



## **STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION**

CASE FILE: LU 19-248595 DZ  
PC # 19-169717  
*Hoyt Commons Re-Clad*

REVIEW BY: Design Commission

WHEN: February 6, 2020; 1:30pm

WHERE: 1900 SW Fourth Ave., Room 2500B  
Portland, OR 97201

**Bureau of Development Services Staff:** Hannah Bryant 503-823-5353 /  
Hannah.Bryant@portlandoregon.gov

### **GENERAL INFORMATION**

**Applicant:** Michael Cline | RDH Building Science  
5331 SW Macadam Ave #314  
Portland, OR 97239  
(503) 902-1285

**Owner:** Hoyt Commons Condominiums Owners' Association  
333 SW 5th Ave #200  
Portland, OR 97205

**Representative:** Shane Lewis | CWD Group  
1310 NW Naito Parkway #112A  
Portland, OR 97209

**Site Address:** **618 NW 12TH AVE**

**Legal Description:** GENERAL COMMON ELEMENTS, HOYT COMMONS  
CONDOMINIUMS

**Tax Account No.:** R405820006, R405820006

**State ID No.:** 1N1E34BC 70000, 1N1E34BC 70000

**Quarter Section:** 2928

**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:** None

**Zoning:** EXd, Central Employment with a Design Overlay

**Case Type:** DZ, Design Review

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

**Proposal:**

Type III Design Review for a proposed renovation of the exterior façade above the brick base. Includes the removal of all failing EIFS, windows, doors and balcony railings and replacement with new rain screen stucco, black vinyl windows, new doors, sidelights and railings. The applicant also proposes to change the architectural expression of parapets and upper story trim. No new FAR or changes to development area are proposed. Non-exempt exterior alterations are subject to Design Review in Central City.

*Note: While repair or replacement of existing materials with comparable materials is exempt from Design Review, in this instance the applicant wants to replace failing EIFS cladding material with stucco rain screen.*

*Replacing existing vinyl windows with new vinyl windows and existing aluminum railings with new aluminum railings is exempt from review but noted in the Findings since the new color better responds to the approval criteria.*

**Relevant Approval Criteria:**

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

- *Central City Fundamental Design Guidelines*
- *River District Design Guidelines*
- *Oregon Statewide Planning Goals*

Please note: The decision adopting the July 9, 2018 code (CC2035 Plan) was appealed to the Land Use Board of Appeals (LUBA). LUBA's decision has been appealed to the Oregon Court of Appeals by multiple parties. While the particular code provisions this project relies on are not at issue in the appeal, if the courts remand CC2035, the City will revert back to the version of PCC 33.510 that was in existence before July 9, 2018 until Council is able to readopt CC2035. Please be aware of the following. As details of the remand and results of the Council's future action to the remand are unknown at this time, this land use review is being reviewed under two versions of PCC 33.510. The most recent version that went into effect on July 9, 2018, and the previous PCC 33.510 version that was in effect prior to July 9, 2018.

## ANALYSIS

**Site and Vicinity:** The subject property is a half block site located in the Pearl subdistrict of Central City. Located on the east side of NW 12<sup>th</sup> between NW Hoyt Street and NW Irving Street, the subject property shares a block with the Historic Landmark North Bank Depot Buildings. One block to the west is the Northwest 13<sup>th</sup> Avenue Historic District. One block to the east is the Portland Streetcar.

The site is located in the Pearl Bicycle District and the Northwest Triangle Pedestrian District. At this location, Northwest 12<sup>th</sup> Avenue is a City Bikeway; a Minor Emergency Response Street, and a City Walkway. NW Hoyt Street and NW Irving Street are Local Service Bikeways, Minor Emergency Response Streets, and City Walkways.

**Zoning:** The Central Employment (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 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 Pearl Subdistrict of this plan district.

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

- LU 02-008237 DZ – Design Review approval for raised planting beds adjacent to the sidewalk.

**Agency Review:** A “Notice of proposal in Your Neighborhood” was mailed **December 19, 2019**. The following Bureaus have responded with no issue or concerns:

- Bureau of Environmental Services (exhibit E.1)
- Fire Bureau (exhibit E.2)
- Life Safety Section of BDS (exhibit E.3)
- Portland Bureau of Transportation (exhibit E.4)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **December 19, 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 and River District Guidelines.

**River District Design Guidelines and Central City Fundamental Design Guidelines**

The River District is a remarkable place within the region. The area is rich with special and diverse qualities that are characteristic of Portland. Further, the River District accommodates a significant portion of the region's population growth. This area emphasizes the joy of the river, connections to it, and creates a strong sense of community. The goals frame the urban design direction for Central City and River District development.

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

**River District Design Goals**

1. Extend the river into the community to develop a functional and symbolic relationship with the Willamette River.
2. Create a community of distinct neighborhoods that accommodates a significant part of the region's residential growth.
3. Enhance the District's character and livability by fostering attractive design and activities that give comfort, convenience, safety and pleasure to all its residents and visitors.
4. Strengthen connections within River District, and to adjacent areas.

**Central City Plan Design Goals**

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.

**A5-1. Reinforce Special Areas.** Enhance the qualities that make each area distinctive within the River District, using the following "Special Area Design Guidelines" (A5-1-1 – A5-1-5).

**A5-1-1. Reinforce the Identity of the Pearl District Neighborhood.** This guideline may be accomplished by:

1. Recognizing the urban warehouse character of the Pearl District when altering existing buildings and when designing new ones.
2. Recognizing the urban warehouse character of the Pearl District within the design of the site and open spaces.
3. Designing buildings which provide a unified, monolithic tripartite composition (base/middle/top), with distinct cornice lines to acknowledge the historic building fabric.
4. Adding buildings which diversify the architectural language and palette of materials.
5. Celebrating and encouraging the concentration of art and art galleries and studios with design features that contribute to the Pearl District's "arts" ambiance. Consider features that provide connectivity and continuity such as awnings, street banners, special graphics, and streetscape color coordination, which link shops, galleries, entrances, display windows and buildings. Active ground level retail that opens onto and/or uses the sidewalk can contribute to the attraction of the "arts" concentration.

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

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

**Findings for A4, A5, A5-1, A5-1-5, A6 and C2:** The proposal is driven by a need to replace failing existing EIFS cladding on a condominium building constructed in 1996. In addition to the EIFS, windows and doors on upper stories have failed, and the result is a total re-clad of floors three and four. To ensure consistency of window and door styles, the windows and doors on floor two are also proposed to be replaced. The street level brick cladding has not failed, and therefore no street level cladding, window or door replacement is proposed.

The original EIFS cladding material was utilized to create ornate cornice details between floor three and floor four, as well as arched parapets at the projecting bays above four floor. White vinyl windows and doors and aluminum railings on third and fourth floor balconies added additional complexity to the façade. The brick cladding and black storefront windows at the street level are typical of the era and serve to reinforce a common material palette in the Pearl District. However, the upper floors currently utilize trim, parapet details and colors that do not relate to the building's base and are atypical of the District. This proposal is an opportunity to better unify the top and base of this building, as well as improve its architectural relationship with the neighborhood.

While the impetus for this proposal is to repair water damage due to failing materials, the applicant seeks to make architectural modifications that enhance the aesthetic of the building and strengthen its relationship to its Pearl District context as well. The proposal is to replace existing EIFS with a stucco rainscreen, and to eliminate fussy trim details and arched parapets.

### Parapet + Cornice

While a proposal with a level parapet and roofline may have better reflected the typical flat roof condition of the District, existing roof height variations result in slightly taller parapets at the bays than at the recessed balconies on the top floor. This precludes a level roofline expression in the proposal. The proposal includes a horizontal trim band at the lower roof height to minimize the appearance of varying roof heights. Roof heights at protruding bays remain taller than the roof heights at the recessed balcony areas. Above the horizontal trim band, a 20-gauge steel panel with shop applied Kynar finish will differentiate the taller parapet. The existing ornate cornice between the third and fourth floors is proposed to be removed, and these two floors will be treated the same without any trim to separate the volume.

### Stucco Rainscreen + Flashing

Painted stucco is commonly used throughout the Pearl District and is proposed to be employed in such a manner that its control joints and through-wall flashing are minimized. The stucco board product has an aesthetic comparable to traditional stucco, but with regular control joints and rain screen application, it is less susceptible to cracking and moisture issues. To ensure that the flashing maintains its integrity, and is not subject to denting, warping or other damage, Condition of Approval C states that all unbacked metal flashing including, but not limited to, through-wall flashing, window sills and parapet caps shall be 22-gauge metal or thicker.

### Windows

All existing white windows on the residential units are proposed to be replaced with deeply recessed black VPI vinyl windows, to match the street level storefront in color and to better reflect the warehouse character of the neighborhood. The replacement windows will have a recess of over 4" from face of glass to face of cladding. This deeper punch is due to the added thickness of rainscreen cladding and will provide shadow lines consistent with those on nearby historic buildings where windows were often recessed into concrete walls. While the replacement windows are exempt from review, the black color and deep profile will unify the building and improve its coherency.

### Railings

Existing aluminum railings are mounted to the top of low parapet walls around balconies. The proposed black powder coated aluminum replacement railings would be mounted to the back (inside face) of the parapet walls, to further reduce opportunities for moisture penetration.

The proposed materials and detailing are consistent with other recent approvals for buildings of this scale. The stucco material is utilized only on the upper two floors and is easily accessed via balconies and ladders should repair be necessary. It is warranted at this height and field inspections of other buildings do not reveal damage or deterioration over time.

*With Condition of Approval C, that all unbacked metal flashing including, but not limited to, through-wall flashing, window sills and parapet caps shall be 22-gauge metal or thicker, these guidelines are met.*

**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.

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

**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 C3, C4 and C5:** As discussed earlier, the proposal is fundamentally a re-cladding of an existing building. The condominiums within the shell are owned and occupied and proposed work must occur without displacing residents. Therefore, changes to the building massing were not part of the scope of this review. The original character of the building will not be fundamentally altered.

The only aspects of the scope that is subject to review is the replacement of all existing EIFS with a stucco rainscreen, removal of curved parapets and EIFS cornice trim. All other elements are proposed to replace existing elements of the same material and are therefore exempt from review and only described to better highlight how this proposal will better respond to guidelines than the existing material palette.

The simplified detailing and stucco cladding better reflect the warehouse character of the district than the layered cornice detailing and curved parapets on the existing structure. Utilizing black for all windows on all levels, as well as balcony railings and parapet coping serves to unite the brick-clad bottom floors with the upper floors and strengthens the coherency of the entire building.

*Therefore, these guidelines are met.*

## **Oregon Statewide Planning Goals**

### **Goal 1: Citizen Involvement**

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

**Findings:** The City of Portland maintains an extensive citizen involvement program which complies with all relevant aspects of Goal 1, including specific requirements in Zoning Code Chapter 33.730 for public notice of land use review applications that seek public comment on proposals. There are opportunities for the public to testify at a local hearing on land use proposals for Type III land use review applications, and for Type II and Type IIX land use decisions if appealed. For this application, a written notice seeking comments on the proposal and notifying of the public hearing was mailed to property-owners and tenants within 400 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 1,000 of the site. Additionally, the site was posted with a notice describing the proposal and announcing the public 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. *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. 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 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 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). *As discussed earlier in this report, PBOT evaluated this proposal and found there were no transportation-related impacts. Therefore, the proposal is consistent with Goal 12.*

### **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 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 both achieves needed repairs but also updates the aesthetic of the building and improves its architectural response to its context. The proposal meets the applicable design guidelines and therefore warrants approval.

**TENTATIVE STAFF RECOMMENDATION**

(May be revised upon receipt of new information at any time to the Design Commission decision)

Staff recommends approval of new stucco rainscreen to replace all existing EIFS on a four-story building in Central City per exhibits C.1-C.21, with the following recommended Conditions of Approval:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) 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 19-248595 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. All unbacked metal flashing including, but not limited to through-wall flashing, window sills and parapet caps shall be 22-gauge metal or thicker.
- D. No field changes allowed.

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**Procedural Information.** The application for this land use review was submitted on November 4, 2019 and was determined to be complete on December 13, 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 November 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 waived the 120-day review period, as stated with Exhibit A.2. Unless further extended by the applicant, **the 120 days will expire on: December 12, 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 recommendation of the Bureau of Development Services with input from other City and public agencies.

**This report is not a decision. The review body for this proposal is the Design Commission who will make the decision on this case.** This report is a recommendation to the Design Commission by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Design Commission will make a decision about this proposal at the hearing or will grant a continuance. Your comments to the Design Commission can be mailed, c/o the Design Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201 or faxed to 503-823-5630.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. You may review the file on this case by appointment at our office at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201. Please call the file review line at 503-823-7617 to schedule an appointment.

**Appeal of the decision.** The decision of the Design Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Design Commission, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

**Who can appeal:** You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. **Appeals must be filed within 14 days of the decision. An appeal fee of \$5000.00 will be charged.**

Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

**Recording the final decision.**

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

- *Unless appealed*, the final decision will be recorded after **February 21, 2020** 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 must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

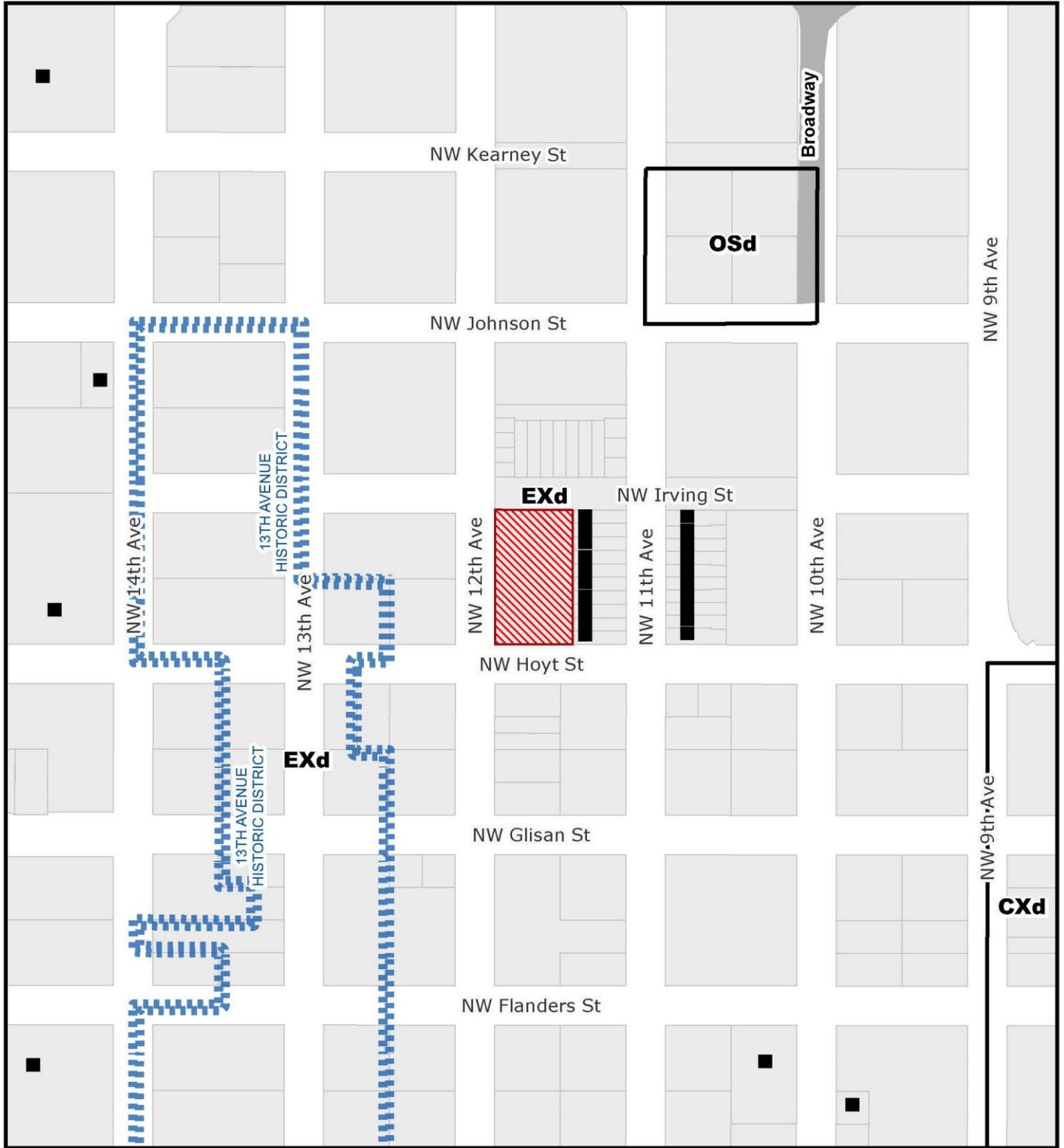
**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**

Hannah Bryant  
January 21, 2020

**EXHIBITS – NOT ATTACHED UNLESS INDICATED**

- A. Applicant's Submittals
  1. Original Submittal, November 1, 2019
  2. 120-Day Waiver
  3. Email from Applicant about possible scope change
- B. Zoning Map (attached)
- C. Plan & Drawings
  1. Site Plan (attached)
  2. Second Floor Plan
  3. Third Floor Plan

4. Fourth Floor Plan
5. Roof Plan
6. Existing West and East Elevations
7. Existing North and South Elevations
8. Proposed West and East Elevations
9. Proposed North and South Elevations
10. Railing Elevation and Section
11. Window Elevation and Section
12. Stucco Joint Detail and Through Wall Flashing Detail
13. Window Head Detail and Typical New Wall Section
14. Window Sill Details at Stucco and Brick
15. Window Jamb Details
16. Parapet Details
17. Railing Details
18. Railing at Stucco and Brick
19. Finishes
20. Window and Door Cutsheets
21. Stucco Assembly Axon
- D. Notification information:
  1. Request for response
  2. Posting letter sent to applicant
  3. Notice to be posted
  4. Applicant's statement certifying posting
  5. Mailed notice
  6. Mailing list
- E. Agency Responses:
  1. Bureau of Environmental Services
  2. Fire Bureau
  3. Life Safety
  4. Portland Bureau of Transportation
- F. Letters: None
- G. Other
  1. Original LUR Application
  2. Incomplete Letter, November 25, 2019
- H. First Hearing

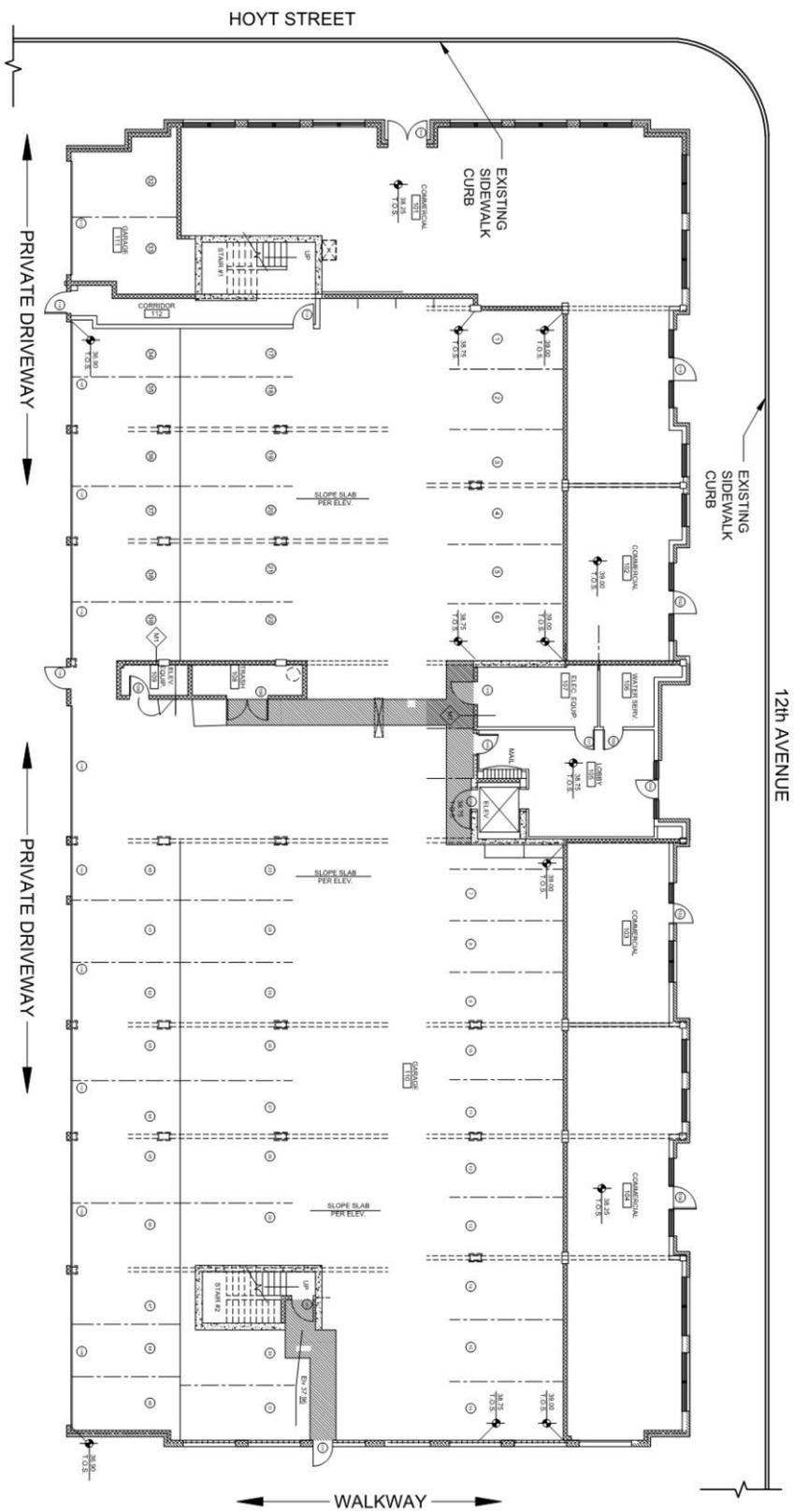


# ZONING

↑ NORTH  
CENTRAL CITY PLAN DISTRICT  
PEARL SUB DISTRICT

-  Site
-  Historic Landmark
-  Bridge

File No.	LU 19 - 248595 DZ
1/4 Section	2928
Scale	1 inch = 200 feet
State ID	1N1E34BC 70000
Exhibit	B Nov 06, 2019



1  
SCALE: 1/16" = 1'-0"  
**1ST FLOOR PLAN/SITE PLAN**

**FOR REFERENCE ONLY - NO WORK PROPOSED AT THIS LEVEL**

