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

Date: December 12, 2019

To: Interested Person

From: Staci Monroe, Land Use Services
503-823-0624 / staci.monroe@portlandoregon.gov

REVISED 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.

This is a revised decision to reflect minor changes to the original approval, which was mailed on 8/1/19. See the revisions summarized in Proposal section below (italics). It should be noted that no change to the original findings occurred.

CASE FILE NUMBER: LU 19-176258 DZ

FOUNTAIN PLACE APARTMENTS EXTERIOR ALTERATIONS

GENERAL INFORMATION

Applicant: Halla Hoffer | Peter Meijer Architect, PC | hallah@pmapdx.com
605 NE 21st Ave Suite 200 | Portland, OR 97232

Owner: Patrick Rhea | Home Forward | patrick.rhea@homeforward.org
135 SW Ash Street | Portland, OR 97204

Site Address: 935 SW SALMON STREET

Legal Description: BLOCK 220 LOT 5&6, PORTLAND
Tax Account No.: R667723560
State ID No.: 1S1E04AA 01600
Quarter Section: 3128

Neighborhood: Portland Downtown, contact Wendy Rahm at wwrahm@aol.com
Business District: Downtown Retail Council, contact at 503-224-8684 or lfrisch@portlandalliance.com
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - West End
Other Designations: Historic Resource Inventory
Zoning: RXd – Central Residential Zone with a Design Overlay
Case Type: DZ – Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:
The applicant requests Design Review approval for exterior alterations to the Fountain Place Apartments in the West End of the Central City Plan District. The proposed alterations to the 5-story brick apartment building constructed in 1911 and on the Historic Resource Inventory include:

- Remove the existing elevator penthouse and install a new one west of the current location.
- On the north elevation:
  - Add a new brass scuppers to the downspouts up near top of the building.
  - *Replace an overhead coiling door with a metal egress door on the ground level.*
  - *Remove a window on the ground floor and enlarge the opening for a metal door with louvers for ventilation.*
  - *Revise an existing window opening on the ground floor by replacing the glazing with a new wood panel and integrated fitting to accommodate an existing pipe.*
  - *Remove an existing metal door and infill the opening with stucco finish. Add a 12"x12" vent directly above the opening to be infilled.*
  - *Add a light fixture near egress doors.*
- *On the east elevation:*
  - *Add a 12"x12" vent for bathroom exhaust just above the ground level.*
- Structural bracing of the parapet and the brick veneer above the entrances.
- *Relocate an existing fence 3' back from the property line at the northeast corner of the building.*

These above elements require Design Review as they are considered exterior alterations per 33.420.041.B and do not meet the exemptions of 33.420.045. The project also includes other work that is not subject to Design Review per Sections 33.420.045.B & N including:

- Removing two existing roof hatches and replacing *one of them*
- Painting the back side of existing windows on a single column of windows on the north façade.

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

ANALYSIS

Site and Vicinity: Fountain Place Apartments is located at the NE corner of intersection of SW 10th & Salmon in the West End sub district of Central City. The building occupies a 100'x100' quarter-block. The 6-story, U-shaped building is comprised of brick. The exterior alterations are limited to the rooftop and north elevation facing the interior lot line.

Zoning: The Central Residential (RX) zone is a high-density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of housing development will be medium and high rise apartments and condominiums, often with allowed

retail, institutional, or other service oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby. RX zones will usually be applied in combination with the Central City plan district.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The Central City Plan District implements the Central City 2035 Plan. The regulations address the unique role the Central City plays as the region's premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river. The site is within the West End Subdistrict of this plan district.

Land Use History: City records indicate the following prior land use review for this site:
- LUR 94-00152 DZ – Design Review approval to replace two windows with an overhead door.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **June 28, 2019**. The following Bureaus have responded with no issues or concerns:
- Fire Bureau (see Exhibit E.1)
- Site Development Section of BDS (see Exhibit E.2)
- Plan Review Section of BDS (see Exhibit E.3)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 28, 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 33.825 Design Review
Section 33.825.010 Purpose of Design Review
Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria
A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

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

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

The Central City Fundamental Design Guidelines focus on four general categories. **(A) Portland**

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

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

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

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

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.
A5. Enhance, Embellish, and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.
A6. Reuse/Rehabilitate/Restore Buildings. Where practical, reuse, rehabilitate, and restore buildings and/or building elements.
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.
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.
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 A4, A5, A6, B2, C2, C3, C5 and C11:

- Minimal exterior changes are proposed, the majority of which will not be visible from the right-of-way. Alterations at the roof level (penthouse removal, new penthouse, seismic bracing) are low and will not be visible from the street level. At the ground level, the alterations are limited to the north and east façades of the building – not

along the right-of-way. The primary street facades of the structure will remain unaltered.

- Almost all of the existing materials are retained under the proposed scope. A single original window is proposed for removal/alteration to provide egress/ventilation to the proposed trash room. Other materials proposed for removal (overhead coiling door) are non-original and do not enhance the building's presence. The structural bracing of the parapet and brick veneer will occur on the interior surface only and will not alter either exterior finishes.
- The proposed work will be finished to match adjacent surfaces and minimize visual impact. At the roof level the new penthouse will be clad in metal panels – finish to match the roof in color. At the ground level the new doors will be finished to match the adjacent painted concrete and brick. Infilled openings with match the stucco finish and color. Altered window components will be finished to match the adjacent window frames.
- The new replacement elevator penthouse is set back a similar distance from the parapet edge (9-feet with the new configuration vs. 12-feet in the existing location), and is approximately 4-feet shorter in height than the existing overrun. The penthouse is located along the low side of the roof where the parapet is almost as high as the penthouse.
- The metal doors, louver, brass scupper, concrete/masonry infill, and metal panel cladding of the elevator penthouse (24-gauge) are all of a thickness and finish that are durable and provide a sense of permanence.

These guidelines have been 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 Type II and IIx reviews, include the following language: For this application, a written seeking comments on the proposal was mailed to property-owners and tenants within 150 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 400 of the site. There is also an opportunity to appeal the administrative decision at a local hearing.

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 approval of this application will enable further investment in the City's existing housing stock, the proposal is consistent with Goal 10.

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 scope of the project does not warrant review by the City's public services bureaus; Goal 11 is not applicable.

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 1*

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

ADMINISTRATIVE DECISION

Approval of exterior alterations to the Fountain Place Apartment building per the approved site plans, Exhibits C-1 through C-12, signed and dated 12/9/19, 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 19-176258 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

B. At the time of building permit submittal, a signed Certificate of Compliance form (https://www.portlandoregon.gov/bds/article/623658) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.

C. No field changes allowed.

Staff Planner: Staci Monroe

Decision rendered by: _____ **on 12/9/19**
By authority of the Director of the Bureau of Development Services

Decision mailed: 12/12/19

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 June 11, 2019 and was determined to be complete on June 25, 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 June 11, 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 waived the 120-day review period (see Exhibit G.2.) **The review period will expire on: 6/25/2020.**

Some of the information contained in this report was provided by the applicant.
As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information

satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

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

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

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on 12/26/19** 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 Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

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

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

- *Unless appealed,* the final decision will be recorded after **12/26/19** 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.

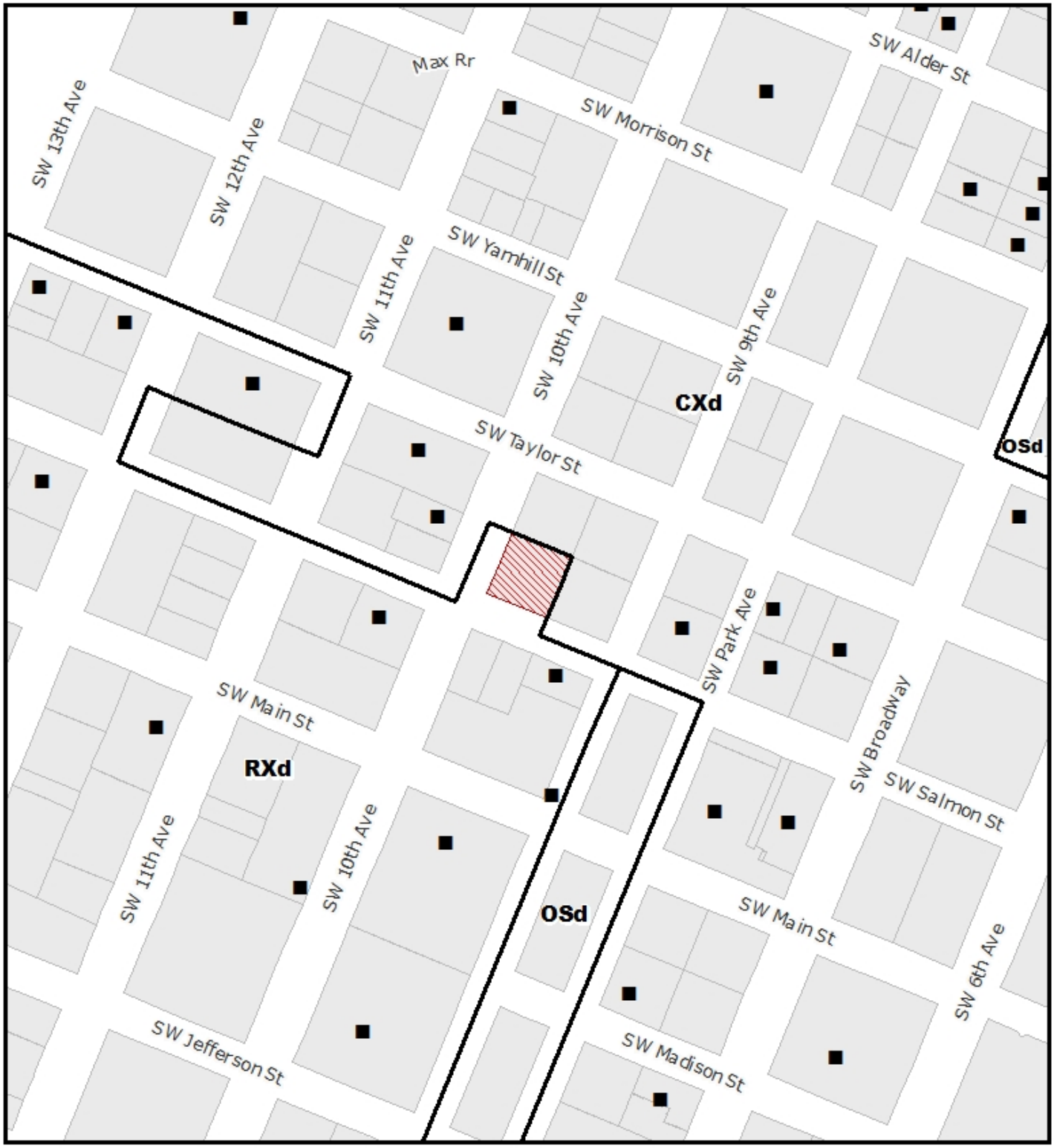
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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. Project narrative and responses to approval criteria
   2. Existing North Elevation
   3. Site Survey
   4. Revised Project narrative and responses to approval criteria
B. Zoning Map (attached)
C. Plans/Drawings:
   1. Site Plan (attached)
   2. Roof Plan (attached)
   3. Proposed North Elevation (attached)
   4. Proposed South Elevation
   5. Proposed West Elevation
   6. Proposed East Elevation
   7. Proposed Window Detail
   8. Elevator Penthouse Elevation & Detail and Parapet Bracing Detail
   9. Louver, vent detail
   10. Metal Specification Sheet
   11. Door, scupper and vent specifications
   12. Vent section detail and gate image
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses:
   1. Fire Bureau
   2. Site Development Section of BDS
   3. Plan Review Section of BDS
F. Correspondence: none
G. Other:
   1. Original LU Application
   2. 120-day extension
   3. Original exhibits approved 8/1/19
   4. Original decision for approval dated 8/1/19

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



ZONING

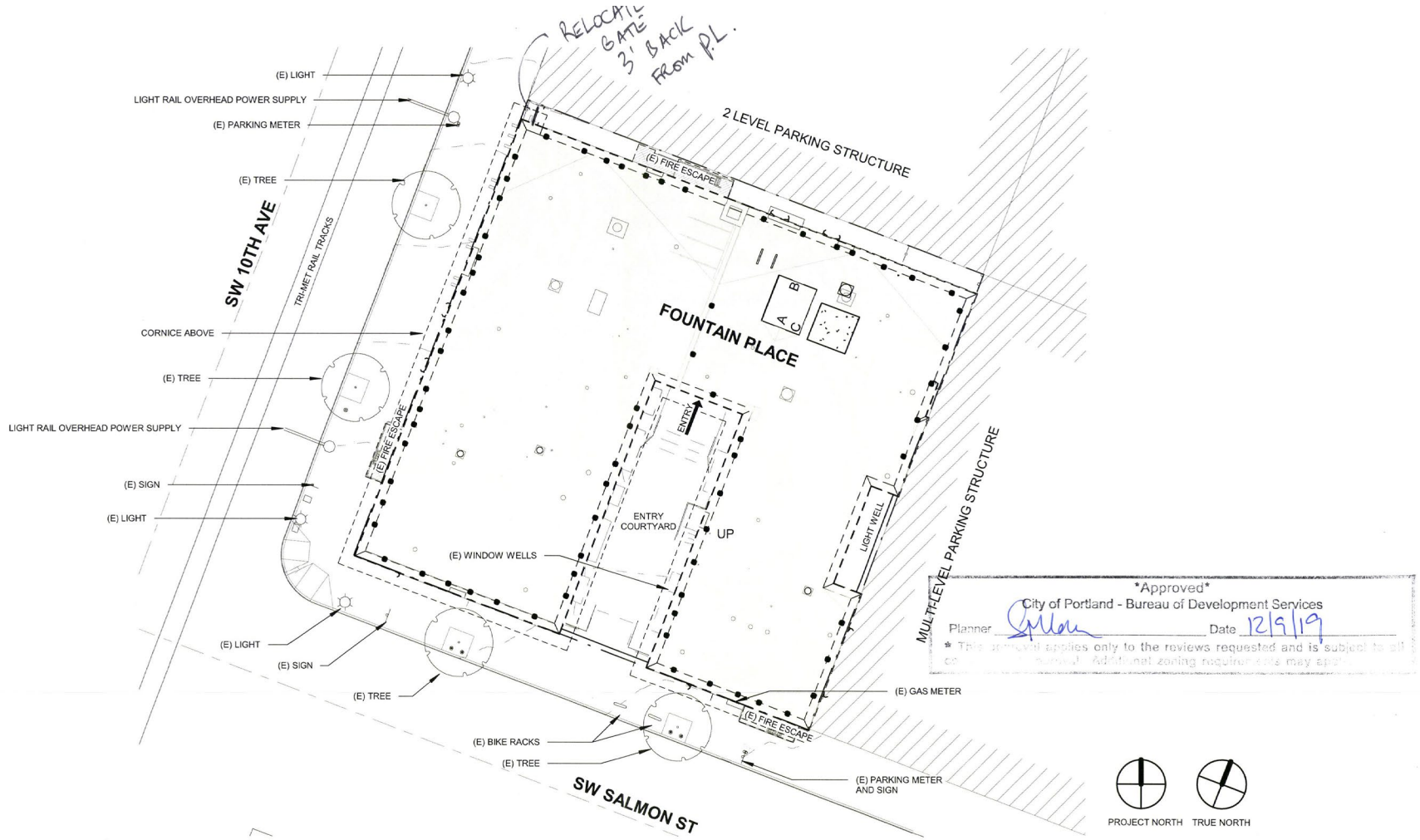
NORTH

THIS SITE LIES WITHIN THE:
CENTRAL CITY PLAN DISTRICT
WEST END SUBDISTRICT

Site

Historic Landmark

File No.	LU 19-176258 DZ
1/4 Section	3128
Scale	1 inch = 200 feet
State ID	1S1E04AA 1600
Exhibit	B Jun 14, 2019



Approved
City of Portland - Bureau of Development Services
Planner [illegible] Date 12/9/19
* This approval applies only to the reviews requested and is subject to all conditions noted. Additional zoning requirements may apply.

1 | A.1-2 LAND USE REVIEW: SITE

0' 15' 30' 45' (1" = 20'-0")

Site Plan

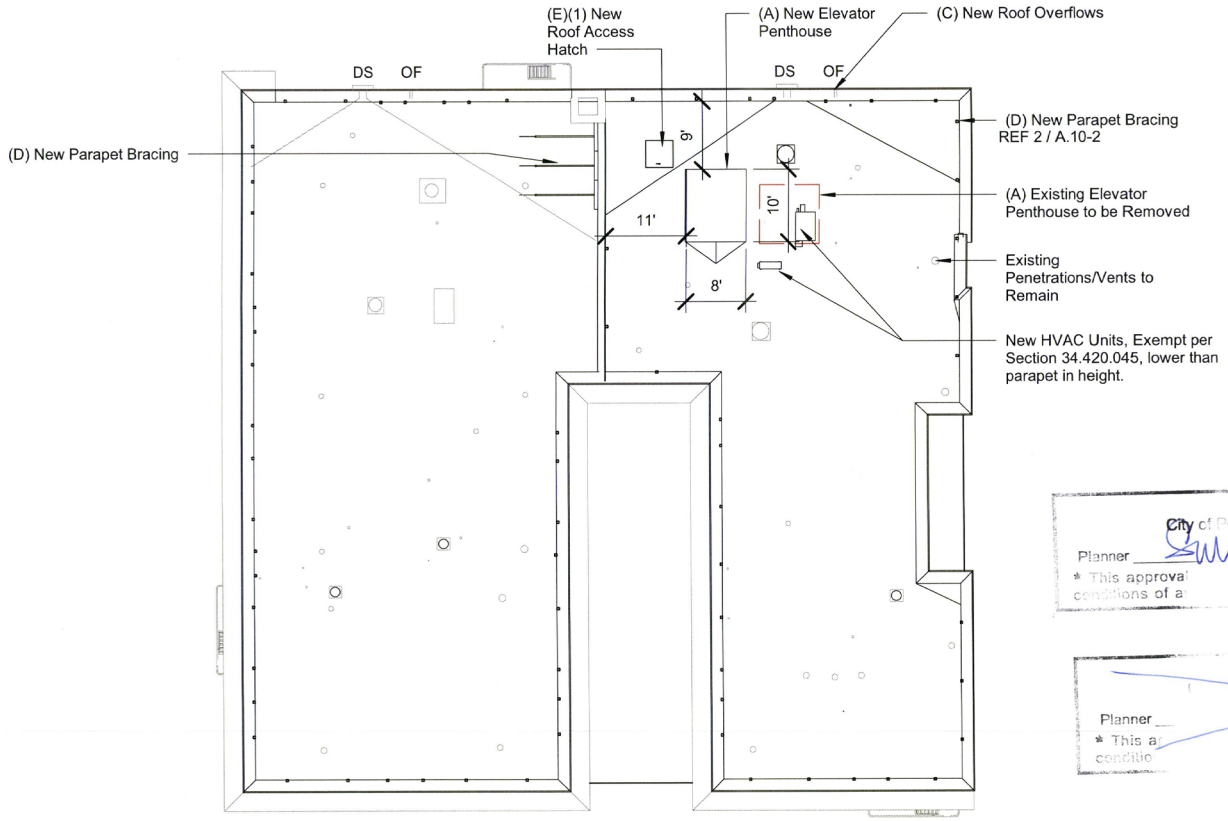
SKETCHES

Fountain Place Apartments

Peter Meijer Architect
11/20/19

A.1-2

LU 19-176258 DZ
EX. C-1



Approved
City of Portland - Bureau of Development Services
Planner _____ Date 12/9/19
* This approval ... only to the reviews requested and is subject to all conditions of a... additional zoning requirements may apply.

Approved
... - Bureau of Development Services
Planner ____ Date ____
* This ap... requested and is subject to all conditio...

1 / A.2-2 LAND USE REVIEW: ROOF

0' 12' 24' 36' (1/16" = 1'-0")

Roof Plan

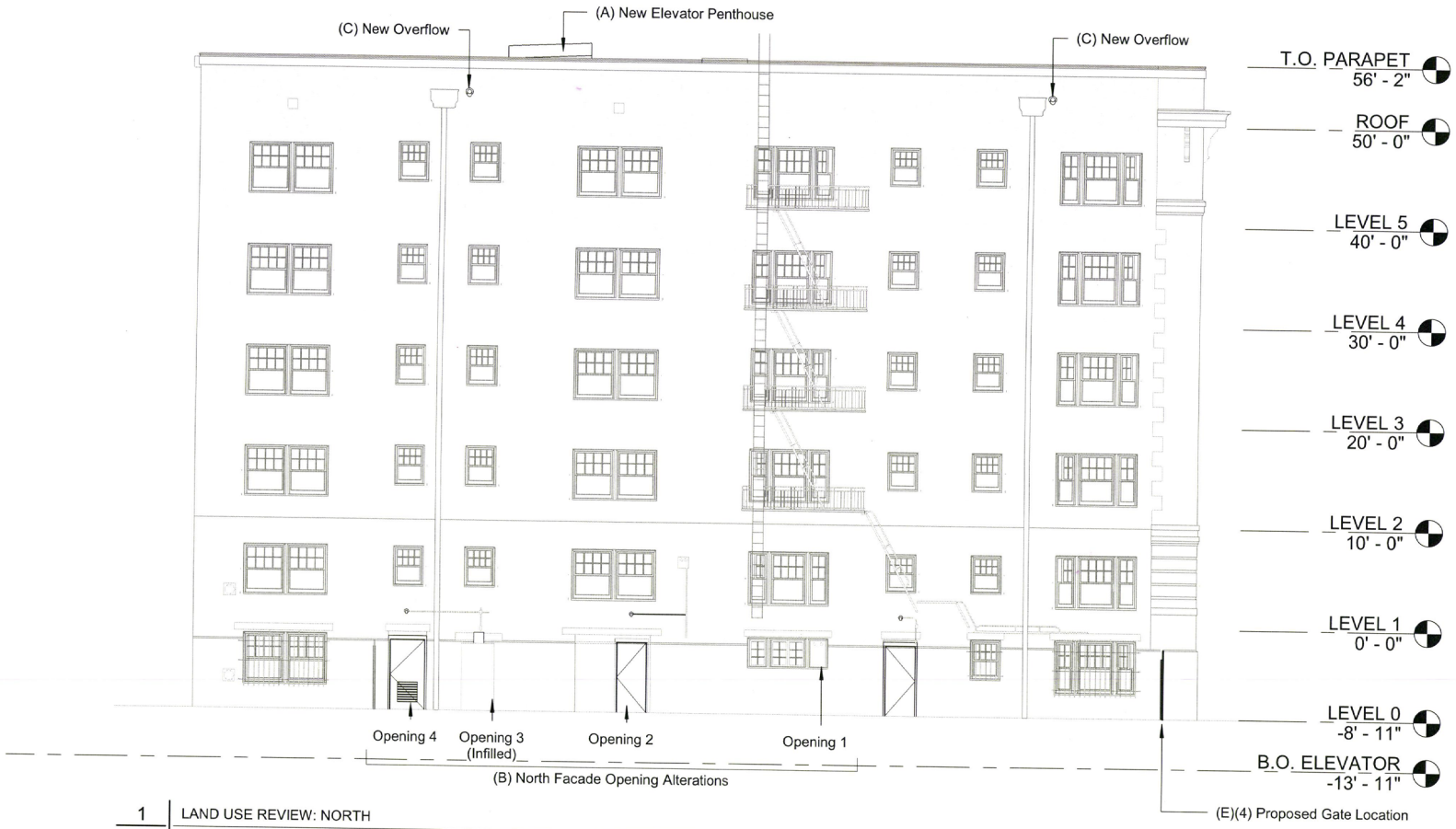
SKETCHES

Fountain Place Apartments

Peter Meijer Architect
11/20/19

A.2-2

LU 19-176258 DZ
EX.C-2



1 | LAND USE REVIEW: NORTH
A.4-2 | 0' 8' 16' 24' (3/32" = 1'-0")

Approved
City of Portland - Bureau of Development Services
Date 12/9/19
This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

SKETCHES

Fountain Place Apartments

Proposed North Elevation

Peter Meijer Architect
11/20/19

A.4-2

LU 19-176258 DZ