



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

Ted Wheeler, Mayor  
Rebecca Esau, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** April 18, 2019  
**To:** Interested Person  
**From:** Megan Sita Walker, Land Use Services  
503-823-7294 / [MeganSita.Walker@portlandoregon.gov](mailto:MeganSita.Walker@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 19-101889 HR – ALTERATIONS**

#### **GENERAL INFORMATION**

**Applicant:** Rand Pinson | Waechter Architecture  
3928 N Williams Avenue  
Portland, OR 97227  
[rand@waechterarchitecture.com](mailto:rand@waechterarchitecture.com)

**Owner:** 13<sup>th</sup> Street Lofts LLC  
1305 NW Davis Street, Suite 3400  
Portland, OR 97201

**Party of Interest:** Nathan Arnold | Faster Permits  
2000 SW 1<sup>st</sup> Avenue, Suite 420  
Portland, OR 97201

**Site Address:** **239 NW 13<sup>th</sup> Avenue**

**Legal Description:** BLOCK 91 LOT 5&8, COUCHS ADD  
**Tax Account No.:** R180208310  
**State ID No.:** 1N1E33DA 03300  
**Quarter Section:** 3028

**Neighborhood:** Pearl District, contact [planning@pearldistrict.org](mailto:planning@pearldistrict.org).  
**Business District:** Pearl District Business Association, contact at [info@explorethepearl.com](mailto:info@explorethepearl.com)

**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Plan District:** Central City - Pearl District  
**Other Designations:** Contributing Resource in the NW 13<sup>th</sup> Avenue Historic District  
**Zoning:** **EXd** – Central Employment with Historic Resource Protection and Design Overlays

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

**Proposal:**

The applicant is seeking Historic Resource Review approval for alterations to a contributing resource in the NW 13<sup>th</sup> Avenue Historic District. Proposed alterations include:

- a new metal canopy over the existing loading dock;
- stairs at the loading dock corner;
- new railing along the loading dock edge;
- new wood storefront or infill in 5 of the 6 bays along NW 13<sup>th</sup> Avenue;
- new exterior lighting fixtures centered on the pilasters along NW Everett;
- two (2) 3.36 SF internally illuminated blade signs; and
- removal of fire escape ladders, retention of platforms.

Historic Resource Review is required for non-exempt exterior alterations in the NW 13<sup>th</sup> Avenue 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:

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>■ Central City Fundamental Design Guidelines</li> </ul> | <ul style="list-style-type: none"> <li>■ NW 13<sup>th</sup> Avenue Historic District Design Guidelines</li> <li>■ Oregon Statewide Planning Goals</li> </ul> |
|--|--|

**ANALYSIS**

**Site and Vicinity:** The 100-foot by 100-foot site is located on the northeast quarter of the block bound by NW Davis and NW Everett Streets, and NW 13<sup>th</sup> Avenue and NW 14<sup>th</sup> Avenues.

The Kerr Building is a contributing building within the NW 13<sup>th</sup> Avenue Historic District. The three-story building was constructed in 1921 by Strong and McNaughton, the same architects that designed the Wadhams and Kerr Bros. Building, located to the south of the site. The two buildings also share the same brick cladding and a loading dock spanning the east elevation.

The NW 13<sup>th</sup> Avenue Historic District is significant as a concentration of early-to-mid twentieth century warehouse and manufacturing buildings that developed along a railroad spur occupying the district's namesake right-of-way. The spur was installed in stages between 1906 and 1908 and the contributing buildings in the district date from then to the early post World War II era. Loading doors and docks are prominent features of buildings adjacent to Northwest 13<sup>th</sup> Avenue, the spine of the district. Since the late 1980s, the area has undergone a steady transformation to a residential and retail business district.

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

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 Downtown Subdistrict of this plan district.

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

**LU 16-184915 HR** Approval of three new HVAC condensing units on the rooftop.

**LUR 05-178032 HDZ** Approval of new wood storefront at four bays in the southern building, and of new metal storefront at one bay in the northern building (subject site). Also, approval for added stairs, ramp, and railings at the loading docks, and of the replacement of an existing metal canopy with a new glass and metal canopy.

**LUR 95-00220 DZ** Approval of a proposal to replace an overhead door with storefront.

**DZ 7-86** and **DZ 84-87** Approval of a rooftop vent and windows and a storefront remodel (respectively) in 1986 and 1987.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **March 5, 2019**. The following Bureaus have responded with no issues or concerns:

- Fire Bureau (See Exhibit E-1)
- Life Safety Division of BDS (See Exhibit E-2)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on March 5, 2019. 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 33.846.060 - Historic Resource Review**

#### **Purpose of Historic Resource Review**

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

#### **Historic Resource Review Approval Criteria**

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

**Findings:** The site is located within the NW 13th Avenue Historic District and the proposal is for a non-exempt treatment. Therefore Historic Resource Review approval is required. The approval criteria are the *NW 13<sup>th</sup> Avenue Historic District Design Guidelines* and the *Central City Fundamental Design Guidelines*.

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

### **NW 13<sup>th</sup> Avenue Historic District Design Guidelines**

#### **Guidelines for Exterior Remodeling Historic NW 13<sup>th</sup> Avenue District**

- 1. Visual Integrity of Structure.** The vertical lines of columns and piers, and the horizontal definition of spandrels and cornices, and other primary structural elements should be maintained. Such structural lines should be restored if previous alterations have substantially changed them.

**2. Scale and Proportion.** The scale and proportion of altered or added building elements, and the relationship of voids to solids (that is, the relationship of doors and windows to walls and column elements) should be visually compatible with the traditional architectural character of the historic district. Avoid blank walls on street elevations, especially on ground floors, unless there is a historic precedent for the blank wall.

**3. Exterior Building Materials.** Most of the buildings within the NW 13th Avenue Historic District were constructed of bearing wall brick masonry (left exposed or covered with plaster), or stone. This feature gives the area much of its textural surface character. Surfaces should be treated, repaired, and maintained in a manner which respects this character.

- a. Walls.** Wall materials within the District maintain a fairly uniform surface texture, but are articulated through columns, piers, and surface ornamentation. Bricks, stone and plaster are the predominant materials. Original building materials should be preserved wherever possible. Cleaning and/or repainting of masonry is preferred over replacement. If masonry has to be replaced, it should be done with original or new masonry of matching color, texture, size and coursing. Mortar color should match the color and joint configuration of the existing masonry wall.

Plastered surfaces should be cleaned, repaired with a similar plaster texture, and repainted. Avoid exposing brick to the weather by removing finish plaster, as this will speed deterioration of the brick. Artificial and/or inappropriate coverings, such as metal, plastic, or wood sidings, should not be applied to masonry surfaces.

- b. Storefronts, Doors, and Windows.** The shape, size, placement and trim of storefront openings are a key element in establishing the character of a building. Where original storefronts remain, they should be preserved and repaired. Where covered with other materials, the latter materials should be removed to determine the condition of the original materials.

Storefronts requiring new materials may include a wide variety of replacement systems. Building Codes require non-combustible materials (steel, aluminum, etc.), but wood systems may be acceptable provided other means of fire protection are installed. Wood systems should be painted.

New window and door openings should maintain a similar horizontal and vertical relationship as the originals. Traditionally, ground floor window systems vary in the District — some buildings feature multi-paned wood or metal industrial casement windows. Other buildings feature large storefront panes with smaller transom panes above. Still others feature ground floor systems similar to upper floor systems, typically double-hung, one-over-one, wood sash windows.

Clear glass should be used instead of tinted glass. Original hardware should be maintained wherever possible. If not, new hardware should be in keeping with original designs.

- c. Loading Docks, Overhead Doors, and Canopies.** Many of the buildings along NW 13th Avenue have concrete or wood loading docks projecting into the street, with canopies above and roll-up doors adjacent to the loading space. These features are among the most distinctive features in the District, and should be retained even where loading operations have been discontinued. New docks are also encouraged, to a maximum projection of 11 feet.

**Findings for 1, 2, and 3:** The approval criteria listed above are met in the following ways:

- The proposed replacement storefront increases glazing along the building's dock frontage while maintaining the integrity of primary structural elements

As such, the building continues to be compatible with the traditional architectural character of the historic district.

- The proposed painted stucco retains the texture of the existing condition.
- The proportions and detailing of the replacement storefront are similar and therefore compatible with the subject building and the district.

*These criteria are met.*

- 4. Rear and Side Walls and Roofs.** Generally, the issues which apply to the fronts of buildings also, apply to rear and side walls. Masonry surfaces should be repaired as necessary. Historic elements on rear or side walls, such as old painted wall signs, and historic roof top features, such as water towers, should be retained where practicable. New openings are allowed in rear or side walls, but should be a consistent system (as opposed to random placement) which doesn't detract from primary elevations.

**Findings:** No alterations to rear or side walls are proposed, and no historic roof top features remain.

*This criterion is not applicable.*

- 5. Color.** As has been noted, all of the buildings in the NW 13th Avenue Historic District are masonry clad. Most of these structures have never been painted (except for decorative details and wood systems); but several of the buildings were painted, either originally or at a later date.

Painting of masonry, which has never been painted, is discouraged. Removal of paint to reveal originally exposed surfaces is encouraged. Paint removal should be done as gently as possible, i.e., **not by sandblasting**.

When repainting surfaces which were traditionally painted (window systems or some decorative masonry details), effort should be made to determine the original color by scraping a chip from the existing surface. If the original color cannot be determined, or a new color is desired, the new color should be compatible with the rest of the building facade.

**Findings:** The proposal includes painting of previously painted surfaces (stucco and concrete) and does not include painting of brick. The proposed steel canopy, and railings will have a factory-applied finish.

*This criterion is met.*

- 6. Signs.** There is a tradition in the NW 13th Avenue Historic District of painting large signs on the walls (usually on non-street elevations) of warehouse structures. These historic painted wall signs should be retained where practical.

New signs on the principal (i.e., street) elevations of new or existing buildings should be restrained and should not be a dominant facade feature. Lettering painted on windows, and signs located inside buildings are appropriate; moreover, these types of signs do not require review. Other appropriate design types include indirectly lit letters mounted on spandrels above the storefront, or signs on an entry awning. Contemporary plastic, backlit signs are discouraged. Signs should be mounted so as to minimally damage any historic surface to which they are attached.

**Findings:** The two (2) proposed illuminated blade signs are pedestrian-oriented, well placed adjacent to building entries, employ quality materials, are well detailed, and are mounted at mortar joints to limit impact on historic material.

*This criterion is met.*

## **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.

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

**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.

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

**Findings for A2, A5, A6, C1, and C4:** The proposal includes improvements to the existing dock and dock frontage of the building as well as lighting and signage. The approval criteria listed above are met in the following ways:

- The proposed alterations support the dock and dock frontage of the building which is a unique building element in this area. As such the proposal builds on the area's character and supports special features. Other elements of the proposal such as the proposed blade signs are appropriately placed and sized, and well detailed which also supports the pedestrian orientation of the area.
- The proposed new storefront along the dock frontage increases the opportunity for views into and out of the building.
- The proposed alterations respect the existing fabric of the building and complement the local design vocabulary.

*These criteria are met.*

**A4. Use Unifying Elements.** Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

**A7. Establish and Maintain a Sense of Urban Enclosure.** Define public rights-of-way by creating and maintaining a sense of urban enclosure.

**A8. Contribute to a Vibrant Streetscape.** Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

**B1. Reinforce and Enhance the Pedestrian System.** Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

**B2. Protect the Pedestrian.** Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

**B3. Bridge Pedestrian Obstacles.** Bridge across barriers and obstacles to pedestrian movement by connecting the pedestrian system with innovative, well-marked crossings and consistent sidewalk designs.

**B4. Provide Stopping and Viewing Places.** Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.

**B6. Develop Weather Protection.** Develop integrated weather protection systems at the sidewalk-level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection, and sunlight on the pedestrian environment.

**B7. Integrate Barrier-Free Design.** Integrate access systems for all people with the building's overall design concept.

**Findings for A4, A7, A8, B1, B2, B3, B4, B6, and B7:** The proposal establishes and maintains a sense of urban enclosure by supporting the dock condition along NW 13<sup>th</sup> Avenue. The removal of fabric awnings and the installation of a new steel canopy over the dock reinforces the pedestrian system, increases continuous pedestrian weather protection, and emphasizes the dock as a unifying element in the district. The proposed replacement storefront and entry door along NW 13<sup>th</sup> increase views into and out of the building which increases opportunity for connections and contributes to a vibrant streetscape.

*These criteria are met.*

**C6. Develop Transitions between Buildings and Public Spaces.** Develop transitions between private development and public open space. Use site design features such as movement zones, landscape elements, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

**C7. Design Corners that Build Active Intersections.** Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.

**C8. Differentiate the Sidewalk-Level of Buildings.** Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.

**C9. Develop Flexible Sidewalk-Level Spaces.** Develop flexible spaces at the sidewalk-level of buildings to accommodate a variety of active uses.

**C10. Integrate Encroachments.** Size and place encroachments in the public right-of-way to visually and physically enhance the pedestrian environment. Locate permitted skybridges toward the middle of the block, and where they will be physically unobtrusive. Design skybridges to be visually level and transparent.

**Findings for C6, C7, C8, C9, and C10:** The approval criteria listed above are met in the following ways:

- The proposed alterations support the existing dock and dock frontage which serves as a transition area between the building the street.
- The dock condition with additional glazing and doors support flexible sidewalk-level spaces that accommodate a variety of active uses.
- The proposed steel canopy and storefront serve to differentiate the sidewalk-level of the building.
- The proposed stairs at the end of the existing dock and the proposed railings and canopy help to enhance the pedestrian environment.

*These criteria are met.*

**C11. Integrate Roofs and Use Rooftops.** Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

**Findings:** The proposed rooftop mechanical units include: three (3) proposed replacement units and the one (1) proposed new unit. All proposed mechanical is consolidated near the center of the roof, setback from adjacent rights-of-way. As such, the placement is coherent and does not adversely impact the design or integrity of the building.

*This criterion is met.*

**C12. Integrate Exterior Lighting.** Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.

**C13. Integrate Signs.** Integrate signs and their associated structural components with the building's overall design concept. Size, place, design, and light signs to not dominate the skyline. Signs should have only a minimal presence in the Portland skyline.

**Findings for C12 and C13:** The proposed lighting is appropriately placed at column centerlines. The two (2) blade signs are pedestrian oriented and appropriately placed adjacent to building entries.

*These criteria are met.*

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

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

**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 C2, C3, and C5:** The proposal utilizes high quality materials and detailing that respects the integrity of the building while forming a coherent composition.

*These criteria 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 IIX land use decisions if appealed. 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. *Staff finds the proposal is consistent with Goal 5.*

### **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. *Staff finds the proposal is consistent with Goal 6.*

### **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 or to land zoned for residential use, 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.*

## 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 proposed alterations retain the integrity of the resource and form a coherent composition. 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 therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of alterations to a contributing resource in the 13<sup>th</sup> Avenue Historic District also in the Pearl Subdistrict of the Central City Plan District, to include the following:

- a new metal canopy over the existing loading dock;
- stairs at the loading dock corner;
- new railing along the loading dock edge;
- new wood storefront or infill in 5 of the 6 bays along NW 13<sup>th</sup> Avenue;
- new exterior lighting fixtures centered on the pilasters along NW Everett;
- two (2) 3.36 SF internally illuminated blade signs; and
- removal of fire escape ladders, retention of platforms.

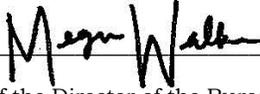
Approved per Exhibits C-1 through C-14, signed and dated April 16, 2019, subject to the following conditions:

- 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 19-101889 HR." 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: Megan Sita Walker**

**Decision rendered by:**  on **April 15, 2019**

By authority of the Director of the Bureau of Development Services

**Decision mailed: April 18, 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 January 4, 2019, and was determined to be complete on February 28, 2019.

*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 January 4, 2019.

*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 extended by the applicant, **the 120 days will expire on: June 28, 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 May 2, 2019** 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 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 on or after **May 3, 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:

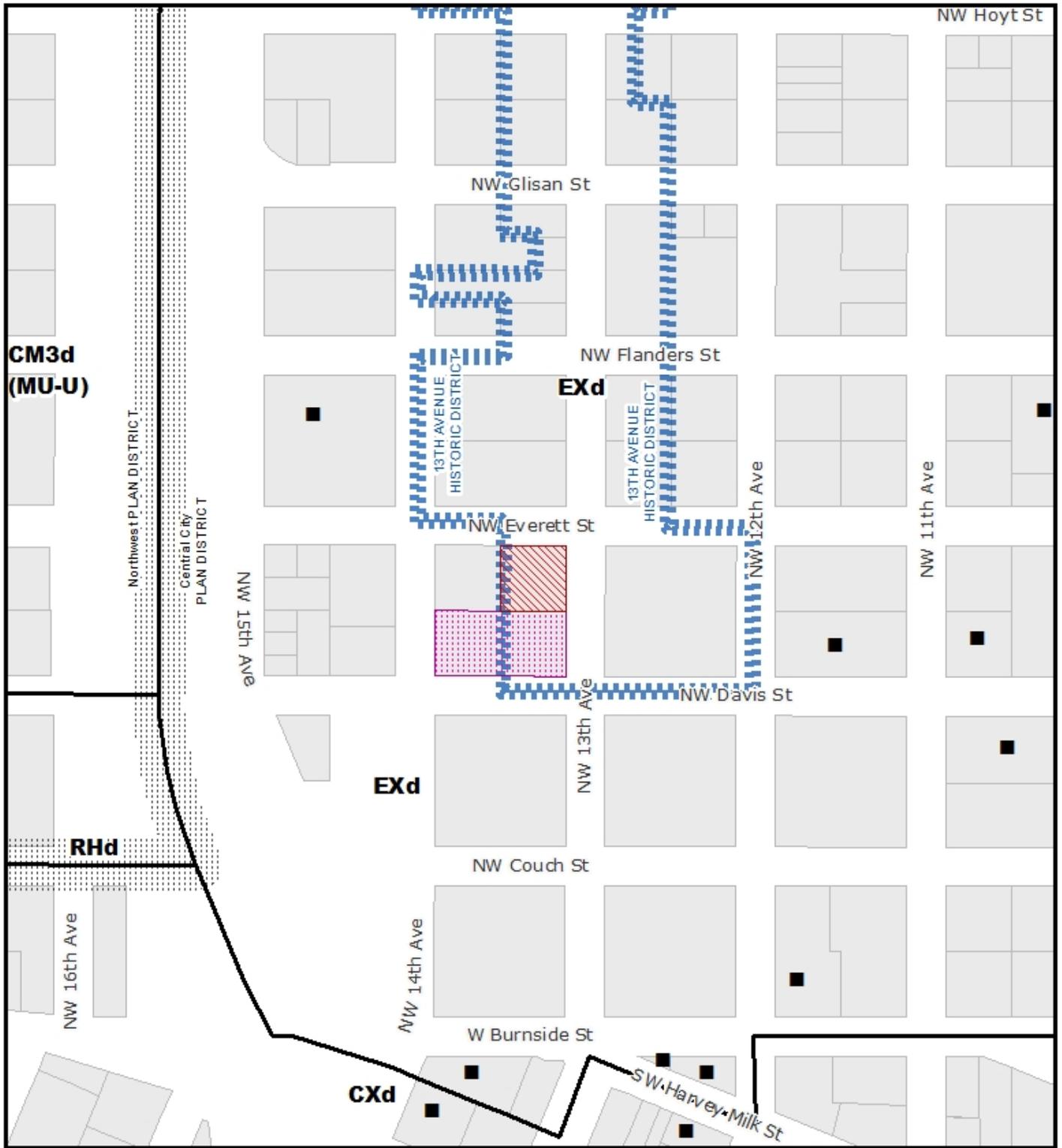
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
  - 1. Original Project Description & Response to Approval Criteria
  - 2. Original Drawing Set – Not Approved/ For Reference Only
  - 3. Revised Drawings, Rec'd February 28, 2019
  - 4. Updated Title, Rec'd April 11, 2019
  - 5. Email Confirming Fire Escape Platforms to Remain, Rec'd April 16, 2019
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Roof Plan (attached)
  - 3. Existing North Elevation - Demolition
  - 4. Existing East Elevation
  - 5. Existing East Elevation - Demolition
  - 6. Proposed East Elevation (attached)
  - 7. Proposed North Elevation (attached)
  - 8. Details – Canopy
  - 9. Canopy Plan
  - 10. Details – Canopy and Railing
  - 11. Details – Signage
  - 12. Details – Door
  - 13. Details - Storefront
  - 14. Specifications - Mechanical
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life safety Division of BDS
  - 2. Fire Bureau
- F. Correspondence: none
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter, January 18, 2018

**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  
 PEARL SUBDISTRICT  
 13TH AVENUE HISTORIC DISTRICT

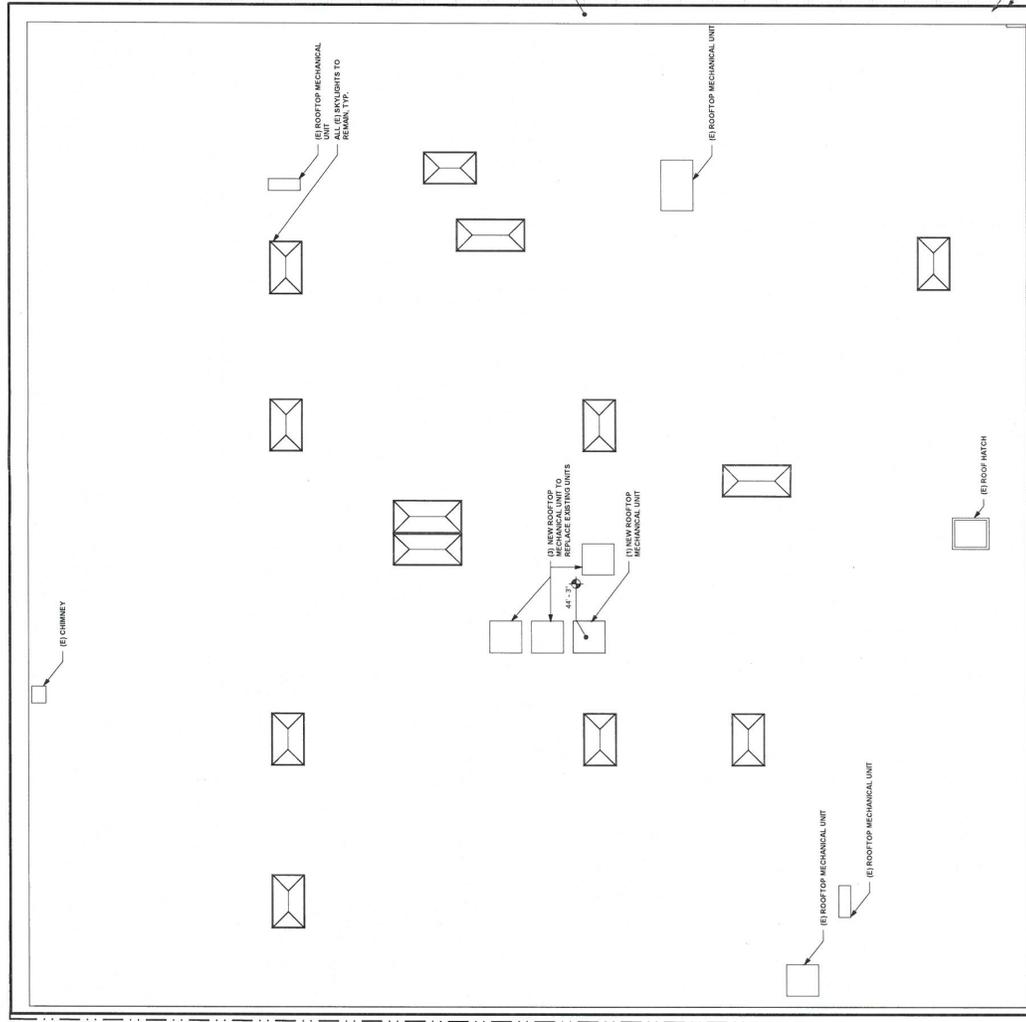
-  Site
-  Also Owned Parcels
-  Historic Landmark

File No.	LU 19-101889 HR
1/4 Section	3028
Scale	1 inch = 200 feet
State ID	1N1E33DA 3300
Exhibit	B Jan 08, 2019



NW EVERETT STREET

13TH STREET



Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner *[Signature]*  
 Date 4.16.19

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

NEW CONCRETE BELOW  
 PROPERTY LINE  
 (E) PARAPET CAP

SUPPLEMENTAL MATERIAL - ROOFTOP

WAECHTER ARCHITECTURE

EX-C-2  
 LV 19-101889 HR

\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner [Signature]  
 Date 4.16.17  
 \* This approval applies only to the review requested and is subject to all conditions of approval.  
 Additional zoning requirements may apply.



