

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 16-153002 HRM AD
	PC # 15-247619
	Pearl East Building
REVIEW BY:	Landmarks Commission
WHEN:	December 19, 2016 @ 1:30pm
WHERE:	1900 SW Fourth Ave., Room 2500A
	Portland, OR 97201

Bureau of Development Services Staff: Mike Gushard 503-823-5091 / Mike.Gushard@portlandoregon.gov

GENERAL INFORMATION

Applicant:	The Pearl Building LLC PO Box 1672 Palo Alto, CA 94302
	Suzannah Stanley and Mark Person, Mackenzie Architects 1515 SE Water Ave, Suite 100 Portland, OR 97214
	Brent Hedberg, PBE, LLC C/O Specht Development, Inc 10260 SW Greenburg Rd #170 Portland OR 97223
Site Address:	NW 13 th and NW Glisan St
Legal Description: Tax Account No.: State ID No.: Quarter Section:	1N1E33AD 04000
Neighborhood: Business District: District Coalition:	Pearl District, contact Reza Farhoodi at planning@pearldistrict.org Pearl District Business Association, contact Carolyn Ciolkosz at 503-227-8519. Neighbors West/Northwest, contact Mark Sieber at 503-823- 4212.

Plan District: Other Designations:	Central City - River District Non-contributing resource 13 th Avenue Historic District
Zoning:	EX- Central Employment Zone with Design and Historic Resource Protection Overlays
Case Type:	HRM AD – Historic Resource Review with Modifications and Adjustments
Procedure:	Type III, with a public hearing before the Landmarks Commission. The decision of the Landmarks Commission can be appealed to City Council.

Proposal:

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

A **Modification** is requested to:

1. 33.140.230 – To reduce the ground floor windows on the NW Glisan St. elevation from the required 50% of the length of the building to 48.48% and from 25% of the ground level wall area to 21.78%

Adjustments are requested to:

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

Relevant Approval Criteria:

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

- 13th Avenue Historic District Design Guidelines
- 33.805 Adjustment Approval Criteria
- Central City Fundamental Design Guidelines
- 33.825.070 Modifications considered during Historic Resource Review.

ANALYSIS

Site and Vicinity: The subject property is located at the northeast corner of NW 13th Avenue and NW Glisan Street on a 10,000 sqft lot that slopes downward from west to east. The site is currently occupied by a parking lot. To the north of the site, within its block, is the Modern Confectionary Lofts (526 NW 13th Avenue), a 3-story historic warehouse with a contemporary penthouse house addition. To the east, also within the same block, is the two story Porter Glisan Building constructed in 1922 (1203-1211 NW Glisan Street). This warehouse building was adaptively-reused and turned to office and retail uses. Across NW Glisan Street is the Chown Pella Lofts building, a four-story former warehouse that is a contributing resource within the NW 13th Avenue Historic District. To the west, across NW 13th Avenue is the historic Simon Building, a 5-story warehouse building that now has office and retail use. This proposal for new development is in a historic district. For this reason, historic resource review is required.

NW Glisan Street is designated as a Transit Street. NW 13th is a unique street dotted with loading docks that encroach into where sidewalks would commonly be located.

Brief Historical Context

In 1904, the Portland City Council approved the construction of a railroad spur line along 13th to extend from Johnson Street to Glisan Street, which was completed in 1907. This spur, as well as one along 15th and the purchase of 40 blocks in the area by various railroad companies, resulted in a significant increase in land values as well as the construction of what became a warehouse district for the shipping and receiving of goods. NW 13th Avenue was the first spur line used specifically for warehouse use and is consequently the most intact, easily distinguished from other streets in the Pearl District by its wealth of extant brick warehouse buildings and its unusual pedestrian character marked by the prevalence of loading docks converted to contemporary use as elevated sidewalks. This history is the basis for the NW 13 Avenue Historic District.

13th Avenue Historic District

The NW 13th Avenue Historic District is significant as a concentration of early-to-mid twentieth century warehouse and manufacturing buildings that developed along a railroad spur occupying the district's namesake right-of-way. The spur was installed in stages between 1906 and 1908 and the contributing buildings in the district date from then to the early post World War II era. NW 13th Avenue, the spine of the district, serves the utilitarian rear and side facades of the district and it includes prominent loading doors and docks. The buildings are generally plain and highly regular in architectural composition. Since the late 1980s the area has undergone a steady transformation to an upscale shopping and condominium district.

Zoning: The <u>Central Employment</u> (EX) zone allows mixed uses and is intended for areas in the center of the City that have predominantly industrial-type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

The Design Overlay Zone [d] promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The <u>Historic Resource Protection</u> 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.

Land Use History: City records indicate no prior land use reviews for this site.

Agency Review: A "Notice of proposal in Your Neighborhood" was mailed **November 29, 2016**. The following Bureaus have responded with no issue or concerns:

The Bureau of Environmental Services responded with the following comment: Cannot recommend approval. The proposed infiltration facility under the structure must be reviewed and approved through a plumbing code appeal prior to BES recommendation of approval of the design review. Please see Exhibit E-1 for additional details.

The Bureau of Transportation Engineering is working to respond to this proposal before the December 19, 2016 meeting date. Their comments will be presented to the commission.

The Bureau of Development Services Life Safety section responded with the following comment: Various building codes must be followed for a permit to be provided to the project. Please see Exhibit E-7 for additional details

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **November 29, 2016**.

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 33.846.060 - 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 NW 13th Avenue Historic District and the proposal is for a non-exempt treatment. Therefore Historic Resource Review approval is required. The approval criteria are the *NW* 13th Avenue Historic District Design Guidelines and the Central City Fundamental Design Guidelines.

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

NW 13th Avenue Historic District Design Guidelines

Guidelines for New Construction Historic NW 13th Avenue District

1. **Siting:** Without exception, the historic siting pattern of development in the NW 13th Avenue Historic District has been to construct buildings which come out to all property lines. This pattern gives the District a strong sense of street wall enclosure. New buildings should be built out to street property lines, in accordance with the historic pattern.

Findings: The building is designed to reach out the properties lines on each elevation. Presently the site is a large parking lot and acts as a "missing tooth" within the strong street wall enclosure that defines the district. The new large

wall along 13th Avenue will fill in this gap in line with its historic neighbors and in accordance with the historic pattern. *Therefore this guideline is met.*

2. Height and Bulk. Buildings in the NW 13th Avenue Historic District display a consistent mass. Buildings are typically two to six stories in height. New construction should likewise be at least equivalent to two stories in height, and should not exceed the maximum allowed height and density requirements in the Zoning Code.

Findings: The code allows for 100' at this site with an option for up to 75' through bonuses and a total floor to area ratio (FAR) of 9:1. The building height is 96 feet to the top of the roof top amenity and has a total FAR of 8.16:1. The extra FAR for the project is allowed by bike rooms included in the proposal that meet the standards of 33.266.220.B which are inside the building.

Although the building is 6 stories with a penthouse the top floor has design elements that reduce its visibility through massing. This deliberate gesture will allow the building to achieve a perceived height of 6 floors. While the building will be taller than many others in the district it will be perceived at six stories in height in accordance with this guideline. The bulk of the penthouse is setback from the street facing elevations by 20' on NW 13th street and 25' at the NW Glisan Street frontage. This articulation and the buildings parapet wall will render the penthouse mostly invisible when viewed from within the right-of-way in the District. The height of the building is achieved within the constraints of the zoning code. *Therefore this guideline is met.*

3. Composition. Most of the historic warehouse structures share a common, classically derived composition of a base, middle, and top. On some buildings, the distinction between these three sections is simple, with a cornice marking the top, and different window systems distinguishing the base or ground floor. On other buildings, the tri-partite composition is more strongly defined, with strong belt courses separating the sections, and distinct window patterns at each section. New buildings should respect this tri-partite composition, with a clear base, middle and top.

Findings: The main volume of the proposed building reflects the tri-partite composition seen in the neighboring buildings and required by this guideline. The first floor of the building is marked by large storefront-style windows on the first floor. Moving up, the principal facades transition at a pronounced string course which visually indicates the termination of the ground floor. The center four floors are primarily made up of sets of the three windows like those common to buildings constructed in the Chicago Style at the turn of the Twentieth Century. A concrete sill element marks the lowest visual terminus of the top floor which consists primarily of six-light windows that are 5' by 7'4" each and grouped in fours creating contrast with the floors below. The parapet of the building is marked by a detailed cornice. The three styles of window groupings present in the building, along with the sections marked by string-courses, create a clear base middle and top to the building and follow the classically inspired composition required by the guideline. *Therefore this quideline is met.*

4. Scale and Proportion. Historic warehouse structures in the NW 13th Avenue Historic District consistently feature masonry walls with openings recessed from the building plane. The size and relationship of windows, doors, and other architectural

elements in new buildings should be of a scale and proportion that is compatible with the historic architectural pattern. Blank walls should be avoided in street-facing elevations, especially at the ground floor.

Findings: The two street-facing walls of the building include walls of mostly red brick divided into three horizontal sections divided by two string courses. These middle sections of these wall planes are punctuated by windows which are grouped with a twotiered inset. The first step in the inset punches back from the building plane 35/8" inches. The insets then step back another inch before the beginning of the window (see figure from Exhibit C-15) The middle section includes windows that are grouped in threes like many of the buildings in the district including what the historic building directly across 13th Avenue from the site. The ground floor windows are



storefront-style windows with transoms which are inspired by but are not exact replicas of the building across the street. The pedestrian zone of the Glisan Street elevation is mostly board form concrete. This results in a need to modify the ground floor window standard. This design is driven by the need to elevate the first floor on 13th Avenue to allow for the elevated loading dock feature on this façade and the desire to maintain the tri-partite design that is a character defining feature of many of the buildings in the 13th Avenue Historic District. *Therefore this guideline is met.*

5. Materials, Colors, and Textures. Historic warehouse buildings feature consistent exterior materials and textures and most buildings display a consistent range of colors. Buildings are clad in masonry, either brick or concrete. Window systems typically consist of wood sash, double-hung windows, or wood or metal industrial casement windows. New buildings should be compatible with the materials, colors and textures found in the District.

Use of masonry and stuccoed masonry as a major building material is encouraged. For the purpose of achieving historic compatibility, careful attention should be given to new brickwork as follows: a) the color, texture and size of the brick; b) the width of the joints between the bricks; and c) the color and profile of the mortar joint.

The use of non-traditional finish materials should be avoided. Also, the use of wood as a major exterior surface material should be avoided.

Findings: This finding is addressed in two parts: windows and street facing cladding.

Windows

The proposal includes 6-light and 4-light aluminum windows on the upper floors with narrow mullions. The 13th Avenue ground elevation of the building includes three aluminum and glass roll up doors with a gridded muntin pattern. These are located beside three person doors. The roll up doors on the building suggest the roll up doors mentioned in Guideline 7 of the 13th Avenue Historic District Guidelines that are commonly found in the district. Above the doors along 13th is a 4' 7 ¹/₄" transom with two rows of square lights between aluminum muntins. The transom feature is also expressed on the Glisan Street elevation where it sits above two sets of five storefront windows that maintain a consistent datum despite the grade along this street. At the eastern corner of the NW Glisan Street facade, there is a metal panel garage door with metal louvers and the same gridded transom element above. The various windows, their proportion, and arrangement mimic the contributing resources in the district. The garage door opening on NW Glisan Street appears to be much larger than is standard in the district because of the presence of matching louvers above it that provide venting for the generator. However, the transom feature ties this opening in with the other fenestration on the ground floor and the inclusion of a canopy above the garage door mitigates the potentially out of scale opening. For these reasons the windows on the building meet this guideline.

Street-Facing Cladding

The two street-facing elevations of the building are clad in red brick on a board form concrete plinth. This brick over concrete condition is common in the district's tri-partite brick warehouse buildings like the Chown Pella Lofts and Keen Garage in the District. While concrete with visible form expressed is not a common feature in the district, it presents an opportunity for the proposed building to mildly differentiate itself from the contributing resources in the district while still maintaining their general form and materials. The brick proposed for the building is a 7" by 2" red brick that with 5/16" joints in grayish brown. This is in keeping with the District's character. However, the sample provided to staff includes clinker bricks and faux-aged and distressed brick. It is unclear how prevalent the clinker and distressed brick will be in the building or how they might create patterns when utilized across the 6-story face of the building. This would create a distraction from authentically-aged contributing resources in the district.



Brick sample for Pearl East Building with brick conditions at historic Fisk Building, Oregon Transfer Building, Modern Confectionary Lofts, Simon Building and The Gadsby Building depicted from left to right (From exhibit G-5)



Staff suggests the following changes to achieve approval:

- No more than 15% of the bricks used to clad the building will be dark clinker brick or show signs of paint, efflorescence or other forms of distress.
- All pre-distressed decorative brick will be distributed evenly across the building.

However as these changes are not reflect in the proposal staff cannot recommend approval for this guideline.

6. Rear and Side Walls, and Roofs. Non-street elevations of a building are less significant than street elevations. Rear and side walls of buildings should therefore be fairly simple, masonry-clad, with or without windows. Effort should be made to obscure views of roof top mechanical and electrical equipment.

Findings: The end walls facing NW Glisan Street are sparsely detailed and with the exception of the one bay of proposal .01 for the North elevation, lack windows completely. Roof top mechanical equipment is away from the district at the rear, extreme-northeastern corner of the building. It sits behind the building's parapet wall. *Therefore this guideline is met.*

7. Special Features. Several special features are commonly found throughout the District. These include loading docks with roll-up doors and wood or metal canopies overhead; awnings at entries; cast-stone lintels, sills, and decorative cornices; and water towers. Efforts should be made to include similar features in new construction, although decorative elements should not dominate or detract from the basic integrity of the building and its elevations.

Findings: The simple design of the building does not include special decorative features that are so large that they overpower the contributing resources in the district. Special features in this proposal include; industrial-style metal canopies along the 13th street façade and in front of the garage entry on Glisan Street; a decorative cornice and a large wooden ramp along 13th Street inspired by the loading docks that are one of the 13th Street Historic District's primary character-defining features. *Therefore this guideline is met.*

8. Signs. There is a tradition in the NW 13th Avenue Historic District of painting large signs on the walls of warehouse structures. This practice is not discouraged on new buildings. However, signage on the principal (i.e., street) elevations of new or existing buildings should be restrained and should not be a dominant facade feature. Lettering painted on windows and signs located inside buildings are usually suitable; moreover, these types of signs do not require review. Other suitable design types include indirectly lit letters, mounted on the spandrels above storefronts. Contemporary plastic, backlit signs are discouraged.

Findings: No signage is included in this historic resource review. *Therefore this guideline does not apply.*

Central City Fundamental Design Guidelines

A1. Integrate the River. Orient architectural and landscape elements including, but not limited to lobbies, entries, balconies, terraces, and outdoor areas to the Willamette River and Greenway. Develop access ways for pedestrians that provide connections to the Willamette River and Greenway.

Findings: The building site is located well west of the river making it impossible to include pedestrian access to the river or greenway. The location also makes it impossible to substantively address the river. Locating balconies or openings in the west facing end wall contradict the *NW13th Avenue Historic District Guidelines*. That said the rooftop amenity will provide a view of the Tualatin Mountains and the urbanized valley that slopes into the river. This view will provide a connection between building occupants and the geography that the river defines. *Therefore this guideline is met.*

A2. Emphasize Portland Themes. When provided, integrate Portland-related themes with the development's overall design concept.

Findings: The NW13th Avenue Historic District was nominated to the National Register of Historic Places under Criterion A for its ability to convey Portland's history as a regional distribution center linked to the world by railroads and ports. The site lies in the middle of the *NW13th Avenue Historic District* and contains many of the elements that are character-defining features of this district. These include but are not limited to a decorative cornice inspired by the turn of the warehouse buildings in the neighborhood; metal canopies; metal windows; red brick cladding and a loading dock element along the NW 13th Avenue. These features help to reinforce the Portland themes and history that NW 13th Avenue Historic District visually conveys. *Therefore this Guideline is met*

A3. Respect the Portland Block Structures. Maintain and extend the traditional 200foot block pattern to preserve the Central City's ratio of open space to built space. Where superblocks exist, locate public and/or private rights-of-way in a manner that reflects the 200-foot block pattern, and include landscaping and seating to enhance the pedestrian environment.

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

A5. Enhance, Embellish, and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

Findings A3-A5: The proposed building occupies roughly a quarter of one of Portland's typical 200"x200 blocks. The proposal for the building contained within this block and does not add any irregularities or interruptions to the pattern. The proposal includes many elements that define the NW13th Avenue Historic District including a tri-partite design; extensive use of brick and most notably, a large loading dock like feature. These features work together to unify the building with the contributing resources within the historic district and

ensure that the historic district retains its identifiable character. This is particularly true of the loading dock element within the right-of-way which is a gesture to one of the District's most unique and compelling features. *Therefore these guidelines are met.*

A6. Reuse/Rehabilitate/Restore Buildings. Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

A7. Establish and Maintain a Sense of Urban Enclosure. Define public rights-of-way by creating and maintaining a sense of urban enclosure.

A8. Contribute to a Vibrant Streetscape. Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

A9. Strengthen Gateways. Develop and/or strengthen gateway locations.

FINDINGS A6-A9: The proposed new construction does not include the reuse or rehabilitation of an existing building or building elements. That said, the building design includes many of the district character-defining features assembled sensitively so as not to adversely affect the 13th Avenue Historic District. The new building will activate a space currently occupied by a parking lot which is not in character with the historic district. It will recreate the continuous street wall missing in this area and creating a more vibrant and active frontage along NW13th Avenue. The site is not described as a gateway location in official documentation, but its location is at the meeting point of NW Glisan, a transit street, and NW 13th which is the spine of a vibrant historic district.

Along the street the historic loading docks calm automobile traffic which allows for increased pedestrian activity. The docks also illustrate the District's historic significance and provide for a compelling pedestrian experience when traversed. The loading dock feature on the proposed building supports the vibrant street experience. The placement of clear roll up doors with windows and with views into retail spaces at the dock level support this sense of vibrant activity. The replacement of the parking lot with a new building at this junction will create a de-facto gateway to the center of the NW 13th Avenue Historic District. *Therefore these guidelines are met.*

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.

B2. Protect the Pedestrian. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

B3. Bridge Pedestrian Obstacles. Bridge across barriers and obstacles to pedestrian movement by connecting the pedestrian system with innovative, well-marked crossings and consistent sidewalk designs.

B4. Provide Stopping and Viewing Places. Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.

B5. Make Plazas, Parks and Open Space Successful. Orient building elements such as main entries, lobbies, windows, and balconies to face public parks, plazas, and open spaces. Where provided, integrate water features and/or public art to enhance the public open space. Develop locally oriented pocket parks that incorporate amenities for nearby patrons.

B6. Develop Weather Protection. Develop integrated weather protection systems at the sidewalk-level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection, and sunlight on the pedestrian environment.

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

Findings B1-B7: The character-defining loading docks in the NW13th Avenue Historic District not only demonstrate the neighborhood's historic character they also provide a stopping and viewing places for pedestrians to rest and observe the activity of the vibrant historic district's commercial life. They protect the pedestrian from traffic and exhaust by lifting their circulation up and away from the street. The feature proposed for this building will be no different. This opportunity will be supplemented by a generous metal canopy that covers the entire expanse of the feature and protects users from the weather. The proposed loading dock feature also includes an inclined slope that allows the structure to be traversed by people with mobility devices or strollers. The proposal does not include a frontage to a public park, plaza, open space or water feature. However, the front doors do open up to NW 13th Avenue the site of occasional street fairs and gatherings. *Therefore these guidelines are met.*

C1. Enhance View Opportunities. Orient windows, entrances, balconies and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building façades that create visual connections to adjacent public spaces.

Findings: The building's main entrance is located on 13th Avenue where it reinforces circulation through and activity in a vibrant historic district. The entrance will look out over an active mixed pedestrian and vehicle street. The windows are located on the NW13th Avenue and Glisan Street elevations in accordance with guideline 6 of the 13th Avenue Historic District Guidelines. While windows located to the North and East elevations would allow for a view over downtown and to the span of the Fremont Bridge, these walls should remain simple in order to follow the NW 13th Avenue Historic District Guidelines. The location of the entrance and inclusion of a stopping and viewing place on this street in the form of the loading dock represent a compromise between the NW13th Avenue Historic District Guideline C1 of the Central City Fundamental Design Guidelines. Therefore this guideline is met.

C2. Promote Quality and Permanence in Development. Use design principles and building materials that promote quality and permanence.

Findings: The north facing end wall of the building has two proposals. Proposal .01 Includes one bay of windows and brick with a plain made of concrete

masonry unit (CMU). Proposal .02 includes CMU with a board form concrete vertical element and horizontal concrete lines expressing the floors. The east end wall is proposed in a similar condition to proposal .02. Both of these walls are located where they will be seen from the historic district (the north wall) or along a very busy transit Street (the east). For this reason, it is important that these highly visible conditions demonstrate a sense of quality in permanence in their construction. The simplest way to achieve this goal would be to use materials that define the district. The brick and concrete warehouses of the 13th Avenue Historic District have demonstrated quality and permanence in their development throughout their long lifespan and use of traditional materials that appear throughout. CMU is not a major or visually present material within the district.

Staff suggests the following changes to meet approval:

• The areas currently detailed with CMU at the end walls should be changed primarily to brick, smooth concrete or stucco.

However because as this change is not reflected in the proposal staff cannot recommend approval for this guideline.

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.

C4. Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.

Findings C3 and C4: The proposal does not include the modification of any existing building but is a major addition to an existing historic district. The proposal uses the vocabulary of the district; including tri-partite composition; extensive use of brick and a loading dock. These features work to make the building compatible and respectful to the integrity of nearby contributing resources and the district. *Therefore these criteria are met.*

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

Findings: The NW13th Avenue and NW Glisan Street elevations of the Pearl East building incorporate many of the features that define the NW13th Avenue Historic District. The use of brick cladding, multi-pane windows, tri-partite composition and the loading dock feature evoke the significant history of the historic district and unify the building with its neighbors.

The end walls facing north and east do not meet this guideline as proposed. The use of board-form concrete and CMU are not unified with the rest of the composition of the building as illustrated on the east facing end wall and in proposal .01 for the North Elevation. Board form concrete is used at the base of the building. It functions to create a plinth for the west and north elevations. Its reuse on the end walls needlessly busies these elevations. Most buildings in the district have one material end walls. This condition informed *Guideline 6 of the NW 13th Avenue Historic District Guidelines* which states that "Non-street elevations of a building are less significant than street elevations. Rear and side walls of buildings should therefore be fairly simple..."

Proposal .02 for the north elevation represents a more coherent design but could be strengthened by representing the floors in the end wall.

Staff suggests the following changes to achieve approval

- 1. Use only one material across the field east and north end walls.
- 2. Express the floor lines with a small notch or concrete to express the building's floors.

However because as these changes is not reflected in the proposal staff cannot recommend approval for this guideline.

C6. Develop Transitions between Buildings and Public Spaces. Develop transitions between private development and public open space. Use site design features such as movement zones, landscape elements, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

Findings: The loading dock feature provides a transition from public to private space. Throughout the District, these platforms are used by pedestrians and restaurant goers for seating and places to observe the activity along NW 13th Avenue. *Therefore this guideline is met.*

C7. Design Corners that Build Active Intersections. Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.

Findings: All of the buildings in the NW 13th Avenue historic District face NW 13th Avenue. This orientation tells the story of the district which is significant, in part, because of its relationship with a railroad spur that existed on NW 13th avenue. A traditional active intersection with an entrance or other amenity would interrupt this historic association and adversely impact the historic district. While the building fronts onto NW 13th avenue the loading dock 's entrance will be at the corner of NW 13th and NW Glisan which will activate this corner and provide an entrance to a covered pedestrian space. *Therefore this guideline is met.*

C8. Differentiate the Sidewalk-Level of Buildings. Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.

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

C10. Integrate Encroachments. Size and place encroachments in the public right-ofway to visually and physically enhance the pedestrian environment. Locate permitted skybridges toward the middle of the block, and where they will be physically unobtrusive. Design skybridges to be visually level and transparent.

Findings C8-C10: The two street side elevations of the building are differentiated by the use of storefront windows; a concrete plinth and, most notably, a large loading dock feature on the NW 13th Avenue street elevation.

This encroachment creates a space that allows transit into the building, seating and a viewing platform for the streetscape below. The NW Glisan Street façade is less activated that NW 13th. This is demonstrated by the applicants request for a modification to the ground floor window standards. However, effects to the pedestrian experience are mitigated by large windows located above the building base and laser cut decorative louvers. Overall, the design focuses most of its energy on 13th Avenue and into the historic district. *Therefore these guidelines are met.*

C11. Integrate Roofs and Use Rooftops. Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

Findings: The roof top amenity includes open space with views of the city. It is designed with the same red brick as the main volume of the building and includes a metal storefront system that is in keeping with the design of the building and informed by the metal windows that appear in the historic district. The mass of the rooftop volume is setback from street facing elevations by 21' along 13th and 25' along NW Glisan Street. Mechanical equipment located at the northeast of the roof is setback and partially screened by the buildings ample parapet. These features follow the guidelines. *Therefore this guideline is met.*

The building includes a stormwater management system that requires an appeal from the Bureau of Environmental Services for approval. See Exhibit E-1.

C12. Integrate Exterior Lighting. Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.

Findings: Exterior lighting is limited to suspended lamps along the 13th Avenue ground floor and two small sconces on either side of the garage door. The 13th Avenue lighting is industrial style lamps which are sensitive to the historic. The limited lighting is appropriate for new construction in a historic district that was formerly a warehousing area. *Therefore this guideline is met.*

C13. Integrate Signs. Integrate signs and their associated structural components with the building's overall design concept. Size, place, design, and light signs to not dominate the skyline. Signs should have only a minimal presence in the Portland skyline.

Findings: No signage is proposed in this proposal. Future signage will require historic resource review *Therefore this guideline is not applicable.*

(1) 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:

 33.140.230 – To reduce the ground floor windows on the NW Glisan St. elevation from the required 50% of the length of the building to 48.48% and from 25% of the ground level wall area to 21.78%

Purpose Statement: In the EX zone, 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 proposal does not meet the ground floor window standard on NW Glisan Street because of three factors; the slope of the site; a commitment to holding the datum of the buildings base and the loading dock feature along NW 13th Avenue which raises the ground 1st-floor level. The loading dock feature is critical to the building's cohesion with the NW 13th Avenue Historic District. The docks are present on 80% of the buildings in the district and are the most visible and unique character-defining feature of the district. The concrete base of the building also allows it to blend in with the historic district. This plinth like element is visible in several of the buildings in the district most notably the Chown Pella Lofts which are located directly across NW Glisan Street and what is now known as the Keen Garage across NW 13th Street from the site. Puncturing this plinth with large expanses of glass would erode this gesture toward a character-defining feature of the District. Though located mostly above

9' high the NW Glisan Street elevation does include large 16' x 21'-8" expanses of glass. These will provide views into the retail spaces behind them and allow

for surveillance over NW Glisan Street. These windows are why the proposal nearly meets the standard. Effects to the pedestrian environment are mitigated by two laser-cut, decorative louvers at the base of the building and a glass door at the eastern corner of the building. The Chown Pella Lofts make use of a similar mitigation measure as shown in the photo above (See photo from Exhibit G-6). The condition that requires the modification are driven by a design that is sympathetic to the 13th Avenue Historic District and



the design has features to mitigate the impacts to the pedestrian experience.

Therefore this modification merits approval.

(2) 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:

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

510.265.F.6.b - Purpose

The Central City plan district implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation Management Plan. The Central City plan district implements portions of these plans by adding code provisions that address special circumstances existing in the Central City area.

266.310.C.2.c - 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

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

Findings:

This approval criterion is not met. Staff is awaiting a report a complete response from PBOT relative to this adjustment.

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 Central Employment (EX) zone.

This approval criterion is not met. Staff is awaiting a report a complete response from PBOT relative to this adjustment.

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: This 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

This approval criterion is not met. Staff is awaiting a report a complete response from PBOT relative to this adjustment.

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

Findings: There are no city-designated scenic or historic resources on this site. *This criterion does not apply.*

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

Findings: Because there were no impacts identified in the findings, *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. *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 building generally fits within the *NW 13th Historic District Design Guidelines* and the *Central City Fundamental Design Guidelines*. It demonstrates many of the key character-defining features of the historic district including tri-partite design, red brick and a gesture to the district's iconic loading docks. However, due to a few unresolved issues listed below staff does not recommend approval at this time. Some of the issues preventing approval for this project are:

- The infiltration facility under the structure must be reviewed and approved through a plumbing code appeal prior to receiving a Bureau of Enviornmental Services reccomendation. While the appeal has been filed by the applicant it has not been approved at this juncture.
- Staff has concerns about the endwall conditions proposed for the building. The use of CMU does not fir within the context of the historic district and is not an approvable option following guideline C-2 (Promote Quality and Permanance in Development) of the Central City Fundamental Design Guidelines.
- Staff also has concerns about the proposed mixture of baordform concrete with CMU on the endwall. The mixture of these two materials busies the endwalls. Most fo the buildings in the district have a single material at their endwall. The proposal does not follow Guideline C5 (Design for Cohearency) of the Central City Fundamental Design Guidelines.
- Staff is concerned about the use of clinker brick and pre-distressed brick. Clear conditions as to the amount of these style bricks used on the façade of the building and its location are needed. Without these conditions it is unclear if the proposal Guideline 5 (Materials, Colors and Textures) of the NW 13th Historic District Design Guidelines.
- PBOT has not approved the proposed adjustment to 510.265.F.6.b allowing garage access on a restricted street. It is likely that the Bureau will weigh in on this matter sometime before the December 19, 2016 Historic Landmarks Commission meeting for this project.

If changes are made to the proposal to address the above concerns all of the approval criteria would be met and staff could recommend approval. As proposed staff recommends denial.

TENTATIVE STAFF RECOMMENDATION

Denial.

Procedural Information. The application for this land use review was submitted on April 15, 2016, and was determined to be complete on October 12, 2016.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on April 15, 2016.

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 (Exhibit #A2) Unless further extended by the applicant, **the 120 days will expire on: October 12, 2017**

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 \$5000.00 will be charged (one-half of the application fee for this case).

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 Impact Mitigation Plan and any concurrent reviews other than a Zone Change or Comprehensive Plan Map Amendment remains in effect until:

- All phases of development included in the plan have been completed, or
- The plan is amended or superceded; or
- As specified in the plan; or
- As otherwise specified in the final decision.

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).

Mike Gushard December 9, 2016

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. 120 Day Waiver
 - 3. Stormwater Management Information
 - 4. Original Drawing Set
 - 5. DAR Memo Response
- Geotechnical Report
- B. Zoning Map (attached)
- C. Plan & Drawings
 - 1. Site Plan (attached)
 - 2. Lighting Plan
 - 3. Parking Floor Plan and Ground Floor Plan
 - 4. Typical Office Floor Plan and Rooftop Floor Plan
 - 5. Building Sections
 - 6. Elevation Diagrams
 - 7. South Elevation and West Elevation
 - 8. North Elevation Proposals
 - 9. East Elevations
 - 10. West Elevation Ground Floor Detail
 - 11. NW Glisan Street Elevation Ground Floor Detail and Window Percentage Calculation
 - 12. Window Schedule
 - 13. Design Sketch
 - 14. Wall Sections
 - 15. Brick and Attachment Details
 - 16. Sightline Study and Material Chart
 - 17. Rendering looking NW on Glisan
 - 18. Garage Detail Rendering
 - 19. Penthouse Elevations
 - 20. Penthouse Elevations
 - 21. Penthouse and Roofdeck Materials and Details
 - 22. Roof Deck Landscape Materials
 - 23. Roof Deck Precedents
 - 24. Penthouse Precedents
 - 25. Penthouse Massing Study
 - 26. Solar Studies
 - 27. Lighting Cutsheet Garage Lights
 - 28. Lighting Cutsheet Pendants

- 29. Mechanical Cutsheet
- 30. Roll-up Door Cutsheet
- 31. Garage Door Spec
- 32. Penthouse Lighting
- 33. Air Handling Unit
- 34. Roll Up Door Cutsheet
- 35. Exterior Lighting Cutsheet
- 36. Penthouse Window System Cutsheets
- 37. Window System Cutsheets
- 38. Penthouse Window System Cutsheets
- 39. Window System Cutsheets
- 40. Window System Cutsheets
- 41. Utility Site Plan
- 42. Utility Roof Plan
- 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. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau (No response)
 - 4. Fire Bureau
 - 5. Bureau of Development Services Site Development(No Response)
 - 6. Bureau of Parks, Forestry Division (No Response)
 - 7. Life Safety Section of the Bureau of Development Services
- F. Letters (None Received)
- G. Other
 - 1. Original LUR Application
 - 2. Pre-Application Conference Summary
 - 3. Design Advice Memorandum
 - 4. Incomplete Letter
 - 5. Staff Research photos of 13th Avenue Brick
 - 6. Staff Research: photos of Chown Pella screen







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