



**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT**  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128

503-434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, CONDITIONS, FINDINGS OF FACT, AND CONCLUSIONARY FINDINGS OF THE  
MCMINNVILLE HISTORIC LANDMARKS COMMITTEE FOR APPROVAL OF A NEW BUILDING AT  
1025 NE 1<sup>ST</sup> STREET WITHIN THE DOWNTOWN DESIGN AREA**

- DOCKET:** DDR 1-19 (Downtown Design Review)
- REQUEST:** The applicant has submitted a Downtown Design Review application to request the approval of the exterior design of a proposed new apartment building to be constructed on a property located within the Downtown Design area.
- LOCATION:** The subject site is located 1025 NE 1<sup>st</sup> Street, and is more specifically described as Lots 5, 6, 7, and 8, Rowland's Addition. The subject site is also identified as Tax Lot 7900, Section 21BD, T. 4 S., R. 4 W., W.M.
- ZONING:** The subject site is designated as Commercial on the McMinnville Comprehensive Plan Map, and is zoned C-3 (General Commercial).
- APPLICANT:** Jonathan and Robin Rouse, on behalf of RJED, Corp.
- STAFF:** Chuck Darnell, Senior Planner
- DATE DEEMED COMPLETE:** February 4, 2019
- DECISION-MAKING BODY:** McMinnville Historic Landmarks Committee
- DATE & TIME:** February 27, 2019. Meeting was held at the Community Development Center, 231 NE 5<sup>th</sup> Street, McMinnville, OR 97128.
- PROCEDURE:** The building proposed to be newly constructed is located on a property within the downtown design area described in Section 17.59.020 of the McMinnville City Code, and any new construction is required to follow the Downtown Design Review process required by Section 17.59.030(A) of the McMinnville Municipal Code.
- CRITERIA:** The applicable criteria are in Section 17.59.040 of the McMinnville Municipal Code.
- APPEAL:** The decision may be appealed to the Planning Commission within 15 days of the date the decision is mailed as specified in Section 17.59.030(E) of the McMinnville Municipal Code.
- COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Their comments are provided in this exhibit.

**DECISION**

Based on the findings and conclusions, the Historic Landmarks Committee **APPROVES** the exterior design of the proposed new building at 1025 NE 1<sup>st</sup> Street, **subject to the conditions of approval provided in this document.**

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**DECISION: APPROVAL WITH CONDITIONS**  
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Planning Staff: Chuck Darnell  
Chuck Darnell, Senior Planner

Date: March 6, 2019

Planning Department: Heather Richards  
Heather Richards, Planning Director

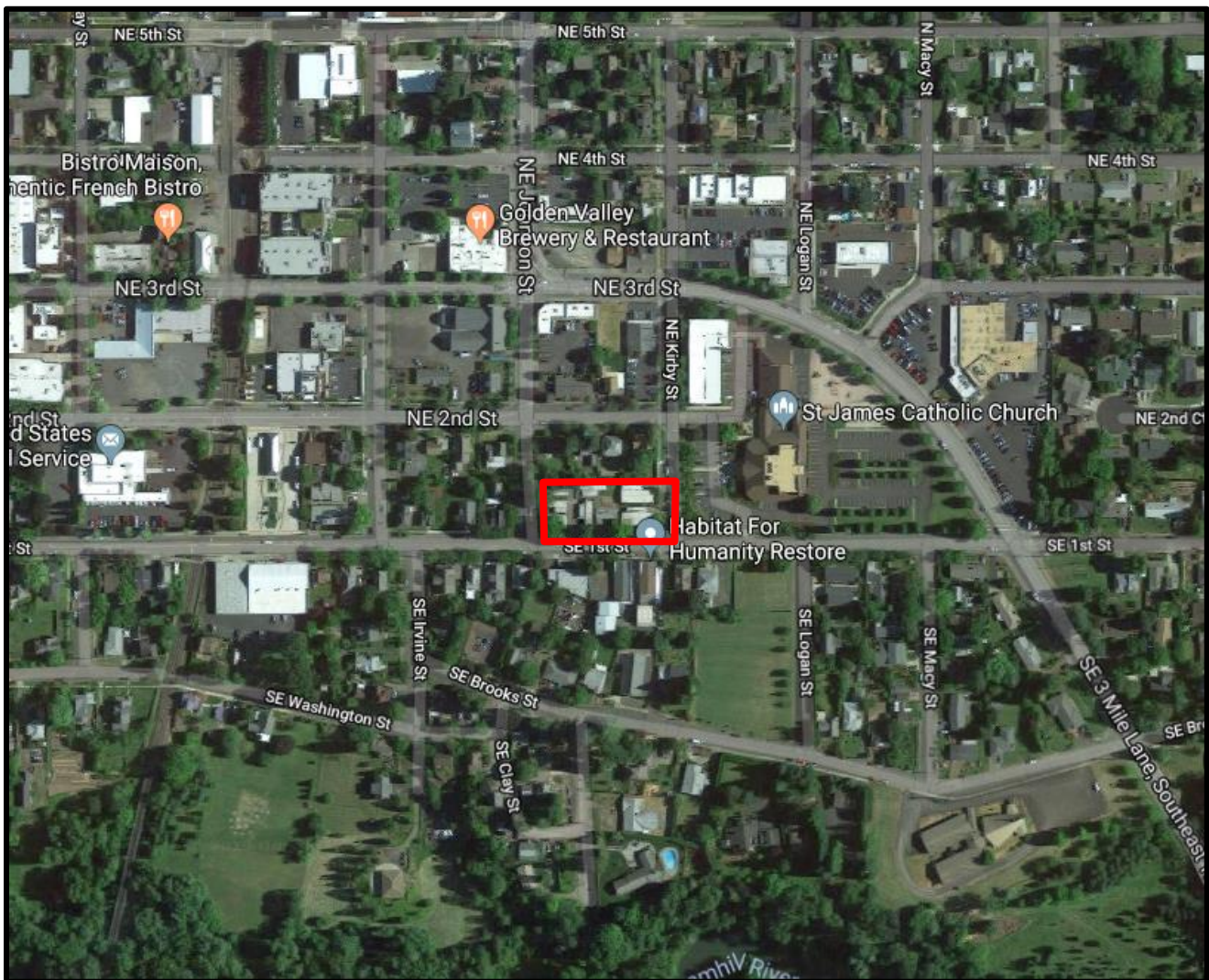
Date: March 6, 2019

**APPLICATION SUMMARY:**

The applicants, Jonathan and Robin Rouse, on behalf of RJED, Corp., submitted a Downtown Design Review application requesting the approval of the design of a proposed new apartment building on a property that is located in the Downtown Design area. The subject property is located at 1025 NE 1<sup>st</sup> Street, and is more specifically described as Lots 5, 6, 7, and 8, Rowland’s Addition. The subject site is also identified as Tax Lot 7900, Section 21BD, T. 4 S., R. 4 W., W.M. The property makes up the entire block frontage of the north side of NE 1<sup>st</sup> Street between NE Johnson Street and NE Kirby Street.

The property is located within the Downtown Design Standards and Guidelines area defined in Section 17.59.020 of the McMinnville Municipal Code, and any new construction in that area is subject to the standards and guidelines within the Downtown Design area. Section 17.59.030(C)(2) requires the Historic Landmarks Committee to review any application for major alterations or new construction within the Downtown Design area.

The location of the property is identified below (outline of property is approximate):

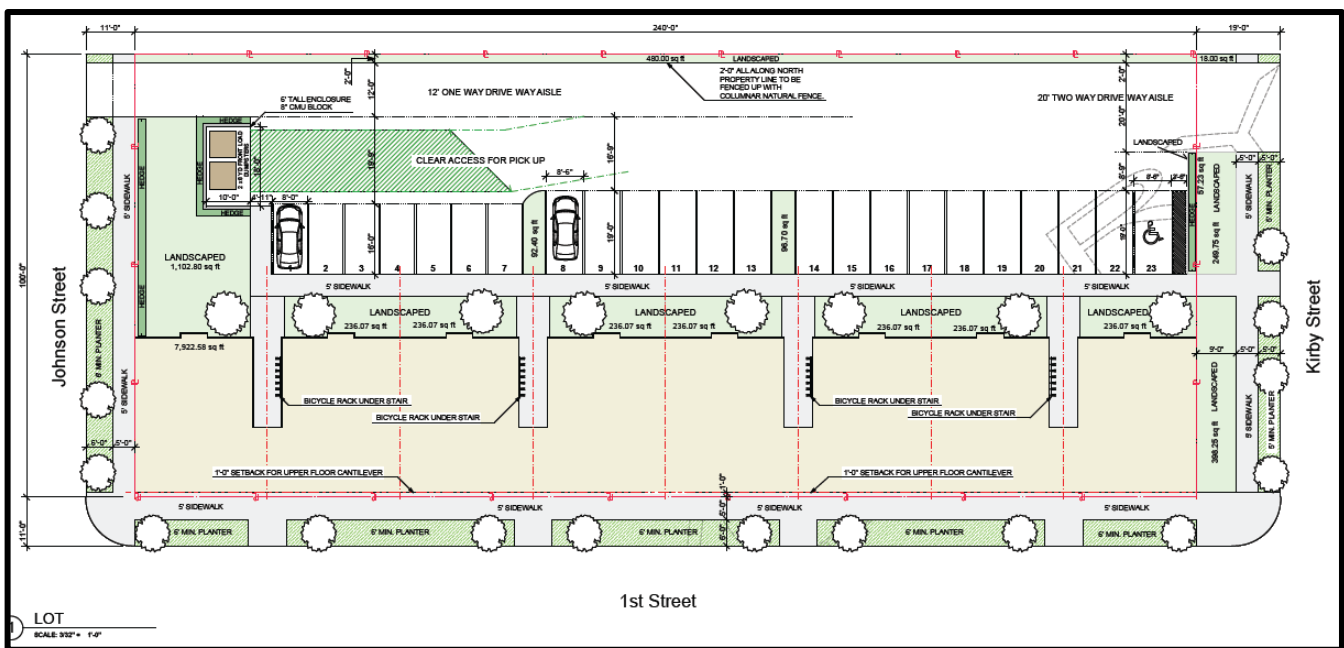


The building being proposed would be entirely residential, made up of a total of 16 two-bedroom apartment units. The floor plans would basically be mirrored on the upper and lower story of the building, with 8 apartment units on each level. There would be a slight variation in the floor plan of

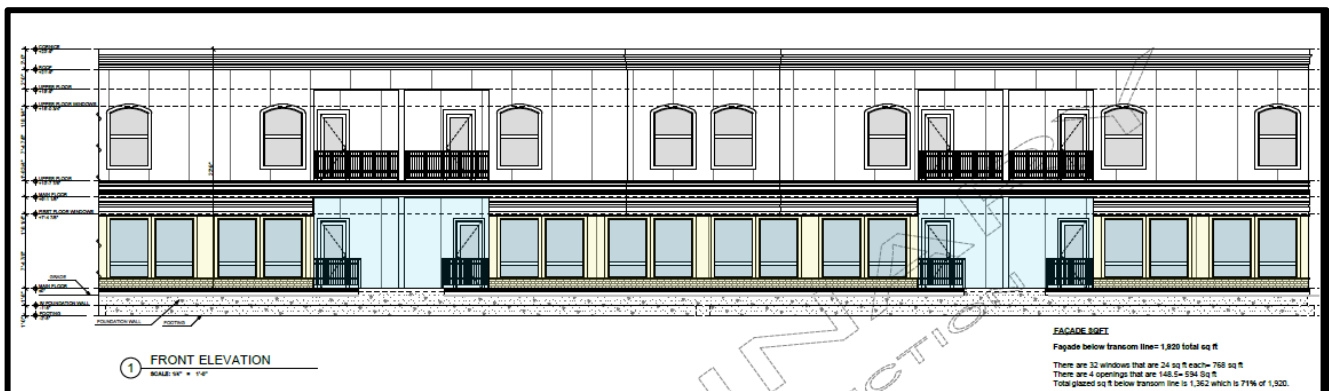
some of the upper story units in the dining rooms to allow for an architectural projection and bump out on the upper story of the south façade. The ground floor units are proposed to have entry doors with courtyard spaces that open directly onto the sidewalk on NE 1<sup>st</sup> Street. Each unit will also have an entry on the north side of the building off of an open staircase area, with the stairs providing the only entry to the upper story units.

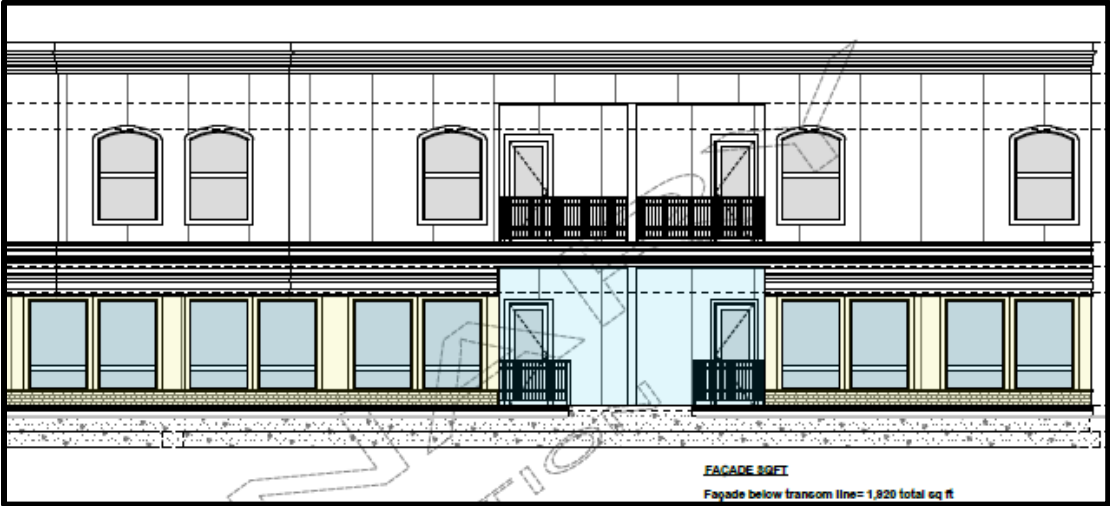
The applicant provided findings for some sections of the McMinnville Municipal Code (MMC) that are not necessarily under the purview of the Historic Landmarks Committee, but that impact the overall site plan and layout. Therefore, the applicant provided findings for how other site improvements such as parking, access, landscaping, and treatment of the trash enclosure are being satisfied to ensure that there would not be some change to the site plan that would impact the building design being reviewed by the HLC under the Downtown Design Review process. Staff has reviewed the findings, and has found that the other sections of the MMC are being satisfied by the proposed site plan. A site plan, front elevations, and renderings of the proposed building are provided below:

### Site Plan



### Front (South) Elevation





Renderings





### **CONDITIONS:**

1. That the applicant shall submit building permit applications prior to completing any work. The construction plans submitted with the building permit applications will be reviewed by the Planning Director for consistency with the written narrative, exhibits, drawings, and renderings submitted for review by the Historic Landmarks Committee, along with any revisions to respond to other conditions of approval.
2. That the footprint of the building shall be shifted two (2) feet to the north to create a three (3) foot setback on the south side of the building. The two (2) foot shift in the building shall be accommodated by decreasing the depth of the planter strip immediately to the north of the building, between the north building wall and the sidewalk that runs along the parking area, by two (2) feet.

Within the three (3) foot setback area, the construction plans shall be revised to include a fully fenced courtyard in front of the openings in the façade for the ground floor unit entrances. The fenced courtyard shall extend outward from the building wall up to the property line, forming a space that is a minimum of three (3) feet deep and eight (8) feet, nine (9) inches wide, that would be combined with the courtyard space under the upper story balconies. The fenced courtyard may be extended in width along the south façade of the building, if the applicant wished to have a wider courtyard space. The applicant may include gates that lock and either swing open into the courtyard or swing open off the side of the fenced courtyard into the three (3) foot setback area, based on building code requirements.

The three (3) foot setback area between fenced courtyards shall be landscaped, forming a landscape planter area between the building wall and the sidewalk within the NE 1<sup>st</sup> Street right-of-way.

3. That the construction plans shall be revised to include a third upper story architectural projection, identical in size and design to the two (2) included in the proposed design. This third upper story architectural projection shall be located in the center of the south building façade, extending outward from the dining room spaces within the two most interior apartment units on the upper story of the building.
4. That the construction plans shall be revised to include a more defined transom on the ground floor apartment unit entrances that open onto the NE 1<sup>st</sup> Street right-of-way.
5. That the construction plans shall be revised to allow for the beltcourse proposed to be horizontal along all four building façades to be reduced in height to the height that will run consistently along the façades through the space between the upper story balconies and the ground floor courtyard space openings in the south façade. The remaining façade beneath the beltcourse shall be the same building material as proposed for the remainder of the ground floor façade.
6. That all windows on the building shall be black or a dark bronze in color.
7. That the applicant shall provide samples or swatches of the final colors selected to be used for all exterior materials to be reviewed and approved by the Historic Landmarks Committee prior to application on any portion of the building.
8. That the applicant shall provide a built example of the final exterior panel building material to be reviewed and approved by the Historic Landmarks Committee prior to the release of building permits for the proposed development. The built example shall include an example of the treatment of the vertical reveal joint between panels to ensure that the reveal joint is minimized in visual appearance and prominence on the building façade.

## **ATTACHMENTS**

1. Certificate of Approval Application (on file with the Planning Department)

## **COMMENTS**

### **Agency Comments**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. The following comments had been received:

- **McMinnville Engineering Department**

We have no comments regarding the Downtown Design Review elements. That said, this proposed development has not been discussed with the Community Development Department, and there may be sanitary sewer capacity issues that will need to be addressed by the developer, and/or that that could prevent the development from proceeding.

The City 's adopted Sanitary Sewer Conveyance System Master Plan anticipated development at a level of 12 dwelling units per acre for C-3 properties. Given the site size of 0.55 acres (24,000 square feet), the master plan anticipated 6-7 dwelling units on the site....which is significantly less than the proposed 16 units.

- McMinnville Fire Department:

We have no issues with this request.

Note – While the comments from the Engineering Department are not applicable to the Downtown Design Review process, the City includes this information for the applicant so that they may address the sewer capacity issues prior to moving forward with further design and development.

### **Public Comments**

Public notice was mailed to owners of properties within 100 feet of the subject site, as required by Section 17.59.030(C)(3) of the McMinnville Municipal Code. The Planning Department did not receive any public testimony prior to the public hearing.

### **FINDINGS OF FACT**

1. Jonathan and Robin Rouse, on behalf of RJED, Corp., submitted a Downtown Design Review application requesting the approval of the design of a proposed new apartment building on a property that is located in the Downtown Design area. The subject property is located at 1025 NE 1<sup>st</sup> Street, and is more specifically described as Lots 5, 6, 7, and 8, Rowland's Addition. The subject site is also identified as Tax Lot 7900, Section 21BD, T. 4 S., R. 4 W., W.M.
2. The site is currently zoned C-3 (General Commercial), and is designated as Commercial on the McMinnville Comprehensive Plan Map, 1980.
3. Notice of the design review request was provided to property owners within 100 feet of the subject site. The Planning Department received no public testimony prior to the public meeting.
4. A public meeting was held by the Historic Landmarks Committee on February 27, 2019 to review the proposal.
5. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

### **CONCLUSIONARY FINDINGS**

#### **McMinnville's Comprehensive Plan:**

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

**GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.**

*Policy 188.00: The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.*

Finding: **Goal X 1 and Policy 188.00 is satisfied.**



The City of McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Historic Landmarks Committee review of the request and recommendation at an advertised public meeting. All members of the public have access to provide testimony and ask questions during the public review and meeting process.

### **McMinnville’s City Code:**

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

#### 17.59.020 Applicability.

- A. The provisions of this Chapter shall apply to all lands located within the area bounded to the west by Adams Street, to the north by 4<sup>th</sup> Street, to the east by Kirby Street, and to the south by 1<sup>st</sup> Street. Lands immediately adjacent to the west of Adams Street, from 1<sup>st</sup> Street to 4<sup>th</sup> Street, are also subject to the provisions of this Chapter.
- B. The provisions of this ordinance shall apply to the following activities conducted within the above described area:
  1. All new building construction;
  2. Any exterior building or site alteration; and,
  3. All new signage.

Finding: **Section 17.59.020 is satisfied.**

The subject site is located within the downtown design area described in Section 17.59.020(A), and the applicant is proposing new building construction on the subject site. Therefore, the provisions of the Downtown Design Standards and Guidelines chapter are applicable to the proposed new construction.

#### 17.59.030 Review Process.

- A. An application for any activity subject to the provisions of this ordinance shall be submitted to the Planning Department and shall be subject to the procedures listed in (B) through (E) below.
- B. Applications shall be submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040. The application shall include the following information:
  1. The applicant shall submit two (2) copies of the following information:
    - a. A site plan (for new construction or for structural modifications).
    - b. Building and construction drawings.
    - c. Building elevations of all visible sides.
  2. The site plan shall include the following information:
    - a. Existing conditions on the site including topography, streetscape, curbcuts, and building condition.
    - b. Details of proposed construction or modification to the existing structure.
    - c. Exterior building elevations for the proposed structure, and also for the adjacent structures.
  3. A narrative describing the architectural features that will be constructed and how they fit into the context of the Downtown Historic District.
  4. Photographs of the subject site and adjacent property.
  5. Other information deemed necessary by the Planning Director, or his/her designee, to allow review of the applicant’s proposal. The Planning Director, or his/her designee, may also waive the submittal of certain information based upon the character and complexity (or simplicity) of the proposal.

C. Review Process

1. Applications shall be submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040. The Planning Director shall review the application and determine whether the proposed activity is in compliance with the requirements of this ordinance.
2. The Planning Director may review applications for minor alterations subject to the review criteria stated in Section 17.59.040. The Historic Landmarks Committee shall review applications for major alterations and new construction, subject to the review criteria stated in Section 17.59.040. It shall be the Planning Director’s decision as to whether an alteration is minor or major.
3. Notification shall be provided for the review of applications for major alterations and new construction, subject to the provisions of Section 17.72.110.
  - a. The Historic Landmarks Committee shall meet within 30 (thirty) days of the date the application was deemed complete by the Planning Department. The applicant shall be notified of the time and place of the review and is encouraged to be present, although their presence shall not be necessary for action on the plans. A failure by the Planning Director or Historic Landmarks Committee, as applicable, to review within 30 (thirty) days shall be considered an approval of the application.
  - b. If the Planning Director or Historic Landmarks Committee, as applicable, finds the proposed activity to be in compliance with the provisions of this ordinance, they shall approve the application.
  - c. If the Planning Director or Historic Landmarks Committee, as applicable, finds the proposed activity in noncompliance with the provisions of this ordinance, they may deny the application, or approve it with conditions as may be necessary to bring the activity into compliance with this ordinance.

Finding: **Section 17.59.030 is satisfied.**

The applicant submitted an application as required, and the application was reviewed by the Historic Landmarks Committee as it consists of new construction. Notification was provided to property owners within 100 feet of the subject site, as required by Section 17.72.110.

17.59.040 Review Criteria

- A. In addition to the guidelines and standards contained in this ordinance, the review body shall base their decision to approve, approve with conditions, or deny the application, on the following criteria:
1. The City’s historic preservation policies set forth in the Comprehensive Plan;
  2. If a structure is designated as a historic landmark on the City’s Historic Resources Inventory or is listed on the National Register for Historic Places, the City’s historic preservation regulations in Chapter 17.65, and in particular, the standards and guidelines contained in Section 17.65.060(2); and

Finding: **Sections 17.59.040(A)(1) and 17.59.040(A)(2) are not applicable.**

The site and existing use is not listed on the City’s Historic Resources Inventory and is not within the Downtown Historic District that is listed on the National Register of Historic Places. Therefore, the City’s historic preservation policies in the Comprehensive Plan and historic preservation regulations in Chapter 17.65 are not applicable.

17.59.050 Building and Site Design.

- A. Building Setback.
1. Except as allowed by this ordinance, buildings shall maintain a zero setback from the sidewalk or property line.

Attachments:

Attachment 1 – Downtown Design Review Application

2. Exceptions to the setback requirements may be granted to allow plazas, courtyards, dining space, or rear access for public pedestrian walkways.

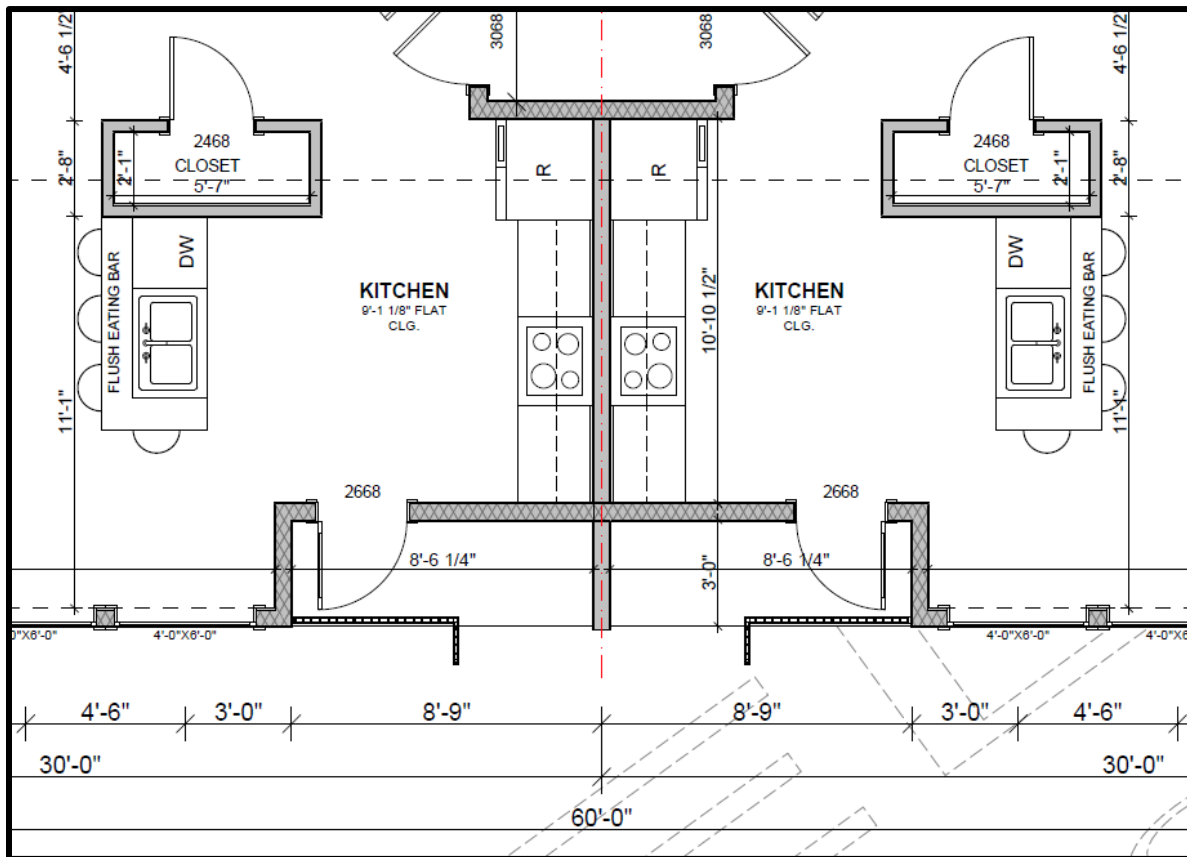
**Finding: Section 17.59.050(A) is satisfied, and a condition of approval is included to ensure that the criteria are satisfied.**

The new building is proposed to be oriented towards the public right-of-way, and on both the Johnson Street (west) side and Kirby Street (east) side of the property, the building is proposed to be built right to the property line with a zero setback. On the 1<sup>st</sup> Street (south) side of the property, the applicant proposed a one foot setback to allow for the creation of entry courtyards for the eight (8) apartment units that would be on the ground floor of the building. These entry courtyards are proposed to function as primary and recessed entryways into the building (in order to meet other applicable design standards, which will be discussed in more detail below). The applicant is requesting that an exception be provided to the zero setback for those courtyards, and the applicant has also stated that the entry courtyards would allow for future tenants to use the space as outdoor dining space. Both of these types of uses are specifically listed as uses and features that can be included in a project to allow for the exception to the zero setback.

The applicant has also stated that, while not a reason to grant an exception to the setback requirement, the one foot setback would allow for two upper story projections or cantilevers to occur within that one foot setback space. These projections are being proposed to provide for vertical articulation in the building façade (in order to meet other applicable design standards, which again will be discussed in more detail below).

The Historic Landmarks Committee finds that an exception to the zero setback could be allowed for this particular project, because the subject site and the proposed building will encompass the entire frontage along NE 1<sup>st</sup> Street between NE Johnson Street and NE Kirby Street. One of the intentions of the zero setback requirement is that there is a consistent setback of buildings along each block, and with this project encompassing the entire NE 1<sup>st</sup> Street block, there is no need to match the existing setback of adjacent buildings along the same block frontage. Zero setback buildings also create interaction between the built environment and the adjacent public spaces. An exception to the zero setback is only stated to be allowed when there are uses or features proposed that still create that interaction and relationship between buildings and the public right-of-way, including those usable spaces described as plazas, courtyards, or dining spaces.

Based on the proposed design, the space being provided for the courtyards is not adequate or large enough to warrant the setback from the property line. The space is only 3 feet deep by 8 feet 9 inches wide, but over 3 feet of that width will be required to be kept clear to allow for the door to swing open into the courtyard space. This does not leave adequate room for the courtyard space to be usable as a courtyard or for dining space as stated by the applicant. The plans also include a “L” shape to the courtyard railing, which would extend out one foot into the one foot setback area. The remainder of the one foot setback area would be paved up to the building wall, which would essentially function as a 6 foot sidewalk in those spaces between courtyards. This railing configuration creates a less than desirable transition between the patio and the sidewalk, and could also present a tripping or safety issue for the public traveling along the sidewalk. The courtyard space as proposed can be seen below:

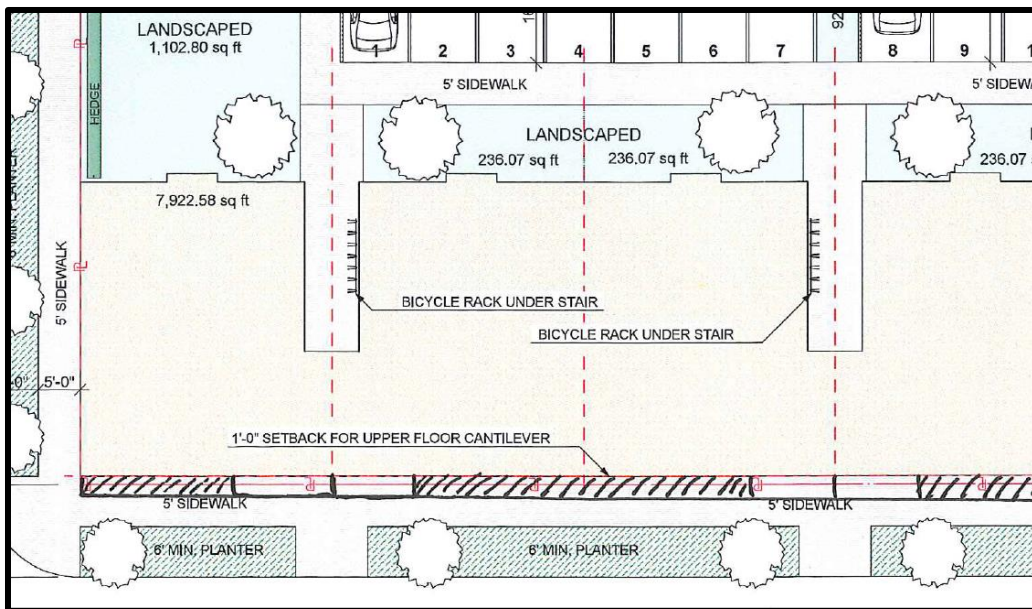
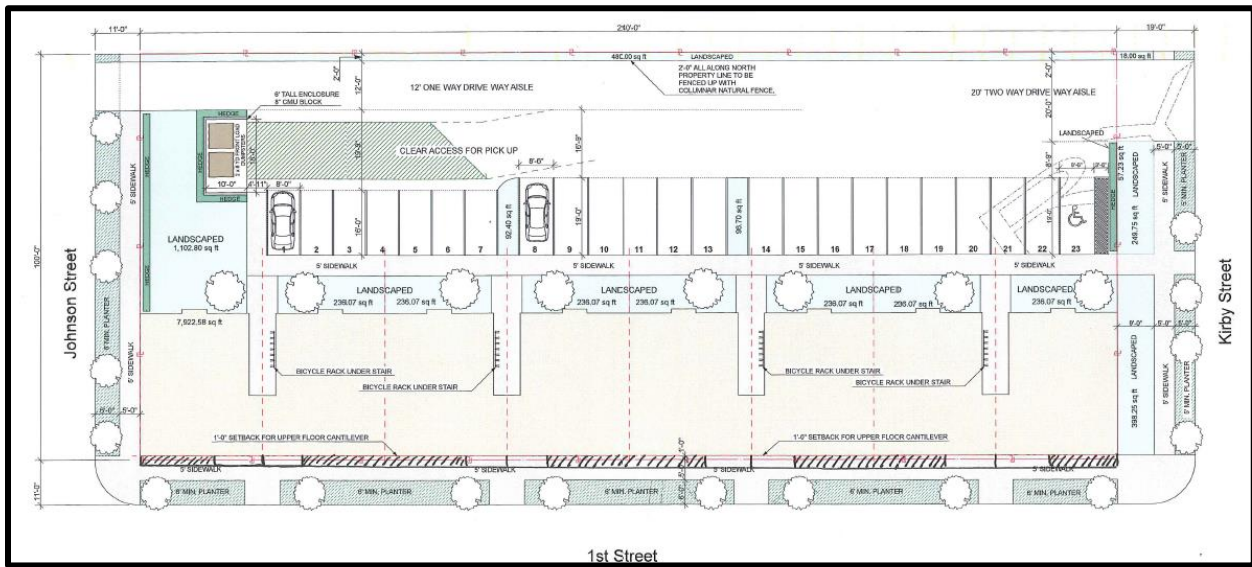


As stated above, the Historic Landmarks Committee finds that an exception to the zero setback could be provided based on the size of the subject site and the proposed building encompassing an entire block frontage, but that would be only if an adequate space is actually being provided for a courtyard that is more usable for the future tenants. Therefore, a condition of approval is included to slightly increase the setback to allow for a more functional and usable courtyard space that could better accommodate sitting space or dining space.

The site plan as proposed includes a landscape planting area on the north side of the building, between the north building wall and the sidewalk, which is approximately 9 feet in depth. This landscaped space could be reduced by 2 feet and still provide space for landscaping and plant materials to be placed, but would allow for the building to move 2 feet north. This would increase the setback on the south side of the building to 3 feet, but would allow for more space for a fully fenced courtyard off of the entry of each of the ground floor apartment units. This 3 foot space, along with the covered 3 foot deep space, would create a more usable courtyard area that could better accommodate sitting or dining spaces. Specifically, a condition of approval is included to require this adjustment to the placement of the building to create a 3 foot setback on the south side of the building, and that within that 3 foot setback area, fully fenced courtyards be provided at a minimum in the space in front of the opening in the façade that makes up the currently proposed courtyard and balcony areas, and that the remaining spaces between fenced courtyards be landscaped. This type of design would not only create a more usable courtyard space for the future tenants of the ground floor units, but that it would also create an opportunity for more interaction and activity between the proposed residential uses and the public space on the sidewalk on NE 1<sup>st</sup> Street.

An example of what is required by the condition of approval can be seen below. The drawing is not to scale, but represents the general design described above. The solid black lines with open space within them represent the fence that would enclose the courtyard, and the dashed areas represent would could be landscaping space between each courtyard. Entry gates could be provided to each courtyard, which

would give tenants privacy and potentially be locked. These gates may need to open off the side of the courtyard (into the areas shown as being landscaped) so that the gates did not open into the right-of-way and the sidewalk space.



B. Building Design.

1. Buildings should have massing and configuration similar to adjacent or nearby historic buildings on the same block. Buildings situated at street corners or intersections should be, or appear to be, two-story in height.

Finding: **Section 17.59.050(B)(1) is satisfied.**

The subject site and proposed building are somewhat unique, in that they will take up an entire city block on the north side of NE 1<sup>st</sup> Street between NE Johnson Street and NE Kirby Street. Therefore, the proposed building will make up the entire block, if measured based on the block being the street frontage along the north side of NE 1<sup>st</sup> Street. The applicant has also stated that there are no other historic buildings identified on the Historic Resources Inventory adjacent to or on the same block as the subject site. However, the Historic Resources Inventory does actually include multiple properties that

are listed on the Historic Resources Inventory on lots adjacent to the subject site, both to the north fronting onto NE 2<sup>nd</sup> Street and to the west across NE Johnson Street. Locations of those resources can be seen below:



The surrounding historic resources are residential structures, but are a variety of forms and sizes between one story, one and a half story, and two story structures. Most do have gable type rooflines, which are typical of residential structures. While these residential structures exist adjacent to the subject site, they are primarily oriented to the north and towards NE 2<sup>nd</sup> Street. Again, the subject site is unique in that it will encompass the entire NE 1<sup>st</sup> Street block frontage, which is where the building is proposed to be oriented. Therefore, the Historic Landmarks Committee finds that there is not a need to match the proposed building's massing and configuration with buildings that otherwise might have been immediately adjacent on each side and oriented towards the same street.

The applicant's proposed design is a two story structure with a massing and configuration more consistent with a traditional historic commercial building. Specifically, the design is for a 24.5 foot tall structure with a flat roof along the entirety of the structure, and of an orientation immediately adjacent to the property lines that is required by other design standards (see above for more detail). The flat roofline is being proposed to satisfy other applicable design standards related to the orientation of rooflines and a discouragement of the use of gable roof lines (which will be discussed in more detail below). The building, because it takes up an entire block length, is also going to be located on two street corners, which requires that the building be, or appear to be, two stories in height. Based on the unique fact that the site encompasses the entire NE 1<sup>st</sup> Street block frontage, the requirement that the building be two stories in height at the two street corners, and that the other historic resources adjacent to the subject site are oriented towards a completely different street and block frontage (NE 2<sup>nd</sup> Street), the proposed massing and configuration is found to be acceptable and satisfy this design standard.

Attachments:

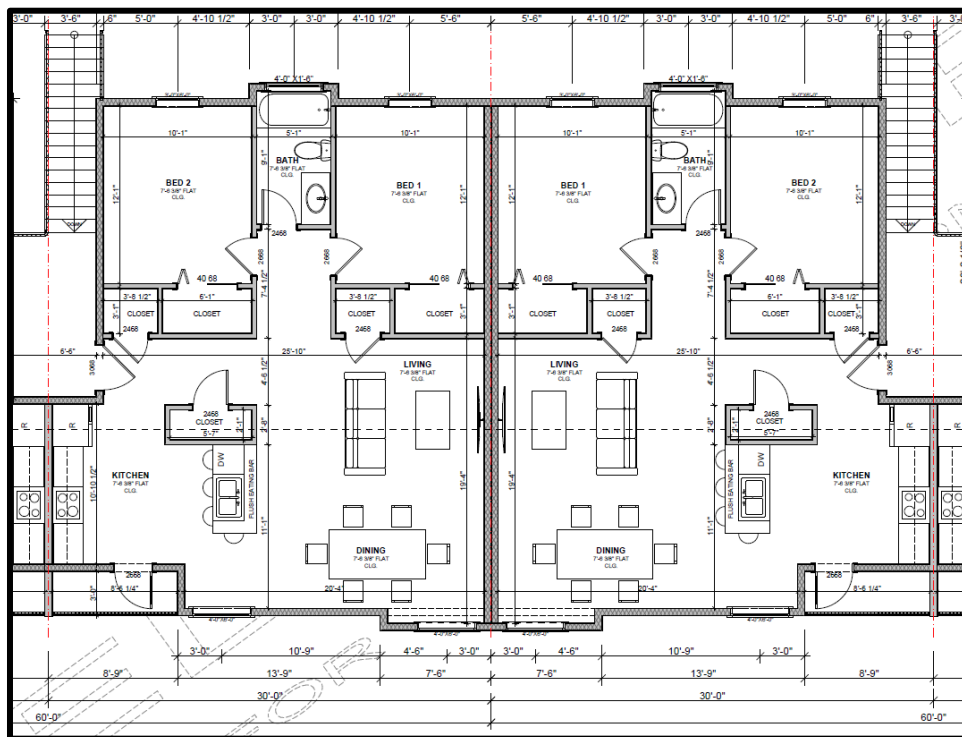
Attachment 1 – Downtown Design Review Application

2. Where buildings will exceed the historical sixty feet in width, the façade should be visually subdivided into proportional bays, similar in scale to other adjacent historic buildings, and as appropriate to reflect the underlying historic property lines. This can be done by varying roof heights, or applying vertical divisions, materials and detailing to the front façade.

Finding: **Section 17.59.050(B)(2) is satisfied, and a condition of approval is included to ensure that the criteria are satisfied.**

The proposed building is noted in the applicant’s narrative as being approximately 200 feet in length along the south façade and 36 feet in length (inclusive of the upper story projections) along the west and east facades. The width of the building on the west and east facades is not over 60 feet in width, so no vertical subdivisions or divisions are required. However, based on the site plan and the width of the subject site, the building width along the south façade will be 240 feet in width. This greatly exceeds the historical 60 feet in width, so some type of treatment is required to provide for visual relief along the south façade, which will function as the front façade.

The applicant has stated that the required proportional bays are being created in the front façade by the openings in the front façade for the courtyard and balconies on the lower and upper story apartment units. These openings occur at four points along the front façade, with no more than about 43 feet between the courtyard/balcony openings. In addition to those openings, the applicant is proposing to include vertical reveal joints between stucco paneling to provide for additional vertical division and detailing along each building façade. The application narrative notes that a similar design treatment was approved for the Atticus Hotel building, and the proposed vertical reveal joints will be the same width as was applied on the Atticus Hotel building at 4 feet. Finally, the front façade is also proposed to include architectural projections along the upper story in two locations. These architectural projections are in the form of a one foot bump out, at 15 feet in width, in the area of the dining rooms on the interior of the building. The projections will again only occur on the upper story of the front façade, so the ground floor would be one flush and continuous wall (outside of the openings for the courtyard spaces). These architectural projections can be seen in the floor plan and the renderings below:





The proposed design does include a wider space along the center of the south (front) façade. That space is currently shown as one flat wall, approximately 43 feet in length, between two openings for courtyards and balconies. In order to provide for a more consistent pattern and rhythm along the south façade, and to ensure that the vertical divisions and detailing are being provided along the entirety of the south façade, a condition of approval is included to require that one additional architectural projection, identical in size and design the two included in the proposed design, be provided in the center of the south building façade. The condition specifies that this third architectural projection would extend outward from the dining room spaces within the two most interior apartment units on the upper story of the building. The location of this required third architectural projection can be seen below:



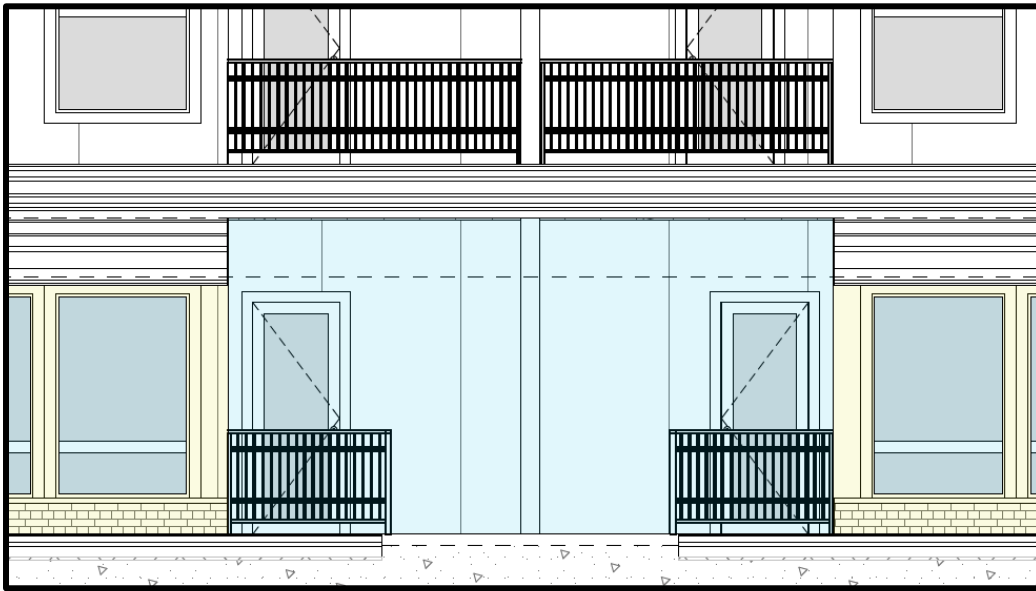


3. Storefronts (that portion of the building that faces a public street) should include the basic features of a historic storefront, to include:
  - a. A belt course separating the upper stories from the first floor;
  - b. A bulkhead at the street level;
  - c. A minimum of seventy (70) percent glazing below the transom line of at least eight feet above the sidewalk, and forty (40) percent glazing below the horizontal trim band between the first and second stories. For the purposes of this section, glazing shall include both glass and openings for doorways, staircases and gates;
  - d. A recessed entry and transom with transparent door; and
  - e. Decorative cornice or cap at the roofline.

**Finding: Section 17.59.050(B)(4) is satisfied, and conditions of approval are included to ensure that the criteria are satisfied.**

The applicant has proposed a building design that incorporates most of the required storefront features. The building includes a painted fiber cement belt course between the upper story and the ground floor of all building facades that front onto public right-of-way. A similar painted fiber cement cornice is proposed at the roofline along all four building facades to provide the required decorative cornice along the roofline. The beltcourse size and scale as proposed is found to dominate the facades of the building and to detract from the visual purpose of the beltcourse, which is to separate the upper story from the first floor. Therefore, a condition of approval is included to require that the beltcourse proposed to be horizontal along all four building façades be reduced in height to only the height that will run consistently along the façades through the space between the upper story balconies and the ground floor courtyard space openings in the south façade. The condition of approval also states that the remaining façade beneath the beltcourse will be finished with the same building material as proposed for the remainder of the ground floor façade.

A brick bulkhead is proposed at the street level of all building facades that front onto public right-of-way, from grade up to the bottom of the windows along the ground floor façade. The applicant provided detailed calculations for how the 70 percent minimum glazing and 40 percent minimum glazing is being satisfied on the ground and upper floors, respectively. More specifically, 71 percent of the building's ground floor façade and 51 percent of the building upper story façade are proposed to be glazing, between all of the windows and the openings in the façade for the courtyard and balcony spaces. The ground floor apartment units include entryways that are recessed under the balcony spaces above. These entryways include what is described in the application narrative as "transom with a transparent front door", and those transparent doors are identified in the front elevation. However, an obvious transom is not visible in the renderings on these entry doors. A typical trim around the door is identified in the elevation, which can be seen below:



A condition of approval is required that the final construction plans be revised to include a more defined transom on the ground floor apartment unit entrances that open onto the NE 1<sup>st</sup> Street right-of-way.

4. Orientation of rooflines of new construction shall be similar to those of adjacent buildings. Gable roof shapes, or other residential roof forms, are discouraged unless visually screened from the right-of-way by a false front or parapet.

Finding: **Section 17.59.050(B)(4) is satisfied.**

As discussed in more detail above, the surrounding buildings in the area of the subject site are primarily single family detached residential buildings with gable roof types that are specifically discouraged by this design standard. Outside of those residential uses, there are commercial uses to the south of the subject site that have parapet walls that create the appearance of flat rooflines along their 1<sup>st</sup> Street facades. These flat parapet walls vary in height, and some are stepped in design, but they all create a flat roofline with a different colored cap along the roofline.

The proposed design includes a flat roofline with a decorative cornice functioning as a cap on the building, which the applicant has stated is a more common and traditional roofline in the downtown design area. The proposed design does not include a gable roof shape because it is specifically discouraged by this design standard. Based on the fact that the surrounding commercial buildings have flat rooflines, and that the subject site encompasses the entire 1<sup>st</sup> Street block frontage between NE Johnson Street and NE Kirby Street, the proposed traditional flat roofline with decorative cornice satisfies this criteria.

5. The primary entrance to a building shall open on to the public right-of-way and should be recessed.

Finding: **Section 17.59.050(B)(5) is satisfied.**

The ground floor of the apartment building includes 8 apartment units. The proposed design includes entrances to each of these ground floor apartment units on the south façade, which functions as the front façade because it fronts onto the primary right-of-way of NE 1<sup>st</sup> Street. The ground floor unit entrances are recessed and will open directly onto the public right-of-way, specifically opening directly onto the sidewalk within the NE 1<sup>st</sup> Street right-of-way. This will ensure that there is a relationship between the building and the pedestrian space on NE 1<sup>st</sup> Street.

6. Windows shall be recessed and not flush or project from the surface of the outer wall. In addition, upper floor window orientation primarily shall be vertical.

Finding: **Section 17.59.050(B)(6) is satisfied.**

The applicant has stated that all windows on the building will be recessed. Fiber cement trim is proposed to cover the frames of all of the recessed windows. The applicant has stated that minor projections of window frame and trim elements will occur out from the building wall. The applicant has pointed out where other buildings in the downtown area that are constructed with zero setbacks have been allowed to have minimal projections of window features from the building wall, sometimes into the right-of-way. Staff would suggest that this is a typical treatment and an allowable projection into the right-of-way when the building walls are required to be constructed at the property line, as long as they do not impact the required clear space for ADA accessibility. These types of projections allow for the definition of building features such as windows and doors and provide for visual relief in the building facades. The upper floor windows are proposed to primarily vertical, with most windows on the upper story having a curved top. The only windows that are proposed to be horizontally oriented are the windows in the bathrooms in each individual apartment unit, which are on the north façade and not on a building façade facing or as visible from the right-of-way. Therefore, the primary upper floor window orientation is still vertical.

7. The scale and proportion of altered or added building elements, such as new windows or doors, shall be visually compatible with the original architectural character of the building.

Finding: The proposed building is entirely new construction, so this criteria is not applicable.

8. Buildings shall provide a foundation or base, typically from ground floor to the lower windowsills.

Finding: **Section 17.59.050(B)(8) is satisfied.**

The proposed design includes a base, which will be an approximately 8-inch tall base feature along the bottom of the building. On top of this base feature will be a brick bulkhead along the three sides of the building that front onto public right-of-ways. The brick bulkhead is proposed to be approximately one foot tall, and would cover the space from the top of the base feature up to the bottom of the windows along the ground floor facades.

C. Building Materials.

1. Exterior building materials shall consist of building materials found on registered historic buildings in the downtown area including block, brick, painted wood, smooth stucco, or natural stone.

Finding: **Section 17.59.050(C)(1) is satisfied, and a condition of approval is included to ensure that the criteria is satisfied.**

As discussed in more detail above, the building design includes the use of a brick bulkhead along the base of the three building facades that front onto public right-of-way. The applicant has also described the belt course and cornice as being constructed of painted fiber cement, which is similar in appearance to smooth stucco and has been approved for use as an exterior building material on other recent buildings in the downtown design area. The remainder of the building facades are proposed to be painted fiber cement panels, which the applicant stated are similar in appearance to smooth stucco. The applicant notes again other recent projects in the downtown design area that have used this type of building material. The fiber cement panels were proposed to be applied to the building with their reveal joints showing. Because the proposed fiber cement panels are not specifically listed as an

allowable exterior building material, or listed as a prohibited building material, a condition of approval is included to require that a built example of the final exterior panel building material be submitted to be reviewed and approved by the Historic Landmarks Committee prior to the release of building permits for the proposed development. The built example shall include an example of the treatment of the vertical reveal joint between panels to ensure that the reveal joint is minimized in visual appearance and prominence on the building façade.

2. The following materials are prohibited for use on visible surfaces (not applicable to residential structure):
  - a. Wood, vinyl, or aluminum siding;
  - b. Wood, asphalt, or fiberglass shingles;
  - c. Structural ribbed metal panels;
  - d. Corrugated metal panels;
  - e. Plywood sheathing, to include wood paneling such as T-111;
  - f. Plastic sheathing; and
  - g. Reflective or moderate to high grade tinted glass.

Finding: **Section 17.59.050(C)(2) is satisfied.**

The applicant is not proposing to use any of the listed prohibited exterior building materials.

3. Exterior building colors shall be of low reflective, subtle, neutral or earth tone color. The use of high intensity colors such as black, neon, metallic or florescent colors for the façade of the building are prohibited except as may be approved for building trim.

Finding: **Section 17.59.050(C)(3) is satisfied, and conditions of approval are included to ensure that the criteria are satisfied.**

The new building is proposed to use exterior colors that are low reflective, subtle, and neutral or earth tones. The colors shown in the renderings provided depict the general coloring proposed to be used on the exterior of the building, which is a tan color for the main body of the building, a lighter white or cream color for the cornice, belt course, and trim, and a blue color for the doors (outside of what will be transparent on the ground floor entry doors). More specifically, the application narrative describes the colors as “Sherwin-Williams 2822 Downing Sand” for the body, “Sherwin-Williams 2819 Downing Slate” for the trim, and “Sherwin-Williams 7606 Blue Cruise” for the doors. The applicant has stated that the railings, which will be on the courtyards on the ground floor units and the staircases on the north side of the building, will be a powder coated, low-reflective black color. The use of black is stated to be allowed for building trim, and the railings are treated similarly as an accessory feature of the overall building. A condition of approval is included to require that samples of the final colors selected to be used for all exterior materials be submitted to be reviewed and approved by the Historic Landmarks Committee prior to application on any portion of the building.

The windows on the entire building were proposed to be white in color. However, due to their prominence and the proposed material being vinyl, a condition of approval is included to require that the windows be black or dark bronze in color to be more compatible with the building façades, which was found to be a more subtle color for the window features.

#### 17.59.070 Awnings.

- A. Awnings or similar pedestrian shelters shall be proportionate to the building and shall not obscure the building’s architectural details. If transom windows exist, awning placement shall be above or over the transom windows where feasible.
- B. Awnings shall be placed between pilasters.
- C. Where feasible, awnings shall be placed at the same height as those on adjacent buildings in order to maintain a consistent horizontal rhythm along the street front.

- D. Awnings should be constructed of soft canvas, fabric, or matte finished vinyl. The use of wood, metal or plastic awnings is prohibited.
- E. Awnings may be indirectly illuminated; internal illumination of awnings is prohibited.
- F. Awning colors shall be of a low reflective, subtle, neutral or earth tone color. The use of high intensity colors such as black, neon, metallic or florescent colors for the awning are prohibited.

Finding: **Sections 17.59.070(A) through 17.59.070(F) are not applicable.**

The proposed building design does not include any awnings, so these criteria are not applicable.

17.59.080 Signs.

- A. The use of flush-mounted signs, flag-mounted signs, window signs, and icon signs are encouraged. Sign materials shall be compatible with materials used in the building.
- B. Where two or more businesses occupy the same building, identifying signs should be grouped together to form a single panel.
- C. Wall signs shall be placed in traditional locations in order to fit within architectural features, such as: above transoms; on cornice fascia boards; or, below cornices. Wall signs shall not exceed the height of the building cornice.
- D. For every lineal foot of building frontage, 1.5 square feet of signage may be allowed, to a maximum of 200 square feet.
- E. The use of the following are prohibited in the downtown area:
  - 1. Internally-lit signs;
  - 2. Flashing signs
  - 3. Pedestal signs and pole-mounted signs;
  - 4. Portable trailer signs;
  - 5. Cabinet-type plastic signs;
  - 6. Billboards of all types and sizes;
  - 7. Historically incompatible canopies, awnings, and signs;
  - 8. Signs that move by mechanical, electrical, kinetic or other means; and,
  - 9. Inflatable signs, including balloons and blimps. (Ord. 4797 §1, 2003).

Finding: **Sections 17.59.080(A) through 17.59.080(E) are not applicable.**

No signs are being proposed for the new building. The applicant has stated that, if in future any sign is desired for the site, that the owner would submit a proposal for the signage to be reviewed by the Planning Department.

CD:sjs