



**Office of Planning
and
Development Review
Land Use Review Division**

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**NOTICE OF A TYPE II DECISION
ON A PROPOSAL IN YOUR NEIGHBORHOOD**

Date: September 19, 2000
To: Interested Person
From: Ruth Selid, Land Use Review
(503) 823-7726

The Office of Planning and Development Review has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

**CASE FILE NUMBER: LUR 00-00431 HDZM, AD (Pacific
House-Senior Housing and Community Center)**

I. GENERAL INFORMATION

Applicant Info: Michael Menashe, Property Owner (227-6433)
MRA Investment, LLC
01350 SW Military Rd
Portland, OR 97219

Representative: Brian McCarl (243-3365)
118 SW Porter Street
Portland, OR 97201

Site Address: 338 WI/NW 5th Avenue

Legal Description: Couch's Addition, Lots 5 and 8, Block 35
Tax Account No.: R180202760
State ID No.: 1N1E34CA 3200
Quarter Section: 3029

Neighborhood: Old Town/China Town, contact Vasi Vlahakis at 281-7768.
Business District: Historic Old Town, contact John Tess at 228-0272.
District Coalition: Downtown Area, contact Contact ONI at 823-4519.

Plan District: **Central City Plan District**
Other Designations: **New China/Japantown Historic District**

Zoning: CX d (Central Commercial with Design overlay)
Case Type: HDZM, AD
Procedure Type: **Type II Procedure**

This application was determined to be complete on August 14, 2000.

PROPOSAL

The applicant proposes to construct a 15-story, 119,000 square foot building with 158 apartments for seniors, with Chinatown Neighborhood Center and 11 parking spaces on the ground floor. The building would be faced with red brick and would have oriel windows

on both street elevations. The request includes 2 Adjustments: to reduce loading from 2 to 1 space, and to reduce bicycle parking from 42 long-term and 10 short-term spaces to about 6 long-term spaces. Three Modifications are requested: to increase the allowable width of an oriel window from 12 to 18 feet; to reduce the size of the loading space from 35 to 18 feet in length and from 13 to 12 feet high; and to increase sign area from 300 square feet to about 665 square feet, which includes Chinese characters on balcony railings. Since the proposal is for a new building in an Historic District, a Historic Design Review is required.

APPROVAL CRITERIA CITATION

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

- 33.445 Historic Overlay Zone
- 33.805.040 Adjustments
- 33.846.140 Historic Design Review
- 33.846.160 Modifications (Historic)

II. ANALYSIS

Site and Vicinity: The site is a quarter block lot at the southwest corner of the intersection of NW 4th Avenue and NW Flanders. The quarter block to the west is developed with the historic Minnesota Hotel, a mixed use facility. To the south are other contributing buildings. Across the street to the east is the Fish Block, an assemblage of one and two-story buildings formerly used for fish processing and distribution. Most of this block is now being converted to parking garage use, with a small retail use at the corner of NW 3rd and NW Everett. New housing has been constructed by the applicant on the southwest quarter of the subject block. New housing with ground level retail and below-grade parking has been approved and is now under construction for a site directly north of this site.

Zoning: The CX, Central Commercial, zone allows a wide variety of uses in areas intended for the most dense commercial development, at the center of the City. Development is intended to be built-up and attractive to pedestrians.

Land Use History: City records indicate there are no prior land use reviews for this site.

Summary of Applicant's Statement: The applicant proposes to provide some additional parking for residents of this building in the Fish Block structure across the street to the east. While no parking spaces are required, this would address some concerns for adequate parking for all users, while allowing other users to park if residents are not asking for more parking spaces.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **August 22, 2000**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau

Portland Transportation responded with the following comment: Bicycle parking is required, both short term and long term, while no vehicle parking is required. The request to reduce the required long-term bike parking to 6 spaces, located within a secure room adjacent to the vehicle parking, is supported, since residents would be allowed to keep bicycles in their units. The proposed 6 long term spaces would be sufficient to serve office employees of the residential and community center uses, and residents would be able to store bicycles in their units. The proposed 4 short-term parking spaces would be located within the apartment lobby, clearly visible from the street. The reduction from 10 to 4 short-term bicycle parking spaces may be approved since senior residents result in a lower demand for short-term spaces. The request to reduce the required loading area from two to one space of reduced size is supported since a step van would be accommodated in the space, and this should be sufficient for smaller-size residential units. Please see Exhibit E-2 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **August**

22, 2000. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Historic Design Review (33.846) Design review ensures:

- That development conserves and enhances the recognized special design values of a site or area.
- The conservation, enhancement, and continued vitality of the identified historic, scenic, architectural, and cultural values of each design district.
- That the characteristics of an historical landmark, which led to it becoming a historic landmark, are conserved.
- High quality of design of public and private projects.

Design Review Approval Criteria (33.846.140): A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design district guidelines, any applicable area plan adopted by City Council, and in the case of a historic landmark, with the recognized values which the historic landmark designation preserves.

Findings: The site is designated with (d) design overlay zoning, therefore exterior improvements require Design Review. The proposal must comply with Chapter 33.846, Design Review and Chapter 33.445, Historic Resource Protection Zone, of the Portland Zoning Code. As the site is within the Old Japantown/Chinatown Historic District and special guidelines have not been adopted, the criteria of 33.846.140 apply.

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

[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.

Findings: There is no historic character to the property, other than its location within the district. This criterion therefore does not apply.

[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.

Findings: The proposal does not create a false sense of historic development, since there is no historic resource on the site. This criterion therefore does not apply.

[3] Historic changes, Most properties change over time, those changes that have acquired historic significance will be preserved.

Findings: There have been no changes to the property that have historic significance, and this criterion therefore does not apply.

[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: This criterion does not apply since there are no historic features to be replaced or preserved.

[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: There are no existing historic materials to be protected, and this criterion therefore does not apply.

[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: There are no known archaeological resources on this site. If any are found, they must be protected and preserved.

[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.

Findings: The proposed new construction will destroy no historic materials, and will be differentiated from adjacent historic buildings by the use of new materials, modern design, and larger mass. This criterion is therefore met.

[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 retro-fitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

Findings: The site has no historic resource now. The proposed building has been designed to be compatible with the adjacent historic structure, through use of a strong base and brick as the primary material. The mass, size, and scale are allowable in this zone. The oriel windows recall traditional window bays, while the ground floor design uses traditional motifs and generous window area typical for this district. This criterion is therefore met.

[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.


Findings: There is no historic integrity of the site, since it is vacant. The environment would be unimpaired if this building were removed in the future. This criterion is therefore met.

[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: There is no original resource on the site. The proposal is within a narrow Historic District, only 2 blocks wide, which includes several Historic Landmark properties, as well as numerous parcels with no contributing historic qualities. The proposal is compatible with the adjacent Minnesota Hotel, an historic property, since it recalls similar window proportions, has a strong base, and uses oriel windows. The proposal is compatible with the district since it uses brick for the main building material, includes ground level canopies and generous window area, and the massing is similar to other modern designs in the area. The apparent mass is reduced by use of brick detailing, oriel windows, small planter balconies, and by the L-shaped floor plate. The roof design is not complete, and a final design for mechanical structures, lobby area, and garden design must be submitted

prior to building permit approval. This criterion can therefore be met with a condition that the roof structures receive further review.

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 review prior to the approval of a building or zoning permit. 

33.846.040: Modifications through Historic Design Review

Site development standards may be modified through design review if the review body finds that the applicant has shown that the proposal better meets the design review objectives and will, on balance, be consistent with the regulation to be modified.

Three Modifications are requested: to increase the allowable width of an oriel window from 12 to 18 feet; to reduce the size of the loading space from 35 to 18 feet in length and from 13 to 12 feet high; and to increase sign area from 300 square feet to about 665 square feet, which includes Chinese characters on balcony railings.

Findings: Oriel Windows. The oriel window policy of the City restrict the width of oriels to 12 feet. When approved through design review, the width may be increased provided the area of all oriels on a wall does not exceed 40% of the wall's area and the width of any single oriel does not exceed 50% of the wall's length. The proposal includes oriels centered on the two street-facing walls that exceed the length; each would be 16 feet wide. However, they meet the length and area restrictions. The design of the building benefits from the longer oriels since they add variation to the wall planes, and provide central elements that add to the quality of the façade. This modification therefore merits approval.

Loading. The purposes of the loading requirements, in 33.266.310, are to ensure that adequate loading area is available for larger developments and that the appearance of loading areas is consistent with that of parking areas. This proposal includes one loading space that would be smaller than the dimensions required. This space would accommodate a step-van or other small vehicle, which would be sufficient for these smaller residential units.

The design review criteria include enhancement of the character of the district. This design allows less area of the ground level devoted to vehicles. The Office of Transportation supports the modification to allow the space to be smaller in size, since most of the building is in smaller residential units. The modification therefore merits approval.

Sign standards. The purpose of sign area and size standards is to provide sufficient sign area to address adjacent streets, and to allow ground level tenants to have identifying signs. The applicable design guidelines include compatibility with the Historic Resources. The overall sign area provide is large due to the use of a stylized Chinese character on all balconies. Each measures about 5 square feet in area. They would be made of the same material as the balconies, and would become a pattern within the overall design, rather than a sign in the traditional sense. The proposed sign area for the community center and for the residential entrance would be modest and in proportion to the character of the façade. The larger sign area modification therefore merits approval.

33.805 Adjustments: The request includes 2 Adjustments: to reduce loading from 2 to 1 space, and to reduce bicycle parking from 42 long-term and 10 short-term spaces to about 6 long-term spaces.

33.805.040 Approval Criteria

The approval criteria for loading and bicycle parking are stated in Chapter 33. 266, Parking and Loading. All adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The purpose of the loading regulation is to provide sufficient loading area for uses on the site. Since the building is nearly entirely comprised of smaller dwelling units, to be occupied by seniors, one on-site loading space would accommodate most of the loading needs of this building. The purpose of the bicycle parking requirement is to provide adequate parking that is secure and attractive. By providing 4 spaces within the lobby where they will be visible and secure, there will be sufficient spaces for the senior population and their visitors, and this purpose is met.

B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in a C, E, or I zone, the proposal will be consistent with the desired character of the area; and

Findings: The desired character of the area is built-up, pedestrian oriented development. The two adjustments support this character, since less space is devoted to vehicles and the bicycle spaces would be visible to pedestrians. This criterion is therefore met.

C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: The two adjustments still result in a proposal consistent with the CX, Central Commercial, zone since they promote a pedestrian oriented and attractive urban development.

D. City-designated scenic resources and historic resources are preserved; and

Findings: There are no scenic resources on this site.

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: The impacts of the two adjustments are negligible since the needs of the building tenants would still be served. This criterion is therefore met.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: The proposal is not in an environmental zone and this criterion therefore does not apply.

III. CONCLUSIONS

Pacific House will contribute to the streetscape with rich materials and interesting details that recall the history of the district. The mass and height will be mitigated by

transitions from the 2-story concrete base to the darker brick of floors 3-12, and by a shift to the upper floors that is marked by a concrete band and change to lighter brick color. The signs would compliment the overall design without overwhelming the building. The parking, loading, and bicycle parking needs of the residents can be accommodated within this design.

IV. ADMINISTRATIVE DECISION

Approval of a 15-story, 119,000 square foot building with 158 apartments for seniors, with a Chinatown Neighborhood Center and 11 parking spaces on the ground floor;

Approval of Adjustments: 1) to reduce loading from 2 to 1 space, and 2) to reduce bicycle parking from 42 long-term and 4 short-term spaces to 6 long-term spaces; and

Approval of Modifications: 1) to increase the allowable width of an oriel window from 12 to 18 feet; 2) to reduce the size of the loading space from 35 to 18 feet in length and from 13 to 12 feet high; and 3) to increase sign area from 300 square feet to about 665 square feet, including Chinese characters on balcony railings;

All per the approved Exhibits C-1 through C-10, signed and dated 9/15/00, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition (B) 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 #LUR 00-00431." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The final design of all roof elements, including mechanical enclosures, lobby, trellis, and garden area must receive further Type II design review and approval prior to issuance of building permits.

Staff Planner: Ruth Selid

Decision rendered by: _____ **on September 15, 2000**

Decision filed September 18, 2000

Decision mailed September 19, 2000

This application was determined to be complete on date August 14, 2000.

Note: 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 Office of Planning and Development Review has independently reviewed the information submitted by the applicant and has included this information only where the Office of Planning and Development Review has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Office of Planning and Development Review with input from other City and public agencies.

Appealing this decision. This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on October 3, 2000** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fourth floor of OPDR. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. Neighborhood associations and low-income individuals may qualify for a waiver of the appeal fee. Assistance in filing the appeal and information on fee waivers is available from OPDR in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing your appeal; please allow 3 working days for fee waiver approval. Fee waivers for neighborhood associations

require a vote of the authorized body of your association. Please see the appeal form for additional information.

The file and all evidence on this case is available for your review by appointment only. Please contact the receptionist at 823-7300 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.ci.portland.or.us.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Salem, Oregon 97310 [Telephone: (503) 373-1265] for further information.

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



Recording the final decision. If this decision is not appealed, it will be final on **October 4, 2000—the day following the last day to appeal**. It cannot be recorded before that date, but it must be recorded before the approved use is permitted, any building or development permits are issued, or any changes to the Comprehensive Plan Map or Zoning Map are made. The applicant, builder, or a representative can record the decision by going in person to the City Auditor's office in City Hall, 1221 SW Fourth Avenue, Room 140; Portland, Oregon. The Auditor will charge a fee and will record this decision with the County Recorder. For more information about recording a decision, contact the City Auditor at (503) 823-4082.



Expiration of this approval. This decision expires three years from the date the final decision is rendered unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, the land division has been recorded.

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.

EXHIBITS - NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Description and Criteria statements
 - 2. Sign analysis
 - 3. August 11, 2000 response re: incomplete letter
 - 4. August 14, 2000 letter re: status 
- B. Zoning Map (attached)
- C. Plans/Drawings: (attached)
 - 1. Site and ground floor plans
 - 2. Second floor plan and floors 3-12
 - 3. Floors 13-15 and roof plan
 - 4. East elevation
 - 5. North elevation
 - 6. West elevation
 - 7. South elevation
 - 8. Courtyard plan and elevations
 - 9. Roof screen and lantern details
 - 10. Sections at canopies
- D. Notification information:
 - 1. Mailed notice
 - 2. Mailing list
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
- F. Correspondence 
 - 1. Old Town/Chinatown Visions Committee Land Use and Design Review Sub-Committee
- G. Other
 - 1. Original LUR Application
 - 2. Site History Research
 - 3. Pre-App notes (PC 00-046)
 - 4. Context diagram
 - 5. Chinatown Neighborhood Center Business Plan

The Office of Planning and Development Review is committed to providing equal access to information and hearings. If you need special accommodations, please call 823-7300 (TTY 823-6868).