

CITY OF PORTLAND, OREGON



**Bureau of  
Development  
Services**  
FROM CONCEPT  
TO CONSTRUCTION

Land Use Review Appeal to  
**Portland City Council**

Appeal of Historic Landmarks Commission Decision  
of Approval with Conditions

LU 17-153413 HRM AD

# **THE PORTLAND BUILDING**

**AUGUST 24, 2017**

CITY OF PORTLAND, OREGON



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# STAFF PRESENTATION

**AUGUST 24, 2017**

**REGULATORY  
FRAMEWORK**

**PROPOSAL  
SUMMARY**

**PROJECT  
CONTEXT**

**APPEAL  
SUMMARY**

**APPEAL  
RESPONSE**

## Approval Criteria (FOUND TO BE MET)

- **33.846.060.G Other Approval Criteria**
- **Central City Fundamental Design Guidelines**
- **Modification Criteria (33.846.070)**
  - Ground Floor Windows (33.130.230)*
  - Ground Floor Active Use (33.510.225)*
- **Adjustments (33.805.040)**
  - Quantity of Loading Spaces (33.266.310.C)*

***Council must find a nexus between the appeal findings and these Approval Criteria.***

## Type III Historic Resource Review

+  
MODIFICATIONS  
+  
ADJUSTMENT

REGULATORY  
FRAMEWORK

PROPOSAL  
SUMMARY

PROJECT  
CONTEXT

APPEAL  
SUMMARY

APPEAL  
RESPONSE

# Procedural History

- **DAR #1 – 1/25/2016**
    - BUILDING ENVELOPE ISSUES DISCUSSED
    - COMMISSION RECOGNIZED CHALLENGES OF POST-MODERN BUILDING SYSTEMS
    - OPENNESS TO WINDOW CHANGES, REPLACEMENT TILE, AND PARTIAL ENCLOSURE OF LOGGIA, STRONGLY IN FAVOR OF REMOVAL OF PARKING ENTRANCE
    - OPENNESS TO REPLACEMENT MATERIALS AND RAINSCREEN BUT NOTED THAT QUALITIES OF REPLACEMENT TILES NEED TO MATCH
  - **DAR #2 – 12/19/2016**
    - PREVIOUS DIRECTION AFFIRMED
    - GENERAL SUPPORT FOR RAINSCREEN STRATEGY – QUALITY OF MATERIALS CRITICAL
    - SUPPORT FOR NEW STOREFRONT GLAZING
- 
- **PRE-APPLICATION CONFERENCE – 11/30/16**
  - **LUR #1 – 6/26/2017**
    - GENERAL SUPPORT FOR TREATMENT, SOME CONCERN ABOUT CUMULATIVE EFFECT
    - REQUESTED SOME REVISIONS AND ADDITIONAL INFORMATION
    - PUBLIC TESTIMONY NOTED CONCERN ABOUT CHANGE IN MATERIAL, POTENTIAL FUTURE DELISTING
    - RECORD REQUESTED TO BE HELD OPEN BY MEMBER OF THE PUBLIC
  - **LUR #2 – 7/24/2017** (DECISION RENDERED, ISSUED 7/28/17)
    - UNANIMOUS (4-0) APPROVAL WITH CONDITIONS
- 
- **APPEAL #1 – 8/1/17**
    - ERICA CEDER, DLR GROUP, ON BEHALF OF KRISTIN WELLS, OMF
  - **APPEAL #2 – 8/11/17**
    - PETER MEIJER, PETER MEIJER ARCHITECT, PC

## Type III Historic Resource Review

+  
DESIGN ADVICE (2)  
+  
LAND USE HEARINGS  
(2)

REGULATORY  
FRAMEWORK

PROPOSAL  
SUMMARY

PROJECT  
CONTEXT

APPEAL  
SUMMARY

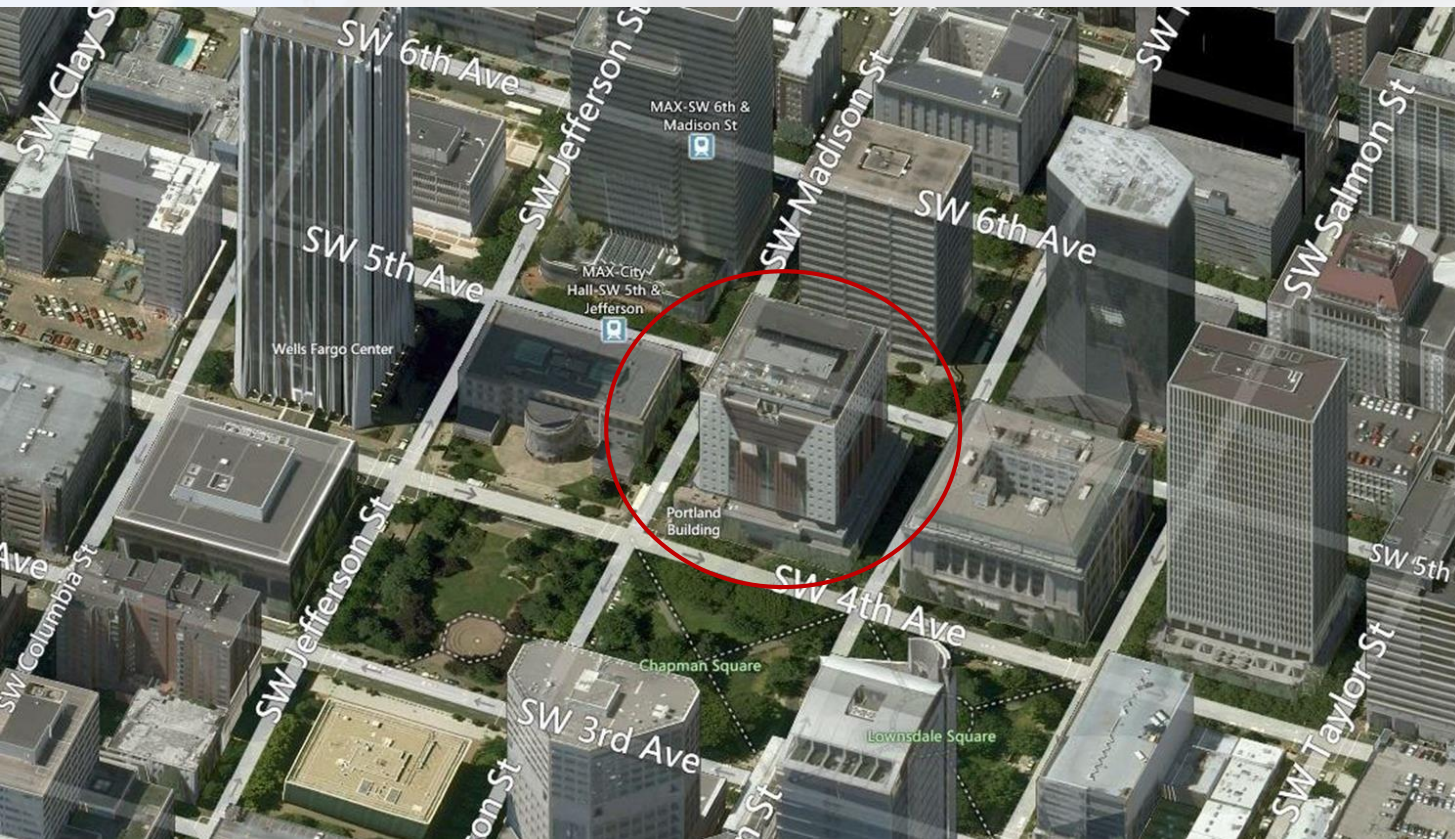
APPEAL  
RESPONSE

## Proposal Site

SITE AREA  
40,000 SF

EXISTING CONDITION  
The Portland Building  
(a Historic Landmark)

STREET FRONTAGES  
E – SW 4<sup>th</sup> Ave  
N – SW Main St  
W – SW 5<sup>th</sup> Ave  
S – SW Madison St



REGULATORY  
FRAMEWORK

PROPOSAL  
SUMMARY

PROJECT  
CONTEXT

APPEAL  
SUMMARY

APPEAL  
RESPONSE



## Proposal

### REHABILITATION OF PORTLAND BUILDING

to include:

- New exterior rainscreen of metal at upper levels and terracotta at lower levels
- Replacement of existing formed decorative elements at upper levels with new, made of metal
- Replacement of all dark windows with clear
- Enclosure of two loggia bays on S and N
- Reconfiguration of ground level storefront footprints and revision to floor-to ceiling glazing
- Removal of existing vehicle area opening on east and enclosure with enlarged curtain wall
- Replacement of existing mechanical systems at 2<sup>nd</sup> floor & roof with new rooftop mechanical

### Modifications Requested

1. 33.130.230.C – to reduce the amount of ground floor windows on the north façade to 37% (from 50%) of the wall length and, on the east façade, to 0% (from 50%) of the wall length and to 0%\*\* (from 25%) of the wall area.
2. 33.510.225 – to reduce the depth of the ground floor active uses (at the loggia) from the required 25' depth to approximately 16' to 20'.

### Adjustment Requested

1. 33.266.310.C – to reduce the number of required loading spaces to zero (0) by removing the existing on-site basement level loading space.

Existing



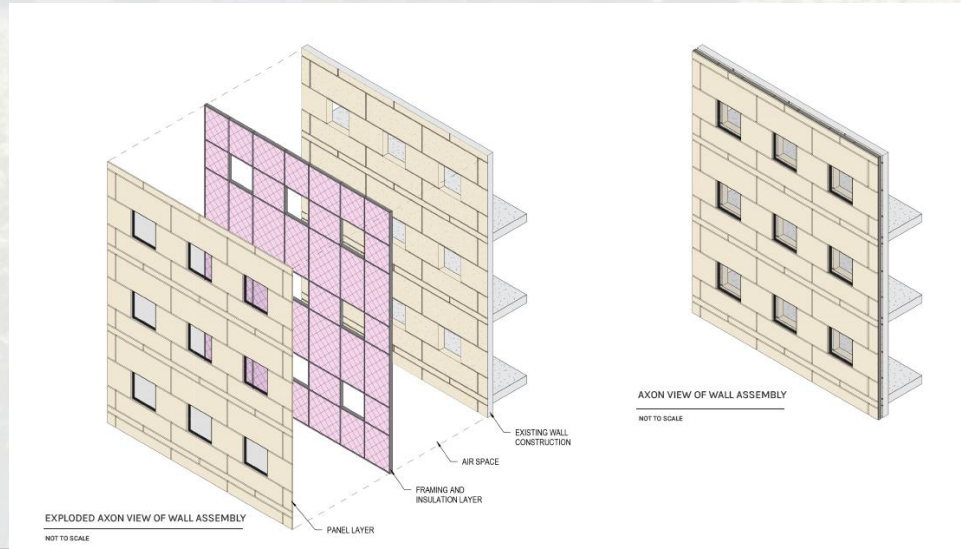
Proposed



# Proposal

## REHABILITATION OF PORTLAND BUILDING to include:

- New exterior rainscreen of metal at upper levels and terracotta at lower levels
- Replacement of existing formed decorative elements at upper levels with new, made of metal
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REGULATORY FRAMEWORK

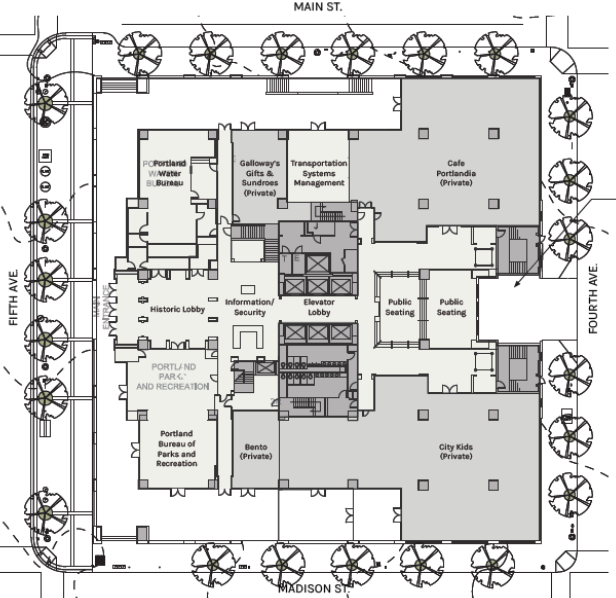
PROPOSAL SUMMARY

PROJECT CONTEXT

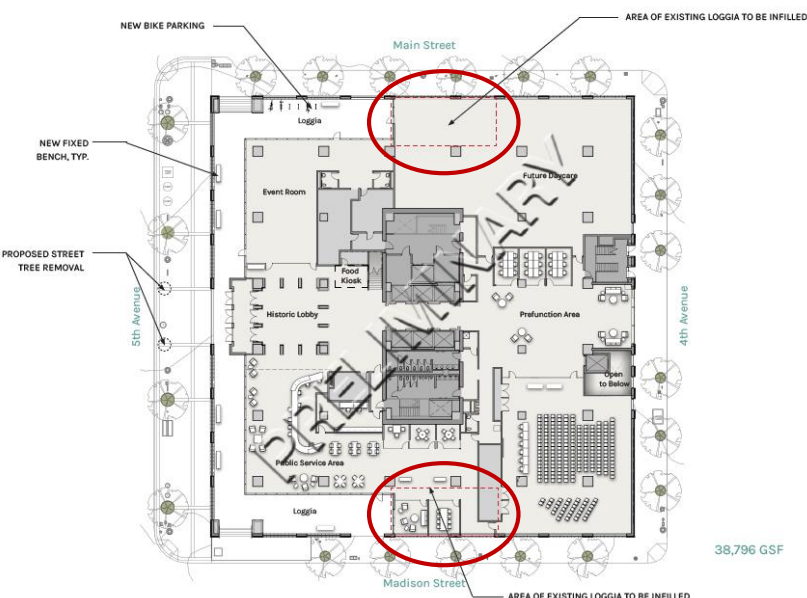
APPEAL SUMMARY

APPEAL RESPONSE

**Existing**



**Proposed**



**Proposal**  
**REHABILITATION OF**  
**PORTLAND BUILDING**  
**to include:**

- New exterior rainscreen of metal at upper levels and terracotta at lower levels
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**REGULATORY**  
**FRAMEWORK**

**PROPOSAL**  
**SUMMARY**

**PROJECT**  
**CONTEXT**

**APPEAL**  
**SUMMARY**

**APPEAL**  
**RESPONSE**





## Proposal

### REHABILITATION OF PORTLAND BUILDING to include:

- New exterior rainscreen of metal at upper levels and terracotta at lower levels
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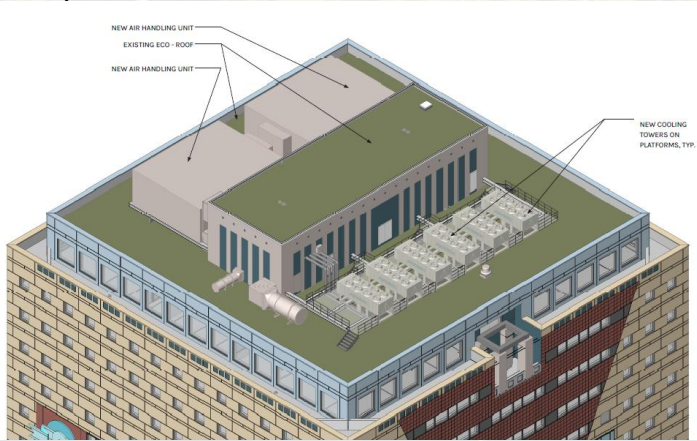
### Adjustment Requested

1. 33.266.310.C – to reduce the number of required loading spaces to zero (0) by removing the existing two (2) substandard on-site basement level loading spaces.

Existing



Proposed



REGULATORY  
FRAMEWORK

PROPOSAL  
SUMMARY

PROJECT  
CONTEXT

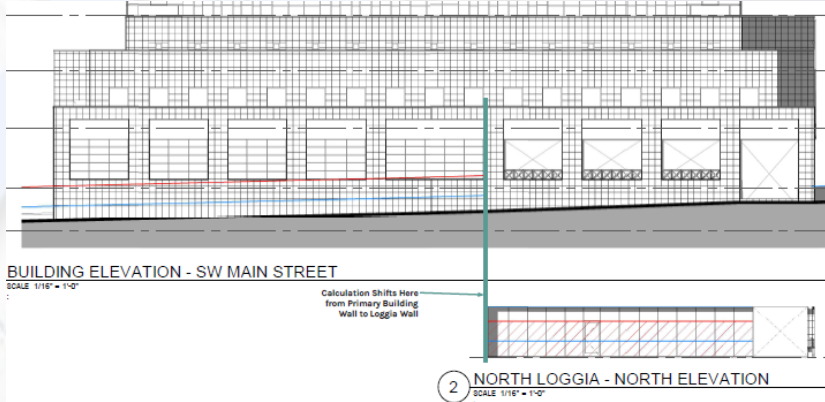
APPEAL  
SUMMARY

APPEAL  
RESPONSE

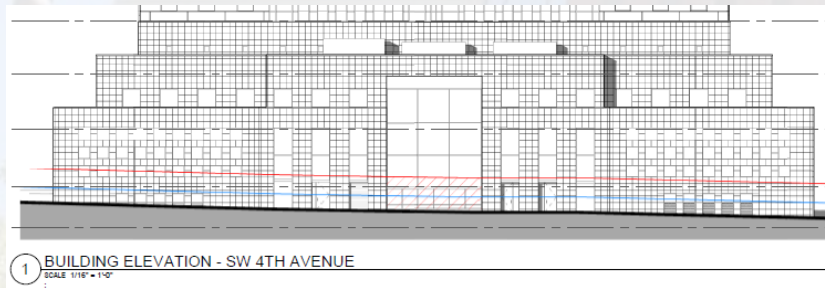
# Proposal

## REHABILITATION OF PORTLAND BUILDING to include:

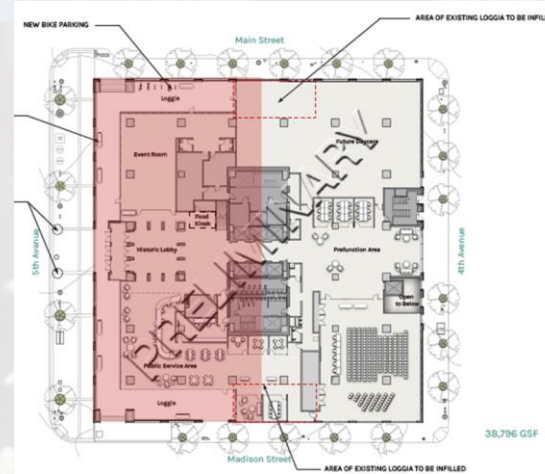
- New exterior rainscreen of metal at upper levels and terracotta at lower levels
- Replacement of existing formed decorative elements at upper levels with new, made of metal
- Replacement of all dark windows with clear
- Enclosure of two loggia bays on S and N
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- Removal of existing vehicle area opening on east and enclosure with enlarged curtain wall
- Replacement of existing mechanical systems at 2<sup>nd</sup> floor & roof with new rooftop mechanical



Ground Floor Windows - North façade – 37% of length



Ground Floor Windows - East façade – 0% of length, 0% of area



Ground Floor Active Use – 16'- 20' depth at loggia

### Modifications Requested – Major Remodel requires standards be met

1. 33.130.230.C – to reduce the amount of ground floor windows on the north façade to 37% (from 50%) of the wall length and, on the east façade, to 0% (from 50%) of the wall length and to 0% (from 25%) of the wall area.
2. 33.510.225 – to reduce the depth of the ground floor active uses (at the loggia) from the required 25' depth to approximately 16' to 20'.

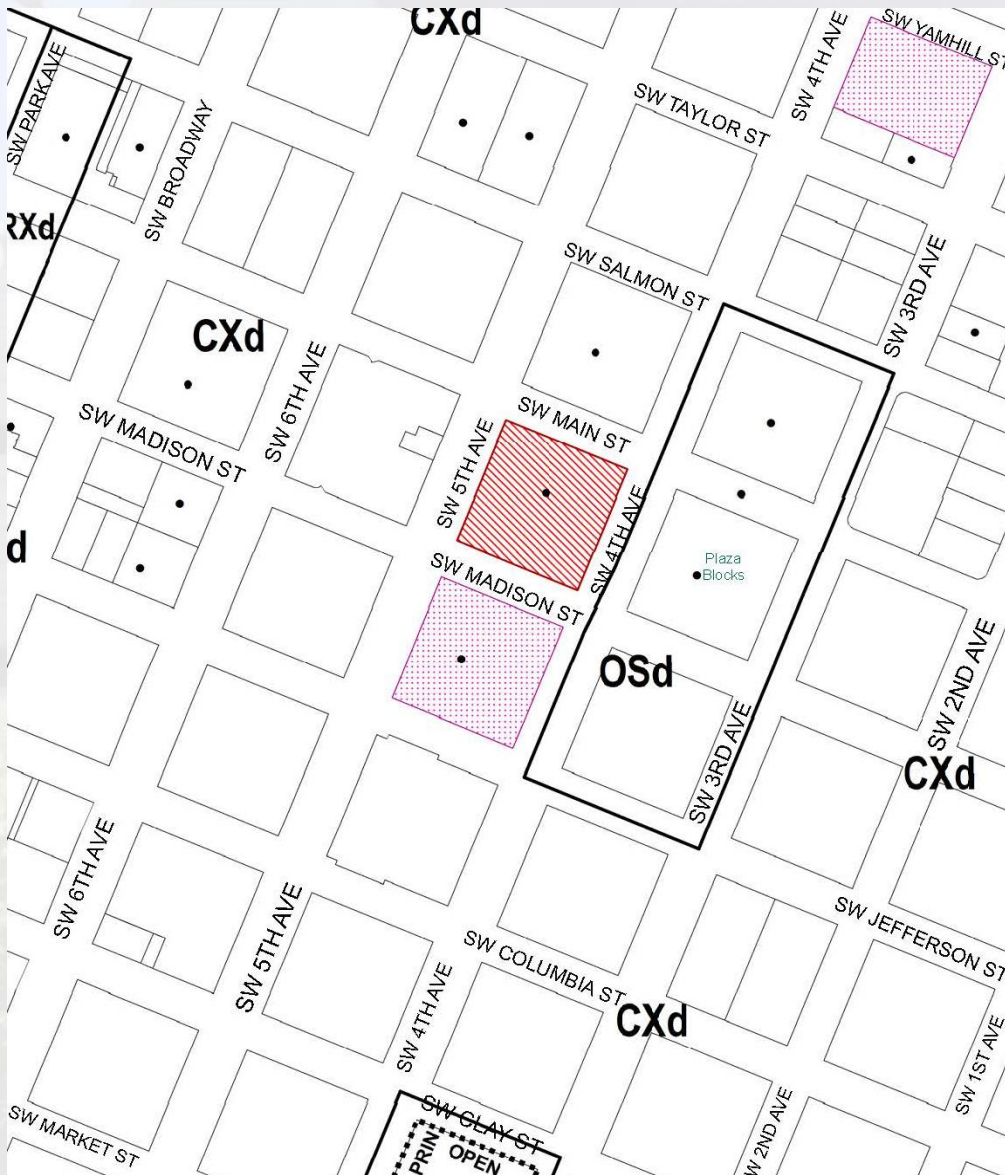
REGULATORY  
FRAMEWORK

PROPOSAL  
SUMMARY

PROJECT  
CONTEXT

APPEAL  
SUMMARY

APPEAL  
RESPONSE



## Zoning Code

### ZONING:

CXd – Central Commercial  
w/ Design & Historic  
Resource Protection  
overlays

### FLOOR AREA RATIO

12:1 max.

### HEIGHT

250' on west, 150' on east  
\*meeting Open Space  
Performance Standard  
(33.510.205.C) for  
mechanical on east

REGULATORY  
FRAMEWORK

PROPOSAL  
SUMMARY

PROJECT  
CONTEXT

APPEAL  
SUMMARY

APPEAL  
RESPONSE

# Building History



5/24/83



7-2-81



REGULATORY  
FRAMEWORK

PROPOSAL  
SUMMARY

PROJECT  
CONTEXT

APPEAL  
SUMMARY

APPEAL  
RESPONSE

# Building Challenges



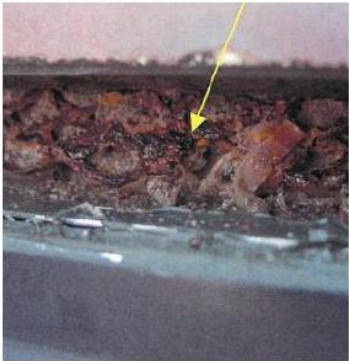
Bubbling at elastomeric paint



Insulation discolored by moisture from air or water infiltration



Water staining on interior side of concrete wall



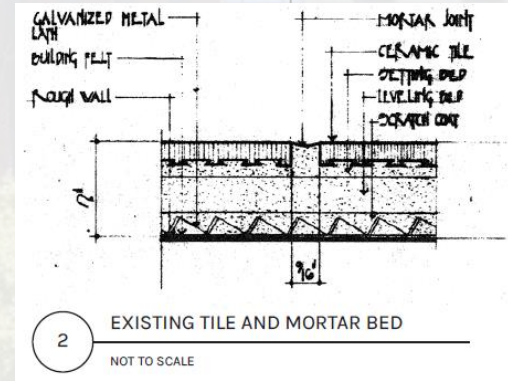
Rusted metal lath expanding behind tile system



Failed sealant at tile system control joint



Out of plane tiles potentially delaminated from wall



Sealant applied under head flashing



Multiple layers of sealant applications



Complex material transition joints dependent on sealant

REGULATORY  
FRAMEWORK

PROPOSAL  
SUMMARY

PROJECT  
CONTEXT

APPEAL  
SUMMARY

APPEAL  
RESPONSE

The Historic Landmarks Commission voted 4-0 to Approve with Conditions:

**Decision**

- A. Standard Condition A – Zoning compliance page on permit set
- B. Standard Condition B – Certificate of Compliance
- C. Standard Condition C – “No field changes.”
- D. Color of new teal tiles shall match existing.
- E. Interpretive materials shall be installed at loggia or sidewalk.
- F. Historic teal tiles at 5<sup>th</sup> Avenue entry shall remain.
- G. The proposed air handling units shall either be located at the interior of the building, or be significantly (at least 50%) reduced in scale (and not increased in number).**
- H. Specified light fixtures at interior of loggia columns.
- I. Covenant to be placed on the Portland Building requiring Demolition Review if demolition is desired. Local landmark listing to be pursued if National Register status is removed.

REGULATORY  
FRAMEWORK

PROPOSAL  
SUMMARY

PROJECT  
CONTEXT

APPEAL  
SUMMARY

APPEAL  
RESPONSE

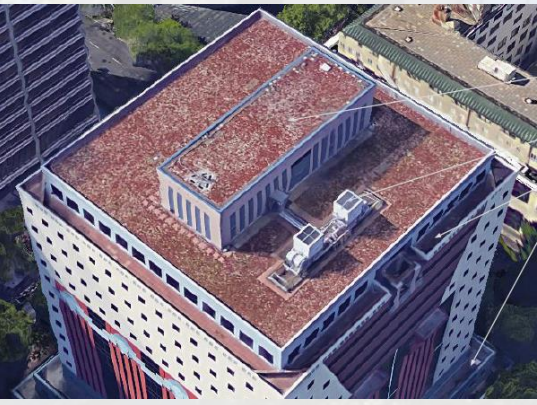
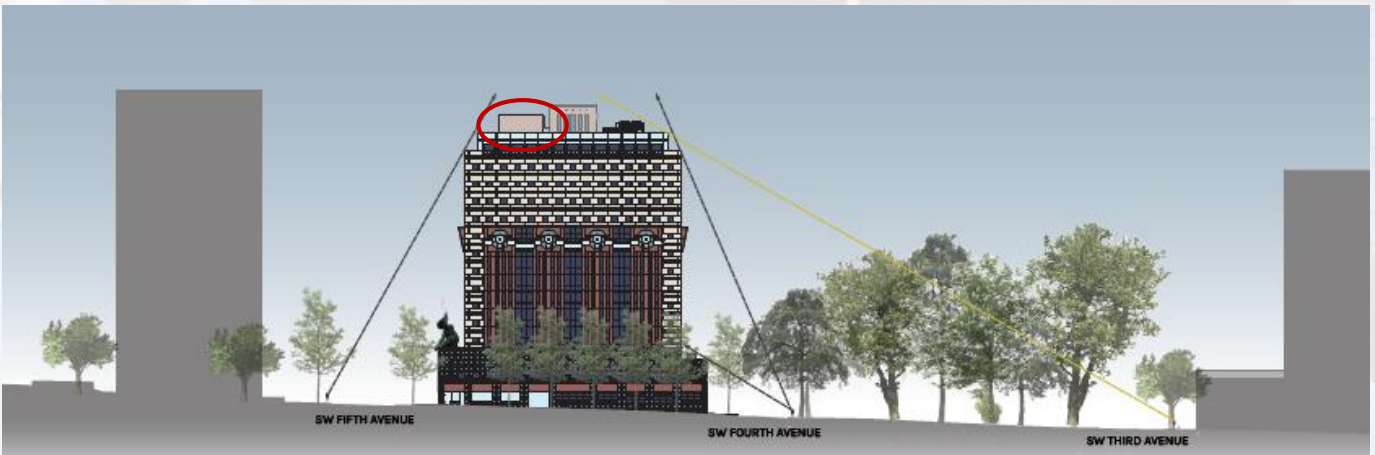
G. The proposed air handling units shall either be located at the interior of the building, or be significantly (at least 50%) reduced in scale (and not increased in number).

### Appellant #1 Issue

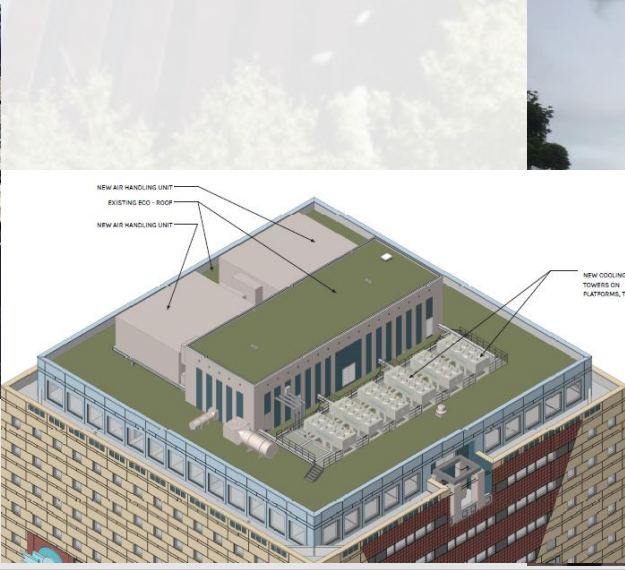
All Approval Criteria met without inclusion of Condition G.

No viable alternative.

**Requests Condition G be stricken from Approval.**



Existing

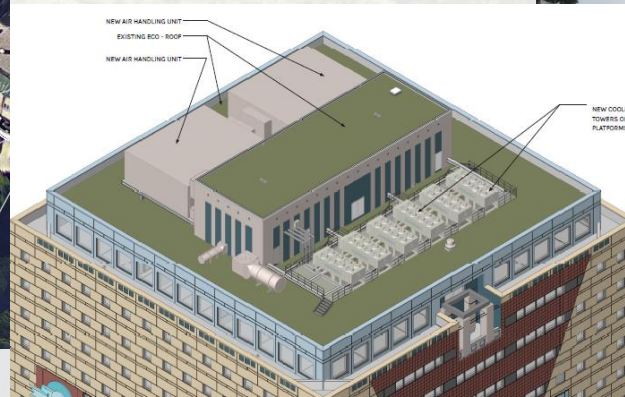
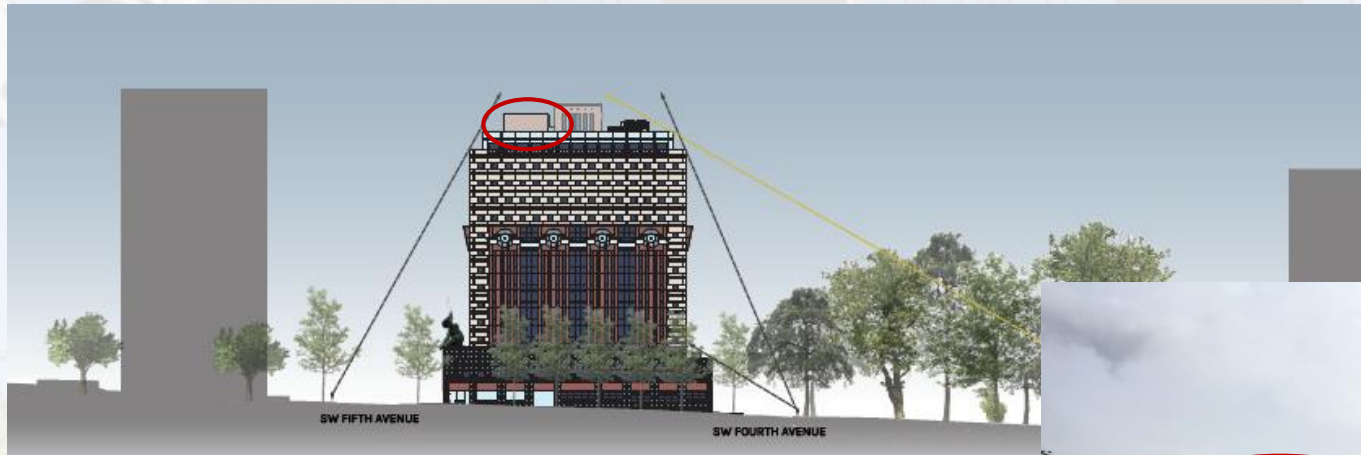


Proposed



Appellant #1 believes that All Approval Criteria are met without inclusion of Condition G – that the proposed air handling units shall either be located at the interior of the building, or be significantly (at least 50%) reduced in scale (and not increased in number).

Findings (pg. 28) – *The Historic Landmarks Commission found that CCFDG C11 – Integrate Roofs and Rooftops was not met by the proposal, noting concerns with the size and visibility of the units and lack of integration with the rest of the building; therefore a condition was added that they be reduced and/or relocated.*



Existing Proposed

REGULATORY  
FRAMEWORK

PROPOSAL  
SUMMARY

PROJECT  
CONTEXT

APPEAL  
SUMMARY

APPEAL  
RESPONSE



Appellant #2 states:

Approval Criteria not met are:

33.846.060.G – 1-5, 7, 8, and 10

Central City Fundamental Design Guidelines – A3, A6, C2, C3, C4, C5, C10, C11

33.846.070 (Modifications) – to Ground Floor Windows

Comprehensive Plan 2035 Policies not met

Project goals related to interior spaces are not met. (C11)

Proposed Encroachment was not reviewed via standard methods and is not necessary. (C10, A3)

Proposed overcladding design is overly expensive. (A6)

The new design does not meet the standards of preservation. (1-5, 7, 8, and 10, C2, C3, C4, C5)

## Appellant #2 Issues

Approval Criteria are not met by the proposal.

Comprehensive Plan 2035 policies not met.

**Requests City Council reverse the decision of the Historic Landmarks Commission**

## Appellant #2 states:

Comprehensive Plan 2035 Policies are not met.

*Response: Comprehensive Plan 2035 is not yet in effect; therefore, these policies are not applicable.*

Project goals related to interior spaces are not met.

*Response: The project goals are determined outside of the land use review process and are not applicable approval criteria.*

Proposed Encroachment was not reviewed via standard methods and is not necessary.

*Response: This is not relevant to the approval criteria. The PBOT response to the land use review noted an approved Encroachment Permit. Encroachments Permits are reviewed through a separate process.*

Proposed overcladding design is overly expensive.

*Response: The cost of a project is only a matter of consideration with regard to determining the appropriate land use review procedure type; project cost is not an approval criterion.*

The new design does not meet the standards of preservation.

*Response: While this is not a typical preservation treatment for a historic building, the Commission recognized that the proposed treatment was reasonable to ensure the continued life of the building while retaining the intent of Michael Graves' vision.*

## Appellant #2 Issues

Approval Criteria are not met by the proposal.

Comprehensive Plan 2035 policies not met.

**Requests City Council reverse the decision of the Historic Landmarks Commission**

REGULATORY  
FRAMEWORK

PROPOSAL  
SUMMARY

PROJECT  
CONTEXT

APPEAL  
SUMMARY

**APPEAL  
RESPONSE**

Appellant #2 states:

Approval Criteria not met are:

33.846.060.G – 1-5, 7, 8, and 10

Central City Fundamental Design Guidelines – A3, A6, C2, C3, C4, C5, C10, C11

33.846.070 (Modifications) – to Ground Floor Windows

*Response:* The Historic Landmarks Commission found that all of these criteria, some with the inclusion of a condition of approval, were met.

1. Historic character. The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property’s significance will be avoided.

Final Findings (pg. 16) – “Because of the general failure of the building’s envelope, removal of original materials is unavoidable in order to ensure that the building will be able to function in a practical and humane way...the proposed approach, while wholly unorthodox, is reasonable in order to ensure the continued life of the building while retaining the intent of Graves’ vision”.

2. Record of its time. The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.

Final Findings (pg. 17) *“The unorthodox approach to rehabilitation of this building serves as an allegory of its time (1982) and will serve to tell the story of how the strict adherence to a lower than market budget at the outset resulted in increased expenditures and extreme measures in the future.” The Commission added a condition that interpretive material be installed and the historic teal tiles at the 5<sup>th</sup> Avenue entry remain in order to ensure that visitors to the building can easily understand the building’s evolution.*

Appellant #2 states:

Approval Criteria not met are:

33.846.060.G – 1-5, 7, 8, and 10

Central City Fundamental Design Guidelines – A3, A6, C2, C3, C4, C5, C10, C11

33.846.070 (Modifications) – to Ground Floor Windows

*Response:* The Historic Landmarks Commission found that all of these criteria, some with the inclusion of a condition of approval, were met.

- 3. Historic changes. Most properties change over time. Those changes that have acquired historic significance will be preserved.

*Final Findings (pg. 17) – “While there have been alterations to the building since its construction, none of these alterations have acquired historic significance. Therefore, this criterion does not apply.”*

- 4. Historic features. Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.

*Final Findings (pg. 18) “Due to the extensive deterioration of the existing building envelope and repeated past attempts to address these issues, the Commission acknowledged that a traditional restoration of the building, whereby existing materials are preserved to the greatest extent possible, is not practical... Therefore the Commission finds that the proposed rainscreen system is the proper approach to ensure the building’s longevity...preserving some original building materials and integrating them into the new system is relatively impractical and would lead to additional maintenance issues in the future...the Commission finds that the proposed replacement of all major features of the building is warranted in order to rehabilitate the building as a unified whole.”*

Appellant #2 states:

Approval Criteria not met are:

33.846.060.G – 1-5, 7, 8, and 10

Central City Fundamental Design Guidelines – A3, A6, C2, C3, C4, C5, C10, C11

33.846.070 (Modifications) – to Ground Floor Windows

*Response:* The Historic Landmarks Commission found that all of these criteria, some with the inclusion of a condition of approval, were met.

5. Historic materials. Historic materials will be protected. Chemical or physical treatments such as sandblasting, that cause damage to historic materials will not be used.

*Final Findings (pg. 18) – “No chemical or physical treatments, such as sandblasting, that cause damage to historic materials will be used.”*

7. Differentiate new from old. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.

*Final Findings (pg. 18) “The proposed treatment will result in deteriorated materials to be removed or obscured and then replicated in the proposed rainscreen... Traditional restoration of existing historic materials is not feasible for the continued longevity of the building. The proposed treatment will be distinctly differentiated from old, primarily in their location outboard of the historic planes of the building, as well as by the materials used.”*

Appellant #2 states:

Approval Criteria not met are:

33.846.060.G – 1-5, 7, 8, and 10

Central City Fundamental Design Guidelines – A3, A6, C2, C3, C4, C5, C10, C11

33.846.070 (Modifications) – to Ground Floor Windows

*Response:* The Historic Landmarks Commission found that all of these criteria, some with the inclusion of a condition of approval, were met.

8. Architectural compatibility. New additions, exterior alterations, or related new construction will be compatible with the resource’s massing, size, scale, and architectural features. While retrofitting buildings or sites to improve the accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

10. 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.

Final Findings (pg. 20) – *“While the exterior of the building will be essentially 100% new, the applicant has made a significant effort to match Graves’ design as much as possible, and where this was not possible, to follow Graves’ design principles...”*

Appellant #2 states:

Approval Criteria not met are:

33.846.060.G – 1-5, 7, 8, and 10

Central City Fundamental Design Guidelines – A3, A6, C2, C3, C4, C5, C10, C11

33.846.070 (Modifications) – to Ground Floor Windows

*Response:* The Historic Landmarks Commission found that all of these criteria, some with the inclusion of a condition of approval, were met.

A3. Respect the Portland Block Structures. Maintain and extend the traditional 200-foot block pattern to preserve the Central City’s ratio of open space to built space. Where superblock 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.

*Final Findings (pg. 22) – The proposal will result in the building encroaching 5” into the ROW on the north and south, and 7” into the ROW on the east; the building is set back from the property line by 10’-0” on the west. “While the proposal extends the building beyond the standard 200’ x 200’ footprint, the relative ratio of open space to built space will be negligible due to the significant setback on the west.”*

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

*Final Findings (pg. 22) – “While the proposed treatment is an unorthodox approach to rehabilitation, alternative, including demolition, were considered...Rather, the city has elected to rehabilitate the building by completing a full seismic upgrade, and permanently addressing the issues of water infiltration, air quality, and access to natural light in order to extend the life of this iconic structure and ensure a quality environment for the City’s employees and all who visit the building.”*

Appellant #2 states:

Approval Criteria not met are:

33.846.060.G – 1-5, 7, 8, and 10

Central City Fundamental Design Guidelines – A3, A6, C2, C3, C4, C5, C10, C11

33.846.070 (Modifications) – to Ground Floor Windows

*Response:* The Historic Landmarks Commission found that all of these criteria, some with the inclusion of a condition of approval, were met.

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

*Final Findings (pg. 25) – “The proposed rainscreen is a quality system... The Commission believes that the proposed system will permanently resolve the water infiltration and other environmental quality issues that negatively affect the building and the work environments within.”*

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

*Final Findings (pg. 26) – “Adherence to a strict preservation ethic in this case, the Commission believes, would not solve the problems of this building and would merely result in additional rounds of substantial repair and maintenance in the future... Within the framework of the rainscreen proposal, the applicant has strived to replicate Graves’ design to the greatest extent possible through patterning, depth of window punches, color, and sheen...”*



Appellant #2 states:

Approval Criteria not met are:

33.846.060.G – 1-5, 7, 8, and 10

Central City Fundamental Design Guidelines – A3, A6, C2, C3, C4, C5, C10, C11

33.846.070 (Modifications) – to Ground Floor Windows

*Response:* The Historic Landmarks Commission found that all of these criteria, some with the inclusion of a condition of approval, were met.

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

Final Findings (pg. 26) – *“The Portland Building’s presence in the city and amidst its neighbors is a spot of contrast, making for a complementary yet dynamic cityscape, which will be maintained through this proposal.”*

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.

Final Findings (pg. 27) – *“The proposed rainscreen will reconstruct the existing outer skin of the building so that it is one integrated system of interlocking parts which will allow water to escape before it can infiltrate the interior of the building, thus permanently resolving the water issues that have plagued the building from the beginning.”*

Appellant #2 states:

Approval Criteria not met are:

33.846.060.G – 1-5, 7, 8, and 10

Central City Fundamental Design Guidelines – A3, A6, C2, C3, C4, C5, C10, C11

33.846.070 (Modifications) – to Ground Floor Windows

*Response:* The Historic Landmarks Commission found that all of these criteria, some with the inclusion of a condition of approval, were met.

C10. Integrate Encroachments. Size and place encroachments in the public right-of-way 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.

Final Findings (pg. 28) – *“While the proposed encroachment will slightly reduce the width of the sidewalk, the overall experience of the pedestrian at these locations will be improved due to the improvement of the quality of the material... The new replacement tiles will be of a higher quality material in that they will be terra cotta and they will be installed in a higher quality manner.”*

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.

Final Findings (pg. 28) – *“At the current scale , the proposed units will be highly visible from the right-of-way only one block away, particularly from the south.” A condition (G) was added to rectify this.*

Appellant #2 states:

Approval Criteria not met are:

33.846.060.G – 1-5, 7, 8, and 10

Central City Fundamental Design Guidelines – A3, A6, C2, C3, C4, C5, C10, C11

33.846.070 (Modifications) – to Ground Floor Windows

*Response:* The Historic Landmarks Commission found that all of these criteria, some with the inclusion of a condition of approval, were met.

33.846.070 Modification to Ground Floor Windows.

- A. Better meets historic resource review approval criteria. The resulting development will better meet the approval criteria for historic resource 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.

*Final Findings (pg. 31) – Because the proposal constitutes a Major Remodel, the Ground Floor Windows standard must be met...this means that new windows would have to be cut into the building to meet this standard...Because increasing the size of the windows to meet this standard on the north and east façades would destroy the essential vision of Graves' design, the commission believes that preservation of the character of the historic resource is more important than meeting the purpose of the standard."*

- 1. Deny the appeals, and uphold the Historic Landmarks Commission’s decision to approve with conditions** the requested Historic Resource Review (HR), Modifications (M) and an Adjustment (AD), case file #17-153413 HRM AD for the Portland Building.
- 2. Grant Appellant #1’s Appeal, striking Condition G, uphold the Historic Landmarks Commission’s decision to approve with conditions (with the exception of Condition G)** the requested Historic Resource Review (HR), Modifications (M) and an Adjustment (AD), case file #17-153413 HRM AD for the Portland Building.
- 3. Grant Appellant #2’s Appeal, overturn the Historic Landmarks Commission’s decision to approve with conditions** the requested Historic Resource Review (HR), Modifications (M) and an Adjustment (AD), case file #17-153413 HRM AD for the Portland Building, **thereby denying the project.**

## City Council Alternatives

REGULATORY  
FRAMEWORK

PROPOSAL  
SUMMARY

PROJECT  
CONTEXT

APPEAL  
SUMMARY

APPEAL  
RESPONSE

An aerial photograph of a city, likely Seattle, showing a prominent tall skyscraper on the left and a dense forested hill in the background. The image is overlaid with a semi-transparent blue filter.

# End of Staff Presentation

**REGULATORY  
FRAMEWORK**

**PROPOSAL  
SUMMARY**

**PROJECT  
CONTEXT**

**APPEAL  
SUMMARY**

**APPEAL  
RESPONSE**