



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: May 15, 2008
To: Interested Person
From: Kara Fioravanti, Land Use Services
503-823-5892 / kfioravanti@ci.portland.or.us

**FINAL DECISION BY THE LANDMARKS COMMISSION
RENDERED ON April 28, 2008**

**CASE FILE NUMBER: LU 08-108590 HDZM, AD
[PC # 07-179645]
Meier and Frank Depot**

GENERAL INFORMATION

Applicant: Keith Skille, GBD Architects
1120 NW Couch Street, #300/ Portland, OR 97209

Owner: 14th & Everett Investors, LLC
1120 NW Couch Street, #600/ Portland, OR 97209

Site Address: 1417 NW EVERETT STREET
Legal Description: BLOCK 97 LOT 1-8 HISTORIC PROPERTY 15 YR BEGIN 2001 POT ADD
TAX, COUCHS ADD

Tax Account No.: R180208950
State ID No.: 1N1E33DA 01900
Quarter Section: 3028
Neighborhood: Pearl District, contact Patricia Gardner at 503-228-3273.
Business District: Pearl District Business Association, contact Adele Nofield at 503-223-0070.

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - River District
Other Designations: Listed on the National Register of Historic Places
Zoning: EXd, Central Employment with design overlay
Case Type: HDZM, AD, Historic Design Review w/ Modification Requests and an Adjustment Request

Procedure: Type III, with a public hearing before the Landmarks Commission. The decision of the Landmarks Commission can be appealed to City Council.

Proposal: The applicant seeks Historic Design Review approval to redevelop the Meier & Frank Delivery Depot building, which is listed on the National Register of Historic Places. The proposal includes: the addition of a fifth floor penthouse; approximately 120,000 square feet of office space on levels 3-5; approximately 13,000 square feet of retail space located on the ground floor; and double-stacked, semi-automated mechanical parking on levels 1-2 (approximately 250 spaces) available to building tenants only.

The penthouse addition will be enclosed in a metal-framed window wall system, and set back approximately 15'-6" from the existing parapet. The penthouse roof will be covered with a photovoltaic (PV) array and an eco-roof. The project will be certified under the US Green Building Council's LEED-NC certification and the applicants are targeting a "Platinum" rating. Stormwater will be treated onsite using bioswales, planters, and eco-roofs. All rooftop rainwater will be collected and stored in a basement-level 165,000-gallon cistern and used for irrigation and toilet/urinal flushing.

Street improvements proposed are extensive, including (but not limited to) stormwater planters, permeable pavers, street lighting, curb extensions, and street trees. A separate Type III land use review, a Central City Parking Review LU 08-109173 PR, is required for the review of the proposed on-site parking.

Additional exterior alterations include:

- the replacement of existing windows with high performance windows designed for historic applications;
- new doorways at the north and west building facades;
- lowered sills and new windows at the north building façade;
- new storefront infill at existing openings at the south façade;
- new exterior louvers inserted into existing openings at various locations on all 4 elevations,
- a new garage opening at the west façade (15th Avenue) will function as the only entrance and exit to building's internal parking areas; and
- new glass and stainless steel canopies mounted above entrances on the north and south elevations of the building.

Non-standard Improvements in the right-of-way:

33.420.041 C. requires that non-standard improvements in the right-of-way proposed in 'd' overlay zones receive approval of the City Engineer and through the design review process based on the applicable design guidelines – in this case: Central City Fundamental Design Guidelines and River District Design Guidelines. The proposed non-standard improvements in the right-of-way include:

- stormwater planter boxes with concrete curb walls at NW Everett and 15th
- alternative paving materials [permeable concrete unit pavers] in the on-street parking areas at NE Everett, 15th and Flanders

Modification requests:

1. Ground Floor Windows, 33.510.220.B, requires that all major remodeling projects in EX zones must meet the ground floor window standard of the base zone. The base zone Ground Floor Window (33.140.230) standard requires that all exterior walls on the ground level facing street lot lines must contain windows that cover at least 50% of the length and 25% of the ground level wall area. Required window areas must either allow views into working areas or lobbies, pedestrian entrances, or be display windows set into the wall. The bottom of the windows must be no more than 4 feet above the adjacent exterior grade. Because the majority of the building's existing ground floor windows are more than 4 feet above grade and because those windows that do have sills no more than 4 feet above grade provide views only into parking areas, the applicant is requesting a modification to this standard at all 4 street frontages.

Modification/Adjustment Requests:

1. On-site Loading Spaces, 33.266.310, requires two full-sized loading spaces. The applicant has requested approval for: one on-site loading space – an Adjustment request, and a sub-standard on-site loading stall – a Modification request.

Relevant Approval Criteria:

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

- 33.846 Historic Design Review
- 33.825.040, Modifications That Will Better Meet Design Review Requirements
- 33.805 Adjustments
- Central City Fundamental Design Guidelines
- River District Design Guidelines
- 33.846.060.G Other Approval Criteria

LANDMARKS COMMISSION DECISION

It is the decision of the Landmarks Commission to adopt the Final Findings and Decision, Exhibit G.10.

It is the decision of the Landmarks Commission to approve **Historic Design Review** to redevelop the Meier & Frank Delivery Depot building, which is listed on the National Register of Historic Places. The proposal includes: the addition of a fifth floor penthouse; approximately 120,000 square feet of office space on levels 3-5; approximately 13,000 square feet of retail space located on the ground floor; and double-stacked, semi-automated mechanical parking on levels 1-2 (approximately 250 spaces) available to building tenants only. Street improvements proposed are extensive, including (but not limited to) stormwater planters, permeable pavers, street lighting, curb extensions, and street trees. Additional exterior alterations include:

- the replacement of existing windows with high performance windows designed for historic applications;
- new doorways at the north and west building facades;
- lowered sills and new windows at the north building façade;
- new storefront infill at existing openings at the south façade;
- new exterior louvers inserted into existing openings at various locations on all 4 elevations,
- a new garage opening at the west façade (15th Avenue) will function as the only entrance and exit to building's internal parking areas; and
- new glass and stainless steel canopies mounted above entrances on the north and south elevations of the building.

It is the decision of the Landmarks Commission to approve the following **Non-standard Improvements in the right-of-way:**

- stormwater planter boxes with concrete curb walls at NW Everett and 15th
- alternative paving materials [permeable concrete unit pavers, in the on-street parking areas at NE Everett, 15th and Flanders

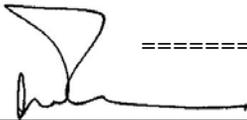
It is the decision of the Landmarks Commission to approve the following **Modifications and Adjustments:**

- Ground Floor Windows, 33.510.220.B, requires that all major remodeling projects in EX zones must meet the ground floor window standard of the base zone. The base zone Ground Floor Window (33.140.230) standard requires that all exterior walls on the ground level facing street lot lines must contain windows that cover at least 50% of the length and 25% of the ground level wall area. Required window areas must either allow views into working areas or lobbies, pedestrian entrances, or be display windows set into the wall. The bottom of the windows must be no more than 4 feet above the adjacent exterior grade. Because the majority of the building's existing ground floor windows are more than 4 feet above grade and because those windows that do have sills no more than 4 feet above grade provide views only into parking areas, the applicant is requesting a modification to this standard at all 4 street frontages.

- On-site Loading Spaces, 33.266.310, requires two full-sized loading spaces. The applicant has requested approval for: one on-site loading space – an Adjustment request, and a sub-standard on-site loading stall – a Modification request.

Approvals per Exhibits C.1-C-43, signed, stamped, and dated April 29, 2008, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) 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 08-108590 HDZM, AD". All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The building permit will maintain the proposed street improvements from building face to curb face at all four street elevations. If the street improvements are to change, an additional land use review will be required to assess the approvability of the ground floor window modification request against a different street improvement proposal.
- C. No field changes allowed.

By:  _____
 Art DeMuro, Landmarks Commission Chair

Application Filed: February 12, 2008
 Decision Rendered: April 28, 2008
 Decision Mailed: May 15, 2008
 Decision Filed: April 29, 2008

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

Procedural Information. The application for this land use review was submitted on February 12, 2008, and was determined to be complete on February 20, 2008.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on February 12, 2008.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

Some of the information contained in this report was provided by the applicant. As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. This report is the final decision of the Landmarks Commission 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. This decision is final unless appealed to City Council, who will hold a public hearing. Appeals must be filed by 4:30 pm on May 29, 2008 at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case by appointment at, 1900 SW Fourth Avenue, Suite 5000, Portland, Oregon 97201.

If this decision is appealed, a hearing will be scheduled and you will be notified of the date and time of the hearing. The decision of City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to City Council on that issue. Also, if you do not raise an issue with enough specificity to give City Council an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$12, 556 will be charged (one-half of the application fee for this case).**

Neighborhood associations and low-income individuals may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. Fee waivers for low income individuals must be approved prior to filing your appeal; please allow three working days for fee waiver approval. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

Recording the final decision.

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

- *Unless appealed,* The final decision may be recorded on or after **May 30, 2008 – (the day following the last day to appeal).**
- 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.

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.

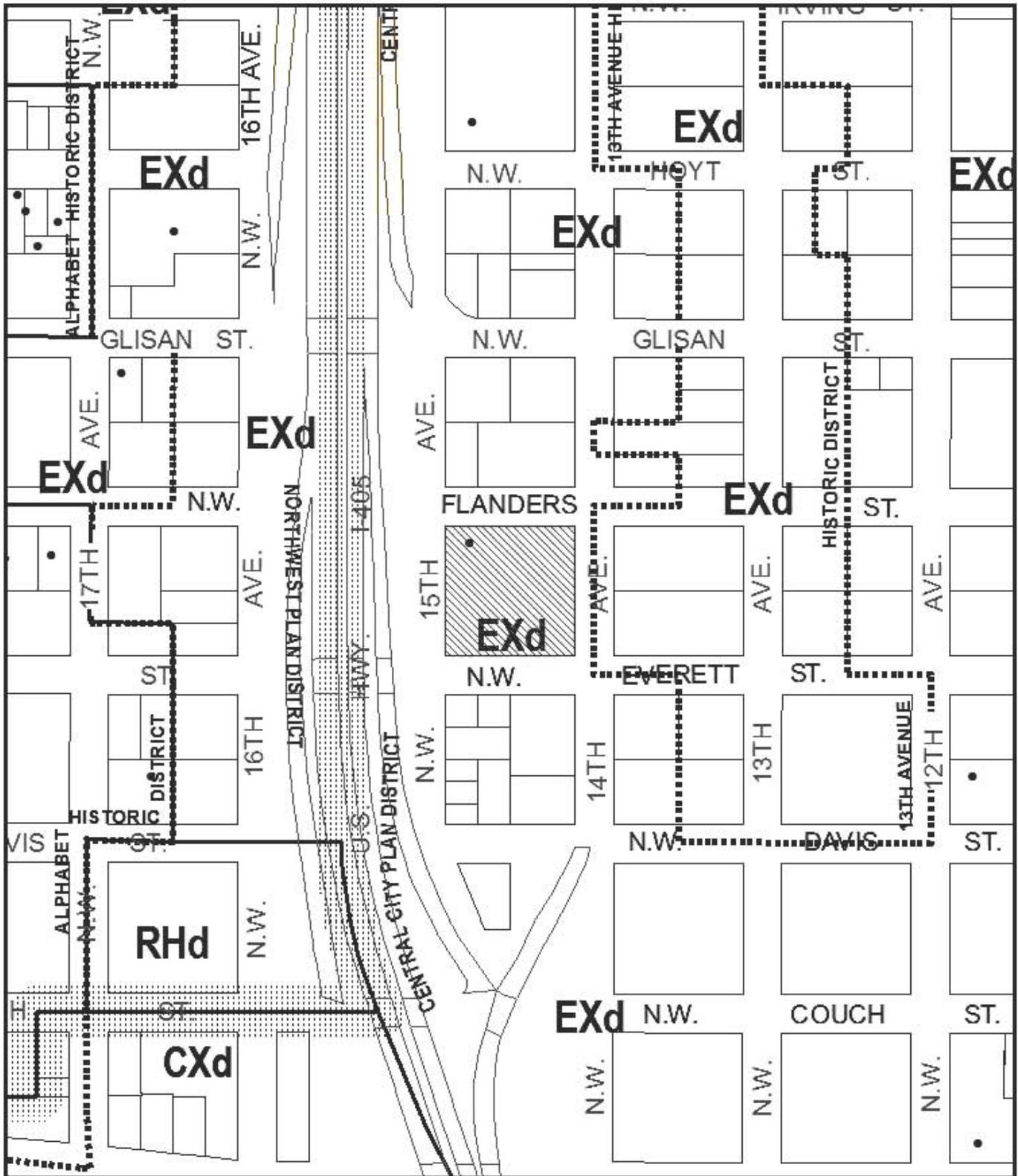
Kara Fioravanti, April 29, 2008

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 1. Original narrative
 2. Original drawings
 3. Revised narrative, submitted 3-26-08
 4. Revised drawings, submitted 3-26-08
 5. Full set of drawings presented for April 14th hearing
 6. Updated partial set of drawings presented at April 14th hearing
 7. Updated partial set of drawings presented at April 28th hearing
- B. Zoning Map (attached)
- C. Plan & Drawings C.1-C.43, elevations and site plan attached
- D. Notification information:
 1. Request for response
 2. Posting letter sent to applicant
 3. Notice to be posted
 4. Applicant's statement certifying posting

5. Mailed notice
 6. Mailing list
 - E. Agency Responses:
 1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 3. State Historic Preservation Office
 4. Life Safety (Building Code) Section of the Bureau of Development Services
 - F. Letters
none received
 - G. Other
 1. Original LUR Application
 2. Site History Research
 3. Staff report for April 14th hearing
 4. Powerpoint for April 14th hearing
 5. Staff notes from April 14th hearing
 6. Email to PHLC in preparation for April 28th hearing
 7. Staff report for April 28th hearing
 8. Elevations of existing conditions, submitted at the 4-28 hearing
 9. Staff notes from April 28th hearing
 10. Final Findings and Decision
- cc: Applicants and Representatives
Neighborhood Associations
Those who testified, orally or in writing
Development Services Center



ZONING



Site



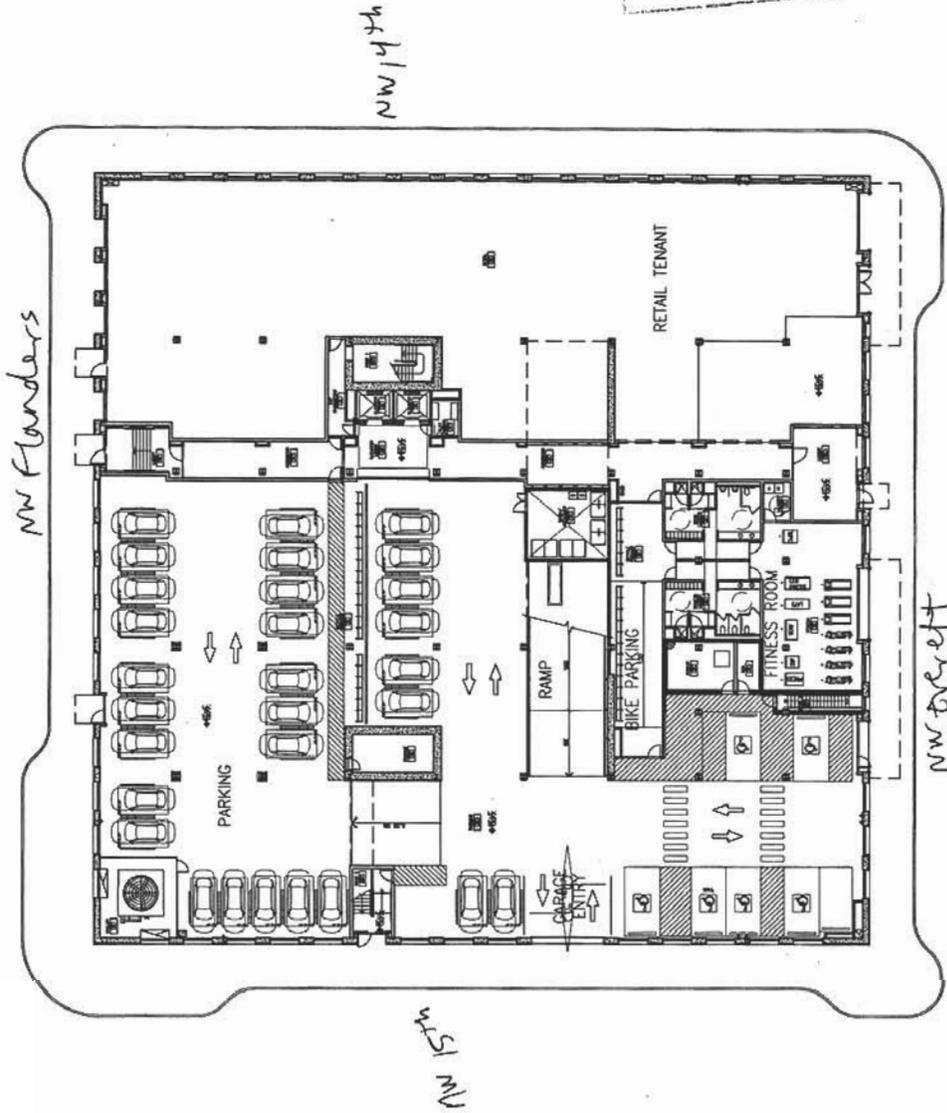
Historic Landmark



NORTH

This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No. LU 08-108590 HDZM AD
 1/4 Section 3028
 Scale 1 inch = 200 feet
 State_Id 1N1E33DA 1900
 Exhibit B (May 13, 2008)



APPROVED
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 4/29/08

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

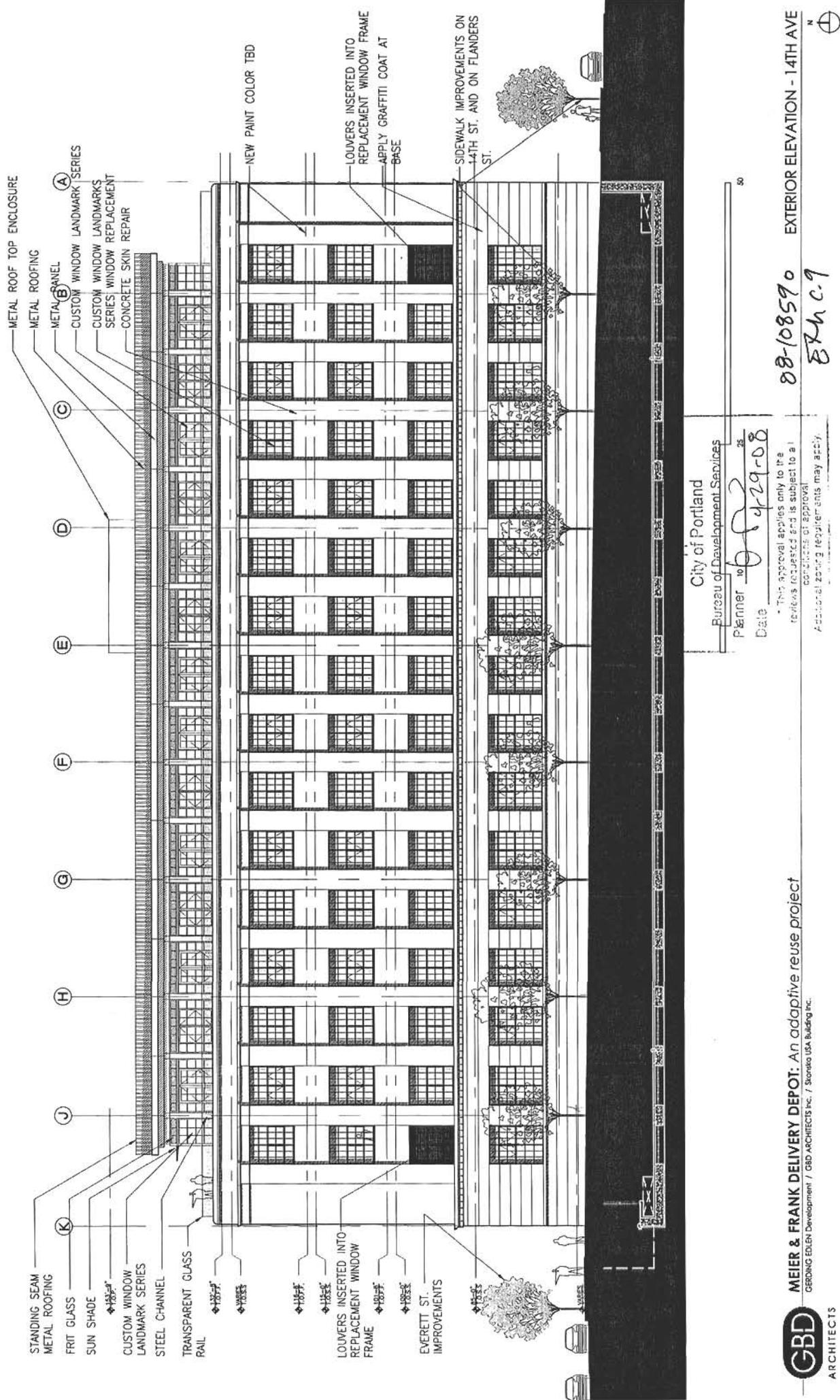
GROUND FLOOR PLAN

08708590

ETH C.1

MEIER & FRANK DELIVERY DEPOT: An adaptive reuse project
 GEDONG EDELI Development / GBD ARCHITECTS INC. / Skanska USA Building Inc.





City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 06/29/08

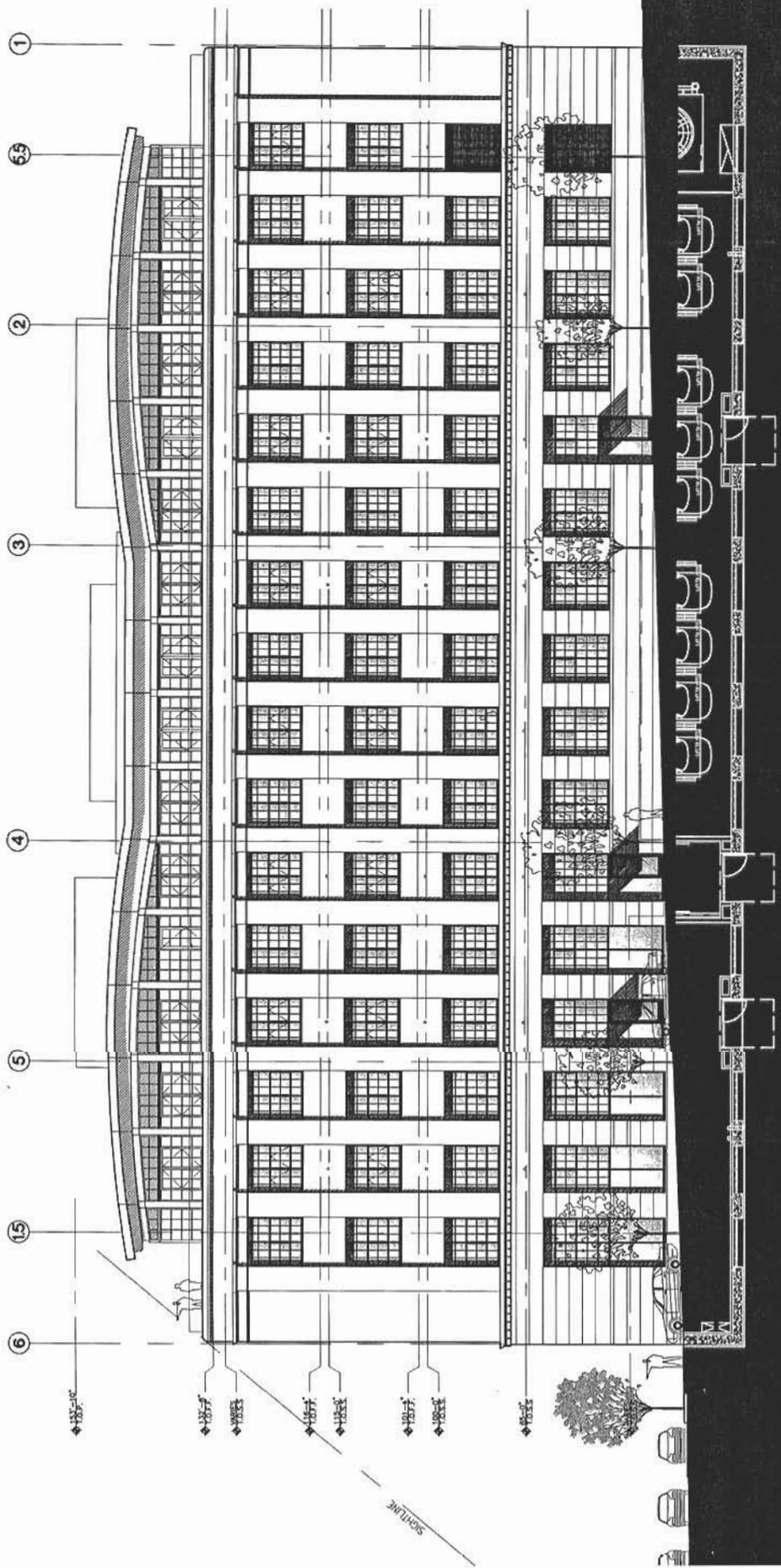
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08-108590
 EXTERIOR ELEVATION - 14TH AVE
 Ezh c.9

MEIER & FRANK DELIVERY DEPOT: An adaptive reuse project
 GERDING EDLEN Development / GBD ARCHITECTS Inc. / Skanska USA Building Inc.



T-47
HW



Approved
 City of Portland
 Bureau of Development Services
 Planner: [Signature]
 Date: 08/29/08
 08-108590 EXTERIOR ELEVATION - FLANDERS ALTERNATE
 ERh c.10

* This approval applies only to the
 revisions requested. It is subject to all
 conditions of approval.
 Additional zoning requirements may apply.

MEIER & FRANK DELIVERY DEPOT: An adaptive reuse project

GBD ARCHITECTS INC. / SURETO USA BUILDING INC.



