



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

FINAL FINDINGS AND DECISION BY THE LANDMARKS COMMISSION RENDERED ON August 24, 2020

FINAL DECISION BY THE HISTORIC LANDMARKS COMMISSION

The Historic Landmarks Commission has **approved** a proposal in your neighborhood. This document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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 19-245664 HRM
PC # 19-158074

Multnomah County Courthouse Adaptive Re-Use

BUREAU OF DEVELOPMENT SERVICES STAFF: Megan Sita Walker 503-823-7294 / MeganSita.Walker@portlandoregon.gov

GENERAL INFORMATION

Applicant: Annie Mahoney | GBD Architects
1120 NW Couch St., Ste. 300
Portland, OR 97209
(503) 224-9656

Owner: NBP 1021 SW 4th LLC
9 SE 3rd Ave Ste 100
Portland, OR 97214

Owner's Representative: Don Mutal | Eastbank Development
1831 SW River Dr
Portland, OR 97201

Site Address: 1021 SW 4TH AVE

Legal Description: BLOCK 58, PORTLAND
Tax Account No.: R667706860
State ID No.: 1S1E03BB 00500
Quarter Section: 3129

Neighborhood: Portland Downtown, contact Wendy Rahm at wwrahm@aol.com
Business District: Downtown Retail Council, contact at lfrisch@portlandalliance.com
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - Downtown
Other Designations: Individually Listed Historic Landmark

Zoning: CXd - Central Commercial with Design and Historic Resource Protection Overlays

Case Type: HRM – Historic Resource Review w/ Modifications
Procedure: Type III, with a public hearing before the Landmarks Commission. The decision of the Landmarks Commission can be appealed to City Council.

Proposal:

The applicant is seeking Historic Resource Review with Modifications and Adjustment Review approval for alterations associated with the renovation and adaptive re-use of the Multnomah County Courthouse building, an individually listed Landmark on the National Register of Historic Places. Proposed work includes converting the building to ground-floor retail with office above, a seismic upgrade, re-introduction of a historic pedestrian entry on SW 5th, a new accessible entry on SW Main, and (2) new doors for building services and egress on SW Salmon. Alterations also include new punched window openings on all elevations on the historic 2-story penthouse with new metal mechanical enclosure extending and additional 17' - centrally located - on top of existing penthouse level. The proposal also includes the replacement of the historic copper roof on the penthouse to be slightly enlarged to accommodate new insulation and the replacement of the existing/ original cement plaster cladding with stucco on all elevations of the penthouse.

Two (2) **Modifications** are requested as follows:

Modification 1 – Request to modify Ground Floor Windows, PZC, 33.510.220 to reduce from 60% coverage to 15% on SW Salmon St, and 47% on SW 5th Ave., and to reduce from 40% coverage to 39% on SW Main St; and 17% on SW 4th Ave.

Modification 2 – Request to modify Long-Term Bicycle Parking Spacing, PZC, 33.266.220.C.3.b to reduce the spacing of long-term bicycle parking from the required 24” on center to 18” on center.

Note: Since the first hearing with the Landmarks Commission on February 10, 2020, the proposed vehicle access on SW Salmon and associated Adjustment request have been removed from the proposal. As such, the request to Adjust PZC, 33.510.263 Parking and Loading Access to allow one (1) new vehicle access point off of SW Salmon Street is no longer included in this review.

Approval Criteria:

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

- *PZC, 33.846.060.G Other approval criteria;*
- *Central City Fundamental Design Guidelines;*
- *Oregon Statewide Planning Goals; and*
- *33.846.070 Modifications Considered During Historic Resource Review*

ANALYSIS

Site and Vicinity: The subject property is the Multnomah County Courthouse building, a historic Landmark, located in the commercial core of downtown Portland. The building occupies a full block site bound by SW Salmon Street to the north, SW 4th Avenue to the east, SW Main Street to the south, and SW 5th Avenue to the west. The 8-story neoclassic structure

was constructed between 1914 and is 200 feet square; comprised of riveted structural steel frame, fireproofed with concrete and faced with terra cotta, cementitious plaster, and regular course granite and limestone. The Courthouse was designed by architects Whidden and Lewis and is a prominent figure in the architectural fabric of Portland. In 1914 it stood as Portland's largest building as well as the West Coast's largest courthouse.

As noted in the nomination, the period of significance of the resource is 1911-1914 which includes both phases of construction (for the western and eastern halves of the building) and the historic 2-story penthouse with cement plaster exterior and copper roof and minimal – somewhat irregular punched window openings. The nomination notes that the 2-story penthouse structure was designed for detention purposes, is recessed from the perimeter 8 to 10 feet and was originally shielded from public view by a 10 feet high terra cotta-faced parapet wall (which has since been removed due to structural weakness).

The Multnomah County Courthouse building has undergone many exterior, as well as, interior alterations as result of pressures to modernize and expand capacity. While some historically significant features have been altered, the building stands as one of Portland's prominent historical resources.

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

The **Design Overlay Zone** [d] promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. 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:

- HL 56-79 – Window alterations
- HL 71-83 – Salmon Street service ramp installation
- HL 44-88 – East (SW 4th) Door Replacement
- LU 93-05698 – Tenant Improvement of 8th Floor

- LU 95-00422 – Brass Handrail Installation
- LU 96-00809 – Rooftop Mechanical Installation
- LU 15-217763 HR – Rooftop Mechanical Installation

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed **January 21, 2020**.

The following Bureaus have responded with comments expressing no issues or concerns the approval of the with the proposal with conditions:

1. Bureau of Transportation Engineering.
 - a) See Exhibit E-1a for the amended PBOT Land Use Response which notes that the revised proposal has adequately addressed previously stated concerns and that they are not opposed to the approval of the Historic Resource Review.
 - b) See Exhibit E-1b for the original PBOT Land Use Response.
2. Bureau of Environmental Services.
 - a) See Exhibit E-2a for the amended BES Land Use Response which notes that the revised proposal has adequately addressed previously stated concerns and that they are not opposed to the approval of the Historic Resource Review.
 - b) See Exhibit E-2b for the original BES Land Use Response.
3. Life safety Division of BDS. See Exhibit E-3.
4. Fire Bureau. See Exhibit E-4.
5. Urban Forestry. See Exhibit E-5. Urban Forestry responded stating that they do not object to the approval of the proposed development subject to with a recommend Condition of Approval to ensure the removal of street trees is avoided as referenced in the Urban Forestry Land Use Review Response, Exhibit E-5, Section C.2. See below for language from Urban Forestry Land Use Review Response, Section C.2:

Street Tree Preservation (11.50.040)

The applicant proposes to remove the following:

1. *European hornbeam, western edge of SW Salmon frontage near SW 5th Ave, good condition, would require 2:1 mitigation*
2. *European hornbeam, southern edge of SW 4th Ave frontage near SW Main St, good condition, would require 2:1 mitigation*

The proposed tree removal is not allowed because these trees are healthy and appropriate for their location, and no alternatives to removal showing the feasibility of moving proposed infrastructure in the right-of-way have been provided. If the applicant believes the tree must be removed to facilitate development, the applicant must provide adequate technical analysis demonstrating why the tree cannot be preserved while developing the site to City standards.

6. Water Bureau. See Exhibit E-6.
7. Site Development Section of BDS. See Exhibit E-7.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **January 21, 2020**.

One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. B Story Swett, a member of the Downtown Neighborhood Association, Land Use and Transportation Committee, on January 15, 2020, wrote in with concerns regarding the current proposal. Please see below for comments provided, and see Exhibit F-1 for additional information:

This proposal includes three significant changes to the historic facade. One (new entranceway) is by it's nature restorative to the original historic entry. This work will require significant care so as to replicate the original appearance and character of the historic resource. As an entranceway it character and detail will be most critical in communicating the

quality and nature of the contemporary intervention on the historic. The second (vehicular access) can have a significant impact on existing historic architectural fabric. The third (penthouse construction) is most critical since it appears to have grown more massive in relation to the existing bulk and mass of the original historic structure, has a more complex expression than past proposals and, because of its minimal setback from the historic cornice, will be readily apparent to the public from the street

Procedural History:

- Pre-Application Conference: held May 30, 2019
- Design Advice Request (DAR): meeting on September 9, 2019
- Land Use Review intake: October 25, 2019
- Incomplete Letter: mailed November 15, 2019
- Application Complete: December 17, 2019
- First Land Use Hearing date: Scheduled for January 27, 2020 and requested by the applicant to be rescheduled to February 10, 2020.
- Second Land Use Hearing date: Scheduled for April 27, 2020 and then requested by the applicant to be rescheduled to August 24, 2020.

Summary of Applicant’s Statement: The following is taken directly from the applicant’s revised project narrative provided on January 21, 2020 (See pages 1 and 2 of Exhibit A-4 for additional information).

The project is a renovation and adaptive re-use of the historic Multnomah County Courthouse in downtown Portland. The building is a unique example of Neo-Classical Revival Architecture created by Whidden and Lewis at a time of exceptional growth in Portland. Located on a full block between SW 4th and 5th Avenues and SW Salmon and Main Streets facing Lownsdale Square, it sits in a prominent position among City and Federal buildings in downtown Portland.

The building was constructed in two phases: in 1909 and 1914 from granite, limestone, and terra cotta. The penthouse is cementitious plaster with a ribbed metal roof. The structure is steel covered in concrete; wood was intentionally not used in the structure as a fire safety measure. The building is a local Landmark listed in Portland’s Historic Resources Inventory and is individually listed in the National Register of Historic Places.

The goal of the renovation is to re-purpose the building from a government-owned courthouse building to a unique, commercially viable building highlighting key historic features. A range and combination of uses is currently being contemplated for the building including office, restaurant, and event space. Visitors to this building will get to experience its significant characteristics, rare materials, and details. Along with the facade, significant historic building elements that will be retained include: the east entry lobby, the interconnecting grand stair, and the four historic double height courtrooms. Additionally, the building will undergo a seismic upgrade to ensure it survives another 100+ years. Stormwater management will be achieved via treatment through an eco-roof at the new roof. Stormwater will be discharged into the existing combined storm/sanitary system.

ZONING CODE APPROVAL CRITERIA

(1) Chapter 33.846, Historic Reviews

Purpose of Historic Resource Review

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

Historic Resource Review Approval Criteria

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

Findings: The site is a designated Historic Landmark. Therefore, the proposal requires Historic Resource Review approval. The relevant approval criteria are listed in 33.846.060 G. 1.-10. In addition, because the site is located within the Central City, the relevant approval criteria are the Central City Fundamental Design Guidelines.

G. Other Approval Criteria:

- 1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.
- 2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.
- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.

Findings for 1, 2, and 4: The proposed alterations for the adaptive re-use of the resource meet the above-mentioned criteria in the following ways:

- The proposal includes alterations associated with renovating and repurposing the resource - an iconic public building – as an office building with an active ground floor. The proposal includes retention and rehabilitation of historic materials with loss of exterior historic materials limited to the sill along SW Salmon and historic cement plaster cladding and copper roofing at the original 2-story penthouse.
- The renovation also includes alterations to interior spaces, not subject to review such as the infill of the existing/ historic courtyard to accommodate all new seismic, circulation, and building services systems at the core of the building. While no longer a courtyard building, the volume of this interior space is expressed on the exterior of the resource through the proposed extension of mechanical screening at the top of the building above this newly infilled core. As such, the expression of this volume helps to differentiate this new infill from the historic mass of the resource, thus helping the resource retain a physical record of its time.
- While the introduction of a new opening to accommodate building services and egress along SW Salmon results in the loss of some original sill material, the width of openings and expressed symmetry remain intact, the impact of building services is limited in the revised design, and the exterior façade will remain largely as it is today. As such, the historic character of the resource will be retained.
- The existing/ historic granite, limestone and terra cotta of the façade of the resource will be retained and cleaned, and the historic wood doors at existing pedestrian entries will be rehabilitated.
- The reintroduction of pedestrian entries on SW 5th Avenue and SW Main, with historic lighting proposed to be refurbished at SW 5th and SW 4th and new lighting consistent with historic lighting proposed at SW Main, protects historic materials while reintroducing key elements at the ground floor of the resource.
- Where openings historically existed at the base of the building, they served as pedestrian entries and typically employed warm materials such as wood and brass, and were thoughtfully articulated to break down the scale of the opening in a way that is easily legible to the pedestrian.

- With the reintroduction of the SW 5th Avenue pedestrian entry within the historic, large opening with historic entablature, and the reintroduction of the pedestrian entry on SW Main, the warmth and pedestrian scale of the historic entries is successfully referenced with the proposed fused glass, true divided lite steel storefront, canopies, lighting, and weathered brass and steel plate surrounds.
- In the revised design the alterations proposed to accommodate building services on SW Salmon are designed to limit impact on historic materials and limit impact on the pedestrian realm. The design and detailing of the new solid roll up door, egress door, 1/8" steel plate surrounds, and gas meter grate all with a dark bronze finish are intended to have minimal impact and to not detract from the historic detailing of the resource. While simplified to limit impact, the proposed material quality, thoughtful detailing, and full width canopy located within the width of the existing/ historic opening ensure that the historic character of the resource is retained.
- At the penthouse level, quality materials such as true divided lite windows in punched openings, new cement plaster with limited control joints, painted standing seam metal roofing, and painted steel cornice detailing are proposed. At the new mechanical penthouse, all mechanical is consolidated behind the proposed screening consisting of quality 22-gauge honeycomb backed metal panel with perforated box rib screening. As such, the proposed alterations and new features at the base and top of the building, match historic features in terms of quality of material, and the incorporation of appropriate scale in the detailing.

These criteria are therefore met.

- 3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.

Findings: While there have been alterations to the resource since the completion of construction, since the period of significance, none of these alterations have acquired historic significance.

Therefore, this criterion does not apply.

- 5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

Findings: The two-story base is granite. The rest of the building to the entablature, including the columns and pilasters, are grooved limestone. All components of the entablature, including components of the roof cornice, are terra cotta. The applicant has stated that the cleaning protocol will be based on laboratory testing of the masonry using the gentlest means possible. Historic wood doors will be rehabilitated. Historic bronze light fixtures will be gently cleaned, rewired and repaired.

This criterion is therefore met.

- 6. Archaeological resources.** Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

Findings: The applicant notes that there are no known historic archaeological resources on this site. As the proposal does not noted to include ground disturbance, it

is unlikely that any archaeological resources that may be located on site will be affected.

This criterion is therefore met.

- 7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.
- 8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.
- 9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.
- 10. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

Findings for 7, 8, 9, and 10: The proposed alterations for the adaptive re-use of the resource meet the above-mentioned criteria in the following ways:

- The proposal includes the reintroduction of pedestrian entries along SW 5th and SW Main. In the revised design the proposal also includes new limited building services and egress along SW Salmon that are understated and defer to the highly articulated façade of the resource.
- While the proposed new entry on SW Salmon includes the lowering of the sill of a central grouping of windows, change to existing openings are limited and the width of all openings are retained. As such, the expressed symmetry of the resource remains intact and the proposed alterations at the base of the building preserve the form and integrity of the resource and are compatible with the resource's massing, size, scale, and architectural features.
- As noted above, at the penthouse level, quality materials such as true divided lite windows in punched openings, new cement plaster with limited control joints, painted standing seam metal roofing, and painted steel cornice detailing are proposed. At the new mechanical penthouse, all mechanical is consolidated behind the proposed screening consisting of quality 22-gauge honeycomb backed metal panel with perforated box rib screening. As such, the proposed alterations and new features at the base and top of the building, match historic features in terms of quality of material, and the incorporation of appropriate scale in the detailing.
- The proportion and window type of the proposed penthouse windows references the proportion, patterning, and window types expressed in the historic elevations of the penthouse. While the historic placement of windows at the penthouse does not always align with datums of the lower floors of the resource, and the distinction between the wings of the building are expressed with different placement and window types, the proposed windows are consistent and architecturally compatible with the historic placement of windows on the penthouse levels. To ensure that the window placement on the East Elevation of the penthouse is consistent with the language expressed on the west penthouse elevation, while allowing for additional flexibility for this primary park facing elevation, the Commission has added Condition of Approval 'D'.

- Louvers proposed within the existing window openings on the SW Main and SW Salmon elevations, result in the removal of non-original aluminum windows and are concealed by being painted and retaining the existing fenestration pattern in front of the proposed architectural louvers. To ensure that the fenestration pattern at the proposed louvers is consistent with the existing windows, the Commission has added Condition of Approval 'E'.
- The new mechanical area is centrally located with deep setbacks from the roof edges and is not readily visible from adjacent public rights-of-way.
- The new and reintroduced entries and associated canopies defer to the detailing and material quality of resource and are intended to be self-supporting as much as possible to limit impact and be compatible with the resource.
- While the proposed alterations to the resource will be differentiated through the use of contemporary materials and construction methods, the material quality and detailing expressed in the proposed design references the quality of material and fine detailing of the resource.

With Condition of Approval, 'D' that the center five window bays on the East elevation of the penthouse shall match the configuration of the second and eighth window bays on this elevation, or if a double height configuration is proposed these five window bays shall be reviewed in a follow up Type II Historic Resource Review; and

With Condition of Approval 'E', the proposed louvers on the North and South Elevations shall have a frame and muntin directly in front of the louver that has a thickness similar to the frame and vertical muntin on adjacent windows, these criteria are therefore met.

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

Central City Plan Design Goals

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

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

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

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

Findings: As noted in the project narrative, the primary goals of the proposal are to renovate and re-purpose the resource into a commercial building with an active ground floor with ground floor retail and event space and office above. Staff supports the goal of the proposal to increase the activation of adjacent frontages with the placement of active uses along the SW 5th and SW Main frontages supported by the proposed integration of two (2) new/ re-introduced pedestrian entries for a site. Active frontages with frequent entries into tenant space are unifying elements that enhance, embellish, and identify the surrounding area, that support the strong pedestrian

orientation of the area. The proposed alterations for the adaptive re-use of the resource meet the above-mentioned criteria in the following ways:

- The two (2) new/ reintroduced pedestrian entries along SW 5th and SW Main reintroduce much needed permeability at the base of the resource, and create new major building ADA accessible entry points along the historic transit mall main entry on SW Main.
- Additionally, the proposal retains unifying elements including street trees, transit mall paving, a Benson Bubbler, and street furnishings that will continue to unify all sides of the existing building. To ensure the removal of street trees is avoided in accordance with guidance provided by the Urban Forestry reviewer, staff has added Condition of Approval 'C', that new street lights and utility connections shall avoid the removal of healthy street trees as referenced in the Urban Forestry Land Use Review Response (Exhibit E-5), Section C.2.
- The limited impact of the proposed entry to accommodate building services shown in the revised design serves to enhance the pedestrian environment and support the pedestrian orientation of the building which is a distinct aspect of the area's character.
- Recessed entries and canopies at new entries create semipublic/ semi-private transition areas that provide shelter from the weather. At existing pedestrian entries doors are recessed, providing for a transition space between the sidewalk and the building. This adds moments of much need transition at the base of the resource and supports the connection of the resource to adjacent public spaces and public rights-of-way.
- On balance with addressing criteria which speak to the preservation of historic material described above and below, the proposed reintroduction of openings into the building serve to aid the resource in developing visual and physical connections into active interior spaces along all frontages and support the strengthening of activity to highlight building corners on these primary frontages in the Central City.
- The proposed façade improvements increase the amount of ground level windows at new entrances, allowing for greater visual connection between the interior of the building and the street.
- The existing and reintroduced pedestrian entries and the existing and reintroduced glazing into a diverse mix of active ground floor uses also support increased pedestrian traffic and activity that helps this historic building contribute to an active and vibrant streetscape at all times of day.
- The proposed alterations reference the historic design of the building in terms of materiality and scale and are therefore compatible with the resource.
- The new seismic cores in the center of the building double as the new vertical circulation for the building. This frees up all four corners of the building to have active uses and the new accessible entry on SW Main serves to further activate the SE Corner of the site.

With Condition of Approval 'C', that new street lights and utility connections shall avoid the removal of healthy street trees as referenced in the Urban Forestry Land Use Review Response (Exhibit E-5), Section C.2, these criteria are met.

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

Findings: As noted above, the proposal includes alterations associated with renovating and repurposing the resource - an iconic public building - as an office building with a vibrant active ground floor. This renovation integrates a full Seismic

upgrade within the existing courtyard of the building. Which the applicant notes, is the least invasive design to seismically retrofit the building and keep as much historic material as possible.

The changes to the building, including the new and modified ground floor openings, will take cues from the historic design in materiality and scale. These will be compatible with the historic structure.

This criterion is therefore met.

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

Findings for A7 and C8: The proposed alterations to the building maintain the full-block placement of the resource that defines adjacent public rights-of-way and maintains a sense of urban enclosure. Additionally, the sidewalk-level of the building continues to be differentiated through a strong order differentiating the base of the building from the middle and top with limited changes in material and significant detailing.

These criteria are therefore met.

- B5. Make Plazas, Parks and Open Space Successful.** Orient building elements such as main entries, lobbies, windows, and balconies to face public parks, plazas, and open spaces. Where provided, integrate water features and/or public art to enhance the public open space. Develop locally oriented pocket parks that incorporate amenities for nearby patrons.
- 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.

Findings for B5 and B6: The building is immediately adjacent to Lownsdale Square, located directly east, across SW 4th Avenue from the site. The existing midblock entry in the historic lobby of off SW 4th Avenue opens up to a clear view of the Square. Additionally, the introduction of windows at the penthouse level serve to increase views to the park.

The existing building includes very minimal pedestrian coverage on all four frontages. The current proposal includes the introduction of pedestrian scale canopies: one at the new ADA accessible entry on SW Main Street, and one canopy proposed over new opening on SW Salmon. The existing/ reintroduced historic pedestrian entries located mid-block on SW 5th and SW 4th do not have historic canopies. However, the entry doors are deeply recessed providing some weather protection at the historic entries.

These criteria are therefore met.

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

Findings: The existing building site features thirteen (13) feet of grade change from the high point at the SW corner to the low point at the NE corner. The entire ground floor of the building is at one elevation. Because of this condition, a reintroduced

entry at the SE corner will allow visitors to enter as close as possible to the ground floor level. Ramps will be integrated into the interior design of new entries to create universal access that currently does not exist.

The overall design concept of the building strongly articulates the primary pedestrian entries of the building are located mid-block on the east and west elevations. The proposal includes the re-introduction of the west pedestrian entry within the historic opening with recessed doors at the grade of the sidewalk and interior ramping at the entry so that people of all mobility can arrive in the building at the same location in a manner that is integrated into the overall design concept.

The proposal also includes the introduction of a new pedestrian entry along SW Main (South Elevation) where a historic pedestrian entry (noted as an entry to the sheriff's office) was previously located and then infilled. The Commission expressed support for the reintroduction of a pedestrian entry off of SW Main the applicant to explore options to integrate this entry into the design and sequencing of the historic SW 4th entry lobby by allowing views into the historic lobby so that this new entry is adequately integrated into the design concept of the building and that people of all mobility can experience this historic lobby.

With the intention that the design and entry sequence support some opportunity for visual connection to the historic entry lobby accessed off of SW 4th so that this accessible entry can engage with the historic entry, the proposed entry is well integrated into the overall design concept of the building.

This criterion is therefore 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: As designed, the proposal meets the above-mentioned criteria in the following ways:

- A full seismic upgrade to the building will help ensure the resource remains a part of Portland's history far into the future.
- The few alterations that are proposed for the ground floor and the alterations at the penthouse level of the building are design to defer to the resource in scale and detailing. As such, the proposal continues to form a coherent composition, and respect the architectural integrity of the building by referencing the scale, material quality and detailing of the building.
- The restoration and reintroduction of two pedestrian entries on SW 5th and SW Main, and the limited introduction of new pedestrian oriented openings for building services along SW Salmon continue to retain the width of original openings. Thus, the proposed alterations respect the architectural integrity of the resource and create a coherent composition by retaining the rhythm and symmetry of the resource and the base of the building.
- The restoration of lighting and insertion of the fused glass at the new fully glazed doors with weathered brass surround at the reintroduced SW 5th Avenue entry,

serve to reintroduce a smaller scale and a warmth of materials traditionally found at pedestrian entries.

- While the proposal includes extensive alteration to the historic penthouse and the installation of a centralized mechanical penthouse at the core of the building, the proposal reintroduces a regular rhythm to the punched window openings at the penthouse level and utilizes quality materials that related to the durability and scale of detailing expressed in the resource.

These criteria are therefore met.

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: The current proposal includes the retention of an existing ramp in the public right-of-way along SW Salmon (north elevation) that is currently used to serve the building. The ramp is proposed to be used for direct access to proposed bicycle parking in the basement. Given that building services are now proposed to be accommodated in the new opening along SW Salmon, the retention of the ramp supports the increase activity associated with another building entry and thus supports the pedestrian environment.

This criterion is therefore 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 alterations at the roof level are associated with substantial changes to the interior of the building that support the continued use and viability of the resource. The new core of the building, only expressed on the exterior of the building as the top mechanical story, is providing cover to the new seismic cores of the building and allowing for clerestory lighting to filter down into the 8th and 9th floor office suite. This new roof also serves to consolidate and screen much of the mechanical equipment serving the building, allowing the historic penthouse roof to be uncluttered.

While the interior alterations, not subject to historic resource review, result in the building no longer being a courtyard building, the volume of this interior space is expressed on the exterior through the proposed extension of mechanical screening at the top of the building above this newly infilled core. As such, the expression of this volume helps to differentiate this new infill from the historic mass of the resource and integrate the proposed mechanical screening into the building's overall design concept.

This criterion is therefore 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.

Findings: The proposal includes the restoration of original exterior lighting at the historic entry on SW 4th, and reconstructed fixtures are proposed at the reintroduced entry on SW 5th to match historic conditions. New lighting is also proposed at the new pedestrian entry on SW Main in order to highlight this access into the building in a consistent manner to how pedestrian entrances have historically been highlighted on the resource. Lighting is also proposed to be integrated into the canopy designs and is designed to be compatible yet differentiated from the historic lighting.

This criterion is therefore met.

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: The current proposal does not include any proposed signage.

This criterion is not applicable.

(3) 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 III reviews, include the following language: 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 an Individually Listed Historic Landmark. Compliance with all requirements related to this designation have been verified as part of this land use review. Therefore, 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 with conditions, 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 public services can be extended for the proposal, as discussed earlier in this report. Since the City will require the proposal to conform to the City's public facilities plan, the proposal is consistent with Goal 11.*

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). *PBOT evaluated this proposal and found no objection to the approval of the revised proposal. 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.*

(4) MODIFICATION REQUESTS (33.846)

33.846.070 Modifications Considered During Historic Design Review

The review body may grant modifications to site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the historic design review process. However, modification to a parking and loading regulation within the Central City plan district may not be considered through the historic design review process. Modifications made as part of historic design review are not required to go through a separate adjustment process. To obtain approval of a modification to site-related development standards, the applicant must show that the proposal meets the approval criteria. Modifications to all other standards are subject to the adjustment process. Modifications that are denied through historic design review may be requested through the adjustment process.

The approval criteria for modifications considered during historic design review are:

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

The following modifications are requested:

Modification 1 – Request to modify Ground Floor Windows, PZC, 33.510.220 to reduce from 60% coverage to 15% on SW Salmon St, and 47% on SW 5th Ave., and to reduce from 40% coverage to 39% on SW Main St; and 17% on SW 4th Ave.

Purpose Statement for 33.510.220 Ground Floor Windows: “In the Central City plan district, blank walls on the ground level of buildings are limited in order to:

- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
- Encourage continuity of retail and service uses;
- Encourage surveillance opportunities by restricting fortress-like facades at street level;
- Avoid a monotonous pedestrian environment; and
- The plan district modifications to the base zone standards for ground floor windows are intended to promote ground floor windows in a larger number of situations than in the base zones and to provide additional flexibility in meeting the standard.”

Standard: 33.510.220: Ground Floor Window coverage of 60% on SW Salmon Street, and SW 5th Avenue, and 40% coverage on SW Main Street and SW 4th Avenue.

A. Better meets historic design review approval criteria. *The resulting development will better meet the applicable design guidelines; and*

Findings: This approval criteria is satisfied by better meeting the approval criteria listed in PZC, 33.846.060.G Other approval criteria as described below:

- Criterion #1 Historic Character
The classical base, middle, and top hierarchy will be preserved in the proposed design. The proposed repurposed openings are limited to support the safety and accessibility needs for the building to continue to be used. By repurposing openings that are dedicated to accessible pedestrian entries, limited access building services, and egress, the project is preserving the integrity of the historic entries.
- Criterion #2 Record of its Time
No conjectural elements are proposed, and the integrity of the classical style is maintained.
- Criterion #5 Historic Materials
Material removal is limited only to areas where a repurposed opening is needed for safety and or accessibility.
- Criterion #8 Architectural Compatibility
Treatment of the repurposed and reinstated openings is compatible but differentiated from the resource. The painted steel at the Salmon Street openings will be detailed to speak to but differentiate from the resource.

B. Purpose of the standard. *Purpose of the standard.*

1. *The resulting development will meet the purpose of the standard being modified; or*
2. *The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.*

Findings: The proposal meets criterion B.2 above by preserving the classical base, middle, top character of the building. Additional openings at the base of the building would introduce conjectural elements and undermine the resource’s ability to remain a physical record of its time, place, and use. Additionally, the proposed reintroduction of previously closed entries along SW 5th and SW Main allow the proposal to move closer to compliance while deferring to the importance of preserving the resource.

Therefore, this Modification merits approval.

Modification 2 – Request to modify Long-Term Bicycle Parking Spacing, PZC, 33.266.220.C.3.b to reduce the spacing of long-term bicycle parking from the required 24” on center to 18” on center.

Purpose Statement for 33.266.130.C: “These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.”

Standard: 33.266.C.3 Bicycle racks. The Office of Transportation maintains a handbook of racks and citing guidelines that meet the standards of this paragraph. Required bicycle parking may be provided in floor, wall, or ceiling racks. Where required bicycle parking is provided in racks, the racks must meet the following standards:

- a. The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle;
- b. A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components. See Figure 266-11; and
- c. The rack must be securely anchored

A. Better meets historic design review approval criteria. *The resulting development will better meet the applicable design guidelines; and*

Findings: By reducing the width of the bike parking, the applicant has the option of reducing the total amount of square footage devoted to bike parking or providing additional spaces to better meet bike parking demand. While the approval criteria A6 - Reuse/Rehabilitate/Restore Buildings, and C8 – Contribute to a Vibrant Streetscape are currently noted as not yet being met for the reasons listed above, the proposed modification to reduce the width of long term bicycle parking, in combination with addressing the concerns above, could serve to help better meet these guidelines.

B. Purpose of the standard. *Purpose of the standard.*

3. *The resulting development will meet the purpose of the standard being modified; or*
4. *The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.*

Findings: With the reduction in width, the applicant will be able to accommodate a greater number of long-term bike parking spaces and ensure that demand for bike parking spaces is met. With the assurance that the depth of the spaces will continue to meet the standard and with a vertical stagger of 8” for vertical racks spaced 18” on center, the purpose of the standard is met.

Therefore, this Modification merits approval.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all 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 associated with the adaptive re-use of the resource serve ensure the continued use and viability of the resource and the reintroduced entries at the base of the building help to better integrate the existing building with pedestrian realm. The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise design standards and their ability to convey historic significance. With the revisions made in response to Commission comments, staff finds that the revised proposal meets the applicable Historic Resource Review and Modification approval criteria and therefore warrants approval.

LANDMARKS COMMISSION DECISION

Approval of the requested Historic Resource Review with Modifications for exterior alterations associated with the renovation and adaptive re-use of the Multnomah County Courthouse building, an individually listed Landmark on the National Register of Historic Places located in the Downtown Subdistrict of the Central City Plan District.

Approval of the following Modification requests:

1. Request to modify Ground Floor Windows, PZC, 33.510.220 to reduce from 60% coverage to 15% on SW Salmon St, and 47% on SW 5th Ave., and to reduce from 40% coverage to 39% on SW Main St; and 17% on SW 4th Ave.
2. Request to modify Long-Term Bicycle Parking Spacing, PZC, 33.266.220.C.3.b to reduce the spacing of long-term bicycle parking from the required 24" on center to 18" on center.

Approvals per Exhibits C-1-C-49, signed, stamped, and dated August 24, 2020, subject to the following conditions:

- A.** As part of the building permit application submittal, the following development-related conditions (B – F) 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 19-245664 HRM. All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B.** At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C.** New street lights and utility connections shall avoid the removal of healthy street trees as referenced in the Urban Forestry Land Use Review Response (Exhibit E-5), Section C.2.
- D.** The center five window bays on the East elevation of the penthouse shall match the configuration of the second and eighth window bays, or if a double height configuration is proposed these five window bays shall be reviewed in a follow up Type II Historic Resource Review.
- E.** The proposed louvers on the North and South Elevations shall have a frame and muntin directly in front of the louver that has a thickness similar to the frame and muntins on adjacent windows.
- F.** No field changes allowed.

By: _____



Kristen Minor, Landmarks Commission Chair

Application Filed: October 25, 2019
Decision Filed: August 25, 2020

Decision Rendered: August 24, 2020
Decision Mailed: September 3, 2020

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 October 25, 2019, and was determined to be complete on December 17, 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 October 25, 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 (Exhibit A-8). Unless further extended by the applicant, **the 120 days will expire on: December 16, 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. This report is the final decision of the Landmarks Commission with input from other City and public agencies.

Conditions of Approval. This approval 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.

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. Appeals must be filed by 4:30 pm on September 17, 2020. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. **Towards promoting social distancing during the COVID-19 pandemic, the completed appeal application form must be e-mailed to BDSLUSTeamTech@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

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 City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

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 City Council on that issue. Also, if you do not raise an issue with enough specificity to give City Council an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$5,000 will be charged. Last day to appeal: September 17, 2020.**

Neighborhood associations may qualify for a waiver of the appeal fee. 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 website: <https://www.portlandoregon.gov/bds/article/411635>. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

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 **September 18, 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. Within the City, final decisions that became effective between March 8, 2017 and January 1, 2021 expire if a City permit has not been issued for approved development or the approved activity has not commenced by January 1, 2024.

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.

Megan Sita Walker
August 26, 2020

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).

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Original Project Description and Narrative
 - 2. Original Drawing Packet
 - 3. Draft Revised Drawing Set
 - 4. Revised Drawing Set – for February 10, 2020 Hearing
 - 5. Draft Revised Drawing Set
 - 6. Draft Revised Drawing Set
 - 7. Revised Drawing Set – for August 24, 2020 Hearing
 - 8. Extension to the 120-Day Review Period
- B. Zoning Map (attached)
- C. Plans & Drawings
 - 1. Existing Site Plan
 - 2. Proposed Site Plan
 - 3. Basement Floor Plan
 - 4. Level 01 Floor Plan
 - 5. Level 02 Floor Plan
 - 6. Level 03 Floor Plan
 - 7. Level 04 Floor Plan
 - 8. Level 05 Floor Plan
 - 9. Level 06 Floor Plan
 - 10. Level 07 Floor Plan
 - 11. Level 08 Floor Plan
 - 12. Level 09 Floor Plan
 - 13. Roof Plan
 - 14. Existing Elevations - East
 - 15. Existing Elevations - South
 - 16. Existing Elevations - West
 - 17. Existing Elevations - North
 - 18. Proposed: East Elevation
 - 19. Proposed: South Elevation
 - 20. Proposed: West Elevation
 - 21. Proposed: North Elevation
 - 22. Not used
 - 23. Enlarged Elevations – SW 5th Ave Entry
 - 24. Details – SW 5th Ave Entry
 - 25. Enlarged Elevations- SW Salmon Street
 - 26. Details – SW Salmon Street Service Entry
 - 1. Details - Salmon Street Basement Entry
 - 27. Enlarged Elevations- SW Main Street Entry
 - 28. Details – SW Main Street Entry
 - 29. Penthouse Elevations - East
 - 30. Penthouse Elevations - South
 - 31. Penthouse Elevations - West
 - 32. Penthouse Elevations - North
 - 33. Penthouse Enlarged Elevations + Details
 - 34. Penthouse Enlarged Elevations + Details

35. Penthouse Enlarged Elevations + Details
36. Building Section
37. Building Section
38. Materials/ Colors
 1. Materials/Colors - Penthouse
 2. Materials/Colors – SW Salmon St
 3. Materials/Colors – SW Main St
 4. Materials/Colors – SW 5th Ave
 5. Materials/Colors – SW Salmon, SW Main, SW 5th
39. Exterior Lighting Plan
40. Restoration of Historic Sconces
41. Civil Plan
42. Survey
43. Bike Parking – Basement
44. Specifications – Ground Level
45. Specifications – Ground Level
46. Specifications – Penthouse
47. Specifications – Penthouse Window Openings
48. Specifications – Long Term Bike Parking
49. Specifications – Exterior Lighting
- 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 Transportation Engineering
 - a. Amended PBOT Land Use Response
 - b. Original PBOT Land Use Response
 2. Bureau of Environmental Services
 - a. Amended BES Land Use Response
 - b. Original BES Land Use Response
 3. Life safety Division of BDS
 4. Fire Bureau
 5. Urban Forestry
 6. Water Bureau
 7. Site Development Section of BDS
- F. Letters
 1. B Story Swett
 2. Testifier Sheet
- G. Other
 1. Original LUR Application
 2. Incomplete Letter
 3. Pre-Application Conference Summary Notes (EA 19-158074 PC)
 4. Design Advice Request Summary Notes (EA 19-206934 DA)
 5. Email correspondence between staff and the applicant
- H. **Before the 1st Hearing**
 1. Staff report and recommendation to the Landmarks Commission, dated January 30, 2020
 2. Staff memo to the PHLC for the 1st hearing, dated February 3, 2020

At the 1st Hearing

 3. Staff power point presentation
 4. Applicant power point presentation

5. Testifier Sheet

Before the 2nd Hearing

6. Staff report and recommendation to the Landmarks Commission and Design Commission, dated August 17, 2020

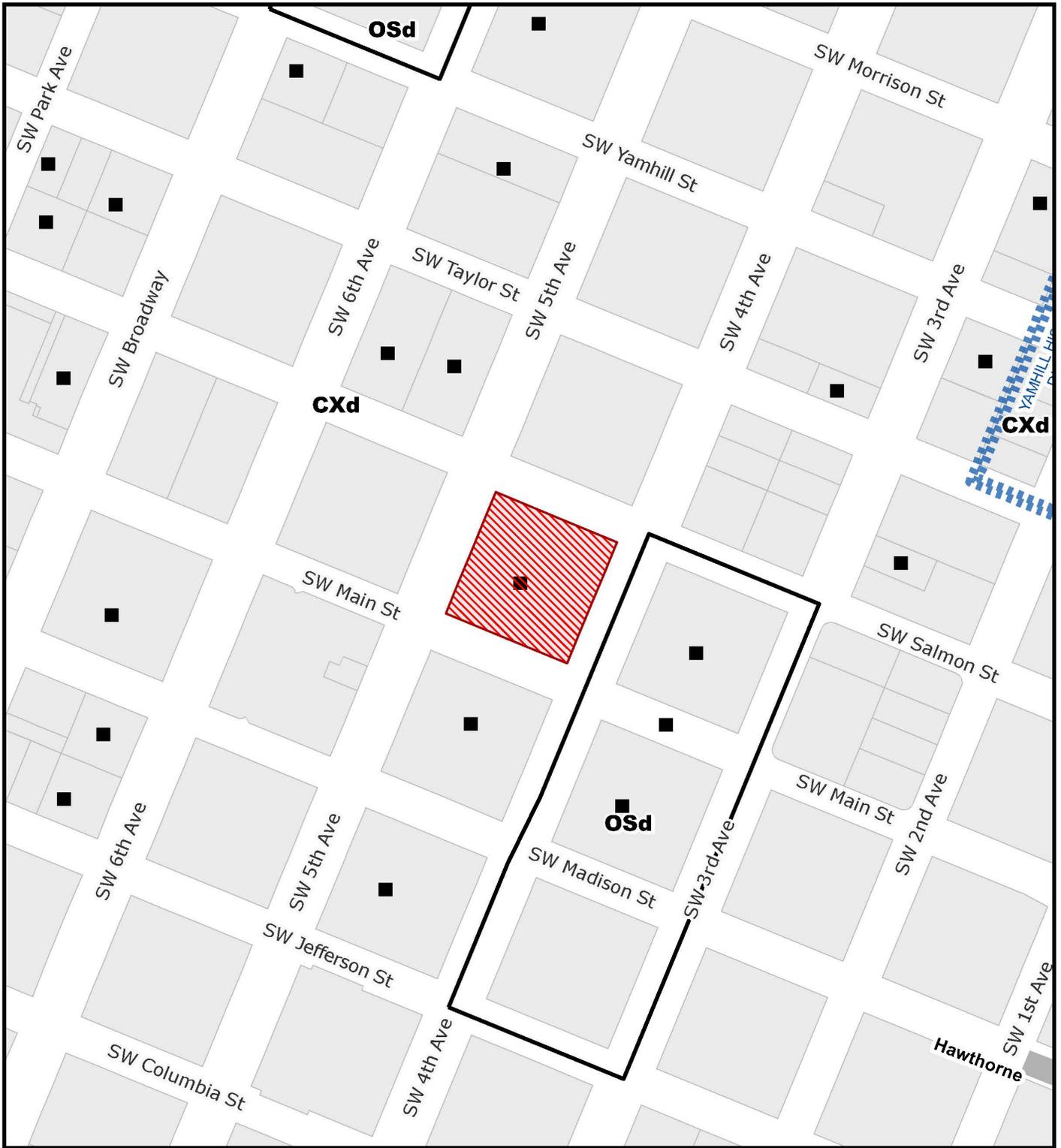
7. Staff memo to the PHLC for the 2nd hearing, August 20, 2020

At the 2nd Hearing

8. Staff power point presentation

9. Applicant power point presentation

10. Testifier sheet, none



ZONING

CENTRAL CITY PLAN DISTRICT
DOWNTOWN SUB DISTRICT



-  Site
-  Historic Landmark
-  Bridge

File No.	LU 19 - 245664 HRM
1/4 Section	3129
Scale	1 inch = 200 feet
State ID	1S1E03BB 500
Exhibit	B Sep 02, 2020