



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

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**Date:** Monday, November 6, 2017  
**To:** Interested Person  
**From:** Santiago Mendez, Land Use Services  
503-823-1361 / [Santiago.Mendez@portlandoregon.gov](mailto:Santiago.Mendez@portlandoregon.gov)

## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

## **CASE FILE NUMBER: LU 17-238557 DZ – MODISH BUILDING EXTERIOR ALTERATIONS**

### **GENERAL INFORMATION**

**Applicant:** Doug Skidmore, Beebe Skidmore Architects LLC  
917 SW Oak Street #412  
Portland, OR 97205  
[doug@beebeskidmore.com](mailto:doug@beebeskidmore.com)

**Party of Interest:** Erik Timmons, Yorke & Curtis / RJE Inc  
4480 SW 101st Avenue  
Beaverton, OR 97005

**Owner:** Tom Cody, 333 SW Park LLC  
1116 NW 17th Avenue  
Portland, OR 97209

**Site Address:** 333 SW PARK AVE

**Legal Description:** BLOCK 86 S 1/2 OF LOT 5 E 80' OF LOT 6, PORTLAND  
**Tax Account No.:** R667708860  
**State ID No.:** 1N1E34CC 03100  
**Quarter Section:** 3029

**Neighborhood:** Portland Downtown, contact Rani Boyle at 503-725-9979.  
**Business District:** Downtown Retail Council, contact Sandra McDonough at 503-552-6762.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Plan District:** Central City - Downtown  
**Zoning:** CXd, Central Commercial with Design Overlay  
**Case Type:** DZ, Design Review

**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

**Proposal:**

The applicant requests design review for proposed exterior alterations to the Modish Building in the Downtown Subdistrict of the Central City Plan District. The proposal includes:

- Removal of 32 existing steel sash windows on west façade of the building. These will be replaced with new, double-hung wood windows that will match those on the east façade.
- Removal of 8 existing steel sash windows on west façade of the building. These will be replaced with exposed shotcrete shear walls with a painted exterior finish.

Other portions of the proposed work are exempt from design review through zoning code section 33.420.045. This work includes proposed repair of existing windows and exterior doors, repair of existing stucco and brick, repainting, and installation of parapet angle bracing to help maintain the structural integrity of the parapet during a seismic event.

Design review is required for proposed, non-exempt exterior alterations in the “d” design overlay zone of the Central City Plan District.

**Relevant Approval Criteria:**

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

- Central City Fundamental Design Guidelines
- 33.825 Design Review

## ANALYSIS

**Site and Vicinity:** The Modish Building is located on the west side of SW Park Avenue, mid-clock between SW Oak and Stark Streets. This area within the Midtown Park Blocks is notable for its narrow streets and small blocks at the intersection of two street grids, creating a unique character apart from the rest of downtown Portland. Built in 1907, the unreinforced masonry building is square shaped with a flat roof, stucco front façade, and brick sidewalls. The building is flanked by surface parking lots to the north and south. The other structure on the block is a two-story tan brick retail and office building built in 1922. Both structures are listed in the Historic Resources Inventory as examples of Streetcar Era Commercial architecture and are built to a substantially lower height than the surrounding blocks (though the Modish Building was delisted from the HRI on 02/13/2017). The Pacific Telephone and Telegraph Building sits across from the site on SW Park Avenue and is listed on the National Register of Historic Places.

The site is located within the Downtown Pedestrian District. SW Park Avenue is a designated City Walkway. SW Stark and SW Oak Streets are classified Traffic Access Streets, Major Emergency Response Streets, and Local Service Bikeways—though each has a full designated bicycle lane. SW Stark Street is also a City Walkway. All streets are local service for all other modes.

**Zoning:** The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. 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 Central City Plan District implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation Management Plan. The Central City plan district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area. The site is within the Downtown Subdistrict of this plan district.

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

- LU 17-124482 DZ: A 2017 Design Review approval for building addition and exterior alterations including: a new penthouse atop the building, new roof deck, new rooftop mechanical units, new exterior courtyard cutout of the roof, and removal of 8 windows that are replaced with shear walls at the west facade.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **October 9, 2017**. The following Bureaus have responded with no issues or concerns:

- Site Development Section of BDS

The Fire Bureau responded with comments regarding requirements at time of permit review. Please see Exhibit E-1 for additional details.

The Life Safety Section of BDS responded with information regarding building code requirements at time of permit review. Please see Exhibit E-2 for additional details.

*Staff forwarded these service bureau responses to the applicant.*

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **October 9, 2017**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## **ZONING CODE APPROVAL CRITERIA**

### **Chapter 33.825 Design Review**

#### **Section 33.825.010 Purpose of Design Review**

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

#### **Section 33.825.055 Design Review Approval Criteria**

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

**Findings:** The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site’s location, the applicable design guidelines are the Central City Fundamental Design Guidelines.

### **Central City Fundamental Design Guidelines**

These guidelines provide the constitutional framework for all design review areas in the Central City.

The Central City Fundamental Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland’s

character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

### **Central City Plan Design Goals**

This set of goals are those developed to guide development throughout the Central City. They apply within all of the Central City policy areas. The nine goals for design review within the Central City are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

**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.

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

**Findings A5 & C4:** The design incorporates window patterns and window types that are indicative of period commercial buildings within the nearby Central City neighborhoods bordering Burnside.

*Therefore, these guidelines are met.*

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

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

**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 for A6, C2 & C5:** The proposal to replace existing steel sash windows with new double-hung wood windows on the west façade will contribute towards the overall rehabilitation of the building. The design will match the original wood-sash windows on the east façade, respect the character-defining window depth of the building and bring a higher level of energy performance and longevity. Cast-in-place shotcrete will be visible on portions of the west side of the building where 8 existing steel sash windows will be removed. This shotcrete will serve to structurally reinforce the building and bring it closer to conformance with current building code. The exposed shotcrete will read through the existing punched openings, which will remain, and it will be painted.

Altogether the proposed materials are of high-quality and reinforce the coherency of the proposed composition of the building's exterior.

*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 for C1:** The proposed replacement windows will improve visibility by using clear glass in place of the existing frosted/wired glass, creating a stronger visual connection between pedestrians and the building interior.

*Therefore, this guideline is met.*

## 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 replacement windows and exterior alterations to the Modish Building in the Downtown Subdistrict of the Central City Plan District will help to revitalize this building and this section of the Midtown Park Blocks. The proposed West façade windows and shotcrete additions will respect the architectural integrity of the building, match the windows present on the east façade, and bring a higher level of structural reinforcement and energy performance to the building.


The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of the replacement windows and exterior alterations to the Modish Building in the Downtown Subdistrict, per the approved site plans, Exhibits C-1 through C-6, signed and dated 10/30/2017, 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 17-238557 DZ ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. 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.
- C. No field changes allowed.

**Staff Planner: Santiago Mendez**

**Decision rendered by:**  \_\_\_\_\_ **on 10/30/2017**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: Monday, November 6, 2017**

**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 September 11, 2017, and was determined to be complete on October 4, 2017.

*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 September 11, 2017.

*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. Unless further extended by the applicant, **the 120 days will expire on: Thursday, February 1, 2018**

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project 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.

**Appealing this decision.** This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on November 20, 2017** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617,

to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Attending the hearing.** 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 the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

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 the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded on or after **November 21, 2017** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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 may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

**EXHIBITS**

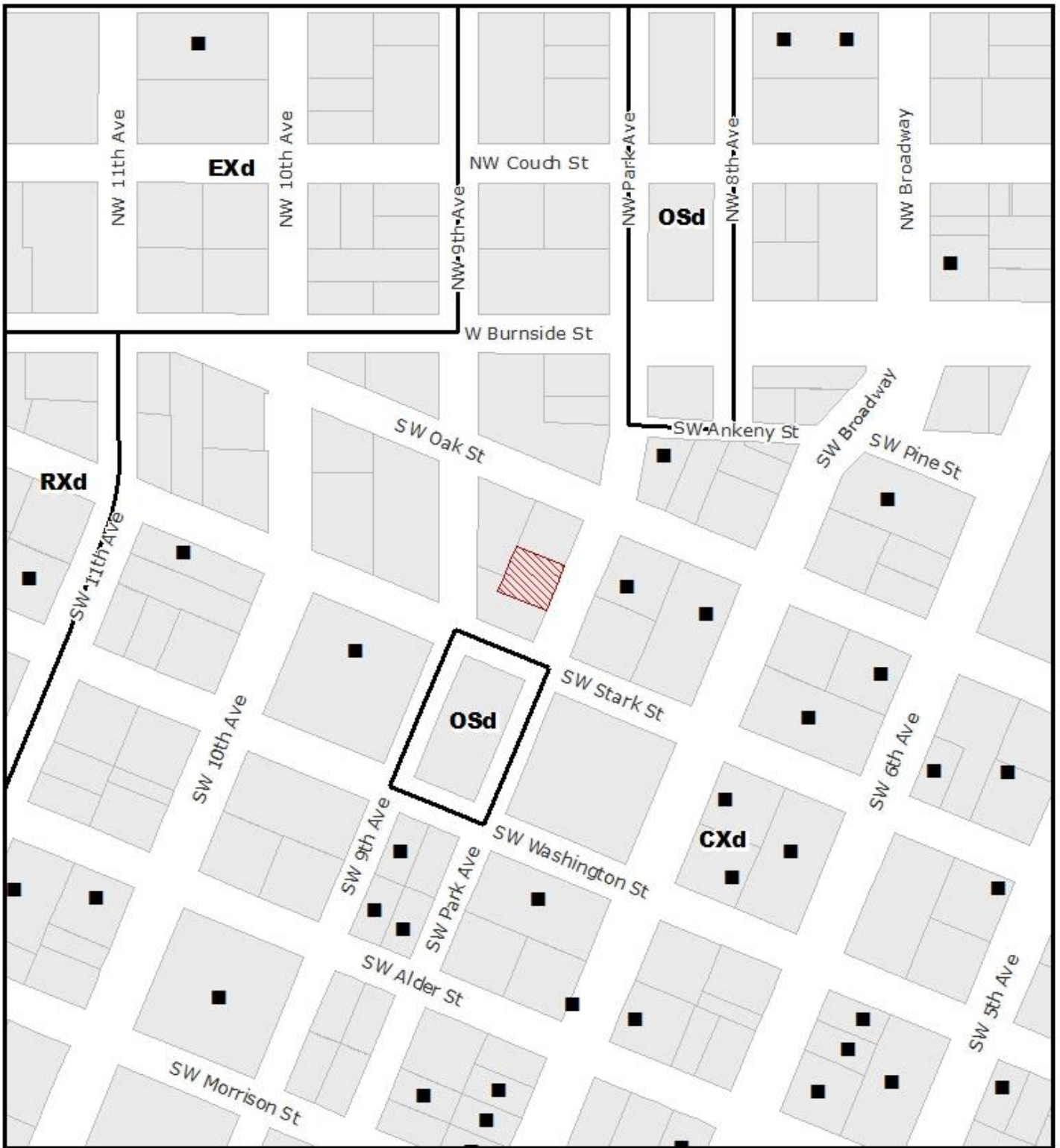
NOT ATTACHED UNLESS INDICATED


- A. Applicant's Submittal
  1. Written Statement
  2. Window Detail Manufacturer's Cutsheet
  3. East, North and South Elevations
- B. Zoning Map (attached)

- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. West Elevation (attached)
  - 3. West Façade Replacement Window Architectural Detail
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Fire Bureau
  - 2. Life Safety Section of BDS
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Application Letter

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**





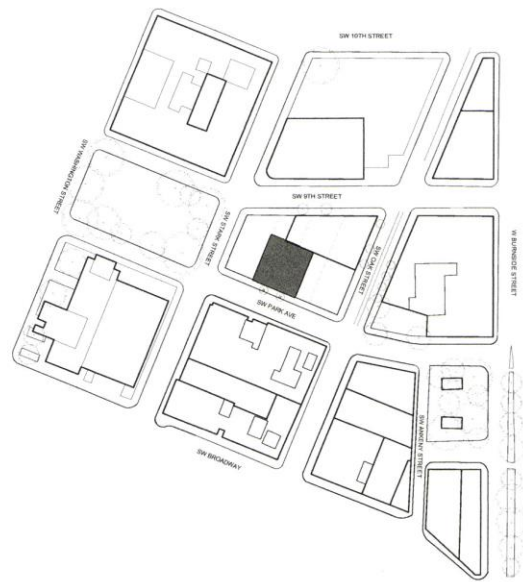
**ZONING**   
 NORTH  
 THIS SITE LIES WITHIN THE:  
 CENTRAL CITY PLAN DISTRICT  
 DOWNTOWN SUBDISTRICT

-  Site
-  Historic Landmark

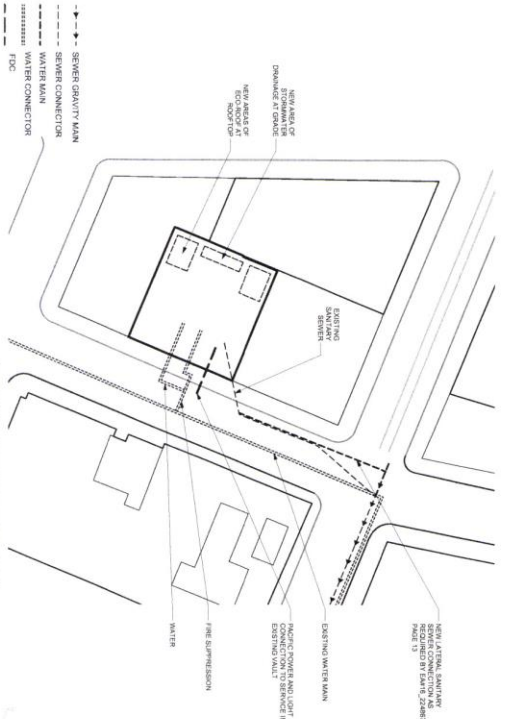
File No.	LU 17-238557 DZ
1/4 Section	3029
Scale	1 inch = 200 feet
State ID	1N1E34CC 3100
Exhibit	B Sep 15, 2017

**\*Approved\***  
 City of Portland - Bureau of Development Services  
 Planner *S.M.*  
 Date *10/30/2017*

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



**VICINITY PLAN**  
 SCALE 1" = 500'



**SITE UTILITIES FEASIBILITY PLAN**  
 SCALE 1" = 500'



**SITE AND TREE PLAN**  
 SCALE 1" = 200'

- NOTES**
- PROPOSED TREETHING AND DISSEMINATED CANALS
  - EXISTING ASPHALT DRIVE
  - EXISTING ALLEY
  - EXISTING SIDEWALK
  - EXISTING SIDEWALK WITH CURB
  - EXISTING CONCRETETOP
  - EXISTING CONCRETETOP
  - EXISTING CONCRETETOP WITH WALKWAY
  - EXISTING CONCRETETOP WITH WALKWAY AND CURB
  - EXISTING CONCRETETOP WITH WALKWAY AND CURB
  - EXISTING CONCRETETOP WITH WALKWAY AND CURB

17-238557  
 EXHIBIT C-1

**AS APPROVED**  
 LU 17-124482 DZ REF FILE

**MODISH BUILDING**  
 333 Southwest Park Avenue  
 Portland Oregon 97205

**DATE** 03 20 2017  
**PROJECT** DESIGN REVIEW  
**DR1.0**

