



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
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www.portlandoregon.gov/bds

Date: April 24, 2012
To: Interested Person
From: Dave Skilton, Land Use Services 503-823-0660
dave.skilton@portlandoregon.gov

NOTICE OF A TYPE II 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 and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 12-119428 HDZ – PENTHOUSE STUCCO REPLACEMENT

GENERAL INFORMATION

Applicant: City of Portland
1120 SW 5th Avenue #1204
Portland, OR 97204-1932

Multiple Tenants
1120 SW 5th Avenue #1204
Portland, OR 97204-1932

Representative: Christine Rumi 503-916-1808
3630 NE 32nd Place
Portland, OR 97212

Site Address: 1120 SW 5th Avenue

Legal Description: BLOCK 57 LOT 1-8 SEE SUB ACCT R66770-6771 (R508653),
PORTLAND

Tax Account No.: R667706770

State ID No.: 1S1E03BC 00200

Quarter Section: 3129

Neighborhood: Portland Downtown, contact Jennifer Geske at 503-750-9843.

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - Downtown

Other Designations: Historic Landmark, pursuant to listing in the National Register as the Portland Public Service Building on October 25, 2011.

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

Case Type: HDZ, Historic Design Review

Procedure: Type II, an administrative decision with appeal to the Historic Landmarks Commission.

Proposal:

The applicant is seeking Historic Design Review approval for a proposal to remove the existing historic stucco from the penthouse, replace deteriorated flashings at the base and openings and replace the stucco with a similar system and material to match the historic exterior appearance. Historic Design Review is required because the proposal is for a non-exempt exempt exterior alteration.

Relevant Approval Criteria:

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

- 33.846.060 G – Other Approval Criteria
- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The Portland Public Services Building, more commonly referred to as the Portland Building, occupies the entire block bounded by SW 5th Avenue, SW Main Street, SW 4th Avenue, and SW Madison Street in downtown Portland. It was designed by the noted architect Michael Graves early in his career, and completed in 1982. It is considered one of the first examples of a large scale public building executed in the Post Modern stylistic idiom. At the time of nomination to the National Register of Historic Places the property was found to be significant enough under eligibility criterion C to be listed despite not having reached the usual minimum age of fifty years.

The area of downtown around the Portland Public Services building is dominated by governmental uses, including City Hall, the Multnomah County Courthouse, three public parks, two federal buildings, and the Justice Center, a facility jointly owned and operated by the city and county. The building is conspicuous within this context because of its size and the relative openness of parks, and its large penthouse structure is visible from many vantage points.

Zoning: The commercial zones implement the commercial policies and plan map designations of the Comprehensive Plan. The zones are for areas of the City designated by the Comprehensive Plan for commercial uses. The differences in the zones reflect the diversity of commercial areas in the City. The zones are distinguished by the uses allowed and the intensity of development allowed. Some of the zones encourage commercial areas that are supportive of surrounding residential areas, while other zones allow commercial areas which have a community or regional market. The regulations promote uses and development which will enhance the economic viability of the specific commercial district and the city as a whole. In general, a wide range of uses is allowed in each zone. Limits on the intensity of uses and the development standards promote the desired character for the commercial area. The development standards are designed to allow a large degree of development flexibility within parameters which support the intent of the specific zone. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

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 Historic Resource Protection chapter protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and

visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

The Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. 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 or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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

Public Notice: A "Notice of Proposal in Your Neighborhood" was mailed March 23, 2012.

Agency Review: None of the notified Bureaus has responded with issues or concerns.

Neighborhood Review: 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.

Staff has considered all approval criteria and addressed only those applicable to this proposal.

33.846.060 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.
- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.

Findings for 1 and 4: The proposed resurfacing of the penthouse walls involves removal of the entire historic stucco system down to the framing, and replacement with a slightly deeper "rain screen" system which will allow any water that does penetrate the outer surface to drain away. In spite of its height about street level, the large penthouse is both highly visible and very intentionally designed, with a degree of surface detailing

comparable to that on the rest of the building. Notwithstanding its significance, removal and replacement of the historic stucco is justified by the fact that the material is failing and causing the roof to leak. Because the surface detailing will match the existing pattern, colors, and finishes, and the slight increase in size will be accommodated at the corners, the resulting form will essentially replicate the original construction. Note that, had this proposal been at a more publically accessible location, repair of the original material rather than wholesale replacement would have been the preferred treatment. *these criteria are 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: Because the original construction is available to document and the proposal is for a near replication, the need to differentiate is obviated. Although it would probably require invasive investigation to determine that the proposed new system is not the original, there is a subtle degree of differentiation. *This criterion is 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 proposed treatment is intrinsically compatible with the building and its surroundings because it will be a very close replication of the original construction. *This criterion is met.*

Central City Fundamental Design Guidelines

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

- 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.

Findings for A6 and C3: Although it involves the loss of substantial historic building fabric, the proposed treatment of the penthouse structure on the Portland Public Services Building replicates its historic character accurately. The work also extends the life of the building by correcting a design flaw that allowed the roof to leak. *These guidelines are 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 proposed replication of the exterior of the penthouse structure on the Portland Public Services will both maintain the original design concept and repair a leaking condition that threatens the sustainability of the building. 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. This proposal meets the applicable Historic Design Review criteria and therefore warrants approval.

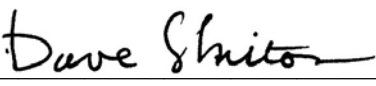
ADMINISTRATIVE DECISION

Approval of stucco replacement on the penthouse of the Historic Landmark Portland Public Services Building;

Approval per Exhibits C-1 through C-10, signed and dated April 19, 2012, subject to the following condition:

- 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 through C-10. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-119428 HDZ. No field changes allowed."

Staff Planner: Dave Skilton

Decision rendered by:  on April 19, 2012.
By authority of the Director of the Bureau of Development Services

Decision mailed: April 24, 2012

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 March 9, 2012, and was determined to be complete on **March 20, 2012**.

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 March 9, 2012.

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.

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.

Appealing this decision. This decision may be appealed to the Historic Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on May 8, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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.

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 Historic 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, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 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 Historic 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 Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **May 9, 2012**.
- A building or zoning permit will be issued only after the final decision is recorded.

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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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:

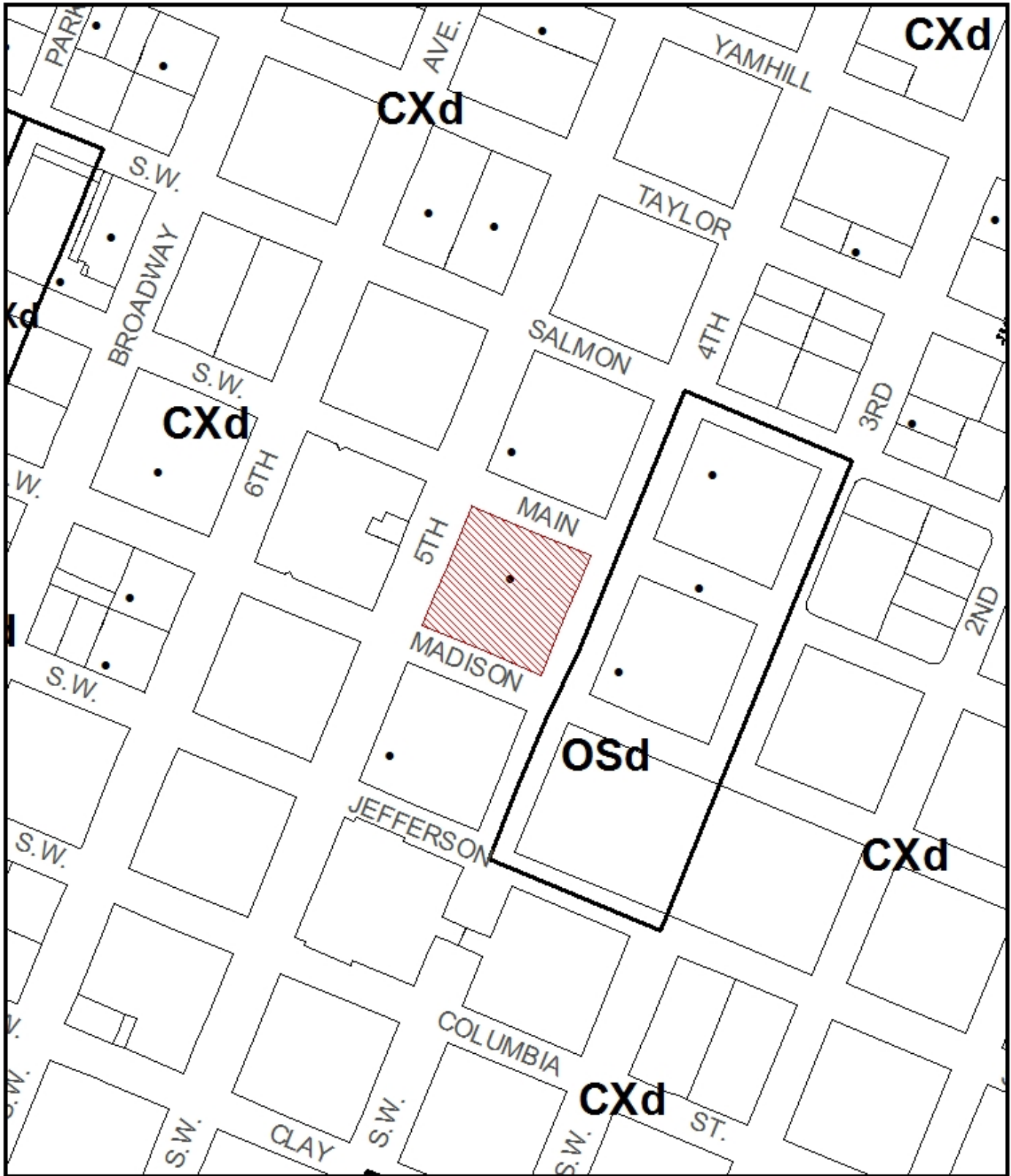
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Vicinity Plan (attached)
 - 2. Roof Plan
 - 3. North Elevation
 - 4. East Elevation (attached)
 - 5. South Elevation (attached)
 - 6. West Elevation
 - 7. Project Photos
 - 8. Proposed Wall Section
 - 9. Finish Specification
 - 10. Rainscreen Drainage Mat Specification
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Water Bureau
 - 2. Life Safety Review Section of BDS
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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

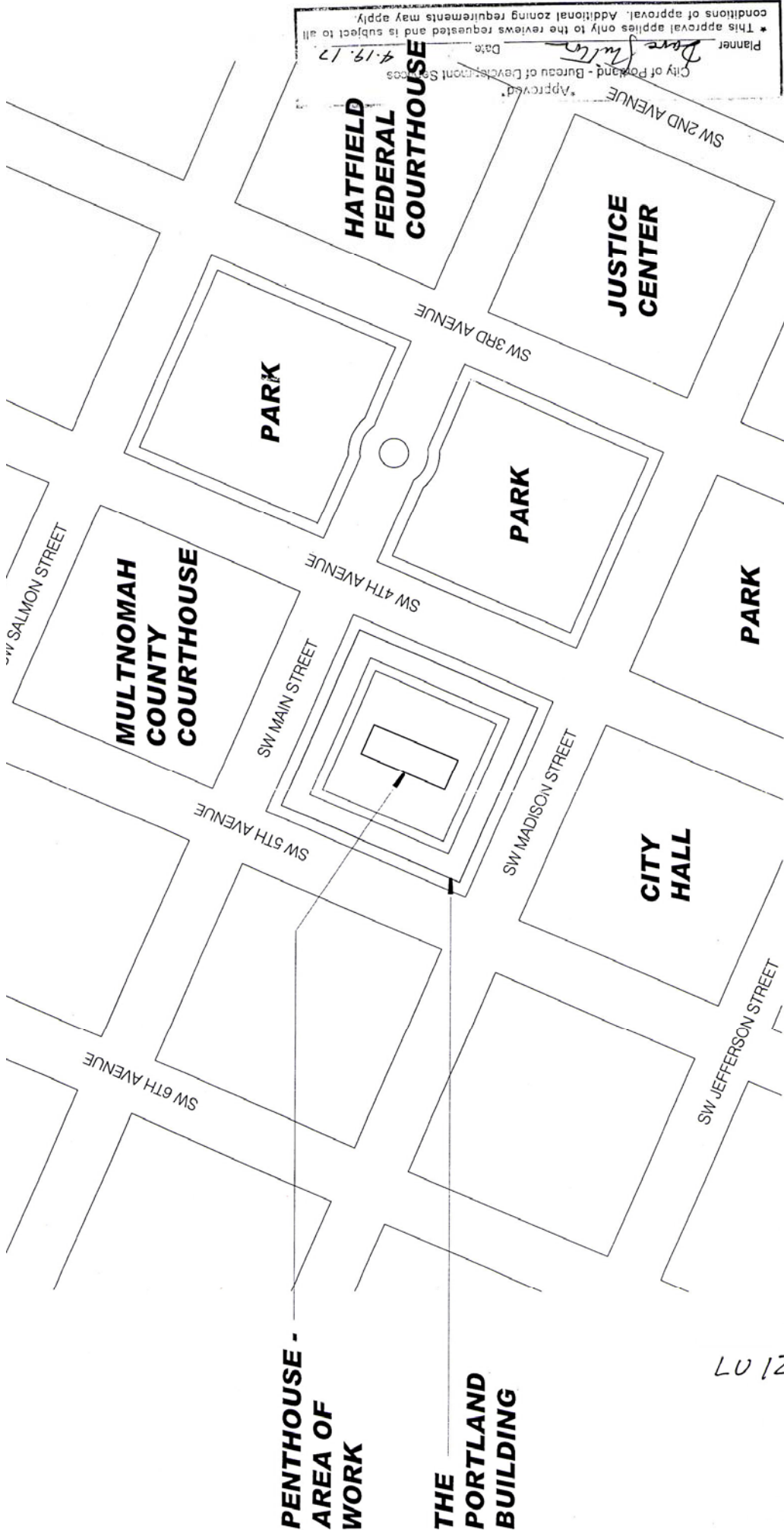
File No. LU 12-119428 HDZ

1/4 Section 3129

Scale 1 inch = 200 feet

State_Id 1S1E03BC 200

Exhibit B (Mar 15, 2012)



Planner: *Dore Miller* Date: *4-19-17*
 City of Portland - Bureau of Development Services
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

DRAWING
A1
PROJECT:
 11003

MCBRIDE ARCHITECTURE PC
 503-916-1808 503-916-1816 (fax)
 e-mail: mcbride@mcbridearchitects.com

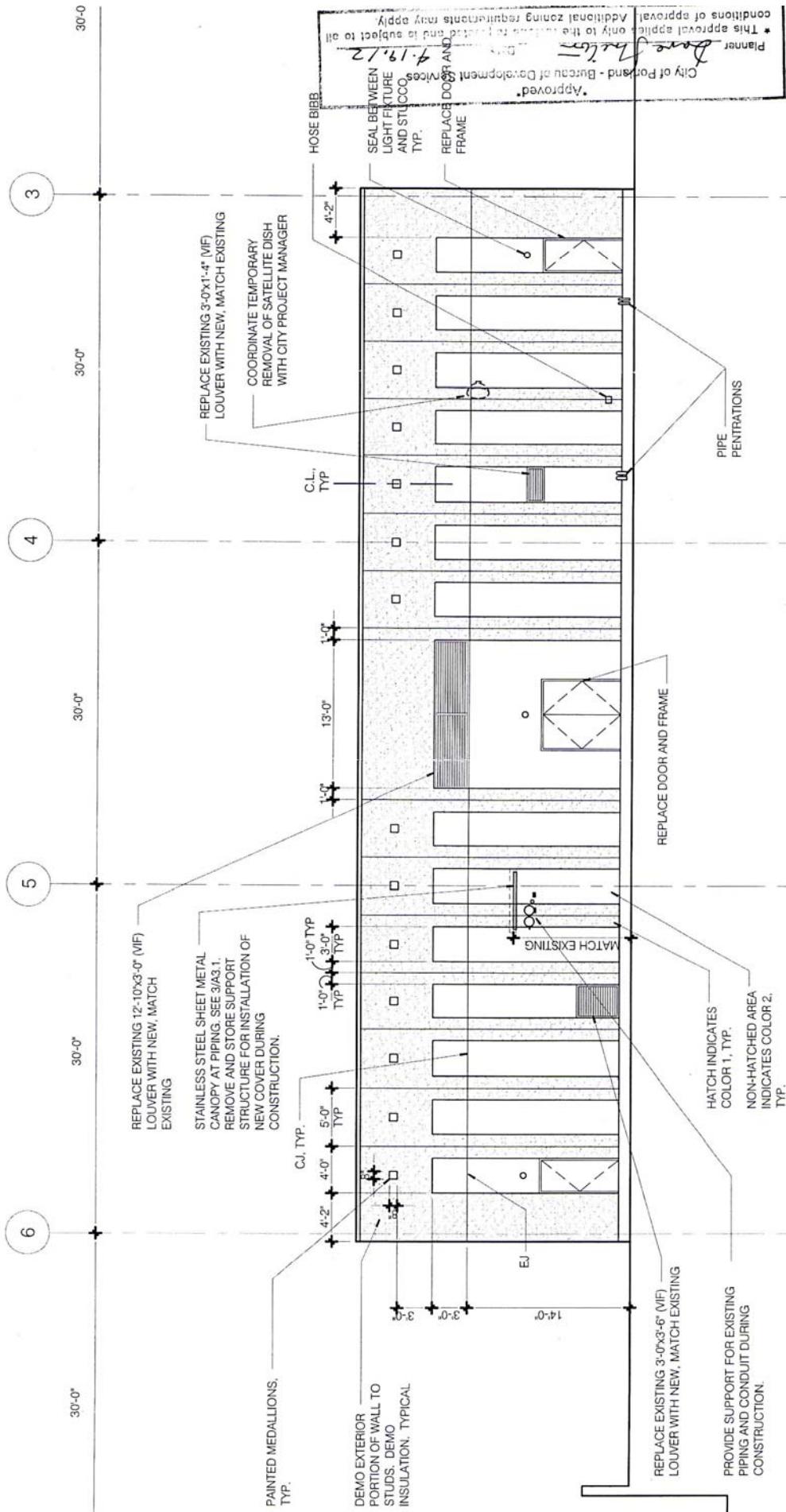
REVISION	CITY OF PORTLAND
Date: 03/07/2012	THE PORTLAND BUILDING STUCCO REPLACEMENT
Drawn: CR	PORTLAND
Check:	
File: 11003	



1 SITE PLAN
 SCALE: 1" = 100'

LU 12-119428

0-1



Approved
 City of Portland - Bureau of Development
 Planner: *David Miller* Date: *4/19/12*
 * This approval applies only to the project and is subject to all additional zoning requirements that may apply.

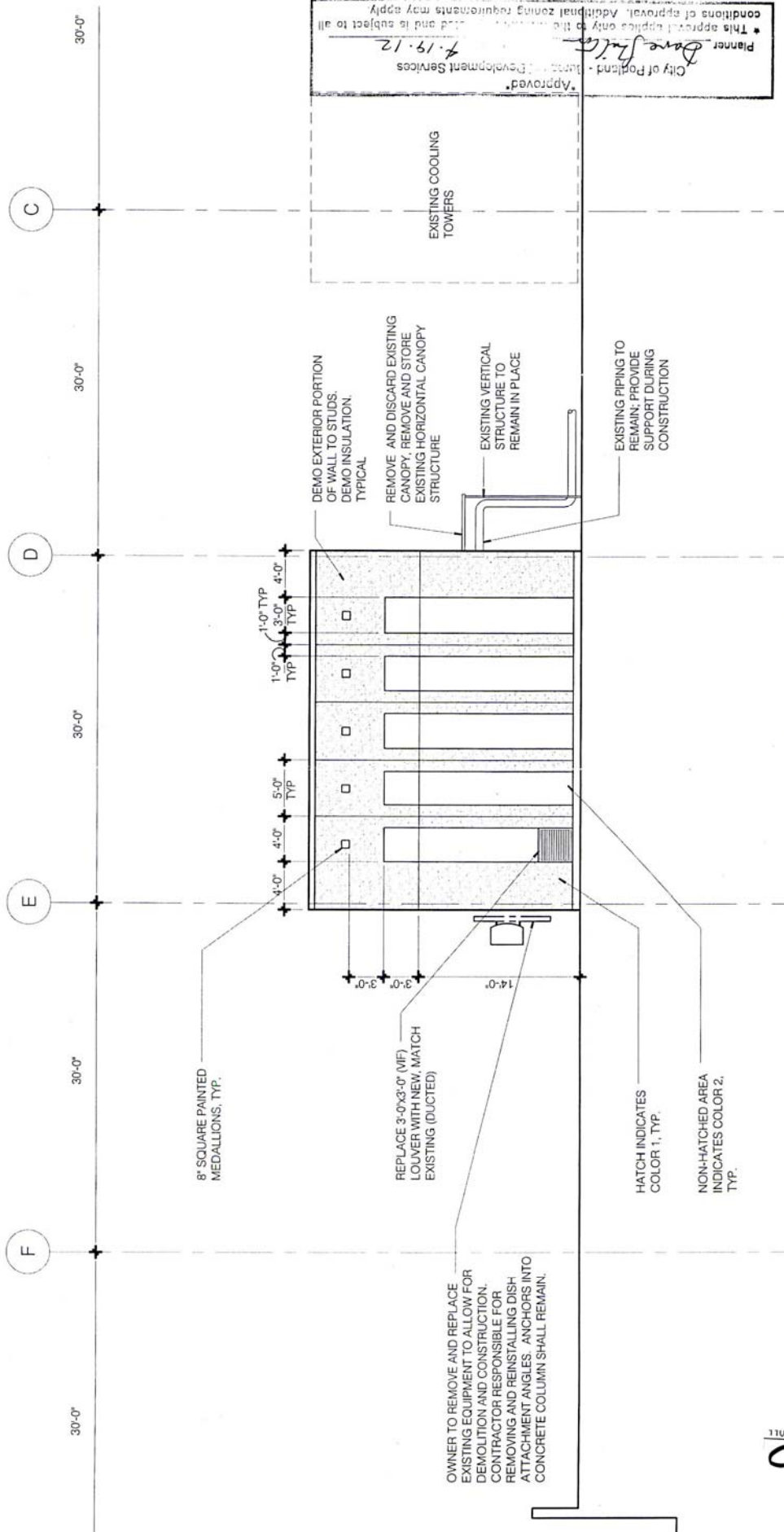
DRAWING
 A4
 PROJECT:
 11003

MA
MCBRIDE
 ARCHITECTURE PC
 503-916-1808 503-916-1816 (fax)
 e-mail: mcbride@mcbridearchitects.com

REVISION	
Date:	03/07/2012
Drawn:	CR
Check:	
File:	11003
CITY OF PORTLAND	
THE PORTLAND BUILDING STUCCO	
REPLACEMENT	
PORTLAND	
OREGON	

1 EAST ELEVATION - PENTHOUSE
 SCALE: 1/8" = 1'-0"

LU12-119428



Approved
 City of Portland - Bureau of Development Services
 Planner: *Dave Feltz*
 4.19.12
 * This approval applies only to the conditions of approval. Additional zoning requirements may apply.

MA
MCBRIDE
 ARCHITECTURE PC
 503-916-1808 503-916-1818 (fax)
 e-mail: mcbride@mcbridearchitects.com
 LU 12-119428

REVISION			
Date:	03/07/2012		
Drawn:	CR		
Check:			
File:	11003		
		CITY OF PORTLAND	OREGON
		THE PORTLAND BUILDING STUCCO	
		REPLACEMENT	

1 SOUTH ELEVATION - PENTHOUSE
 SCALE: 1/8" = 1'-0"

11003
 12