



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: October 14, 2011
To: Interested Person
From: Chris Caruso, Land Use Services
503-823-5747 / Chris.Caruso@portlandoregon.gov

NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services 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 to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 11-162681 HDZ DEKUM BUILDING ALCOVE BARRIERS

GENERAL INFORMATION

Applicant: Daniel Young/Oregon Business Architecture
PO Box 80301, Portland, OR 97280

Representative: Bruce Soihir/Norris And Stevens
621 SW Morrison, Suite 800, Portland, OR 97205

Site Address: 519 SW 3RD AVE

Legal Description: BLOCK 48 LOT 1&2, PORTLAND
Tax Account No.: R667705730
State ID No.: 1N1E34CD 08900
Quarter Section: 3029
Neighborhood: Portland Downtown, contact Jennifer Geske at 503-750-9843.
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - Downtown
Other Designations: Portland Historic Landmark pursuant to listing in the National Register of Historic Places on October 10, 1980.
Zoning: CXd, Central Commercial with design overlay
Case Type: HDZ, Historic Review
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant seeks historic design review approval for the installation of a pair of decorative metal barriers in the sides of the NW entry alcove of the historic Dekum Building, built in 1892 and listed on the National Register of Historic Places, in the Downtown Subdistrict of the Central City Plan District. The barriers include the following elements:

- Black steel frames and pickets;
- Arched tops;

- Supported by two vertical posts attached at top and bottom; and
- 1 layer of ½” thick, 3’-10” tall plexiglass at the bottom portion of each barrier.

The barriers will be locked in the open position and will not be used as gates that close off access to the entry doors. Historic Design Review is required because the proposal is for an alteration to a building individually listed in the National Register of Historic Places since October 10, 1980.

Relevant Approval Criteria:

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

- 33.846 Historic Reviews
- 33.846.060.G Other Approval Criteria
- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The Dekum Building, constructed on this site in 1892, is an excellent example of the Richardsonian Romanesque style which traveled to the west coast from Chicago. The building was financed and owned by Frank Dekum, a Bavarian confectioner, builder, and banker, and designed by architects McCaw and Martin. Mr. Dekum decreed that only native Oregon materials should be used in its construction. Despite numerous remodels, the Dekum Building remains in fine condition, maintaining its original uses of ground floor retail and upper story office suites.

The site is the northeast quarter of the block bounded by of SW Third Avenue between SW Stark and SW Washington Streets and is approximately 10,000 square feet. SW Washington Street is designated as a Regional Corridor, Major City Traffic Street, Transit Access Street, Local Service Bikeway, and a City Walkway. A number of Tri-Met bus lines come into downtown from the east side on SW Washington Street. SW 3rd Avenue is designated a Traffic Access Street and a City Bikeway. The site is within the Downtown Pedestrian District.

The site is on the same block as the Concord, Waldo and Grand Stable Buildings, which are east of the site. Across Washington Street to the south is the Postal Building. To the west of the site, across SW Third Avenue, are the Oregon Pioneer and Spaulding Buildings. The Bishop House Building is across Stark Street north of the site.

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

The 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.

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

HL 74-78 (78-006402) – Approval of a ground floor remodel.

HL 42-86 (86-006116) – Approval to paint windows and storefronts.

HL 53-88 (88-006239) – Approval of storefront revisions.

HL 1-89 (89-005660) – Approval of a grey-painted satellite dish.

HL 014-90 (90-005590) – Approval of a roof deck.

HL 003-90 (90-005579) – Approval of a flagpole.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **September 8, 2011**. The following Bureaus and Agencies have responded with no issues or concerns about the proposal:

- Bureau of Parks-Forestry Division
- Site Development Section of BDS
- Bureau of Environmental Services
- State Historic Preservation Office (Exhibit E-1)
- Bureau of Transportation Engineering (Exhibit E-2)
- Water Bureau (Exhibit E-3)
- Fire Bureau (Exhibit E-4)
- Life Safety Review Section of BDS (Exhibit E-5)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **September 8, 2011**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846, Historic Reviews

Purpose of Historic Design Review

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

Historic Design Review Approval Criteria

Requests for historic design 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/Conservation Landmark. Therefore the proposal requires historic design 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.

Findings: No historic materials will be removed or altered with this proposal. The alcove barriers will allow all historic features of the building to remain visible. *This criterion is therefore met.*

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 alcove barriers are of modern materials and placement and will not create a false sense of historic development. The barriers are an independent design and are not taken from design elements on other buildings. *This criterion is therefore met.*

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

Findings: There are no alterations within the affected entry bay that have achieved historic significance. *This criterion therefore 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: All historic materials will be protected during installation of the alcove barriers. The support posts will be attached with simple anchors through the floor and ceiling, leaving the walls, columns, and doors unaffected. *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.

Findings: The alcove barriers will be differentiated from the original building by their modern materials and non-historic placement at each side of an entry alcove. No historic materials will be destroyed with the installation of the alcove barriers. *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 retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

Findings: The new alcove barriers fit within the existing entry alcove, and give the appearance of gates, though they will be fixed in the open position. The slim pickets, and support posts will not visually overwhelm the historic entry elements. Existing material will remain visible through the barriers. *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: The alcove barriers can easily be removed in the future and any holes drilled into the ceiling or floor can be patched with material to match the existing. *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: The alcove barriers are designed to fit into the overall architectural composition of the ground floor by being simple and constructed of slim elements. The barriers do not detract from the building's appearance and do not visually overwhelm the surrounding properties. *This criterion is therefore met.*

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.

- A5. Enhance, Embellish, and Identify Areas.** Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.
- A6. Reuse/Rehabilitate/Restore Buildings.** Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

Findings for A5 & A6: The proposed alcove barriers reflect the local character by utilizing traditional gate materials that are seen across many alcove or rear exits to buildings in the area. The added safety provided by the alcove barriers allows the building to attract and maintain tenants. *These Guidelines are 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.
- C4. Complement the Context of Existing Buildings.** Complement the context of existing buildings by using and adding to the local design vocabulary.
- C5. Design for Coherency.** Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

Findings for C2, C3, C4 & C5: The proposed alcove barriers will be constructed of quality materials such as painted steel and plexiglass that give a sense of

solidity and permanence to them. They will be set back from the main entry doors and bay, allowing these important architectural features of the building to remain visually prominent. The barriers themselves are a simple design that allows them to be visually unobtrusive while presenting a traditional form that fits into the building's overall ground floor bay rhythm. *These Guidelines are therefore met.*

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 purpose of the Historic Design Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. The proposed alcove barriers will be in scale with the building and its surroundings, and share a similar degree of detailing with it. It will fit logically within the entry bay and will have no adverse impact on historic materials. This proposal meets the applicable Historic Design Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of historic design review for the installation of a pair of decorative metal barriers in the sides of the NW entry alcove of the historic Dekum Building built in 1892 and listed on the National Register of Historic Places, in the Downtown Subdistrict of the Central City Plan District. The approved elements include the following:

- Black steel frames and pickets;
- Arched tops;
- Two vertical support posts attached at top and bottom of alcove;
- 1 layer of ½" thick, 3'-10" tall plexiglass at the bottom portion of each barrier; and
- Barriers to be locked in the open position, not to be used as gates.

Approved per the approved site plans, Exhibits C-1 through C-4 signed and dated October 11, 2011, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-162681 HDZ."

Staff Planner: Chris Caruso

Decision rendered by:  **on October 11, 2011.**
By authority of the Director of the Bureau of Development Services

Decision mailed October 14, 2011

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 August 3, 2011, and was determined to be complete on **September 6, 2011.**

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 August 3, 2011.

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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: January 4, 2012.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

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

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

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Recording the final decision.

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **October 14, 2011**. The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.

- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

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

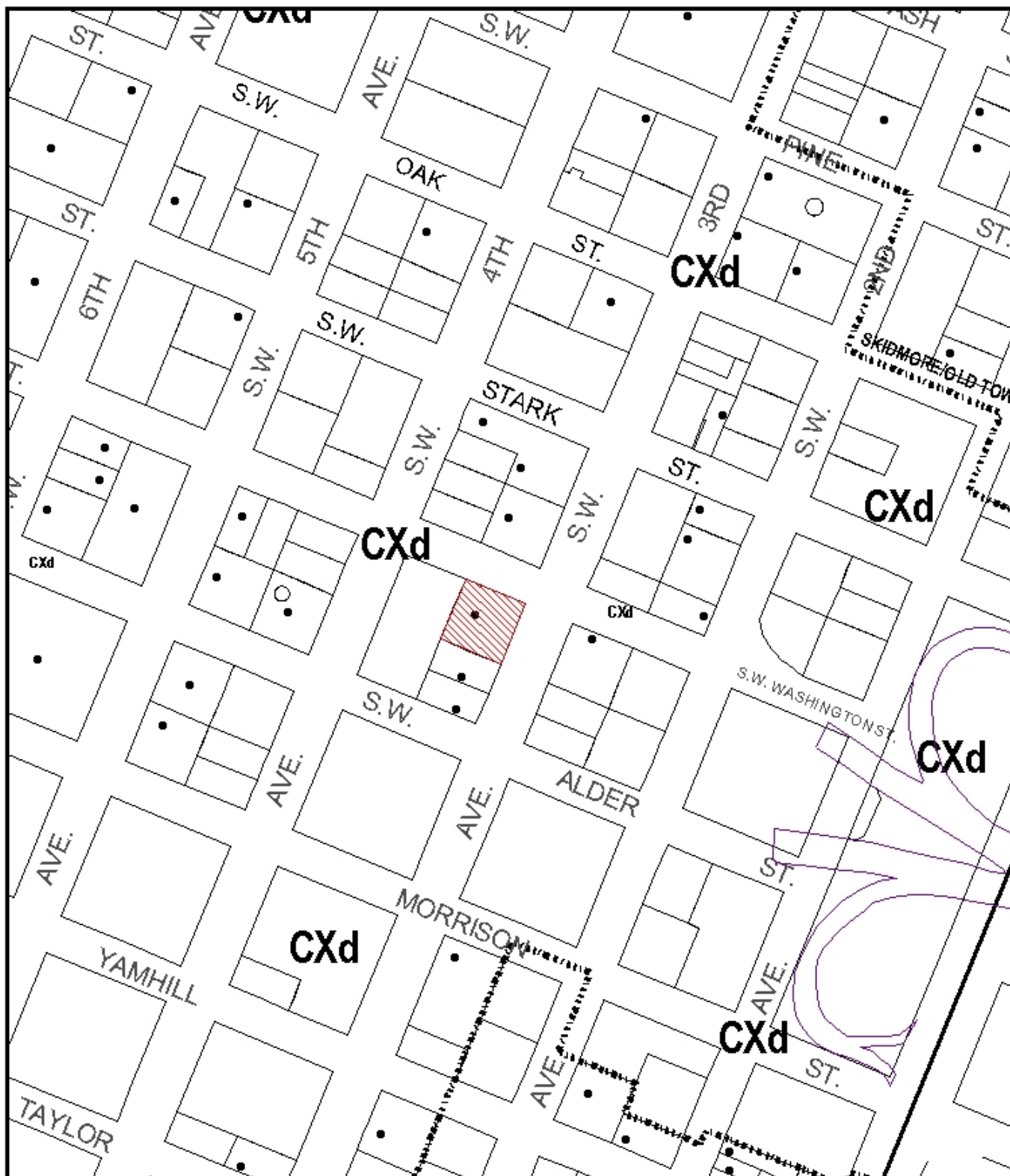
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevation (attached)
 - 3. Floor Plan (attached)
 - 4. Building Photo (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. State Historic Preservation Office
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Life Safety Review Section of BDS
- F. Correspondence: none received
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Incomplete Letter

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



ZONING

 Site

 Historic Landmark



NORTH

This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	LU 11-162681 HDZ
1/4 Section	3029,3129
Scale	1 inch = 200 feet
State_Id	1N1E34CD 8900
Exhibit	B (Aug 11,2011)

Oregon Business Architecture P.C.
 P.O. Box 80301 Portland, Oregon 97280
 T: 503 / 228-9747 F: 503 / 228-5721

DEKUM BUILDING
 519 SW 3RD AVE PORTLAND, OREGON
 OBA#1143 07/28/11

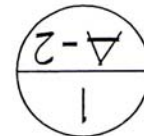
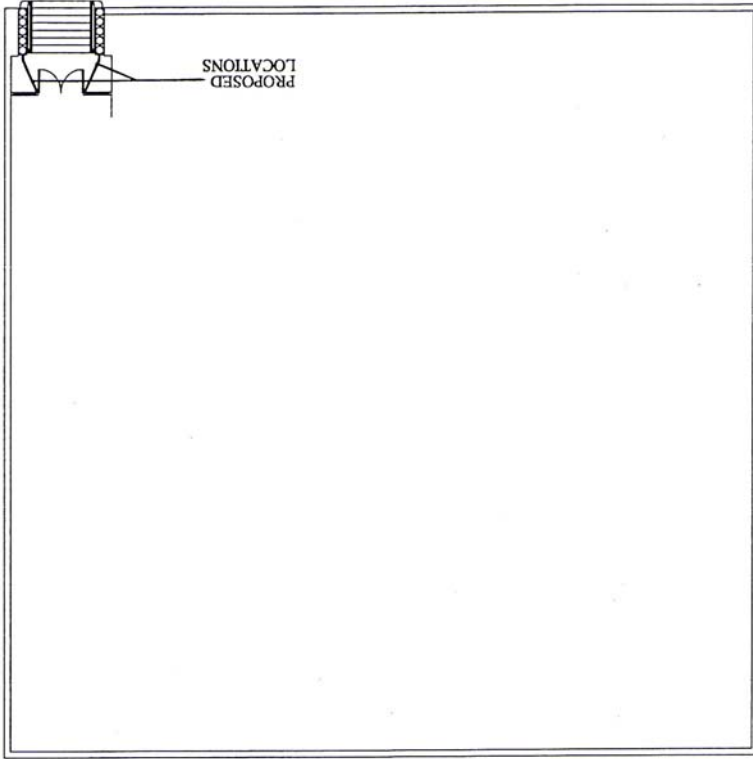


KEY PLAN

SW WASHINGTON STREET

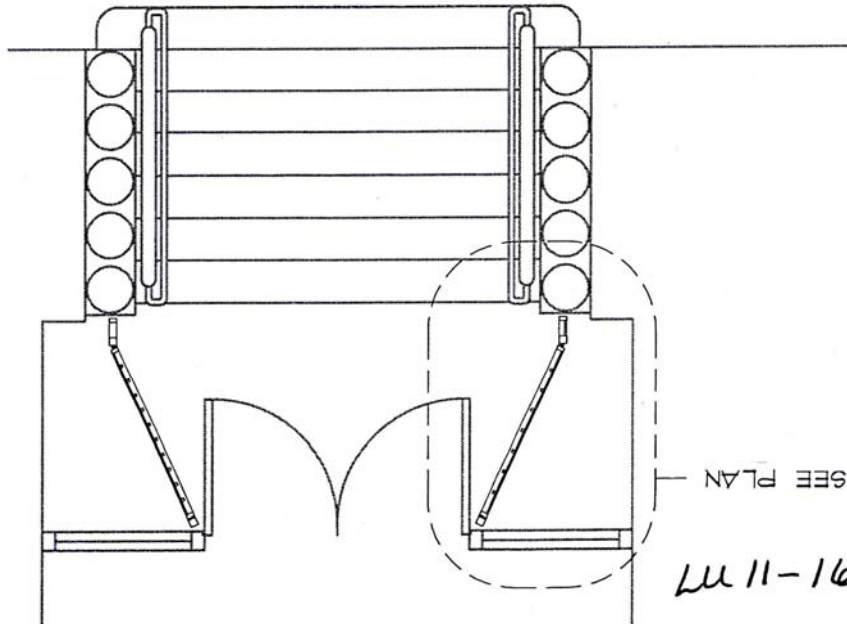
SW THIRD AVENUE

PROPOSED LOCATIONS



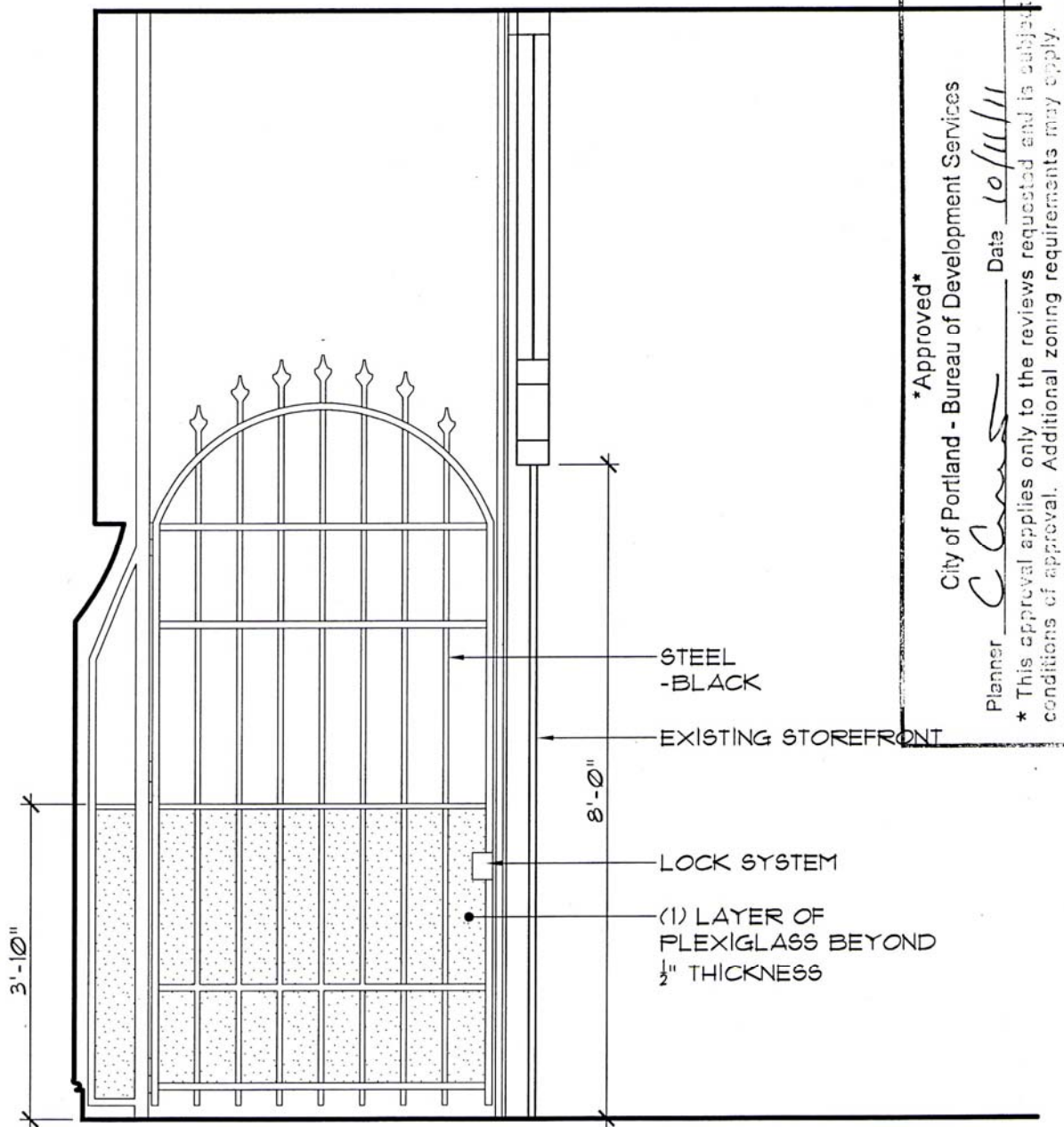
1/4" = 1'-0"

ENTRY PLAN



EXH. C-1
 204.189291-11 m7

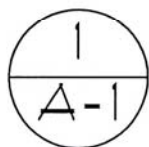
Approved
 City of Portland - Bureau of Development Services
 Planner CC Date 10/11/11
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



Approved
City of Portland - Bureau of Development Services

Planner C. C. Date 10/11/11

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



ELEVATION

1/2" = 1'-0"

Oregon Business Architecture P.C.

P.O. Box 80301 Portland, Oregon 97280
T: 503 / 228-9747 F: 503 / 228-5721

DEKUM BUILDING
519 SW 3RD AVE PORTLAND, OREGON

OBA#1143

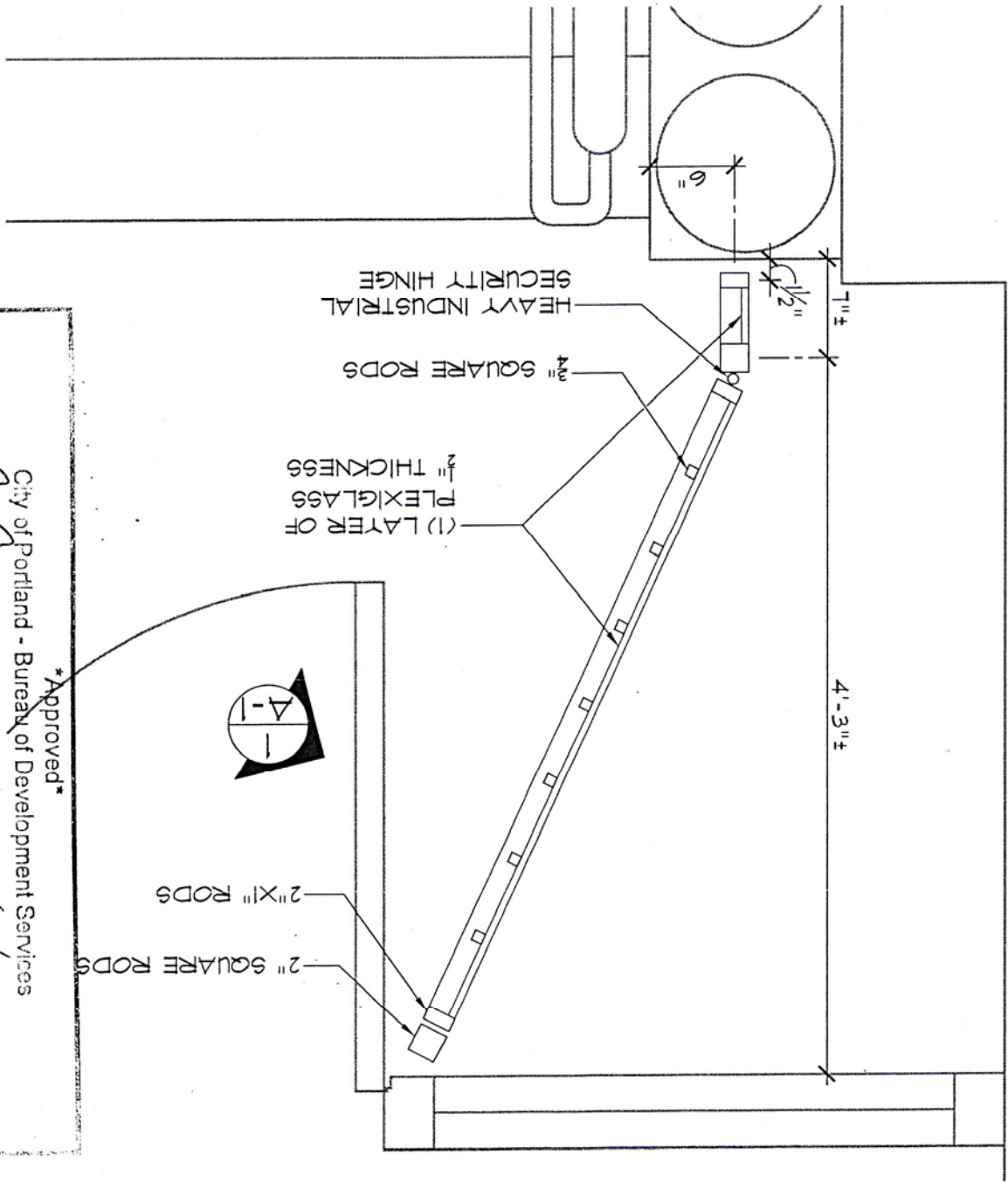
08/30/11

EXH. C-2



1" = 1'-0"

FLOOR PLAN



Approved

City of Portland - Bureau of Development Services

Planner

Date 10/11/11

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



Location of work

Approved
City of Portland - Bureau of Development Services
Planner C. C. [Signature] Date 10/11/11
This approval applies only to the reviews requested and is subject to all
approval. Additional zoning requirements may apply.

EXH. C-4