacent to the loading bay indicating that loading activities are not permitted during business hours and requiring vehicles to back into the space.*

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **November 20, 2015**.

No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## **ZONING CODE APPROVAL CRITERIA**

### **(1) HISTORIC DESIGN REVIEW (33.846)**

#### **Chapter 33.846.060 - Historic Resource Review**

##### **Purpose of Historic Resource Review**

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

##### **Historic Resource Review Approval Criteria**

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

**Findings:** The site is located within the Alphabet Historic District and the proposal is for a non-exempt treatment. Therefore Historic Resource Review approval is required. The approval criteria are the *Community Design Guidelines* and the *Historic Alphabet District Community Design Guidelines Addendum*.

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

#### **Historic Alphabet District - Community Design Guidelines Addendum**

**2. Differentiate New from Old.** New additions, exterior alterations, or related new construction will retain historic materials that characterize a property to the extent practicable. Replacement materials should be reasonable facsimiles of the historic materials they replace. The design of new construction will be compatible with the historic qualities of the district as identified in the Historic Context Statement.

**3. Hierarchy of Compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a historic or conservation district, with the rest of the District. Where

practical, compatibility will be pursued on all three levels. New development will seek to incorporate design themes characteristic of similar buildings in the Historic Alphabet District.

**Findings for 2 & 3:** The proposed new, three-story building, plus penthouse and roof deck will bring development up to the sidewalk edge on both NW 23<sup>rd</sup> Ave and NW Glisan St, continuing a pattern established by historic commercial and residential development elsewhere on both streets. Indeed, the existing parking lot, which occupies most of the site at present, and deeply set back Plaid Pantry building are out of character with the streetcar era commercial development that is prevalent along NW 23<sup>rd</sup> Ave—buildings are typically built at the sidewalk edge and parking is accommodated on the street. The primary massing of the proposed building continues the three-story street wall established by the existing (noncontributing) Kitchen Kaboodle building immediately to the south. Though this larger massing is not necessarily the predominant massing of streetcar era commercial buildings in the district, the building nonetheless is in scale with other, contributing mixed-use retail/residential and multifamily residential buildings located along NW 23<sup>rd</sup>.

The proposed west elevation, facing NW 23<sup>rd</sup> Ave, includes large aluminum sash windows with clear glazing set into stucco walls which relate both to the predominating storefront character along this former streetcar street and to the residential character of some of the larger buildings on NW 23<sup>rd</sup>. The sashes in these windows are oriented vertically, like other sash windows found in the district, and are further articulated with thicker vertical stiles at operable portions of the windows. The steel and translucent glass canopies and translucent glass awnings on this elevation reference and reinterpret traditional historical canopies and awnings. The steel and glass canopies at the ground level also help to establish the base of the building as being distinct from the upper stories. A projecting stucco sill with a precast sill cap at the base of the storefront windows further helps to define the base and relates the building to the sloping topography along this street. Above, a row of steel Juliette balconies on the second story relates to residential bays and balconies found elsewhere through the district.

A narrow band, created by a precast concrete parapet cap, defines the top of the second story parapet and guardrail for the third story terrace. This parapet and the simple cornice line created by its cap are interrupted, however, by additional steel Juliette balconies, and Landmarks Commissioners have previously expressed concern (at design advice hearings in June and September) that these openings in the canopy are not consistent with the historic character of the district and expressed concern that they allow too much visibility of the exterior display areas on this terrace. Thus, a condition of approval requiring the solid parapet/guardrail above the second story and at the third story roof terrace to be continuous and uninterrupted by Juliette balconies or railings is necessary to preserve the building's compatibility with the historic district.

A similar condition exists at the primary cornice at the top of the main building massing. Here, the cornice is more articulated than the lower cornice line and composed with profiles in the stucco walls and a metal coping cap creating the additional cornice height and banding traditionally found on multistory buildings in the district. A secondary guardrail composed of stucco-covered CMU and a precast concrete cap into which a glass guardrail are located behind the primary parapet. The space between the parapet and guardrail is occupied by a planter. Like at the outdoor terrace below, however, the cornice is not continuous and is interrupted at the central building bay with a lower and shorter cornice, though the cornice's lowest molding datum line is maintained. Here too, the Landmarks Commission has previously specified that a continuous cornice line would be more compatible with the character of the historic district; maintaining the continuity of the glass guardrail behind would also help to

keep it a secondary element and keep it more-or-less invisible behind the cornice.

Rounding the corner to the north elevation, the majority of the details described above continue; however, the windows are reduced in size dramatically, reflecting the transition in character on NW Glisan Street from retail at NW 23<sup>rd</sup> Ave to a more residential focus towards the east. Only one translucent glass and steel canopy from the ground floor detailing on NW 23<sup>rd</sup> Ave exists on this elevation, and this is at the western corner bay where the building relates more to the retail character of NW 23<sup>rd</sup>. Larger window bays are still found at both corners of the building on this elevation and windows half as wide puncturing the walls between. Steel Juliette balconies continue along the second story here on the third story above at the two easternmost window bays and the westernmost bay. Translucent glass awnings are continued over transoms on the third story and the westernmost two bays and easternmost two bays on the second story. Along the ground level, the projecting sill remains at a continuous height, establishing the datum line for the ground floor and defining a solid base found on many multidwelling residential buildings in the district. At the top of the building and the third floor roof terrace, similar cornice conditions are proposed as those found on the west elevation, and similar conditions of approval are necessary to address concerns about compatibility within the district.

Similar conditions at the north façade exist on the east façade. The same sill—now really a belt cornice—and main cornice detailing at the parapet wrap around the façade. Here, though, at the ground level, only one window bay exists, and this is located at the north end of the façade. Back-of-house uses are located here, keeping them off of the NW 23<sup>rd</sup> Ave frontage, which is in keeping with the character of the district. A driveway between the building and the parking lot slopes down to the basement level. The overhead door to the garage faces away from the street, minimizing its presence. The loading door, located in a small appendage to the main building mass, does, however, face the street. Atop this loading garage are the building's mechanical equipment. This equipment is screened from the street primarily by a tall parapet wall. An open metal screen and trellis provide the rest of the screening and, from the street, form a rectangular cap. At the top of the east façade, the stair tower and elevator overrun are much more prominent building elements than from the two street-facing facades. These are rendered with blank facades, though both primary masses have a modest cornice at the top.

On the south façade, as well, the stair tower and elevator overrun are located at the edge of the building. The primary cornice on the parapet wraps around onto this façade on both the east and west ends and terminates at the stair tower on both sides. The lesser-detailed cornice on the stair tower, however, does not continue onto this façade. The rest of the façade is a simple blank wall, and a significant portion is covered by the adjacent Kitchen Kaboodle building. This condition is typical of many walls at property lines in the district, though several of these buildings also have windows in these walls, which is not allowed by code today.

Three signs are proposed on the building. Two wall-mounted, halo-illuminated signs are proposed, one each installed at the parapet in the central bay on the west and north facades. Each is 5.5 square feet in size and composed of black-painted stainless steel channel letters. The small size, restrained lighting, and placement on the building are consistent with the overall character of the historic district. The third sign proposed is a blade sign, 11.1 square feet in size, proposed to be mounted at the east end of the north façade. No details about potential lighting, the materiality of this sign, and its attachment to the building have yet been provided, and as such, no recommendation for approval can yet be made for this sign.

Numerous exterior light fixtures are proposed on and around this building—almost to the point of excess. The decorative wall sconces shown through successive design advice hearings remain and have been added onto the NW Glisan Street façade; however, their size has been reduced by over 50% from the original proposal, and these sconces seem more in scale with the building and with other fixtures in the district.

Small, wall-mounted up-lights are proposed in each window bay, identified on the lighting plans as Type F1, and will be installed on the lower portion of each jamb. Similar up-lighting installed in the sidewalk (on the site and not in the right-of-way) highlight the jambs of the main entry. These fixtures appear to subtly highlight the jambs of each window bay and are not characteristic of exterior lighting in the district. They should therefore be removed from the proposal.

At the driveway, wall-mounted fixtures are proposed along the western face of the stormwater planter to provide illumination along the driveway. Similar dimmable fixtures are proposed along the eastern wall of the stormwater planter to illuminate the egress pathway. These are relatively diminutive in size and provide necessary lighting in these potentially dangerous areas without the installation of even more incompatible overhead pole fixtures.

Two types of building up-lighting fixtures are proposed to be installed in the right-of-way: one type is installed in the furnishing zone of the sidewalk and sits flush with the sidewalk surface (identified as Type UL1 in the lighting plan). Other similar fixtures, identified as Type UL2, sit just inside the property line and provide similar accent lighting. The other type is installed in the planter strip located in the furnishing zone along NW Glisan Street and is identified as Type FS14. Both types of fixtures appear to cast a conical accent light onto the stucco piers along NW 23<sup>rd</sup> and NW Glisan. PBOT has indicated that these fixtures would need encroachment permit approval to be installed, and that there should be no expectation that PBOT would support this private use of the right of way. Regardless, both are out of character for the Historic Alphabet District, and they should therefore be removed from the proposal.

Similar stake-mounted landscape light fixtures, identified as Type F6 in the lighting plan, are proposed to be installed in the right-of-way in the same landscape strip, though underneath each window bay—some within the right-of-way and some just outside it. These fixtures continue on the east façade underneath the northernmost window bay. It is not clear, however, exactly what they will be illuminating on the building (or in the landscape strip). Additional stake-mounted landscape light fixtures, identified as Type F7, are proposed in the tree wells along NW 23<sup>rd</sup> Ave and NW Glisan Street. Again, neither of these types of fixtures have yet been approved for installation by PBOT, and both are out of character in the district. These should therefore be removed from the proposal.

The same stake-mounted landscape light fixtures, identified as Type F7, are again proposed to illuminate the trees in the stormwater planter. In this instance, the additional illumination may be desirable to help with safety issues, as well as landscape composition. See the Findings for D5, below.

The same stake-mounted landscape light fixtures, identified as Type F7 in the lighting plan, are proposed to be installed in the tree planters on the roof deck. The Landmarks Commission has repeatedly expressed concern about the visibility of the trees from the sidewalk level and how visible large vegetation on the roof is out of character for the historic district. Though, since the planters are movable, they are essentially furniture, and the planters became a less important issue. However, the introduction of these light fixtures, and additional tree-mounted light fixtures, identified as Type F10 in the

lighting plan, further call attention to the trees and suggest that they may be more-permanently placed than proposed. By the same principle expressed previously by the Commission, these light fixtures will highlight an element on the roof which is not characteristic in the district, and therefore, these fixtures should be removed from the proposal.

Additional Type F7 fixtures are proposed in a planter that is to be located at the western edge of the third floor roof terrace in the central bay. It is unclear in the drawings and in the night rendering provide exactly what these fixtures will be illuminating, though they appear to have little effect on the street below.

Additional light fixtures proposed on the roof include surface-mounted accent lights which will be placed around each steel trellis with the retractable cloth canopies. These fixtures, identified on the lighting plan as Type MP1, appear to illuminate the fabric canopies in the provided night rendering, though they may truly function to illuminate the exterior space below. These fixtures are dimmable, and the same fixtures are proposed to be installed on the metal trellis on the third floor terrace.

Finally, LED ledge lights are proposed to be installed in the cornice on the parapet of the main building mass. These fixtures, identified on the lighting plan as Type F3, provide a linear wash that appears to highlight the cornice all around the building. This kind of accent lighting is not characteristic of the historic district, and therefore, these fixtures should be removed from the proposal.

As a whole, the building incorporates many historic components, and its overall massing is generally consistent with other buildings in the district. Though the detailing borrows from both the streetcar commercial and multidwelling residential buildings in the district, it combines these elements carefully to create a cohesive whole that, with a few alterations specified in the conditions of approval, create a new, modern building that is nonetheless compatible with the Historic Alphabet District.

*With the condition of approval that the proposed blade sign shall be evaluated through a follow-up Type Ix review if additional details are not provided by the hearing date;*

*With the condition of approval that light fixtures identified as Type UL1, UL2, FS14, F1, F3, F6, F7 (except at the stormwater planter), and F10 shall be removed from the proposal;*

*With the condition of approval that the parapets/guardrails around the outdoor terrace on the third floor shall be composed of the stucco wall and parapet cap rather than having portions removed to accommodate steel Juliette balconies; and,*

*With the condition of approval that the cornices on the main parapet shall be continuous in height and the guardrails behind it shall be composed of the continuous stucco-covered CMU wall with a glass rail rather than portions being composed of steel railings, these guidelines may be met.*

### **Community Design Guidelines**

**P1. Plan Area Character.** Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.

**P2. Historic and Conservation Districts.** Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area's historic significance. Near historic and conservation districts, use such features to reinforce and

complement the historic areas.

**D7. Blending into the Neighborhood.** Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

**Findings for P1, P2, & D7:** See Findings for 2 & 3 above, including recommended conditions of approval.

*With the same conditions of approval stated in Findings for 2 & 3 above, these guidelines may be met.*

**E1. The Pedestrian Network.** Create an efficient, pleasant, and safe network of sidewalks and paths for pedestrians that link destination points and nearby residential areas while visually and physically buffering pedestrians from vehicle areas.

**E2. Stopping Places.** New large-scale projects should provide comfortable places along pedestrian circulation routes where people may stop, visit, meet, and rest.

**D2. Main Entrances.** Make the main entrances to houses and buildings prominent, interesting, pedestrian-accessible, and transit-oriented.

**Findings for E1, E2, & D2:** The main entrance to the proposed building is located in the central bay of the west façade which faces NW 23<sup>rd</sup> Avenue—the primary retail street in this portion of the district. The large area of glazing, combined with the interruption of the sill band present on the other two bays on this elevation, the glass and steel canopy above, and the slight recess in the building frontage to accommodate the door swing, help to clearly identify this as the main building entrance. The slight recess also creates a wider point in the sidewalk which provides space for pedestrians to stop on what is a fairly narrow and heavily trafficked sidewalk.

A rear egress pathway is provided along the eastern property line and is separated from the adjacent property by a 6-foot tall wall and a landscaping strip. This pathway is also screened and buffered from the adjacent parking and loading driveway by a 7-foot wide stormwater planter that is planted with trees and ground cover. Near the public sidewalk on NW Glisan Street, this pathway widens and the wall turns into an open steel fence, helping to create a sense of transition from the private space to the public realm beyond.

*Therefore, these guidelines are met.*

**E4. Corners that Build Active Intersections.** Create intersections that are active, unified, and have a clear identity through careful scaling detail and location of buildings, outdoor areas and entrances.

**Findings:** The northwest corner of the building, located at the intersection of NW 23<sup>rd</sup> Ave and NW Glisan Street, is composed of a large bay of aluminum sash glazing on each façade, above which is placed a steel and glass canopy. Though the floor level of the building here is above grade, it is low enough that views into the retail space are still possible from NW 23<sup>rd</sup> Avenue and for pedestrians walking south and looking into the window on the north façade. Here on the north façade, too, the landscape strip, which runs along the sidewalk between the building and sidewalk edge, stops and the sidewalk extends to the building, extending the retail character of the building around the corner from NW 23<sup>rd</sup> Ave.

*Therefore, this guideline is met.*

**E3. The Sidewalk Level of Buildings.** Create a sense of enclosure and visual interest to buildings along sidewalks and pedestrian areas by incorporating small scale building features, creating effective gathering places, and differentiating street level facades.

**E5. Light, Wind, and Rain.** Enhance the comfort of pedestrians by locating and designing buildings and outdoor areas to control the adverse effects of sun, shadow, glare, reflection, wind, and rain.

**Findings for E3 & E5:** The proposed building includes glass and steel-frame canopies over the windows and main entry along NW 23<sup>rd</sup> Avenue and an additional glass and steel-frame canopy over the westernmost window along the NW Glisan Street façade. All sit just above the windows on the ground floor, providing shelter from rain and filtering sunlight. The glazed canopies will help provide additional daylight on darker fall and winter days which would otherwise be blocked by a solid canopy or awning.

The canopies do not extend farther along the NW Glisan Street façade to help maintain greater compatibility with the district. NW Glisan Street is occupied primarily by residential structures between NW 23<sup>rd</sup> Avenue and NW 21<sup>st</sup> Avenue, and these structures typically do not provide awnings along their street-facing facades. Since the proposed building reflects this change in character from retail-oriented to residential-oriented in the design of its façade, it may be argued that it is not necessary to provide the canopies here.

Weather protection in the form of draped cloth canopies is also provided on the third-floor outdoor terrace and on the roof deck. These canopies are draped from a steel frame structure and attached to a system of wires so as to be retractable. The material itself, though rendered as translucent, is actually opaque Sunbrella fabric that is proposed to be colored charcoal grey. This proposed color seems dark, especially when compared to the similar dark coloring of the stucco walls. Sunbrella fabric in natural (white), parchment, cadet grey, silver, silica silver, or oyster may instead be a better choice to prevent excessive shadow on the building and the outdoor areas on the roof deck and third floor terrace. Though these fabric canopies do not offer protection to passing pedestrians, they do offer occupants of the building terraces protection from rain and sun.

*With the condition of approval that the proposed Sunbrella fabric used on the retractable roof and terrace trellis be lighter in color—either natural (white), parchment, cadet grey, silver, silica silver, or oyster in color, rather than the proposed charcoal grey—these guidelines may be met.*

**D1. Outdoor Areas.** When sites are not fully built on, place buildings to create sizable, usable outdoor areas. Design these areas to be accessible, pleasant, and safe. Connect outdoor areas to the circulation system used by pedestrians;

**D3. Landscape Features.** Enhance site and building design through appropriate placement, scale, and variety of landscape features.

**Findings for D1 & D3:** The proposed building will be built up to the sidewalk edge along NW 23<sup>rd</sup> Avenue except for a 3' set back in the central bay to accommodate the entry doors and provide a more generous sidewalk here. This area will simply be paved as an extension to the sidewalk.

Around the corner on the north elevation, the building is set back from the sidewalk edge at the central and end bays. This allows an 18" deep landscape strip occupying the frontage zone of the sidewalk along NW Glisan St to extend deeper in pockets at the easternmost bay and central bay of the north elevation. At the westernmost bay, the landscape strip terminates and instead is replaced by an extension of the sidewalk, reflecting the transition to the storefront character of NW 23<sup>rd</sup> Ave.

At the eastern end of the site, a concrete driveway with a stamped concrete pattern extends south from NW Glisan Street and down to the basement level parking and loading areas. The planting strip along the NW Glisan sidewalk wraps the building here too and extends down to the garage door on the east façade. To the east of this driveway is a long, 7-foot wide stormwater planter that will be planted with trees and ground cover plants. Another sidewalk providing egress from the building lies to the east of this planter, and the entire outdoor area here is separated from the adjoining multidwelling residential property by a 6-foot tall masonry wall (which becomes a 6-foot tall metal fence near sidewalk on NW Glisan St).

All told, these outdoor areas, though small in scale compared to the building and the site itself, nevertheless create usable areas and help to create a more pleasant urban environment.

*Therefore, these guidelines are met.*

**D4. Parking Areas and Garages.** Integrate parking in a manner that is attractive and complementary to the site and its surroundings. Locate parking in a manner that minimizes negative impacts on the community and its pedestrians. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

**Findings:** The parking garage proposed is accessed via a driveway off of NW Glisan Street at the northeastern edge of the site. The single loading space provided is also accessed via this same driveway. Locating access for both of these vehicle areas here helps to create a more-continuous storefront character along NW 23<sup>rd</sup> Avenue, which is the primary retail street in this vicinity. NW Glisan Street, by contrast, is a more residential street and is not classified with the Community Main Street character desired in the Transportation System Plan.

The parking garage exterior utilizes the same materials provided on the rest of the building, save for the proposed sectional aluminum overhead door with perforated metal panels and adjacent perforated metal panel window with styling similar to the proposed overhead door. These perforated metal portions of the façade face east towards the driveway and landscape planter and screening, thus having little impact on pedestrians or adjacent properties.

The small loading building extension, by contrast, has a perforated metal overhead door which faces the north up the driveway to NW Glisan Street. These perforations may allow harsh lighting from utilitarian lighting fixtures to spill out from the loading garage and, during the day, may provide unwelcome views into the loading area from the sidewalk, even when the door is closed. Thus, a condition of approval is necessary to limit these views and light cast outward, either with an opaque glazed or translucent glazed sectional overhead door to maintain a high material quality.

*With a condition of approval that an opaque or translucent, glazed sectional overhead door shall be provided at the loading dock instead of the perforated metal panel sectional overhead door specified, this guideline may be met.*

**D5. Crime Prevention.** Use site design and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground level uses, and outdoor areas.

**Findings:** The proposed building provides a single public entry off of NW 23<sup>rd</sup> Avenue. Large windows face this street, providing views from active ground level uses out onto the street. Similar windows are proposed around on the north elevation and onto a portion of the east elevation overlooking the driveway. Though the proposed driveway slopes downward away from the street, the site's natural topography allows this slope to be shallow, allowing for easier views to the base of the driveway and the parking garage. The egress pathway to the east of the driveway and stormwater planter provides access control to the rear and hidden parts of the site through a metal gate.

The site is proposed to be well illuminated with many different types of accent and safety lighting, many of which should be removed. (See Findings for 2 & 3 above.) Accent light fixtures are proposed to be placed at each window jamb, providing subtle accent lighting that also casts additional light onto the street. Decorative sconces located along the north and west facades similarly cast additional light onto the street. The proposed wall-mounted fixtures on the stormwater planter facing the driveway and facing the egress pathway on the other side help illuminate what is an otherwise dark and potentially dangerous space. The proposed tree accent lighting here, too, can help make this part of the site more visible.

*Therefore, this guideline is met.*

**D8. Interest, Quality, and Composition.** All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

**Findings:** The proposed building utilizes a fairly simple palette consisting of high-quality materials. A Portland cement stucco rainscreen system provides the primary cladding material around the entire building. This stucco system utilizes an integral gray color rather than a surface color only, allowing the building to maintain its appearance if a portion of the stucco wall were to be damaged. Windows on the west, north, and east building facades are an aluminum window system with clear glazing. These windows are full-height floor-to-ceiling systems, many of which have transoms above operable French door panels. All of these windows include true muntin profiles which replicate the original wood sash windows present on buildings elsewhere in the district. Steel-framed glass canopies and awnings are provided over many of these windows, adding additional depth to the building's facades while providing weather protection and without cluttering the facades with heavier, darker materials. Steel Juliette balconies with simple rails and balusters project in front of operable French-door windows on the upper stories, providing additional functionality and ornamentation that is consistent with the design of the windows.

On the rooftop, simple steel framing and simple steel windows with large lites and narrow, profiled mullions provide subtler detailing and character to the open penthouse compared to the aluminum sash, French-door windows below. This is consistent with the set back and lower-visibility character of this portion of the building. The proposed roof on this penthouse also maintains a low profile and utilizes a shallow-pitch standing-seam metal system with short flanges.

Extending outward from the open, glazed penthouse are four steel-framed trellises with retractable Sunbrella cloth canopies. This cloth material is durable, being specifically designed to be used in awnings, and easily-replaced once it has worn out, though the charcoal gray color proposed seems dark, especially when compared to the similar dark

coloring of the stucco walls. Sunbrella fabric in natural (white), parchment, cadet grey, silver, silica silver, or oyster may instead be a better choice that keeps the building out of excessive shadow while at the same time providing additional canopies which create a more cohesive composition with the proposed translucent glass awnings and canopies below. Regardless, these trellises form an extension of the glazed penthouse, and through the use of similar framing materials, integrate well with its design. A similar trellis is proposed at the third floor outdoor terrace. The top of this trellis lies at the top of the transom windows behind, and the structural steel tube framing aligns with the mullions in the windows behind it.

A bluestone pedestal paver system is used on the roof as the walking surface. This material blends in well with the predominating gray-colored stucco and forms a neutral background on the roof. The guardrail, composed of CMU blocks covered with stucco and capped with precast concrete and a simple glass balustrade. Breaking the consistency of this system at the central bays on the west and north facades, the glass balustrade guardrail is replaced with a steel guardrail composed of the same simple rail and balusters found on the Juliette balconies and anchored into a lower CMU block wall. For greater coherency, the glass and CMU guardrail should instead be continuous through these areas. A similar situation occurs at the third floor roof terrace where the high parapet wall is broken to allow Juliette balconies to extend out at the northern and southern bays on the west façade and at the westernmost bay on the north façade. Here, too, for greater coherency, the solid, stucco-clad parapet walls should be continuous through these areas.

Moving around to the southeastern corner of the site, a steel tube structure extends up from behind tall, stucco-clad parapets and over the loading dock portion of the building, creating a framework for a trellis screen. Screening over this structure on all sides is composed of a metal louver system painted to match the other metal elements on the building. The details and specific system are as yet unresolved, and therefore, staff is unable to evaluate it against the approval criteria at this time. Unless additional details are provided at the hearing, the screen shall either be removed from the proposal or reviewed through a follow-up Type Ix review.

Overall, the proposed building design incorporates a high-quality and coherent material palette, and the building's separate elements combine to form a cohesive new commercial building in the historic district.

*With the condition of approval that the proposed Sunbrella fabric used on the retractable roof and terrace trellis be lighter in color—either natural (white), parchment, cadet grey, silver, silica silver, or oyster in color, rather than the proposed charcoal grey;*

*With the condition of approval that the proposed metal mechanical screen shall either be removed from the proposal or evaluated through a follow-up Type Ix review if additional details are not provided by the hearing date;*

*With the condition of approval that the parapets/guardrails around the outdoor terrace on the third floor shall be composed of the stucco wall and parapet cap rather than having portions removed to accommodate steel Juliette balconies; and,*

*With the condition of approval that the cornices on the main parapet shall be continuous in height and the guardrails behind it shall be composed of the continuous stucco-covered CMU wall with a glass rail rather than portions being composed of steel railings, this guideline may be met.*

## **(2) MODIFICATION REQUESTS (33.846)**

### **33.445.050 Modifications that Enhance Historic Resources and 33.846.070 Modifications Considered During Historic Design Review**

The review body may grant modifications to site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the historic design review process. However, modification to a parking and loading regulation within the Central City plan district may not be considered through the historic design review process.

Modifications made as part of historic design review are not required to go through a separate adjustment process. To obtain approval of a modification to site-related development standards, the applicant must show that the proposal meets the approval criteria.

Modifications to all other standards are subject to the adjustment process. Modifications that are denied through historic design review may be requested through the adjustment process.

The approval criteria for modifications considered during historic design review are:

**A. Better meets historic design review approval criteria.** The resulting development will better meet the approval criteria for historic design review than would a design that meets the standard being modified; and

**B. Purpose of the standard.**

1. The resulting development will meet the purpose of the standard being modified; or
2. The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.

The following modifications are requested:

- Reduce the extent of required ground floor windows along the NW Glisan Street elevation from 25% of the building length and 12.5% of the ground floor wall area up to 9'-0" above finished grade to 13.5% of the building length and 8.9% of the ground floor wall area (33.130.230).
- Allow for the loading vehicles to back into the required loading space rather than entering and exiting in a forward motion (33.266.310.F).
- Move the required 6-foot high masonry wall along the eastern property line (adjacent to the RH-zoned parcel and required to screen the loading area) from the interior side of the required 5-foot deep landscaped area to exterior side along the property line (33.248.020.D).

**Modification #1.** Section 33.130.210 and Table 130-3: Increase the maximum height from 45' to 57'-6".

*Standard:* Maximum height in CS zone is 45 feet.

*Purpose:* The height limits are intended to control the overall scale of buildings. The height limits in the CN1, CN2, and CO1 discourage buildings which visually dominate adjacent residential areas. The height limits in the CO2, CM, CS, and CG zones allow for a greater building height at a scale that generally reflects Portland's commercial areas. Light, air, and the potential for privacy are intended to be preserved in adjacent residential zones. The CX zone allows the tallest buildings, consistent with its desired character.

**Findings:** The proposed building exceeds the height limit in two areas: the main building massing extends above the height limit by one foot at the main parapet. This massing sits just below the height of the adjacent Kitchen Kaboodle building to the

south, and therefore establishes a consistent street wall along NW 23<sup>rd</sup> Avenue. This reflects the character of the CS zone and relates to the larger building masses found elsewhere in the Historic Alphabet District. The open air penthouse and stair towers exceed the height limit by 12'-6"; however, these elements are set back from the street edges and remain either unseen from the sidewalk or fall within the same viewshed as the main parapet when viewed from the sidewalk across NW 23<sup>rd</sup> Avenue from the site. Light, air, and privacy are maintained at the adjacent multidwelling residential property to the east as the building is set back over 30 feet from the eastern property line (*Guidelines 3 – Hierarchy of Compatibility, P1 – Plan Area Character, P2 – Historic and Conservation Districts, and D7 – Blending into the Neighborhood*).

*Therefore, this Modification merits approval.*

**Modification #2.** Section 33.130.230: Reduce the extent of required ground floor windows along the NW Glisan Street elevation from 25% of the building length and 12.5% of the ground floor wall area up to 9'-0" above finished grade to 13.5% of the building length and 8.9% of the ground floor wall area.

*Standard:* In CN1 & 2, CO1 & 2, CM, CS, and CG zones, street-facing facades on the ground level which are 20 feet or closer to the street lot line must meet the general window standard in Paragraph 3. below. However, on lots with more than one street frontage, the general standard must be met on one street frontage only. The general standard must be met on the frontage of the street that has the highest transit street classification according to the Transportation Element of the Comprehensive Plan. If two or more streets have the same highest transit street classification, then the applicant may choose on which street to meet the general standard. On all other streets, the requirement is 1/2 of the general standard.

General standard. The windows must be at least 50 percent of the length and 25 percent of the ground level wall area. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade. The requirement does not apply to the walls of residential units, and does not apply to the walls of parking structures when set back at least 5 feet and landscaped to at least the L2 standard.

*Purpose:* In the C zones, blank walls on the ground level of buildings are limited in order to:

- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, or allowing public art at the ground level;
- Encourage continuity of retail and service uses;
- Encourage surveillance opportunities by restricting fortress-like facades at street level; and
- Avoid a monotonous pedestrian environment.

**Findings:** The proposed building provides its primary ground level pedestrian access off of its western façade, facing NW 23<sup>rd</sup> Avenue, the primary retail street in the vicinity and an important street within the Historic Alphabet District. Due to the site's steep topography, sloping down from the southwest towards the northeast, the ground level windows, which have sills that extend to the floor, do not meet the standard along the north façade due to the height of the sills, even though windows are provided continuously along the north façade. Because access to retail establishments are traditionally provided off of NW 23<sup>rd</sup> within the historic district and not off of NW Glisan Street, lowering the ground floor and providing an entry off of NW Glisan Street would not be as compatible a design within this district. Rather, because windows are still provided along the ground floor in this location, since the sills are still located at the floor, and since the building pattern established on this north elevation reflects the

transition to a more-residential character in the district, emulating multidwelling buildings in the vicinity, the purpose of the standard is satisfied while providing better compatibility with the district (*Guidelines 3 – Hierarchy of Compatibility, P1 – Plan Area Character, P2 – Historic and Conservation Districts, E3 – The Sidewalk Level of Buildings, D2 – Main Entrances, and D7 – Blending into the Neighborhood*).

*Therefore, this Modification merits approval.*

**Modification #3.** Section 33.266.310.F: Allow for the loading vehicles to back into the required loading space rather than entering and exiting in a forward motion.

*Standard:* Outside the Central City plan district. Outside the Central City plan district, loading facilities must be designed so that vehicles enter and exit the site in a forward motion.

*Purpose:* A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.

**Findings:** The proposal to allow loading vehicles to back into the loading space will limit the amount of room required to be provided on-site for loading, allowing for a more urban building that is more in keeping with the character of the district (*Guidelines P1 – Plan Area Character, P2 – Historic and Conservation Districts, E3 – The Sidewalk Level of Buildings, D4 – Parking Areas and Garages, and D7 – Blending into the Neighborhood*).

A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of the loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on traffic safety or other transportation functions of the abutting right-of-way”.

A single driveway/curb cut is proposed on NW Glisan that will provide access to an at-grade loading area as well as one level of below grade parking that can accommodate 17 vehicles. PBOT had initial concerns regarding the potential for conflicts between vehicles entering/exiting the parking garage and trucks utilizing the loading space. To avoid this potential conflict, loading activities should be restricted to off-business hours when the parking garage is not in use.

PBOT supports the proposed backing motion into the loading area as this will result in vehicles exiting the site in a forward motion allowing for greater driver visibility of pedestrians within the sidewalk corridor as well as vehicles within the abutting roadway. PBOT does not support loading vehicles backing out of the site as a driver would have to back up the ramp into the sidewalk/roadway before they would have a clear view of any pedestrian or vehicle conflicts.

Accordingly, PBOT supports the requested Modification provided that the loading area is signed to require drivers to back into the space and loading activities are limited to non-business hours. Signage that indicates that loading activities are not permitted during business hours and directs drivers to back into the loading facility will be required as a condition of approval of this Design Review. Sign design/location will be reviewed by PBOT during the Building Permit process.

*With the condition of approval that loading activities shall be limited to non-business hours when the parking garage is not accessible to the public, and signs shall be posted on the exterior of the building adjacent to the loading bay indicating that loading activities are not permitted during business hours and requiring vehicles to back into the space, this Modification merits approval.*

**Modification #4.** Sections 33.248.020.C & D: Move the required 6-foot high masonry wall along the eastern property line (adjacent to the RH-zoned parcel and required to screen the loading area) from the interior side of the required 5-foot deep landscaped area to the exterior side along the property line. Near the sidewalk along NW Glisan Street, provide a 6-foot tall open metal fence at the property line in lieu of the required 5-feet of L3 landscaping.

*Standard:* Required materials. The L3 standard requires enough high shrubs to form a screen 6 feet high. The shrubs must be evergreen. In addition, one large tree is required per 30 linear feet of landscaped area, one medium tree per 22 linear feet of landscaped area, or one small tree per 15 linear feet of landscaped area. Trees of different sizes may be combined to meet the standard. Ground cover plants must fully cover the remainder of the landscaped area. A 6-foot-high masonry wall may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, any required or nonrequired screen, wall, or fence is to be placed along the interior side of the landscaped area.

The L4 standard requires a 6 foot high masonry wall along the interior side of the landscaped area. One large tree is required per 30 linear feet of wall, one medium tree per 22 linear feet of wall, or one small tree per 15 linear feet of wall. Trees of different sizes may be combined to meet the standard. In addition, four high shrubs are required per 30 linear feet of wall. Ground cover plants must fully cover the remainder of the landscaped area.

*Purpose:* The City recognizes the aesthetic, ecological, and economic value of landscaping and requires its use to:

- Preserve and enhance Portland's urban forest;
- Promote the reestablishment of vegetation in urban areas for aesthetic, health, and urban wildlife reasons;
- Reduce stormwater runoff pollution, temperature, and rate and volume of flow;
- Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;
- Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting uses;
- Unify development, and enhance and define public and private spaces;
- Promote the retention and use of existing non-invasive vegetation;
- Aid in energy conservation by providing shade from the sun and shelter from the wind;
- Restore natural communities and provide habitat through removal of nuisance plants and re-establishment of native plants; and
- Mitigate for loss of natural resource values.

This chapter consists of a set of landscaping and screening standards and regulations for use throughout the City. The regulations address materials, placement, layout, preparation of the landscape or mitigation area, and timing of installation. Specific requirements for mitigation plantings are in 33.248.090.

The Portland Tree and Landscaping Manual contains additional information about ways to meet the regulations of this chapter. The *Portland Plant List* includes information about native plants, non-native, non-nuisance plants, and nuisance plants.

*Intent:* The L3 standard is a landscape treatment which uses screening to provide the physical and visual separation between uses or development. It is used in those instances where visual separation is required.

The L4 standard is intended to be used in special instances where extensive screening of both visual and noise impacts is needed to protect abutting sensitive uses in areas and where there is little space for separation.

**Findings:** The proposed relocation of the 6-foot tall masonry wall, required by the L4 landscape standard, to the property line creates a more urban screen between the residential property to the east of the subject site and the loading area. The screen still meets its intent to protect and screen the multidwelling residential building from the loading area, and the required landscaping is still provided behind the wall and a narrow sidewalk, thus meeting the purpose of the standard. Were the landscaping to be provided at the property line and the masonry wall behind it, as required, it could create a potentially dangerous “no-man’s-land” between the two properties, and maintenance of the plants required by the standard may suffer as well. The more urban character of the proposed wall also better matches historic patterns for separating urban properties in the Historic Alphabet District (*Guidelines P1 – Plan Area Character, P2 – Historic and Conservation Districts, D4 – Parking Areas and Garages, D5 – Crime Prevention, and D7 – Blending into the Neighborhood*).

The proposed open metal fence to be used in place of the required landscaping or masonry wall of the L3 standard helps to open the northeast corner of the site to the sidewalk, providing for additional safety and visibility through what would otherwise be a wall behind which a person could hide. The expanded sidewalk in this area also accommodates the underground transformer vault, removing it from the public sidewalk and keeping it out of the ground level of the building, yet retaining its accessibility for the utility company. This results in a better building and a more functional sidewalk while still providing some level of screening and separation from the adjacent driveway (*Guidelines E1 – Pedestrian Networks, D5 – Crime Prevention, and D8 – Interest, Quality, and Composition*).

*Therefore, this Modification merits approval.*

### **(3) ADJUSTMENT REQUESTS (33.805)**

#### **33.805.010 Purpose**

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

#### **33.805.040 Approval Criteria**

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

The following adjustments are requested:

**Adjustment #1.** Section 33.130.245.B. Adjustment to allow exterior display areas on the roof deck and the third-floor roof terrace.

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

**Findings:** The purpose of this standard is to assure that exterior displays will be consistent with the desired character of the zone, will not be a detriment to the overall appearance of the commercial area, will not have adverse impacts on adjacent properties, especially those zoned residential, and will not have adverse impact on the environment.

The proposal calls for exterior display areas to be located on the building's roof deck and third floor terrace. The third floor terrace faces NW 23<sup>rd</sup> Avenue, a traditional retail and commercial street with heavy pedestrian traffic. With the condition of approval noted above requiring that the proposed Juliette balconies in the terrace parapet be taken out and replaced with the continuous parapet stucco wall, the exterior displays on this terrace should be minimally visible from the ground. Similarly, with the condition of approval noted above that the proposed open metal guardrail be replaced with a continuous, solid parapet and cornice as found on the rest of the building, the exterior displays on the roof will be similarly minimally visible from the ground. Also, since the proposed exterior display area on the roof is partially-buffered from the adjacent residentially-zoned property to the east by the protruding stair tower and buffered by a stair and elevator tower from the residential units located on the upper floors of the adjacent Kitchen Kaboodle building to the south, the rooftop display area will also have little adverse impact on the adjacent properties.

*Therefore, this approval criterion is met.*

- B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in a C, E, or I zone, the proposal will be consistent with the desired character of the area; and

**Findings:** The site is located in the CS – Storefront Commercial zone in the Historic Alphabet District, the Northwest Plan District, and the Northwest Pedestrian District. The area consists of a diverse mixture of urban buildings, ranging from single-story streetcar era commercial buildings to mid-rise mixed-use and multidwelling residential buildings, all of varying vintages. The district is characterized by high-density, heavy pedestrian traffic and transit use, and NW 23<sup>rd</sup> Avenue is a very heavily-trafficked retail street within the district. The variety of contributing and noncontributing buildings within the district, as well as the varying massing and scale of buildings, makes this a very eclectic district. Many retail establishments already provide exterior display of goods on sidewalks which extend into building setbacks and on porches of houses which have been converted to retail use. As such, even though the exterior displays proposed at the subject site are not likely to be seen from the street level, the activity these display areas will create will contribute to the vitality already present on this successful retail street.

*Therefore, this approval criterion is met.*

- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

**Findings:** Only one adjustment is requested.

*Therefore, this approval criterion does not apply.*

- D. City-designated scenic resources and historic resources are preserved; and

**Findings:** There are no city-designated scenic on this site. The site is located within the Historic Alphabet District; however, the existing buildings on the site are classified as noncontributing, and as such, are not considered resources within the district.

*Therefore, this criterion does not apply.*

- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

**Findings:** No impacts identified in the findings.

*Therefore, this criterion does not apply.*

- F. If in an environmental zone, the proposal has a few significant detrimental environmental impacts on the resource and resource values as is practicable;

**Findings:** This site is not within an environmental zone.

*Therefore, this criterion does not apply.*

## 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 proposed new three story—plus penthouse—retail building in the Historic Alphabet District and the Northwest Plan District will, with a handful of conditions of approval, contribute to the retail life of NW 23<sup>rd</sup> Avenue with historically-compatible materials and detailing on the new street-facing facades. The use of stucco as a primary material and the incorporation of large aluminum windows with clear glazing, thicker vertical mullions and stiles, and true muntin grids help to reinforce the district's historic character. The proposed glass canopies and awnings help to further articulate the facades without overwhelming its architecture while at the same time providing welcome new weather protection along the sidewalk on NW 23<sup>rd</sup> and a portion of NW Glisan. The proposed Modifications and Adjustment to the exterior display standard will preserve the historic character of the district and maintain the pedestrian and retail-oriented focus of NW 23<sup>rd</sup> Avenue.

The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria, modification criteria, and adjustment criteria and therefore warrants approval.

## **TENTATIVE STAFF RECOMMENDATION**

(May be revised upon receipt of new information at any time to the Landmarks Commission decision)

Staff recommends approval of the proposed three-story retail building plus rooftop penthouse and underground, structured parking in the Historic Alphabet District and Northwest Plan District and as in Exhibits C-1 through C-xx and per the conditions listed below.

- A. As part of the building permit application submittal, the following development-related conditions (B through H) 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 15-245120 HRM AD". All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The parapets/guardrails around the outdoor terrace on the third floor shall be composed of the stucco wall and parapet cap rather than having portions removed to accommodate steel Juliette balconies.
- C. The cornices on the main parapet shall be continuous in height and the guardrails behind it shall be composed of the continuous stucco-covered CMU wall with a glass rail rather than portions being composed of steel railings.
- D. An opaque or translucent, glazed sectional overhead door shall be provided at the loading dock instead of the perforated metal panel sectional overhead door specified.
- E. The proposed blade sign shall either be removed from the proposal or evaluated through a follow-up Type Ix review if additional details are not provided by the hearing date.
- F. The proposed Sunbrella fabric used on the retractable roof and terrace trellis shall be lighter in color—either natural (white), parchment, cadet grey, silver, silica silver, or oyster in color, rather than the proposed charcoal grey.
- G. The proposed metal mechanical screen shall either be removed from the proposal or evaluated through a follow-up Type Ix review if additional details are not provided by the hearing date.
- H. Light fixtures identified as Type UL1, UL2, FS14, F1, F3, F6, F7 (except at the stormwater planter), and F10 shall be removed from the proposal.
- I. A Street Tree Planting Plan shall be submitted and mitigation for the removal of the two cherry trees on NW Glisan shall be paid prior to permitting.
- J. Loading activities shall be limited to non-business hours when the parking garage is not accessible to the public, and signs shall be posted on the exterior of the building adjacent to the loading bay indicating that loading activities are not permitted during business hours and requiring vehicles to back into the space.

Staff also recommends approval for the following Modification requests:

- 1. 33.130.210 and Table 130-3 Height. Increase the maximum height from 45' to 57'-6";
- 2. 33.130.230 Required amounts of window area. Reduce the extent of required ground floor windows along the NW Glisan Street elevation from 25% of the building length and 12.5% of the ground floor wall area up to 9'-0" above finished grade to 13.5% of the building length and 8.9% of the ground floor wall area;

3. 33.266.310.F Forward motion. Allow for the loading vehicles to back into the required loading space rather than entering and exiting in a forward motion; and,
4. 33.248.020.C & D high screen and high wall. Move the required 6-foot high masonry wall along the eastern property line (adjacent to the RH-zoned parcel and required to screen the loading area) from the interior side of the required 5-foot deep landscaped area to exterior side along the property line. Near the sidewalk along NW Glisan Street, provide a 6-foot tall open metal fence at the property line in lieu of the required 5-feet of L3 landscaping.

Staff also recommends approval for the following Adjustment request:

1. 33.130.245.B Exterior display. Adjustment to allow exterior display areas on the roof deck and the third-floor roof terrace.

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**Procedural Information.** The application for this land use review was submitted on October 1, 2015, and was determined to be complete on October 28, 2015.

*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 October 1, 2015.

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 waived the 120-day review period, as stated with Exhibit G-2.

**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 recommendation of the Bureau of Development Services with input from other City and public agencies.

**This report is not a decision. The review body for this proposal is the Landmarks Commission who will make the decision on this case.** This report is a recommendation to the Landmarks Commission by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Landmarks Commission will make a decision about this proposal at the hearing or will grant a continuance. Your comments to the Landmarks Commission can be mailed, c/o the Landmarks Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201 or faxed to 503-823-5630.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. You may review the file on this case by appointment at our office at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201. Please call the file review line at 503-823-7617 to schedule an appointment.

**Appeal of the decision.** The decision of the Landmarks Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Landmarks Commission, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a

decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

**Who can appeal:** You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. **Appeals must be filed within 14 days of the decision. An appeal fee of \$5,000.00 will be charged.**

Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

#### **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.

- 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 must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

**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).**

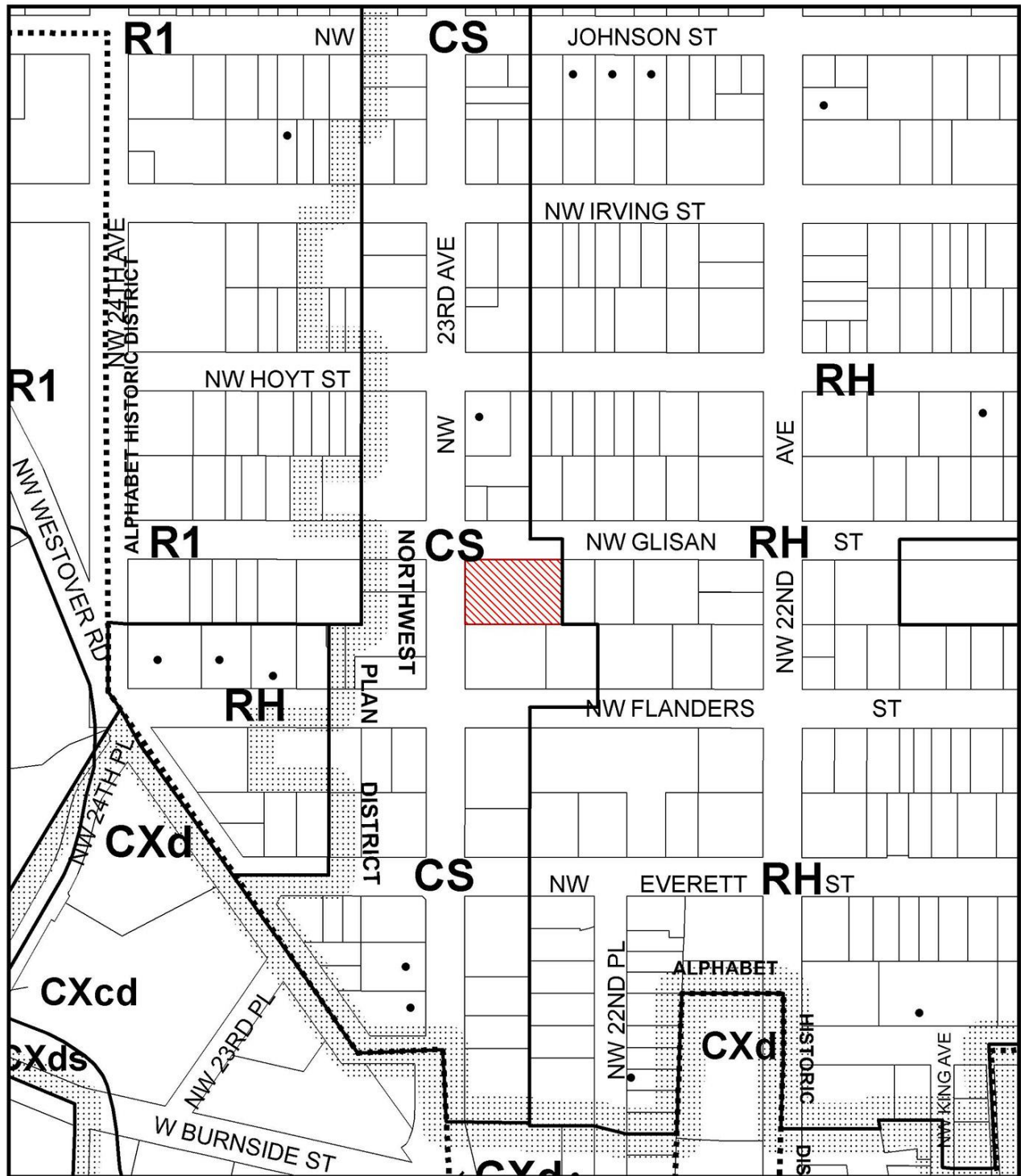
Benjamin Nielsen  
December 4, 2015

**EXHIBITS – NOT ATTACHED UNLESS INDICATED**

- A. Applicant's Submittals
  - 1. Original Drawing Package
  - 2. Original Design Review Application Narrative
  - 3. Revised Drawing Package – dated 10/14/2015
  - 4. Preliminary Stormwater Management Report – dated 10/19/2015
  - 5. Revised Draft Drawing Package – dated 11/20/2015
  - 6. Revised Draft Design Review Application Narrative – dated 11/20/2015
  - 7. Final Drawing Package – dated 11/24/2015
  - 8. Final Design Review Application Narrative – dated 11/24/2015
  - 9. South Elevation – received 11/30/2015
  - 10. DR Requested Information – received 12/07/2015
- B. Zoning Map (attached)
- C. Plan & Drawings
  - 1-108. Final Drawing Package (Exhibits C-26, C-27, C-33, & C-34 attached)
  - 109. South Elevation
- D. Notification information:
  - 1. Request for response
  - 2. Posting letter sent to applicant
  - 3. Notice to be posted
  - 4. Applicant's statement certifying posting
  - 5. Mailed notice
  - 6. Mailing list
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Water Bureau
  - 3. Fire Bureau
  - 4. Site Development Review Section of BDS
  - 5. Life Safety Review Section of BDS
  - 6. Bureau of Parks, Forestry Division
  - 7. Bureau of Transportation Engineering and Development Review
- F. Letters
  - No correspondence was received.
- G. Other

1. Original LUR Application
2. Signed 120-day Waiver
3. Incomplete Letter
4. Pre-application Notes
5. Design Advice Request Hearing #1 Summary Notes – dated 05/08/2015
6. Design Advice Request Hearing #2 Summary Notes – dated 06/15/2015
7. Design Advice Request Hearing #3 Summary Notes – dated 10/21/2015

H.



# ZONING



This site lies within the:  
NORTHWEST PLAN DISTRICT  
ALHABET HISTORIC DISTRICT



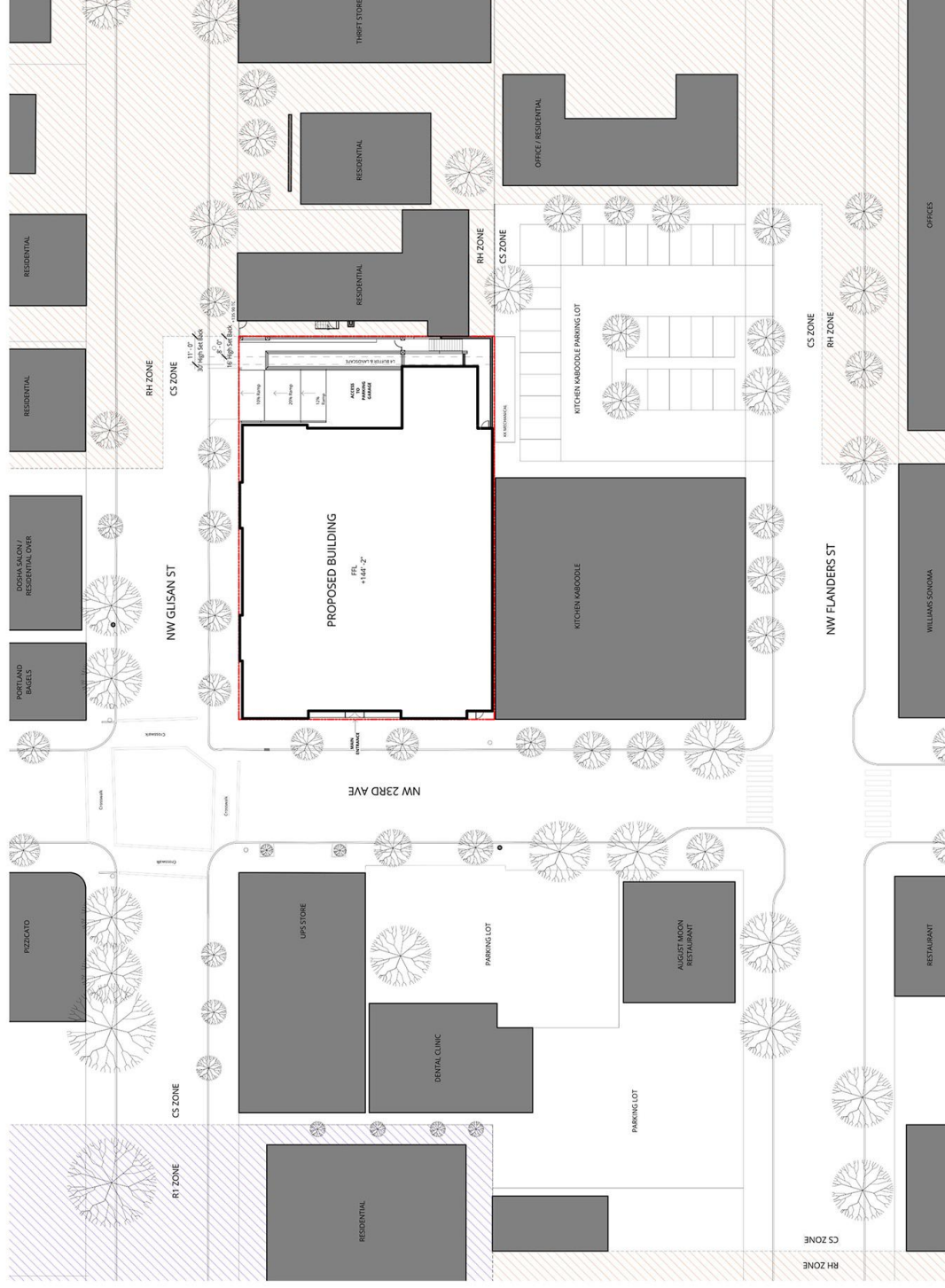
Site



Historic Landmark

File No. LU 15-245120 HRM, AD  
1/4 Section 3027  
Scale 1 inch = 200 feet  
State\_Id 1N1E33CB 400  
Exhibit B (Oct 29, 2015)

# PROPOSED SITE PLAN



[illegible]



# NW GLISAN ST. ELEVATION



## Community Design Guidelines:

P1: Enhance a sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions Can be achieved by (F) Along streets where residential use predominates utilizing design elements that acknowledge established characteristics that serve to distinguish residential streets from more intensely landscaped main streets.

### EXTERNAL FINISHES:

- WALLS AND CORNICING: Through colored Portland Cement Stucco Rainscreen System, Color Grayson Gray
- WINDOWS/DOORS: Aluminum clad wood, Color Black Beauty
- EXTERNAL FRAMING TO WINDOWS: Through colored Stucco on formwork.
- AWNINGS: Glass with steel frame. Painted Metal, Color Black Beauty
- JULIETTE BALCONIES & RAILINGS: Painted Metal, Color Black Beauty
- TRELLIS: Painted steel frame with retractable fabric sun shade.
- PARAPET TO LEVEL 4 ROOF TERRACE & PLANTER: Stucco on metal frame wall with pre-finished metal coping. Frameless glass balustrade (1'-1") to top of inner planter wall.
- PARAPET TO LEVEL 3 ROOF TERRACE: Cast Stone Coping.
- WALLS TO COURTYARD AND EAST RAMPS: Portland Cement on CMU wall with cast stone coping