



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

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Date: January 22, 2019
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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 18-272146 HRM – ROOF PLAN CHANGES & BIKE PARKING MODIFICATION

GENERAL INFORMATION

Applicant: Agustin Enriquez | GBD Architects, Inc
1120 NW Couch Street, Suite 300 | Portland, OR 97209
Agustin@gbdarchitects.com

Owner: Lot-94 LLC
920 SW 6th Ave., #223 | Portland, OR 97204

Party of Interest: Greg Goodman | Downtown Development Group
625 SW Broadway | Portland, OR 97205

Site Address: **108 SW 3rd Avenue**

Legal Description: BLOCK 31, CANCEL INTO R246042 / PORTLAND, BLOCK 31, LOT 1&2; BLOCK 31 LOT 1&2&7&8, PORTLAND

Tax Account No.: R667704500, R667704600

State ID No.: 1N1E34CD 02300, 1N1E34CD 02400

Quarter Section: 3029

Neighborhood: Old Town Community Association, contact Peter Englander at treasurer@oldtownchinatown.org; Will Naito at planning@pdxoldtown.org

Business District: Downtown Retail Council, contact at lfrisch@portlandalliance.com, Old Town Community Association, contact at chair@oldtownchinatown.org.

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - Old Town/Chinatown

Other Designations: Non-contributing resource in the Skidmore/Oldtown Historic District

Zoning: **CXd** – Central Commercial with Design Overlay and Historic Resource Protection Overlay

Case Type: HRM – Historic Resource Review with Modifications
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

PROPOSAL:

The applicant requests Historic Resource Review approval for a change to an already approved project. The building, located at 108 SW 3rd Ave, was approved by the Historic Landmarks Commission through a previous Type III Design Review, LU 16-274674 HRM, in June 2017 and construction is currently underway. In this current Type II Design Review, the applicant proposes changes to the arrangement of the previously approved roof plan and requests a Modification to the Bicycle Parking Standard.

Modification request [PZC 33.846.070]:

1. Reduce the required 24” width of bicycle rack parking space dimensions to 18” (for a vertical rack system) and 17” (for a 2-tier horizontal rack system) (Section 33.266.220.C.3.b).

Historic Resource Review is required because the proposal is for non-exempt alterations in a historic district.

RELEVANT APPROVAL CRITERIA:

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

- Central City Fundamental Design Guidelines
- Oregon Statewide Planning Goals
- Skidmore/Old Town Historic District Design Guidelines
- 33.846.070 Modifications Considered During Historic Resource Review

ANALYSIS

Site and Vicinity: The building under construction will be a brick mixed use, six-story building consisting of approximately 8,640 SF of ground floor retail, 133 market rate apartments, and 63 off-street parking stalls on one level of structured underground parking and it replaces an existing surface parking lot with food cart vendors. The project includes a community room with an outdoor deck on the 6th floor and two rooftop amenity spaces served by two stairs and an elevator. Parking and loading entries are located in the building's southwest corner along SW 3rd Ave.

The subject is a half block (100' x 195') site along SW Ash Street between SW 2nd and SW 3rd Avenue. SW 2nd Avenue is a vibrant street with a mix of office uses and destination food and beverage retail spaces like Kell's Irish Restaurant and Pub and the Pine Street market. The southwest portion of the subject block is occupied by three commercial buildings. From north to south, they are: the three-story Porter Hotel building constructed in 1898, currently with a ground-floor restaurant and office space at the upper floors; a one-story building with no name, constructed in 1915, and currently occupied by a coffee shop; and the two-story Phoenix Building constructed in 1902, which contains office space. To the southeast is the Haseltine Building. It was constructed in 1893 in the Richardsonian Romanesque style. Directly to the west of the subject property is the historic Embassy Suites Hotel – a 100' tall, full block building constructed in 1910.

SW Ash Street is a pedestrian friendly street with a modest amount of vehicular traffic with food and beverage retail spaces. SW Ash and SW 2nd are particularly active streets in the evening. SW 3rd Avenue is a busy one-way street heading south and is the first south bound opportunity for vehicular trips from the Burnside Bridge. SW 3rd is also the western perimeter of the Skidmore/Old Town Historic District; the size and scale of the buildings along 3rd tend to be on the large side for the District.

The Skidmore/Old Town Historic District was designated on May 5, 1977. Adopted by the City of Portland in May 2016, the Design Guidelines describe the importance of the District to both

the City of Portland as well as the broader architectural community. The introduction to the guidelines states “The Skidmore/Old Town Historic District is a locally and nationally significant cultural resource important both for its association with the rich history of Portland’s early development, evolution and regional role, and for the exceptional architectural values of its nineteenth and early twentieth-century commercial buildings, including one of the finest collections of cast-iron buildings in the nation.” An excerpt from the nomination for the district reads as such:

The Skidmore/Old Town Historic District is significant for its exceptional mid-nineteenth- to early twentieth century commercial buildings. They present a broad range of commercial architectural styles that lend variety to the district’s urban character, while working in concert to create a cohesive and distinct historic sense of place. The district includes a variety of styles, the most predominant being the Victorian Italianate, Richardsonian Romanesque and Commercial styles, but includes buildings in other styles such as Victorian Gothic and 20th Century Classical, as well as transitional expressions and amalgams. But the most noteworthy and defining elements of the district’s historic character derive from its Victorian-era masonry and cast-iron façade buildings, primarily in the Italianate style. The district’s cast-iron structures are the backbone of a distinctive historic cityscape marking Portland’s first commercial core. This collection is one of the largest and best preserved in the American West.

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 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.

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 Old Town/Chinatown Subdistrict of this plan district.

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

- LU 16-177872 EA - Pre-Application Conference to discuss a Type III review for new building.
- LU 16-211049 EA - Design Advice Request for a new six-story mixed-use building.
- LU 16-274674 HRM – Historic Resource review approval for a new brick mixed use, six-story building.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **December 13, 2018**. The following two Bureaus have responded with no issues or concerns about the proposal:

- Fire Bureau
- Life Safety Division of the Bureau of Development Services

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on December 13, 2018. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846, Historic Reviews

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 Skidmore/Old Town Historic District. Therefore the proposal requires Historic Resource Review approval. The relevant approval criteria are the Skidmore/Old Town Historic District Design Guidelines and the Central City Fundamental Design Guidelines.

Central City Fundamental Design Guidelines and Skidmore/Old Town Historic District Design Guidelines

The Skidmore/Old Town Historic District is a unique asset to Portland and has been recognized nationally by its placement on the National Register of Historic Places. In addition, the Skidmore/Old Town Historic District has been identified as a National Landmark, of which there is only one other in Portland, Pioneer Courthouse. There are certain procedures and regulations the City has adopted for the protection and enhancement of the Skidmore/Old Town Historic District.

The Central City Fundamental Design Guidelines and the River District 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 the River District as well as to the other seven 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.

Skidmore/Old Town Historic District Design Guidelines

A1.a. Reinforce the Predominant Scale and Massing of the Historic District.

A1.b. Reinforce Pedestrian Scale and Orientation in the District.

D3. Develop Respectful Relationships to Adjacent Historic Buildings.

Central City Fundamental Design Guidelines

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

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.

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.

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.

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.

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 for Skidmore/Old Town Historic District Design Guidelines A1.a, A1.b, D3 and CCFDGs A2, A5, A5-3, A8, B1, B2, C5, and C11: The building is designed to present as a five story building with a penthouse rather than a building with six full stories. The approved design's mechanical equipment is screened and well-integrated with the building, logically grouped away from street facing roof edges where it will not detract from the pedestrian experience. A rooftop amenity area is provided for access and use by building residents. The changes to rooftop configuration proposed in this review will not detract from the well-integrated and non-intrusive qualities of the approved roof plan and not diminish the coherency of the building's design. No major rooftop mechanical equipment will be within 15' of street-facing roof edges while smaller mechanical equipment located within 15' of roof edges on street facing facades are not above height limit and will not be visible from the street.

The approved building's design includes a sidewalk level that will encourage pedestrian activity with its human scale and visually engaging architectural elements and a

program that features a great deal of highly visible commercial use. The majority of the ground floor space is dedicated to retail use or residential lobby. The result will be an active and vibrant streetscape along all of 2nd, all of Ash, and most of 3rd. Overhead pedestrian canopies will provide weather protection and allow the retail space to spill out onto the sidewalk continuing the active ground floor nature of the neighborhood. Consolidating the bicycle parking into less space, as proposed by the requested Modification, helps avoid the need to introduce additional bicycle parking in ground floor, street-facing spaces of the building which are currently designated for more active and visually interesting uses. Preserving active spaces at the ground level contributes to a more vibrant streetscape with visual and physical connections into the building's active interior spaces from adjacent sidewalks. The proposed solution meets the intent of providing sufficient space, access and security for bicycle parking while maintaining the active street edge approved in the original proposal.

The proposed rack spacing options will enable more bicycles to be stored in common areas which, combined with the many bicycles residents are likely to also store in their apartment units, should over time result in more bicycle ownership in the building and thus greater bicycle activity in the area. The encouragement of active transportation allows bicycle and pedestrian modes of transportation to be dominant rather than vehicular modes. Encouraging increased cycling is conducive to making it a primary means of transportation which in turn contributes to a safer and more vibrant pedestrian environment. As the majority of the urban fabric of the historic district was created prior to the invention of the automobile, encouraging non-vehicular modes is sympathetic to the historic condition of the area.

These guidelines are met.

Oregon Statewide Planning Goals

Goal 1: Citizen Involvement

Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process.” It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

Findings: The City of Portland maintains an extensive citizen involvement program which complies with all relevant aspects of Goal 1, including specific requirements in Zoning Code Chapter 33.730 for public notice of land use review applications that seek public comment on proposals. There are opportunities for the public to testify at a local hearing on land use proposals for Type III land use review applications, and for Type II and Type Ix land use decisions if appealed. *For Type I and Ix reviews, include the following language:* For this application, a written notice seeking comments on the proposal was mailed to property-owners and tenants within 100 feet of the site, and to recognized organizations in which the site is located. The public notice requirements for this application have been and will continue to be met, and nothing about this proposal affects the City's ongoing compliance with Goal 1. Therefore, the proposal is consistent with this goal.

Goal 2: Land Use Planning

Goal 2 outlines the basic procedures of Oregon's statewide planning program. It states that land use decisions are to be made in accordance with a comprehensive plan, and that suitable “implementation ordinances” to put the plan's policies into effect must be adopted. It requires that plans be based on “factual information”; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

Findings: Compliance with Goal 2 is achieved, in part, through the City's comprehensive planning process and land use regulations. For quasi-judicial proposals, Goal 2 requires

that the decision be supported by an adequate factual base, which means it must be supported by substantial evidence in the record. As discussed earlier in the findings that respond to the relevant approval criteria contained in the Portland Zoning Code, the proposal complies with the applicable regulations, as supported by substantial evidence in the record. As a result, the proposal meets Goal 2.

Goal 3: Agricultural Lands

Goal 3 defines “agricultural lands,” and requires counties to inventory such lands and to “preserve and maintain” them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

Goal 4: Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will “conserve forest lands for forest uses.”

Findings for Goals 3 and 4: In 1991, as part of Ordinance No. 164517, the City of Portland took an exception to the agriculture and forestry goals in the manner authorized by state law and Goal 2. Since this review does not change any of the facts or analyses upon which the exception was based, the exception is still valid and Goal 3 and Goal 4 do not apply.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5 relates to the protection of natural and cultural resources. It establishes a process for inventorying the quality, quantity, and location of 12 categories of natural resources. Additionally, Goal 5 encourages but does not require local governments to maintain inventories of historic resources, open spaces, and scenic views and sites.

Findings: The City complies with Goal 5 by identifying and protecting natural, scenic, and historic resources in the City’s Zoning Map and Zoning Code. Natural and scenic resources are identified by the Environmental Protection (“p”), Environmental Conservation (“c”), and Scenic (“s”) overlay zones on the Zoning Map. The Zoning Code imposes special restrictions on development activities within these overlay zones. Historic resources are identified on the Zoning Map either with landmark designations for individual sites or as Historic Districts or Conservation Districts. This site is not within any environmental or scenic overlay zones and is not part of any designated historic resource. Therefore, Goal 5 is not applicable

Goal 6: Air, Water and Land Resources Quality

Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

Findings: Compliance with Goal 6 is achieved through the implementation of development regulations such as the City’s Stormwater Management Manual at the time of building permit review, and through the City’s continued compliance with Oregon Department of Environmental Quality (DEQ) requirements for cities. The Bureau of Environmental Services reviewed the proposal for conformance with sanitary sewer and stormwater management requirements and expressed no objections to approval of the application, as mentioned earlier in this report. *In this case, the scope of the project does not warrant review by the Bureau of Environmental Services; Goal 6 is not applicable.*

Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 7 requires that jurisdictions adopt development restrictions or safeguards to protect people and property from natural hazards. Under Goal 7, natural hazards include floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires. Goal 7 requires that local governments adopt inventories, policies, and implementing measures to reduce risks from natural hazards to people and property.

Findings: The City complies with Goal 7 by mapping natural hazard areas such as floodplains and potential landslide areas, which can be found in the City’s MapWorks

geographic information system. The City imposes additional requirements for development in those areas through a variety of regulations in the Zoning Code, such as through special plan districts or land division regulations. The subject site is not within any mapped floodplain or landslide hazard area, so Goal 7 does not apply.

Goal 8: Recreation Needs

Goal 8 calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expediting siting of destination resorts.

Findings: The City maintains compliance with Goal 8 through its comprehensive planning process, which includes long-range planning for parks and recreational facilities. Staff finds the current proposal will not affect existing or proposed parks or recreation facilities in any way that is not anticipated by the zoning for the site, or by the parks and recreation system development charges that are assessed at time of building permit. Furthermore, nothing about the proposal will undermine planning for future facilities. Therefore, the proposal is consistent with Goal 8.

Goal 9: Economy of the State

Goal 9 calls for diversification and improvement of the economy. Goal 9 requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

Findings: Land needs for a variety of industrial and commercial uses are identified in the adopted and acknowledged Economic Opportunity Analysis (EOA) (Ordinance 187831). The EOA analyzed adequate growth capacity for a diverse range of employment uses by distinguishing several geographies and conducting a buildable land inventory and capacity analysis in each. In response to the EOA, the City adopted policies and regulations to ensure an adequate supply of sites of suitable size, type, location and service levels in compliance with Goal 9. The City must consider the EOA and Buildable Lands Inventory when updating the City's Zoning Map and Zoning Code. Because this proposal does not change the supply of industrial or commercial land in the City, the proposal is consistent with Goal 9.

Goal 10: Housing

Goal 10 requires local governments to plan for and accommodate needed housing types. The Goal also requires cities to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Findings: The City complies with Goal 10 through its adopted and acknowledged inventory of buildable residential land (Ordinance 187831), which demonstrates that the City has zoned and designated an adequate supply of housing. For needed housing, the Zoning Code includes clear and objective standards. Since this proposal is not related to housing (will not increase or decrease the amount of housing created by the new building), Goal 10 is not applicable.

Goal 11: Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

Findings: The City of Portland maintains an adopted and acknowledged public facilities plan to comply with Goal 11. See Citywide Systems Plan adopted by Ordinance 187831. The public facilities plan is implemented by the City's public services bureaus, and these bureaus review development applications for adequacy of public services. Where existing public services are not adequate for a proposed development, the applicant is required to

extend public services at their own expense in a way that conforms to the public facilities plan. In this case, the City's public services bureaus found that existing public services are adequate to serve the proposal, as discussed earlier in this report.

Goal 12: Transportation

Goal 12 seeks to provide and encourage "safe, convenient and economic transportation system." Among other things, Goal 12 requires that transportation plans consider all modes of transportation and be based on inventory of transportation needs.

Findings: The City of Portland maintains a Transportation System Plan (TSP) to comply with Goal 12, adopted by Ordinances 187832, 188177 and 188957. The City's TSP aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." The extent to which a proposal affects the City's transportation system and the goals of the TSP is evaluated by the Portland Bureau of Transportation (PBOT). *The scope of this project does not warrant transportation review; therefore Goal 12 is not applicable.*

Goal 13: Energy

Goal 13 seeks to conserve energy and declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

Findings: With respect to energy use from transportation, as identified above in response to Goal 12, the City maintains a TSP that aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." This is intended to promote energy conservation related to transportation. Additionally, at the time of building permit review and inspection, the City will also implement energy efficiency requirements for the building itself, as required by the current building code. For these reasons, staff finds the proposal is consistent with Goal 13.

Goal 14: Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

Findings: In the Portland region, most of the functions required by Goal 14 are administered by the Metro regional government rather than by individual cities. The desired development pattern for the region is articulated in Metro's Regional 2040 Growth Concept, which emphasizes denser development in designated centers and corridors. The Regional 2040 Growth Concept is carried out by Metro's Urban Growth Management Functional Plan, and the City of Portland is required to conform its zoning regulations to this functional plan. This land use review proposal does not change the UGB surrounding the Portland region and does not affect the Portland Zoning Code's compliance with Metro's Urban Growth Management Functional Plan. Therefore, Goal 14 is not applicable.

Goal 15: Willamette Greenway

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

Findings: The City of Portland complies with Goal 15 by applying Greenway overlay zones which impose special requirements on development activities near the Willamette River. The subject site for this review is not within a Greenway overlay zone near the Willamette River, so Goal 15 does not apply.

Goal 16: Estuarine Resources

This goal requires local governments to classify Oregon’s 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those “management units.”

Goal 17: Coastal Shorelands

This goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for “water-dependent” or “water-related” uses.

Goal 18: Beaches and Dunes

Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

Goal 19: Ocean Resources

Goal 19 aims “to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.” It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19’s main requirements are for state agencies rather than cities and counties.

Findings: Since Portland is not within Oregon’s coastal zone, Goals 16-19 do not apply.

33.846.070 Modifications Considered During Historic Resource Review

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the historic resource review process. These modifications are done as part of historic resource review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through historic resource review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. **Better meets historic resource review approval criteria.** The resulting development will better meet the approval criteria for historic resource review than would a design that meets the standard being modified; and
- B. **Purpose of the standard.**
 - 1. The resulting development will meet the purpose of the standard being modified; or
 - 2. The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.

Modification #1: Bicycle Parking, PZC 33.266.220.C.3.b – reduce the required 24” width of bicycle rack parking space dimensions to 18” (for a vertical rack system) and 17” (for a 2-tier horizontal rack system) (Section 33.266.220.C.3.b).

Purpose Statement: These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

Standard: 33.266.220.C.3.b – A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components.

- A. Better meets historic resource review approval criteria.** *The resulting development will better meet the approval criteria for historic resource review than would a design that meets the standard being modified; and*

Findings: The proposed modification better meets Historic Resource Review guidelines related to neighborhood character and pedestrian realm. The proposed rack spacing options will enable more bicycles to be stored in common areas which, combined with the many bicycles residents are likely to also store in their apartment units, should over time result in more bicycle ownership in the building and thus greater bicycle activity in the area. The encouragement of active transportation allows bicycle and pedestrian modes of transportation to be dominant rather than vehicular modes. Encouraging increased cycling is conducive to making it a primary means of transportation which in turn contributes to a safer and more vibrant pedestrian environment. In addition, consolidating the bicycle parking into less space helps avoid the need to introduce additional bicycle parking in ground floor street-facing spaces of the building which are currently designated for more active and visually interesting uses. Preserving active spaces at the ground level contributes to a more vibrant streetscape.

- 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.*

Findings: The purpose of the bicycle parking standard is to provide safe and convenient places to park vehicles (33.266.200) and to avoid undue damage to stored bicycles. The proposed reduction in width of required spaces from 24” to 18” and 17” wide spaces, allows more bicycles to be stored within a certain area while still providing adequate room to access the locks. The proposed storage will include both vertical rack systems with staggered rack heights and 18” wide spaces as well as 2-tier horizontal rack systems with staggered rack heights and 17” wide spaces. Staff, as well as the Bureau of Transportation, considers the proposed reduction as sufficient for ensuring protection of stored bicycles from intentional or accidental damage and will allow them to be securely locked without undue inconvenience. These racks will be in a controlled-access bike storage room and it can thus be assumed that the users will quickly develop familiarity with the rack systems and be able to maneuver locks as needed.

Therefore this Modification merits approval.

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 requirements of Title 11 can be met, and 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 purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval to change the previously approved Land Use Decision LU 16-274674 HRM to allow for a reconfiguration of the rooftop mechanical layout.

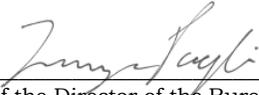
Approval for the following **Modification** request:

1. Reduce the required 24” width of bicycle rack parking space dimensions to 18” (for a vertical rack system) and 17” (for a 2-tier horizontal rack system) (Section 33.266.220.C.3.b).

Approval is per the approved site plans, Exhibits C-1 through C-4, signed and dated January 15, 2019, 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 18-272146 HRM." 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: Tanya Paglia

Decision rendered by:  **on January 15, 2019.**
By authority of the Director of the Bureau of Development Services

Decision mailed: January 22, 2019

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 November 30, 2018, and was determined to be complete on December 12, 2018.

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 November 30, 2018.

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: April 11, 2019.**

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 Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on February 5, 2019** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th 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.

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 Landmarks 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 Landmarks 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 after **February 5, 2019** 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:

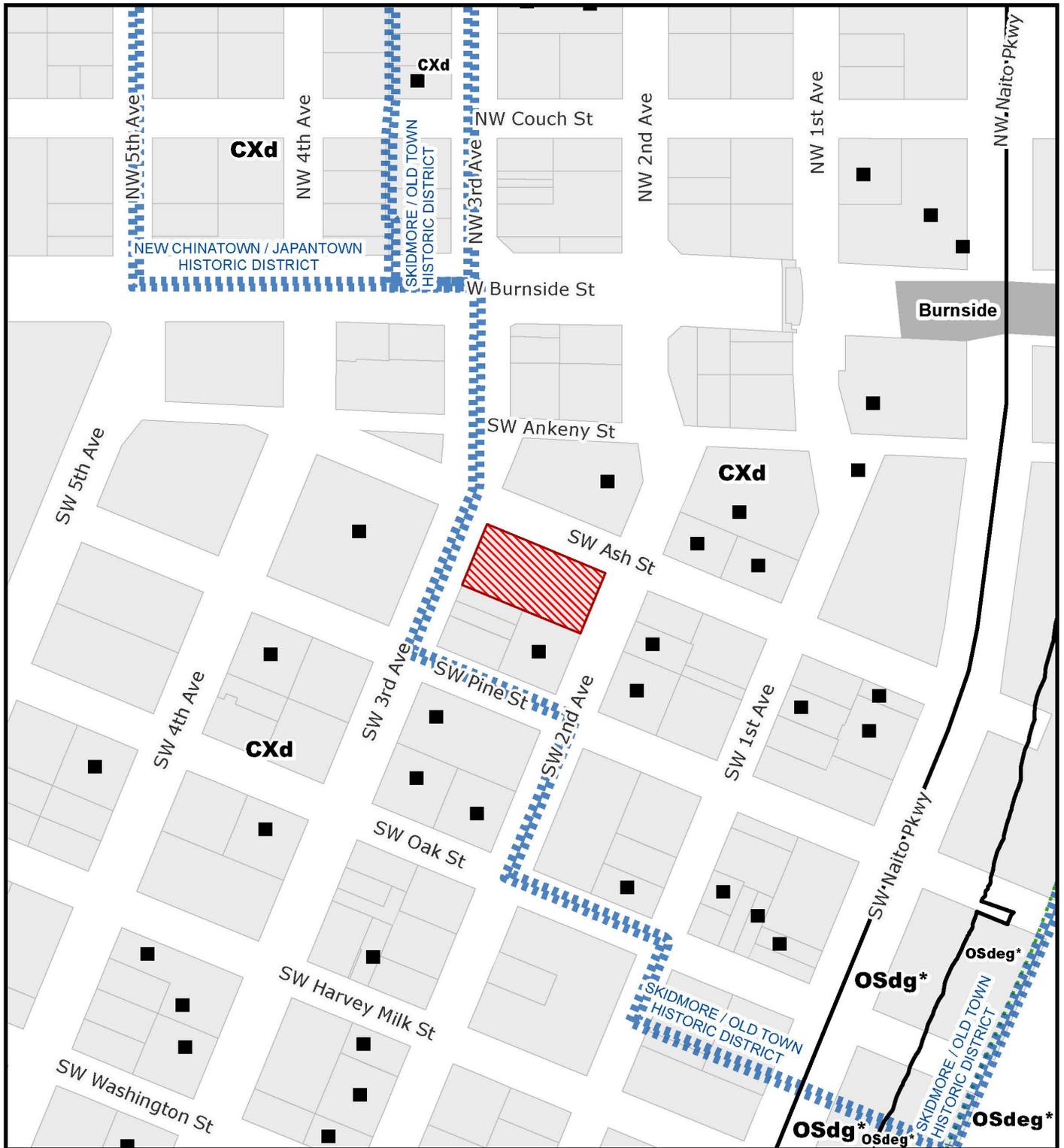
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Applicant's Statement
 - 2. Bicycle Rack Cut Sheets
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Roof Plan (attached)
 - 2. Long Term Bike Parking Layouts Levels 01 and P1 (attached)
 - 3. Long Term Bike Parking Layouts Levels 02 and 03-06 (attached)
 - 4. Typical In-Unit Bike Parking
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: None received
- F. Correspondence: None received
- G. Other:
 - 1. Original LU Application

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



THIS SITE LIES WITHIN THE:
 CENTRAL CITY PLAN DISTRICT
 OLD TOWN / CHINATOWN SUBDISTRICT
 SKIDMORE / OLD TOWN HISTORIC DISTRICT

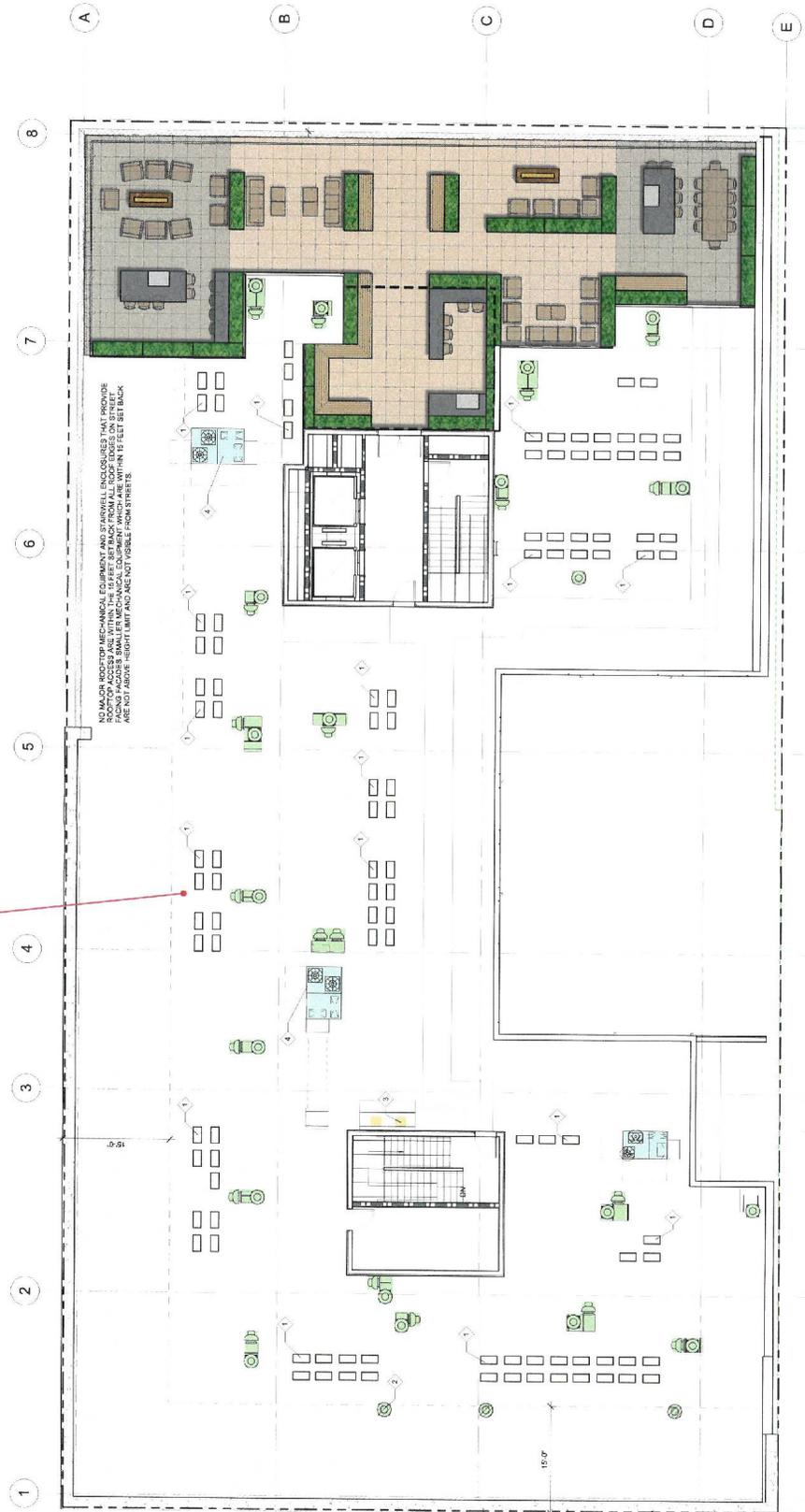
-  Site
-  Historic Landmark
-  Bridge
-  Recreational Trails

File No.	LU 18-272146 HRM
1/4 Section	3029
Scale	1 inch = 200 feet
State ID	1N1E34CD 2400
Exhibit	B Dec 04, 2018

MECHANICAL UNITS LEGEND

- ① SPLIT UNIT UNIT HEIGHT: 39"
- ② EXHAUST FAN UNIT HEIGHT: 34"
- ③ FUTURE GREASE EXHAUST FAN UNIT HEIGHT: 20"
- ④ HVAC UNIT UNIT HEIGHT: 49"

NOTE: NO MAJOR ROOFTOP MECHANICAL EQUIPMENT AND STAIRWELL ENCLOSURES THAT PROVIDE ROOFTOP ACCESS ARE WITHIN THE 15 FEET SET BACK FROM ALL ROOF EDGES ON STREET FACING FACADES. SMALLER MECHANICAL EQUIPMENT WHICH ARE WITHIN 15 FEET SET BACK ARE NOT ABOVE HEIGHT LIMIT AND ARE NOT VISIBLE FROM STREETS. REQUIRED CLEARANCE AROUND ROOFTOP UNITS



Approved
 City of Portland - Bureau of Development Services
 Planner: [Signature] Date: 11/15/2019
 * This approval applies only to the reviews requested and is subject to all City of Portland rules and regulations. Additional zoning requirements may apply.

DETAILED ROOF PLAN



LA 18 - 272146 HRM

BIKE PARKING SUMMARY

LONG TERM BIKE PARKING REQUIRED	
Commercial	1 Bike
Residential	200 Bikes
Total Required	201 Bikes

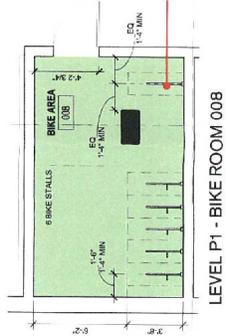
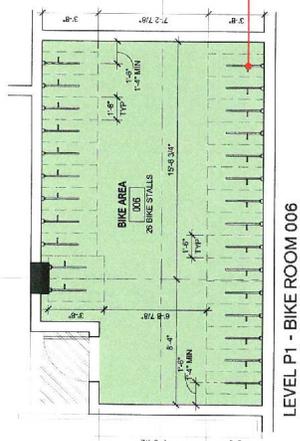
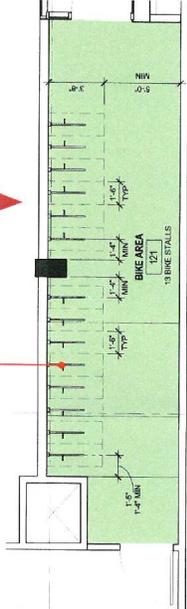
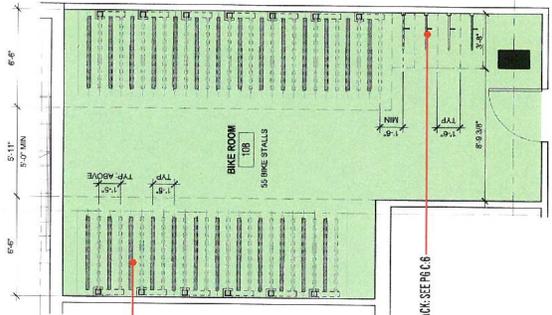
LONG TERM BIKE PARKING PROVIDED	
Commercial	1 Bike
Residential	200 Bikes
Total Provided	201 Bikes

*79 Provided In-Unit

Approved
 City of Portland - Bureau of Development Services

Planner [Signature] Date 11/15/2019

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



LEVEL 01

LEVEL P1

LONG TERM BIKE PARKING

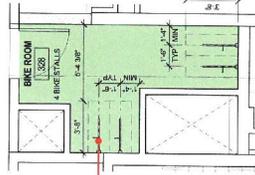
BIKE PARKING SUMMARY

LEVEL 03-06



IN-UNIT BIKE RACK, SEE PG. 65

VERTICAL BIKE RACK, SEE PG. 65



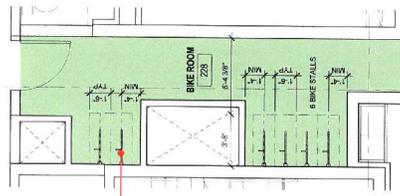
LEVEL 03-06 - BIKE ROOM X28

LEVEL 02



IN-UNIT BIKE RACK, SEE PG. 65

VERTICAL BIKE RACK, SEE PG. 65



LEVEL 02 - BIKE ROOM 228

Approved
 City of Portland - Bureau of Development Services
 Planner: *[Signature]* Date: 1/15/2019
 * This report applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LONG TERM BIKE PARKING

LA 18-27911-010M