

IN THE CITY COUNCIL OF THE  
CITY OF  
PORTLAND, OREGON

IN THE MATTER OF AN APPLICATION  
BY THE PEARL BUILDING LLC FOR  
HISTORIC RESEROUCES REVIEW WITH  
MODIFICATIONS AND ADJUSTMENTS  
AT NW 13TH AVENUE AND NW GLISAN STREET

LU 16-153002 HRM AD

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FINDINGS AND CONCLUSIONS

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The findings and conclusions of the City Council in this matter are set forth below.

**CASE FILE NUMBER: LU 16-153002 HRM AD  
PC # 15-247619**

**Pearl East Building**

**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 13th and NW Glisan St

**Legal Description:** BLOCK 87 LOT 2&3, COUCHS ADD  
**Tax Account No.:** R180207950  
**State ID No.:** 1N1E33AD 04000  
**Quarter Section:** 3028

**Neighborhood:** Pearl District, contact [planning@pearldistrict.org](mailto:planning@pearldistrict.org).  
**Business District:** Pearl District Business Association, contact Carolyn Ciolkosz at 503-227-8519.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Plan District:** Central City - River District  
**Other Designations:** Non-contributing resource 13th Avenue Historic District

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

**Case Type:** Appeal of HRM AD – Historic Resource Review with Modifications and Adjustments  
**Procedure:** Type III, with a public hearing before the Historic Landmarks Commission. The decision of the Historic Landmarks Commission was appealed to City Council.  
**Appellant:** John Hollister

**Original Proposal and Decision Being Appealed:**

The Historic Landmarks Commission approved a 6-story office building with a three story underground parking garage for 45 vehicles and rooftop amenity space. The proposed building includes a wooden accessibility ramp and platform on its west elevation that is made to approximate the loading docks that define the NW 13th Avenue Historic District. The

submitted drawings show a building that is primarily clad in brick with concrete at the base. End walls facing north and east are proposed to be CMU with a banded detail and board-formed concrete defining a stair tower on the north. Because the proposal is in the NW 13th Avenue Historic District, it required historic resource review.

A **Modification** was approved to:

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

**Adjustments** were approved 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 for the Appeal:***

The approval criteria for the proposal on appeal are:

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

### **Procedural History:**

- A pre-application conference was held on January 22, 2016. Based on the schemes presented at the Pre-application conference the applicant was advised to apply for a Design Advice Request (DAR) to afford them an opportunity to obtain early feedback on their proposal from the Landmarks Commission. Other issues presented included:
  - General Design.
  - Height.
  - Building Materials.
  - Balconies, Terraces, and Roofdecks.
- A Design Advice Request meeting for this project occurred on March 26, 2016. The Landmarks Commission was very supportive of the overall scale and massing of the proposal.
  - They stated that the attention to high-quality materials and details make the scale and massing of the new addition complimentary to the NW 13<sup>th</sup> Avenue Historic District.
  - They suggested the applicant ensure that the penthouse was setback enough so as not to present like a full 7<sup>th</sup> floor and;
  - they requested more details about the north and east endwalls.
  - They were supportive of the proposed loading dock feature, use of brick and fenestration pattern.
- The first Land Use hearing on this Historic Resource Review application was held on December 19, 2016. Staff did not recommend approval. The issues included:
  - The north and east end walls; staff stated that the materials and arrangement of these conditions did not meet C-2 (Promote Quality and Permanence in Development) of the Central City Fundamental Design Guidelines and Guideline C-5 (Design for coherency).

- The use of brick with simulated age. Too much of the distressed looking brick would not meet Guideline 5 of the NW 13th Avenue Historic District Guidelines (Materials, colors, and textures).
- Unresolved issues with the Portland Bureau of Transportation (PBOT) and Bureau of Environmental Services (BES)

The Landmarks Commission agreed with the staff report.

- They discussed alternative treatments for the north and east endwalls.
- The Commissioners discussed the height of the building at this hearing and agreed it likely could meet the guidelines. Because the building made so many gestures in its detailing, materials and windows, it could be taller than other buildings in the district without overwhelming them.

Public Testimony: John Hollister, a neighbor, testified in opposition to the project. He stated that he did not agree with the staff report's suggestion that the height of the building was compatible with the district. He noted that the measurement of height came from the top of the loading dock and not the street which added an extra few feet to the proposal. Staff later clarified that this measurement followed Portland Zoning Code 33.930.050. He also said that historic district locations and height limits enshrined in zoning are not often in sync and that this is problematic.

Written Public Testimony: Marie Jamieson of the Chown Pella Homeowner's Association wrote in raising concerns about the proposed adjustments to allow for parking access on NW Glisan and to reduce the number of required loading spaces to zero. PBOT had not yet recommended approval of the requested adjustments.

- The second Land Use Hearing on this Historic Resource Review application was held on February 27, 2017. Staff recommended approval. The revised proposal submitted by the applicant addressed the Commission's concerns about the north and east endwalls. Concerns about the use of distressed brick were mitigated by a condition of approval limiting its use. BES concerns were addressed by a condition of approval. PBOT supported the requested adjustments.

The Landmarks Commission agreed with the staff report.

- They addressed the height in this hearing. They reiterated their previous comments that the building's height was not an issue because it is highly compatible with the district in massing, detailing, design and materials.
- The Commission did not vote at this hearing because a member of the public requested that the record be held open for this case.

Public Testimony: John Hollister testified in opposition to the proposal. He stated that because the average height of the building was around 50' the building was too tall to be compatible with the district. He described his conversations with staff and the Commission and his efforts to garner supporters for his opposition. He requested that the record be held open. In accordance with Administrative Rules 9.02 3.7-3.10 the record was held open for seven (7) days to allow for the submission of new evidence for the Landmarks Commission to review.

- The third Land Use hearing on this Historic Resource Review application was held on March 20, 2017. The staff report recommended approval. No new evidence was submitted in the seven day open record period. Several items of testimony that did not include evidence were submitted after the record was closed. With no new evidence to consider the Landmarks Commission approved the application and accepted the staff report. Commissioners addressed Mr. Hollister's testimony about the height. A Commissioner explained that historic resource reviews consider myriad building features and that height is only one of them. The Commission reiterated that because so

many other features of the building were compatible with the district, it met the approval criteria and warranted approval. The Commission voted to approve the proposal at this hearing.

- Mr. Hollister appealed the Commission's decision to the City Council. The City Council provided notice and held a hearing on June 14, 2017. Following testimony, the City Council tentatively voted to deny the appeal and uphold the Commission's decision. On July 12, 2017, the City Council voted to deny the appeal, uphold the Commission's decision and adopt these findings.

## 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 square foot 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 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

NW Glisan Street is designated as a Transit Street. NW 13th is a unique street dotted with loading docks that encroach into the area 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 15<sup>th</sup> 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 13th 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 Central Employment (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 Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

**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 responded with no issue or concerns:

- Fire Bureau
- Water Bureau

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. Staff and BES have been working with the applicant toward a resolution on this issue.

BES' comment pertains to the Stormwater Management Manual which is not an approval criterion for this review. However, because it is possible that changes to the proposed filtration facility, if necessary to meet development standards, would require changes to the building's exterior, the City Council adopts the following condition of approval: If any exterior changes come as a result of Bureau of Environmental Service's requirements for onsite infiltration a Type II land use review may be required to ensure that the changes are in keeping with the approved land use review.

The Bureau of Transportation Engineering initially did not recommend approval. However on February 13, 2017 they have presented an addendum to their previous comments that stated that they have no objections to the project or the requested modifications and adjustments. However they note that their approval of encroachments in the right of way is approved only "in concept" and that further analysis will be necessary through the Public Works Process.

The Bureau of Parks, Forestry Division responded with the following comment: Street tree planning will be required before final play approval and mitigation for street tree removal will be paid in full prior to the issuance of a PW permit. See Exhibit E-6 for additional details.

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 were received from either the Neighborhood Association or notified property owners in response to the proposal before the first hearing. Subsequent correspondence is exhibited in the H section of the case file.

**Additional Testimony:**

**Historic Landmarks Commission Testimony:**

The record in the hearing before the Historic Landmarks Commission was held open to allow for new evidence to be submitted between the hearing date and March 7<sup>th</sup>. No new evidence was submitted in this period however, 4 additional items of testimony were submitted. They are as follow:

1. John Hollister, March 6, 2017 – opposed the project
2. Claire Y. van de Broek March 6, 2017 – opposed the project
3. Patricia Gardner, Pearl District Neighborhood Association, March 6, 2017 – support the project
4. Joseph Dove, March 7, 2017, - opposed the project

**City Council Appeal Testimony:**

The following items of written testimony were submitted to the City Council prior to the close of the record on June 14, 2017.

Matthew Mattila, May 30, 2017 – in support  
Casey Sheahan, June 13, 2017 – in support  
Patricia Gardner, Pearl District Neighborhood Association, June 13, 2017 – in support  
Michael Bernatz, June 12, 2017 – in support  
Gregory Specht, June 6, 2017 – in support  
Casey Hopkins, June 6, 2017 – in support  
Albert W. Solheim, May 30, 2017 – in support

## **APPEAL**

The Appeal alleges the following:

“Building does not meet NW 13th Avenue Historic Design Guidelines approval criteria for height and visual compatibility (see attached).”

The attached document states the following:

“NW 13th Historic District Guidelines  
(Relevant excerpts regarding approval criteria for height and visual compatibility)

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

Findings: As addressed further below, the City Council denies the Appeal. Regarding the specific allegations of the Appeal, the City Council finds the following:

The “relevant excerpts” quoted by the Appellant in the Appeal are not approval criteria for a proposed new construction building in the district.

The first listed “excerpt” is part of the “Design Guidelines Background” statement on page one of the Guidelines. This statement is not itself a guideline and the City Council does not base its approval or denial of the Appeal on the proposal’s consistency with this statement. That said, the City Council finds, as detailed further below, that the proposal has a high degree of compatibility with the visual and architectural qualities of other buildings in the district, as required by the district guidelines. These include a building built from lotline to lotline that abuts the adjacent rights-of-way, a mass of two-to-six stories with height that does not exceed the zoning code limits, a tri-partite design with a distinct, base, middle and top, walls, windows and doors that utilize district elements, a loading dock feature, and window and cladding materials that are durable and similar to those used on existing district buildings, among others.

The second “excerpt” is from the guidelines section on General Considerations (Advisory) and it not itself a design guideline which a proposal must meet. The City Council finds that the building is not proposed as a “contemporary design” and therefore this advisory consideration does not apply. If this criterion was found to be applicable, the City Council finds that the proposed design is compatible with the size, scale, color, materials, and character of the district, buildings, or its environment, as further discussed below in response to guidelines 2, 3, 4, 5, 6, and 7 which require compatibility with these listed elements.

The third “excerpt” is Guideline 7.d. for Exterior Remodeling of existing buildings. The guidelines include two sets of guidelines - the first applies only to Exterior Remodeling of an existing building in the district. The second applies to new construction. The City Council finds that only the guidelines applicable to new construction apply to the proposed new building. The guideline cited by the Appeal is not included in the guidelines for new construction and therefore is not an approval criterion for the proposal. The City Council finds, as discussed further below, that the proposal’s height meets the applicable guidelines for new construction.

The Appeal alleges that the proposal does not meet the 13th Avenue Historic District Guidelines “for height and visual compatibility.” The City Council finds that the three “excerpts” or “criteria” that Appellant alleges are not met are not applicable guidelines that the proposal was required to meet for approval. To the extent that these “criteria” are relevant to the approval, the City Council finds that the proposal is compatible with the visual and architectural qualities of other buildings in the district, including size, scale, color, materials, and elements imparting historic character. Specifically regarding height, the City Council finds that the proposal meets the relevant design guidelines for height as a six-story building with a penthouse amenity, and does not exceed the base height limits in the zoning code.

For these reasons, and as further discussed below, the City Council denies the Appeal and upholds the decision approving the proposal by the Historic Landmarks Commission.

## **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*.

*The City Council 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 extend to the property's 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 façade 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 feet in base height and has a maximum base floor area ratio (FAR) of 6:1. Through a 3:1 FAR bonus, a total FAR of 9:1 is allowed and bonus height up to 145 feet can be earned. The building height is 96 feet to the top of the roof top amenity and has a total FAR of 8.16:1. The project utilizes bonus FAR that is earned by including bike rooms 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 recessed massing. This deliberate gesture will allow the building to achieve a perceived height of 6 stories. 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 set back from the street facing elevations by 20' on NW 13th Avenue and 25' at the NW Glisan Street frontage. This articulation and the building's 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.

Appellant argued that the heights of other buildings in the historic district were uncertain. Mr. Cohen, who testified in support of the Appeal argued that the applicant used "high uncertainty satellite approximations" and "manipulated the facts" to convince the Historic Landmarks Commission to approve the proposal.

The City Council finds that the applicant's representative testified that the height data it presented was obtained from the Multnomah County Assessor GIS system and was not based on the applicant's independent calculations or approximations. Both the appellant and the applicant agreed that the exact height of buildings in the district was difficult to grasp due to the height measurement standards and the prevalence of loading docks and geographic features. However, the evidence in the record shows that the applicant, appellant and City staff agreed that other tall buildings in excess of 75 feet exist in the district. The City Council finds that it is not necessary to know the precise height of other buildings in the historic district to determine compliance with the approval criteria for the proposal, as the guidelines encourage buildings that are between 2 and 6 stories (regardless of height in feet) and do not exceed the code height limits (here, 100 feet of base height or up to 145 feet with height bonuses) and density in order to be compatible with the district.

Appellant further argued that the proposed building is not compatible with the District due to its height. Appellant specifically argued that the building could not be compatible if its height exceeds 75 feet, that the average height of buildings in the district is 50 feet and the "other tall buildings" in the district date to the 1920's.

The City Council finds that the approval criteria do not limit height for new buildings in the district to 75 feet, and nothing in the guidelines bases a proposal's "compatibility" with the district on heights less than 75 feet. As discussed at length below, the Appellant appeared to allege in his testimony that this 75-foot limit derives from a combination of City Staff statements at the project's pre-application conference that 75 feet was "historic district respectful," testimony by the Historic Landmarks Commission in an on-going planning effort for the Central City that heights in the district should be limited to 75 feet, and the City Council's approval of a building on Pearl Block 136 (which is outside of the historic district) at 76 feet in height in order to respect the historic district. The City Council finds that none of these factors establishes a 75 foot height limit in the NW 13<sup>th</sup> Avenue Historic District for new buildings. The City Council finds that the only relevant criteria for approval of the proposal are the district guidelines for new buildings and the Central City Fundamental Design Guidelines. The City Council further finds that the proposal's height, while in excess of 75 feet, meets the relevant guidelines and therefore is compatible with the historic district.

The City Council further finds that the average height of buildings in the district and the date of construction of other tall buildings are also not relevant to the approval of the proposal. As explained on page 1 of the district guidelines, the district dates to the late 19th and early 20th centuries, meaning that many of the district's buildings, including its contributing resources, were built during this era. The district guidelines specifically allow new construction within the district and do not place height limits, beyond those stated in the district guidelines and the Code, on these new construction buildings. Whether the proposal's height is closer to that of buildings built during the 1920's or buildings built during another time is immaterial to its ability to meet the guidelines.

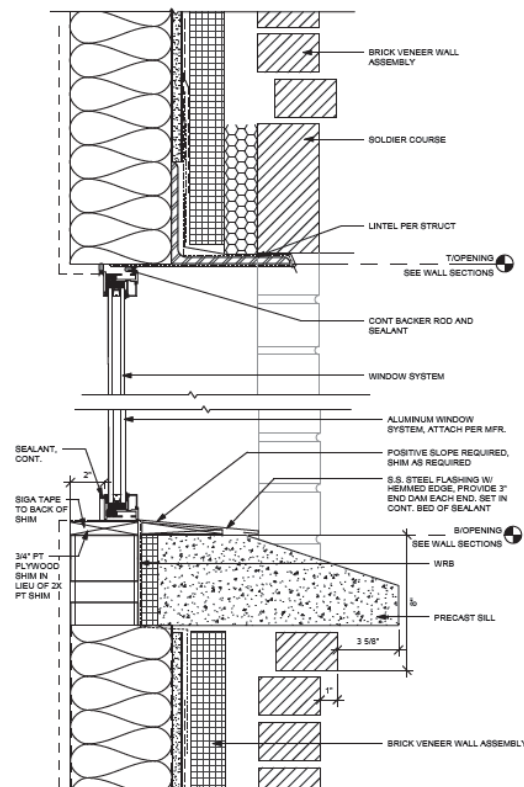
The City Council finds that the building is 6 stories with a set-back one-story penthouse feature, which provides a street perspective of a 6-story building and does not exceed the Code height limits. The proposal therefore meets this guideline which is the only applicable guideline for this district that directly addresses height.

The City Council finds that, although at 96' the building is taller than some other buildings in the district, the height is within the allowed limits of the base zone for the site. Furthermore the City Council agrees that that at 6 stories with a penthouse the building is in keeping with guideline 2 of the *Northwest 13<sup>th</sup> Avenue Historic District*

*Guidelines.* The City Council finds that the building's height is mitigated by its many gestures toward compatibility with the district. *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. 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 guideline is met.*



3. TYPICAL WINDOW HEAD (a) AND SILL (b)  
1 1/2" = 1'-0"

- 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. The middle sections of these wall planes are punctuated by windows which are grouped with a two-tiered inset. The first step in the inset punches back from the building plane 3 5/8" 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 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-formed

concrete resulting in a need to modify the ground floor window standard which is discussed further below. 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 in order to be consistent with the character-defining features of many of the buildings in the 13th Avenue Historic District. Project renderings indicate that the window returns will be brick but this is not detailed in the above window section.

*Because the drawing above does not clearly indicate the material of the return the City Council will require the following condition of approval:*

- Window jamb returns shall be clad in brick as indicated in the project renderings.

*With this condition of approval 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

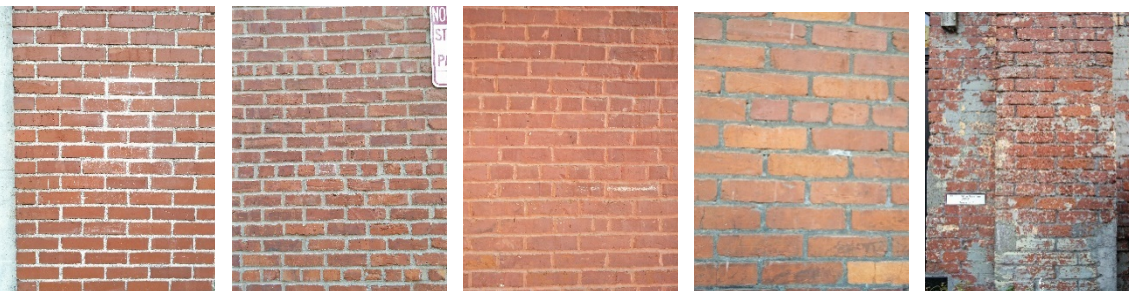
The proposal includes 6-light and 4-light aluminum windows on the upper floors with narrow mullions recessed in the window wall, similar to historic window conditions. The 13th Avenue ground elevation of the building includes three aluminum and glass roll up doors with a gridded muntin pattern. These 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 Avenue is a 4'-7 ¼" 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 façade, 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 the Simon Building in the District. While concrete with visible boardformed expression 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 (left) with brick conditions at historic Fisk Building, Oregon Transfer Building, Modern Confectionary Lofts, Simon Building and The Gadsby Building depicted from left to right on the next page (From exhibit G-5)



Therefore the City Council requires the following condition of 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.

*With these conditions of approval this guideline is met.*

- 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 13th Avenue frontage and is located at the rear, extreme-northeastern corner of the building. It sits behind the building's parapet wall away from view. *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 large enough to 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, and a decorative cornice and a large wooden ramp along 13th Street inspired by the loading docks that are among the NW13th Avenue 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 currently proposed for the building. *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 infeasible to include pedestrian access to the river or greenway beyond standard adjacent sidewalks. The location also makes it infeasible to substantively address the river. Locating balconies or openings in the east facing end wall would 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 toward 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 the proposal 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 century warehouse buildings in the neighborhood, metal canopies, red brick cladding, and a loading dock element along 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 200-foot 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, A4 and A5:** The proposed building occupies roughly a quarter of one of Portland's typical 200'x200' blocks and is not part of a superblock. The proposal does not add any irregularities or interruptions to the traditional 200-foot block 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, A7, A8 AND 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 historic district's 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 establish a continuous street wall missing in this area and creating a more vibrant and active frontage along NW13th Avenue. Establishing this missing street wall element at the project site will continue the sense of urban enclosure along NW 13th 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, B2, B3, B4, B5, B6 and B7:**

The new building will feature a dock-high pedestrian walkway on the NW 13th Avenue frontage. Railings will be provided for safety and optimal use of the dock-high area. As required through the building permit review, pedestrian corridor improvements will be completed on NW Glisan Street as well, and the sidewalk, planting strip, and furniture zone will also be improved through a Public Works Permit. The construction of the proposed building will improve the right-of-way environment on both frontages. The ground floor active use areas and windows will provide for visual interaction between the inside and outside spaces. The addition of a railing along the dock will enhance pedestrian safety.

A safe pedestrian environment will be provided in the dock-high pedestrian corridor on NW 13th Avenue. Building lighting will be at a human scale on both street elevations to encourage pedestrian activity. On the NW Glisan Street frontage, the painted steel canopy over the garage door opening and canopy will emphasize the vehicle access element, alerting pedestrians to the traffic pattern and reducing conflicts between vehicles and pedestrians.



No equipment or service areas are proposed abutting pedestrian areas. Mechanical equipment will not detract from the street level experience because it will all be located in a separated area on the roof.

The character-defining loading docks in the NW13th Avenue Historic District not only demonstrate the neighborhood's historic character, but they also provide 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, which is 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 meet the *NW 13th Avenue Historic District Guidelines*. The location of the entrance and inclusion of an elevated sidewalk on NW 13th Avenue in the form of the loading dock represent a unique approach for a new building that meets both this guideline and the goals of the *NW 13th Avenue Historic District 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 main building materials for the structure are concrete and brick. The main facades include a typical brick while the end walls are proposed with a larger structural brick of a similar color. Brick and concrete are the materials that define the NW 13th Avenue Historic District. The brick and concrete warehouses of the district have demonstrated quality and permanence in their development via their long lifespan. The use of these traditional materials in the proposal also demonstrates quality and permanence in development. *Therefore this guideline is met.*

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

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

**Findings for 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 with 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 endwalls facing north and east include red structural brick that is slightly larger and rougher faced than the bricks on the street-facing elevations. The brick field on the end walls is interrupted by board-formed concrete that matches that used for the building's plinth. The choice of a more rugged brick for the end walls follows the convention of many period warehouse buildings like those in the NW 13th Avenue Historic District. The board-formed concrete element provides a contrast with the large expanse of brick on the end walls without introducing a new material to the proposal. Proposal #.02 for the north elevation presents a coherent design by including the same elements with one bay of windows and finer brick providing a finer-grained detail at the northwest corner. *Therefore this guideline is met.*

**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 proposed development does not directly abut a dedicated public open space. However, the building does abut a public right-of-way and the loading dock feature provides a transition from the private building space to the right-of-way. Throughout the District, these loading dock 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 intersection with an entrance or other amenity at the ground 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-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.

**Findings C8, C9 and 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 flexible space that allows pedestrian entrance into the building, seating, and a viewing platform for the streetscape below. The NW Glisan Street façade is less activated than NW 13th. This is demonstrated by the applicant's 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 rooftop penthouse 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 Avenue and 25' along NW Glisan Street. Mechanical equipment located at the northeast of the roof is set back and partially screened by the building's ample parapet. These features follow the guidelines. *Therefore this guideline is met.*

**Note:** This approval includes a condition (D) that if any exterior changes come as a result of Bureau of Environmental Service's requirements for onsite infiltration, a Type II land use review maybe required to ensure that the changes meet the applicable design guidelines.

**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 district. The limited lighting is appropriate for new construction in a historic district that was formerly a warehousing area with subdued lighting as it will not draw excess attention to itself or impact the skyline at night. *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 REQUEST (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 modification is requested:

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

*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 floor level.

The proposal will better meet Guidelines #7, A4 and A5 than a design that complies with the ground floor windows standard on NW Glisan Street for the following reasons. 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's 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. Nor would it be successful with the elevated first floor.

The proposal will also meet the purpose of the ground floor windows standard as follows. The sill height at the corner is around 13". Above this there are 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. Because the window sills on NW Glisan are 4' above the sidewalk level, none of these windows can be counted toward meeting the standard. However the 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. Therefore the purpose of the standard is met. The Chown Pella Lofts make use of a similar mitigation measure as shown in the photo above (See photo from Exhibit G-6).

The conditions that require 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 NW 13th Avenue Historic District Guidelines #7 and Central City Fundamental Guideline A4 and A5 are better met by the proposal.

*Because the purpose of the standard is met and guidelines #7, A4 and A5 are better met this modification request is approved.*

## **(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

510.265.F.6.b Loading access on a restricted street - Purpose

No purpose statement is provided for this section, however, the intent is to limit potential conflicts between transit vehicles and entering and exiting passenger vehicles.

The purposes statement for the Central City Plan District parking regulations generally is found in 510.261.A:

The parking and access regulations implement the Central City Transportation Management Plan by managing the supply of off-street parking to improve mobility, promote the use of alternative modes, support existing and new economic development, maintain air quality, and enhance the urban form of the Central City.

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

**Findings:**

On street loading is a part of the historic character of the neighborhood and the garage entry is placed outside of the main thoroughfare of the historic district for minimal impact on the district. Protection and enhancement of this historic corridor enhances the urban form of the City while allowing off-street parking for a new office building, supporting both existing and new economic development. Furthermore, the proposal includes a transponder operated fast-opening garage gate which will mitigate any vehicle queuing concerns and limit the conflicts between vehicles and transit. *Therefore this criterion is met.*

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

**Findings:** The site is located in the Central Employment (EX) zone and within the NW 13th Avenue Historic District. The Historic District guidelines, as discussed herein, identify the desired character of the area. The adjustments requested are in keeping with the historic character of the NW 13th Avenue Historic District. The garage access on Glisan Street is located outside the main spine of the historic district and allows the building to have a loading dock. This character-defining feature supports the building's compatibility with the NW 13th Avenue Historic District which is required for its approval. *Therefore this criterion is met.*

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

**Findings:** The EX zone implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow

new development which is similar in character to existing development. The office and retail function of the building supports the intention of the EX zone. The placement of garage access on NW Glisan Street supports the industrial character of the area by allowing a loading dock facing NW 13th Avenue. The loading dock feature and other building elements make the proposed development consistent with the existing character of the historic neighborhood. *Therefore this criterion is met.*

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:** The applicant has included a transponder operated fast-opening garage gate. This will mitigate any vehicle queuing concerns and limit the conflicts between vehicles and transit. *Therefore this criterion is met.*

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.*

2. 266.310.C.2.c – To reduce the number of loading spaces from 2 required Standard A to 0 (zero).

266.310.C.2.c Loading Stalls - 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:**

The elimination of a loading zone and garage access off of NW Glisan Street will not adversely impact the character of the NW 13th Avenue Historic District. On street loading is a part of the historic character of the neighborhood and the garage entry is placed outside of the main thoroughfare of the historic district for minimal impact. The office function of the building will not require a significant amount of loading and therefore on-street loading will not negatively impact traffic safety or the abutting right-of-way. On-street loading will provide a convenient loading area with efficient, direct access to the main building and tenant entries, which can be provided safely in the right-of-way. On street loading is part of the character of the historic warehousing district. Because the anticipated demand for the truck loading zone is 18 loadings per day and the average observed loading was 9 to 11 minutes, it is anticipated that the loading demand of the proposed building will be satisfied by one loading zone. For these reasons the proposal equally or better meets the purpose of this standard. *Therefore this criterion is met.* [

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

**Findings:** The site is located in the Central Employment (EX) zone and within the NW 13th Avenue Historic District. The adjustments requested are in keeping with the historic character of the NW 13th Avenue Historic District and its guidelines, which define the desired character of this historic area. On-street loading is part of the historic character of this neighborhood and the office function of the building will not require a significant amount of loading. *Therefore this criterion is met.*

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

**Findings:** The EX zone implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development. The office and retail function of the building supports the intention of the EX zone. The placement of garage access on Glisan Street supports the historic industrial character of the area by allowing a loading dock facing NW 13th Avenue. The elimination of off-street loading spaces are in keeping with the industrial nature of the zone and historic on-street loading practice within the historic district. *Therefore, this criterion is met.*

- 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:** The loading demand is expected to be minimal due to the building's office use. Because the building is required to be built to the lot line to be compatible with the historic district, the only option for off-street loading would be to place loading spaces within the building. The provision of two Standard A loading spaces within the building is unnecessary to support building operations and providing loading spaces within the building would substantially impact the design of the underground parking, eliminating at least two parking spaces. Instead, the building will be served with a new on-street truck loading zone (TLZ) on NW 13th Avenue immediately adjacent to the site that can accommodate trucks 35 feet in length. This TLZ will be provided in addition to the four existing on-street TLZs that are located within 200 feet of the building entrance. The addition of a new on-street TLZ in the area is expected to accommodate the anticipated loading demand for the proposed building. This new TLZ will be available for any loading activity and may help alleviate demand at other TLZs in the area. Furthermore, the on-street loading zone will likely be restricted to loading from 7 AM to 7 PM, Monday through Friday. If this is the case, the space would be available for on-street parking and can accommodate up to two parked vehicles nights and weekends, when demand peaks for the area. *Therefore, this criterion is met.*

- 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.*

**Findings In Response to Additional Arguments Raised by Appellant and Supporters of the Appeal.**

At the City Council hearing, the Appellant and supporters of the appeal raised a number of arguments and issues that are not related to the approval criteria for this proposal. We make the following findings regarding these arguments:

1. Appellant argued that the approval of the proposal would endanger the 13th Avenue Historic District by encouraging redevelopment of other sites within the district. Appellant further argued that the approval of a large, tall building in the district would place economic pressure on district sites with smaller buildings and lead to redevelopment of these buildings and eventual dismantling of the district.

**Findings:** The City Council finds that the possibility of economic pressure on nearby sites as a consequence of the approval of the proposal is not an approval criterion for the City Council's review of the proposal. Furthermore, because discretionary Historic Resource Review is required for demolition, renovation, and new construction within the historic district, there would be future opportunities for public input and City Council direction prior to any potential demolition. Further, any non-exempt changes to buildings within the district would be required to meet the criteria for renovation or new construction within the district, which are designed to offer long-term protection of the district's historic resources, regardless of the approval or denial of this proposal.

2. The Appellant argued that procedural errors were committed during the City's processing of the application and that the process was flawed. Appellant alleged the following procedural flaws:

Appellant argued that the public was not notified regarding the proposal and the "public voice was not heard." Appellant further argued that the Historic Landmarks Commission made its decision on the proposal prior to considering the Appellant's testimony at its second hearing on the project, due to alleged statements by commissioners that the project's height was "approved last meeting" Danny Cohen, who testified in support of the appeal, alleged that the choice to increase the proposal's height to 100 feet was made before the Appellant was allowed to express his opinion.

**Findings:** The City Council finds that City staff held a required pre-application conference with the applicant in January 2016 for which public notice was provided and which the Appellant attended. The City Council further finds that public notice of the hearing was provided to all property owners within 400 feet of the project site, as required under Code Section 33.730.030.D The City Council further finds that the Historic Landmarks Commission held three public hearings on the proposal and accepted public testimony at both the December 2016 and February 2017 hearings before approving the project at its March 2017 hearing. Although the Historic Landmarks Commission discussed the building's height at its three hearings, it did not make a final decision to approve the proposal until its March 2017 hearing, after the Appellant's testimony was received and considered.

3. Appellant argued that the Pearl District Neighborhood Association ("PDNA") letters supporting and approving the project should be considered "null and void" because the PDNA chairperson did not follow the PDNA Bylaws when submitting the letters. Appellant also alleged that the current chairperson of PDNA, Patricia Gardner, had a conflict of interest regarding the proposal but did not provide details regarding the conflict.

**Findings:** Two letters were received by the City from the PDNA - one dated May 8, 2016 and signed by Kate Washington as co-chair of the PDNA Planning, Transportation and Design Review Committee and the second submitted without a date and signed by Patricia Gardner as co-chair of the PDNA Planning, Transportation and Design Review Committee. The City Council heard testimony from the Appellant and supporters of the appeal which alleged that the PDNA letters supporting the project could not be relied upon due to procedural deficiencies in the PDNA process and Ms. Gardner's personal conflict of interest with the proposal. Members of the PDNA Planning, Transportation and Design Review Committee testified to the City Council, alleging that the PDNA had followed its procedures and bylaws to express support for the proposal. Ms. Gardner also testified that the PDNA had acted in accordance with its rules and that she had no personal conflict of interest with the proposal. Beyond these statements, no evidence was presented to the City Council regarding the PDNA's procedures surrounding the submission of the letters or the alleged conflict of interest.

The City Council finds that support from the PDNA and its committees is not a required criterion for approval of the proposal. The City Council did not rely on the PDNA's support in order to find that the proposal meets the approval guidelines and therefore the procedures followed by the PDNA and potential conflicts of interests of its members have no bearing on the City Council's approval of the proposal.

4. Appellant argued that the proposal was not consistent with the "2035 Plan" (the Central City 2035 proposal, which is not yet enacted or effective<sup>1</sup>) and that the Historic Landmarks Commission's testimony to the Planning and Sustainability Commission regarding the 2035 plan was inconsistent with its decision to approve the proposal.

**Findings:** The City Council finds that, pursuant to PCC Section 33.700.080, the proposal must be evaluated based on the criteria in place on the date the application is filed, as long as the application became complete within 180 days (which occurred here). Since the Central City 2035 plan is not enacted or effective, the changes to the City Code that may result from this plan have no bearing on the proposal and the City Council is not allowed to consider these proposed planning efforts in making its decision. The Historic Landmarks Commission made its decision on the proposal based on the required approval criteria and City Council finds that the Historic Landmarks Commission's testimony regarding the 2035 plan is not relevant to the approval of the proposal.

5. Appellant argued that the heights of other buildings in the historic district were uncertain. Mr. Cohen, who testified in support of the appeal argued that the applicant used "high uncertainty satellite approximations" and "manipulated the facts" to convince the Historic Landmarks Commission to approve the proposal.

Appellant further argued that the proposed building is not compatible with the District due to its height. Appellant specifically argued that the building could not be compatible with a height that exceeds 75 feet, that the average height of buildings in the district is 50 feet and the "other tall buildings" in the district date to the 1920's.

**Findings:** The applicant's representative testified that the height data it presented was obtained from the Multnomah County Assessor GIS system and was not based on the applicant's independent calculations or approximations. Both the appellant and the applicant agreed that the exact height of buildings in the district was difficult to grasp due to the height measurement standards and the prevalence of loading docks and geographic features. However, the applicant, appellant and City staff agreed that other tall buildings in excess of 75

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<sup>1</sup> The latest draft of the Central City 2035 plan at the date of this approval is the Recommended Draft, dated June 2017. Approval of the Central City 2035 plan by the City Council is required, as is acknowledgement by the Oregon Department of Land Conservation and Development, before the plan can take effect.

feet exist in the district. The City Council finds that the precise height of other buildings in the historic district is not relevant to the approval of the proposal, as the guidelines encourage buildings that are between 2 and 6 stories (regardless of height) and which do not exceed the code height limits (here, 100 feet of base height or up to 145 feet with height bonuses) in order to be compatible with the district. The City Council finds that the building is 6 stories with a set-back penthouse feature and does not exceed the Code height limits. The proposal therefore meets this guideline which is the only applicable guideline for this district that directly addresses height.

6. Appellant argued that the Historic Landmarks Commission's decision was inconsistent with its recent decision on the Grand Belmont project (within the Grand Avenue Historic District), in which it limited height in order for the building to be compatible with a historic district.

**Findings:** The City Council finds that the Historic Landmarks Commission's decision on the Grand Belmont project was based on different review criteria and is not relevant to the approval of this proposal.

7. Appellant further argued that the City Council limited height during an appeal of the Pearl Block 136 project to 76 feet in order for that building to be respectful of the 13th Avenue historic district, even though that site is located outside of the district.

**Findings:** The City Council finds that its previous decision on the Pearl Block 136 project, which involved a different project and different design guidelines and approval criteria, is not relevant to the City Council's decision on the proposal. The 13th Avenue Historic District guidelines do not limit this proposal to 76 feet in height and do not require findings regarding the proposals "respectfulness" of the 13th Avenue Historic District.

8. Appellant argued that the Historic Landmarks Commission made a decision that was different than the staff guidance to the applicant during the pre-application conference. Applicant alleged that during the conference the applicant was told that a maximum height of 75 feet was "historic district respectful" and therefore the project should be limited to 75 feet.

**Findings:** The City Council finds that City staff's guidance to an applicant on discretionary design guidelines at a pre-application conference is not binding on the Historic Landmarks Commission or the City Council in their application of the relevant guidelines. Guidance provided by staff to an applicant at a pre-application conference is not relevant to the Historic Resources Review decision which is required to be made by the Historic Landmarks Commission in a Type III process and by the City Council on appeal, and based on applicable zoning code standards and design guidelines. Therefore, City staff's statements that may have contradicted the eventual decision of the Historic Landmarks Commission have no bearing on the validity of the Historic Landmarks Commission's decision or the City Council's decision. Additionally, City staff's statement was a preliminary and conceptual recommendation. After reviewing the fully designed proposal, City staff felt that the proposed height of 96' was appropriate and recommended approval.

9. Appellant argued that the Historic Landmarks Commission was unfamiliar with the NW 13th Avenue Historic District and Guidelines and had never reviewed a project in the district.

**Findings:** The City Council finds that the Historic Landmarks Commission's familiarity with the district and history of approval of project in the district is not an approval criterion upon which the Historic Landmarks Commission was required to base its decision. The City Council

finds that the Historic Landmarks Commission analyzed the relevant criteria in the district guidelines and based its decision on the proposal's ability to meet these criteria.

## **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 satisfies the *NW 13th Avenue Historic District Design Guidelines* and the *Central City Fundamental Design Guidelines with the conditions of approval as described in these findings*. It demonstrates many of the key character-defining features of the historic district including tri-partite design, thoughtful detailing, red brick, and a gesture to the district's iconic loading docks.

## **DECISION**

It is the decision of the City Council to deny the appeal and uphold the Historic Landmarks Commission's decision to approve Historic Design Review for a 6-story office building with a three story underground parking garage for 45 vehicles and a penthouse amenity space, including the approval of the following Modification and Adjustment requests:

Modification requests:

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

Adjustment requests:

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

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

- A. As part of the building permit application submittal, the following development-related conditions (B through F) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 16-153002 HRM AD". All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. No more than 15% of the bricks used to clad the building will be dark clinker brick or show signs of paint, efflorescence or other forms of distress.

- C. All pre-distressed decorative brick on street-facing facades will be distributed evenly across the building.
- D. If any exterior changes come as a result of Bureau of Environmental Service's requirements for onsite infiltration, a Type II land use review may be required to ensure that the modifications are in keeping with the approved land use review.
- E. Window jamb returns shall be clad in brick as indicated in the project renderings.
- F. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.

=====

By: \_\_\_\_\_

Appeal Filed:  
Decision Filed:

Decision Rendered:  
Decision Mailed:

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on 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 11, 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. This report is the final decision of the City Council with input from other City and public agencies.

**Conditions of Approval.** This approval may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appeal of this decision.**

**Appeals to the Land Use Board of Appeals (LUBA)**

This is the City's final decision on this matter. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date of the decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period or this land use review. You may call LUBA at 1 (503) 373-1265 for further information on filing an appeal.

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034. For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**Applying for your permits.** A building permit, occupancy permit, or development permit must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.

- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

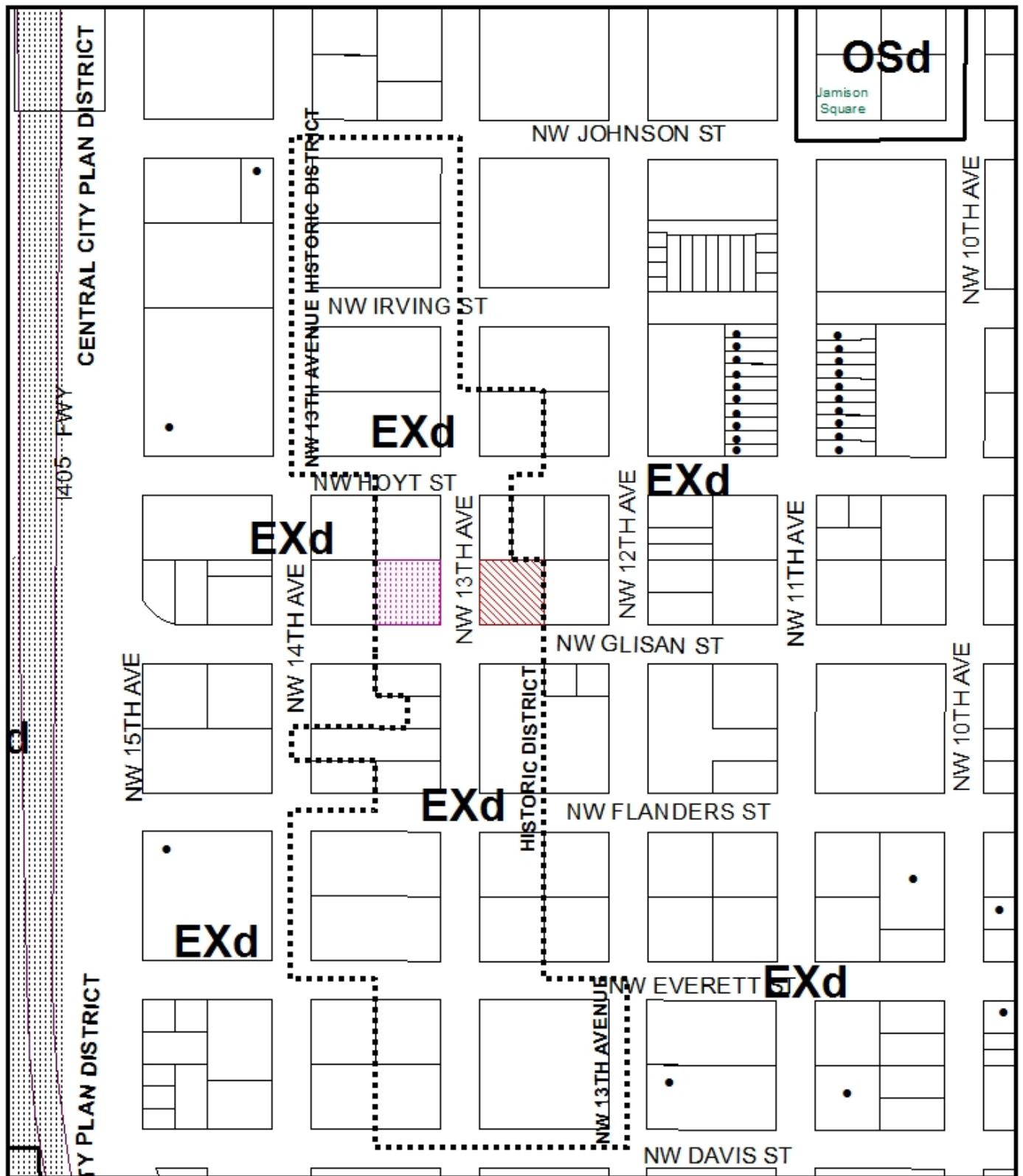
**EXHIBITS – NOT ATTACHED UNLESS INDICATED**

- A. Applicant's Statement
  - 1. Narrative
  - 2. 120 Day Waiver
  - 3. Stormwater Management Information
  - 4. Original Drawing Set
  - 5. DAR Memo Response
  - 6. 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 (attached)
  - 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
    - a) Addendum
  - 2) Bureau of Transportation Engineering and Development Review
    - a. Addendum
  - 3) Water Bureau
  - 4) Fire Bureau
  - 5) Bureau of Development Services Site Development( No Response)
  - 6) Bureau of Parks, Forestry Division
  - 7) Life Safety Section of the Bureau of Development Services
- F. Letters (None Received at initial notice. The following were submitted after the March 20 Hearing.)
  1. John Hollister, March 6, 2017 – opposed
  2. Claire Y. van de Broek March 6, 2017 – opposed
  3. Patricia Gardner, Pearl District Neighborhood Association, March 6, 2017 – support
  4. Joseph Dove, March 7, 2017, - opposed
- 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
  7. Plumbing Appeal Denial
  8. Letter from Portland General Electric
- H.
  1. Public Testimony in Opposition of Proposed Building by John Hollister
  2. Comments from the Chown Pella Homeowners Association in opposition to requested adjustments
  3. Applicant's response to Chown Pella HOA
  4. Staff Report recommending denial from December 19, 2016 hearing
  5. Staff Presentation dated December 19, 2016
  6. Staff Memo to PHLC dated December 12, 2016
  7. Staff Report recommending Approval from February 27, 2017 Hearing
  8. Testifier Sign in Sheet from December 19, 2017 hearing
  9. Testifier Sign In Sheet from February 27, 2017 hearing
  10. Testifier Sign in Sheet from March 20, 2017 hearing
  11. Staff Memo to PHLC dated March 10, 2017
- I.
  1. Appeal Submittal
  2. Appealed Decision
  3. NOA mail list
  4. Notice of Appeal
  5. Council Appeal Packet Memo
  6. Written Testimony
    1. Matthew Mattila, May 30, 2017 – in support






2. Casey Sheahan, June 13, 2017 – in support
3. Patricia Gardner, Pearl District Neighborhood Association, June 13, 2017 – in support
4. Michael Bernatz, June 12, 2017 – in support
5. Gregory Specht, June 6, 2017 – in support
6. Casey Hopkins, June 6, 2017 – in support
7. Albert W. Solheim, May 30, 2017 – in support
7. Staff PowerPoint Presentation to Hearing Body
8. Appellant PowerPoint Presentation to Hearing Body



# ZONING

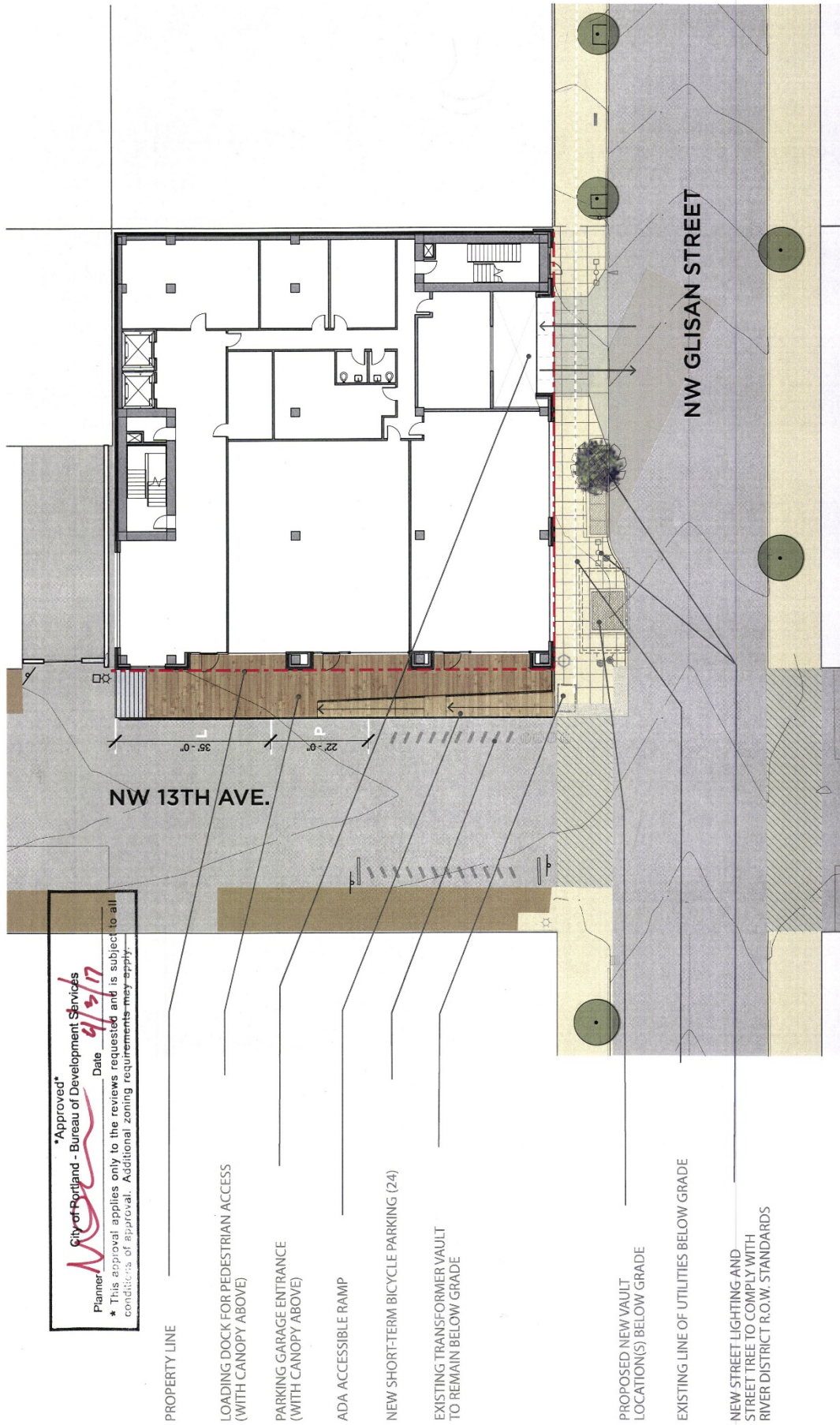


This site lies within the:  
CENTRAL CITY PLAN DISTRICT  
RIVER DISTRICT SUBDISTRICT  
13TH AVENUE HISTORIC DISTRICT

-  Site
-  Also Owned Parcels
-  Historic Landmark

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

**\*Approved\***  
 City of Portland - Bureau of Development Services  
 Planner *[Signature]* Date *9/13/17*  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



PROPERTY LINE

LOADING DOCK FOR PEDESTRIAN ACCESS  
 (WITH CANOPY ABOVE)

PARKING GARAGE ENTRANCE  
 (WITH CANOPY ABOVE)

ADA ACCESSIBLE RAMP

NEW SHORT-TERM BICYCLE PARKING (24)

EXISTING TRANSFORMER VAULT  
 TO REMAIN BELOW GRADE

PROPOSED NEW VAULT  
 LOCATION(S) BELOW GRADE

EXISTING LINE OF UTILITIES BELOW GRADE

NEW STREET LIGHTING AND  
 STREET TREE TO COMPLY WITH  
 RIVER DISTRICT R.O.W. STANDARDS

Site Plan

**Pearl Building East**  
 LU 16-153002 HRM AD

*CI*

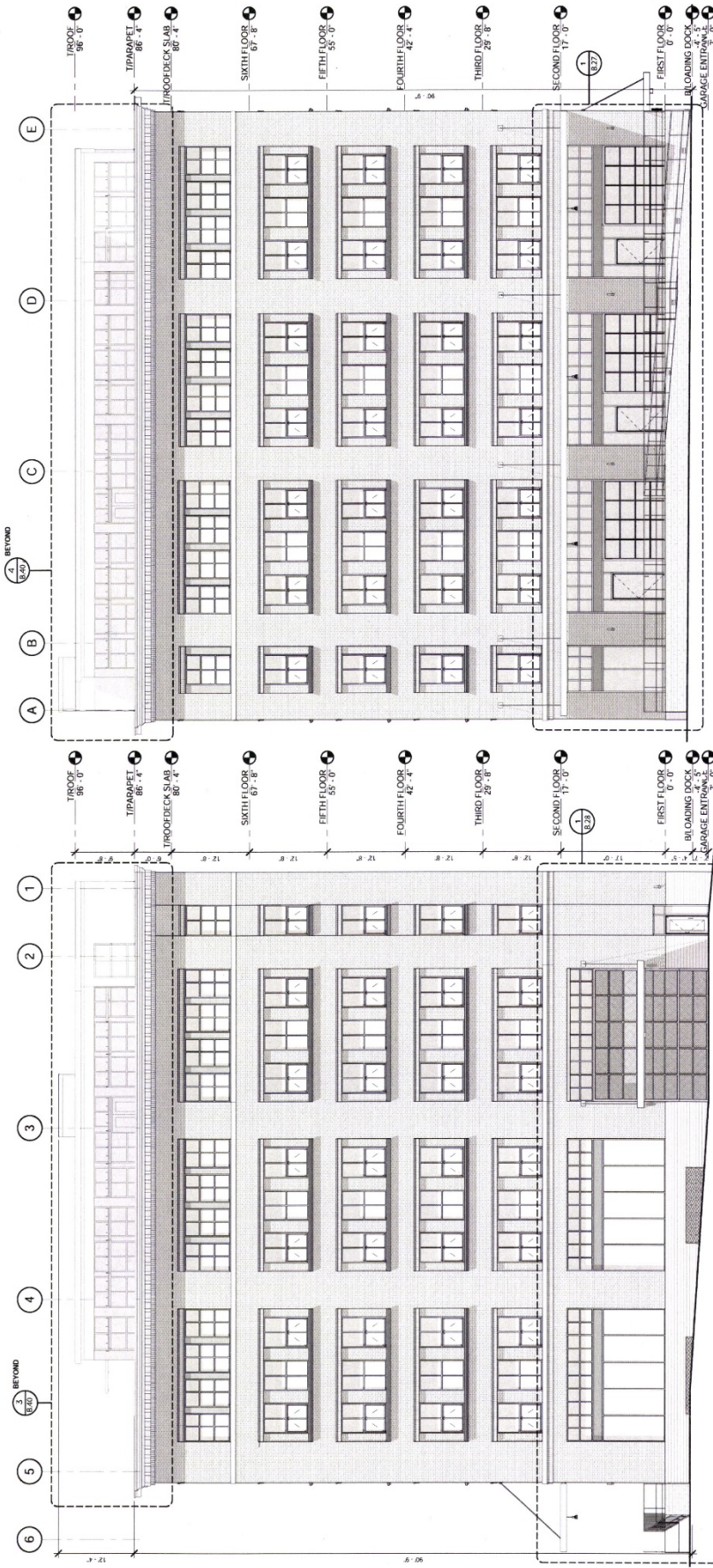
0' 10' 20'

N

M.

B.16





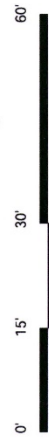
BRICK  
VENEER

BOARDFORM  
CONCRETE

WOOD LOADING  
DOCK

**SOUTH ELEVATION**  
**(NW GLISAN ST.)**

1/16" = 1'-0"



**WEST ELEVATION**  
**(NW 13TH AVE)**

1/16" = 1'-0"



\*Approved\*  
City of Portland - Bureau of Development Services  
Planner: [Signature] Date: 3/17  
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Elevations

**Pearl Building East**  
LU 16-153002 HRM AD

**C7**

B.24

**M.**