



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

FROM CONCEPT TO CONSTRUCTION

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Date: April 17, 2014
To: Interested Person
From: Dave Skilton, Land Use Services 503-823-0660
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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 the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 14-120725 HR – EXTERIOR ALTERATIONS

GENERAL INFORMATION

Owner: Perry Patel / BPR Properties
953 Industrial Avenue Suite 100 / Palo Alto, CA 94303

Applicant: Adriana Savannah 805-547-2240 / Arris Studio Architects
1306 Johnson Avenue / San Luis Obispo, CA 93401

Site Address: 409 SW 3rd Avenue

Legal Description: BLOCK 47 LOT 1&2&8, PORTLAND **Quarter Section:** 3029
Tax Account No.: R667705620
State ID No.: 1N1E34CD 07400
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 of Historic Places as the Railway Exchange Building on March 13, 1979.
Zoning: CXd, Central Commercial with Historic Resource and Design Overlays
Case Type: HR, Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Historic Landmarks Commission.

Proposal:

The applicant is seeking Historic Resource Review for a proposal to:

- remove existing non-historic awnings;
- remove existing non-historic, window-mounted HVAC units and restore sashes;
- replace existing tenant openings with storefront systems to match historic storefronts;
- install a new suspended entry canopy at the main entry and another at the secondary entry;
- install a new emergency exit door; and
- install an array of eighteen new HVAC units on the roof.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations on a Historic Landmark.

Approval Criteria:

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

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

ANALYSIS

Site and Vicinity: Constructed in under six months in 1909, the six story Railway Express Building was designed by native son architect David C. Lewis in the then prevalent Chicago School Style. The building was among Portland's very first all concrete structures. It was individually listed in the National Register of Historic Places on March 13, 1979.

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 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 the following no related Land Use review:

Public Notice: A Notice of Proposal was mailed on March 21, 2014.

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

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 Resource Review**

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

Historic Resource Review Approval Criteria

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

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

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

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: The only possibly historic materials affected by the proposal are five tenant entries facing SW Stark Street that are to be closed. These exhibit a hodgepodge of different materials and configurations obviously reflecting changes in tenancy over time. The building, like most early Twentieth Century commercial structures, was designed for flexibility at the ground floor, and the closure of entries continues in that spirit. The entry bays will be filled in with materials that match the adjacent storefront systems. and no ground floor transparency will be lost. Other treatments such as the removal of the stretched fabric barrel awnings and window mounted HVAC units inserted in upper floor windows, will help to restore cohesiveness and historic character. Proposed new entry canopies, based on historic photos and surviving building features, will restore shelter at the main doors facing SW Stark Street and SW 3rd Avenue. On balance the proposal will reinstate far more historic character than it affects. *This criterion is met.*

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

Findings for 7, 8, and 10: The two proposed entry canopies are based on historic photographs that are not entirely clear, but which give a general idea of size and location. Faced with not knowing the exact historic configuration, the proposal strikes a good balance between compatibility and differentiation by emulating elements from the building design but using materials that, under purposeful scrutiny, are clearly modern. *These criteria are 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: The proposal reverses previous alterations, such as the insertion of protruding air conditioning units in window openings and the installation of large, continuous, stretched barrel awnings over the storefront transom windows, that are currently obscuring the building's historic character. It also returns suspended canopies to two entry locations where they are demonstrated to have existed, restoring historic character

- B6. Develop Weather Protection.** Develop integrated weather protection systems at the sidewalk-level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection, and sunlight on the pedestrian environment.

Findings: Notwithstanding removal of inappropriate existing awnings, by restoring canopies at two locations the proposal strikes an appropriate balance between historic character and weather protection. *This guideline is met.*

- C11. Integrate Roofs and Use Rooftops.** Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

Findings: Elimination of the existing air conditioning units in the windows and conversion from office to hotel use makes it practical to concentrate heating and cooling functions on the roof. Traditionally rooftops were used for utilitarian purposes of this sort, so the presence of condensing units on the roof will not adversely affect historic character. The units are moderate in size and they will be installed in an orderly array that is almost entirely out of public view. Painting them to match the color of the existing penthouse would help them blend even better with their surroundings. *With a condition of approval that the new rooftop mechanical equipment be painted to match the wall color of the existing penthouse structure, this guideline can be 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 Resource 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 Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations on the Historic Landmark Railway Exchange Building;

Approval is per Exhibits C-1 through C-25, signed and dated April 14, 2014, 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-225. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-120725 HR. No field changes allowed."
- B. The new rooftop mechanical equipment shall be painted to match the wall color of the existing penthouse structure.

Staff Planner: Dave Skilton

Decision rendered by:  **on April 14, 2013.**
By authority of the Director of the Bureau of Development Services

Decision mailed: April 17, 2014

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 February 25, 2014, and was determined to be complete on **March 17, 2014.**

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 February 25, 2014.

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 1, 2014** 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 2, 2014**.
- 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.

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 – see Exhibit C-2
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Cover
 - 2. Project Description and Vicinity Plan
 - 3. Site Plan (attached)
 - 4. Historic Photos
 - 5. Existing Condition Photos
 - 6. Existing Basement Plan
 - 7. Proposed Basement Plan
 - 8. Existing Ground Floor Plan
 - 9. Proposed Ground Floor Plan
 - 10. Existing Typical Upper Floor Plan
 - 11. Proposed Typical Upper Floor Plan
 - 12. Existing Roof Plan
 - 13. Proposed Roof Plan
 - 14. existing North Elevation
 - 15. Proposed North Elevation (attached)
 - 16. Existing East and West Elevations
 - 17. Proposed East and West Elevations (attached)
 - 18. Existing South Elevation
 - 19. Proposed South Elevation
 - 20. Existing Building Sections
 - 21. Proposed Building Sections
 - 22. Proposed Main Entry Canopy Details
 - 23. Proposed Storefront Treatment Details
 - 24. Proposed Secondary Entry Canopy Details
 - 25. HVAC Equipment Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Review Section of BDS
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application

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

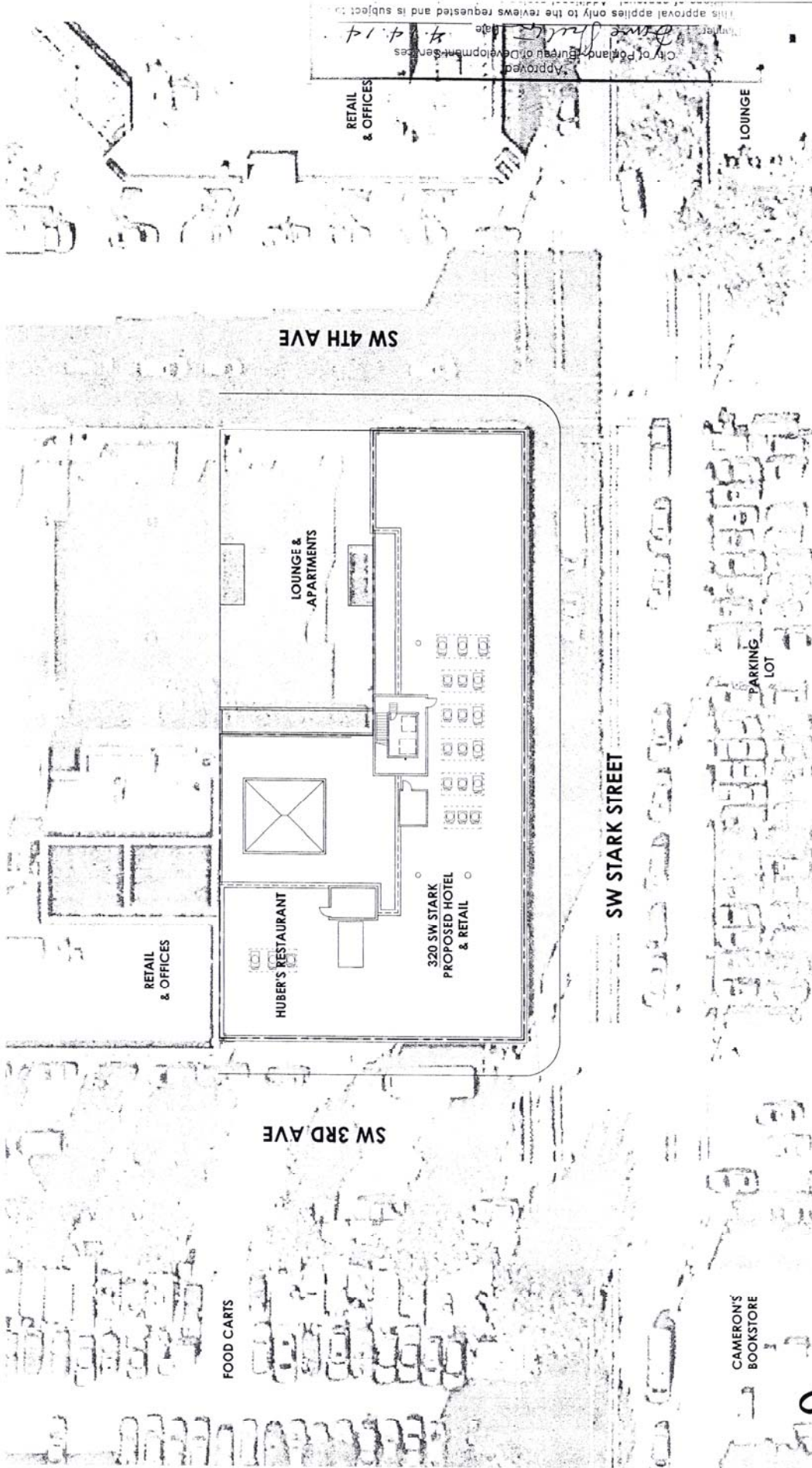
 Site

 Historic Landmark



This site lies within the:
CENTRAL CITY PLAN DISTRICT

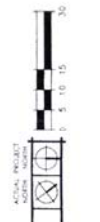
File No. LU 14-120725 HR
 1/4 Section 3029
 Scale 1 inch = 200 feet
 State_Id 1N1E34CD 7400
 Exhibit B (Feb 28, 2014)



Approved: *[Signature]*
 City of Portland, Bureau of Development Services
 Date: 4.14.14
 This approval applies only to the reviews requested and is subject to:

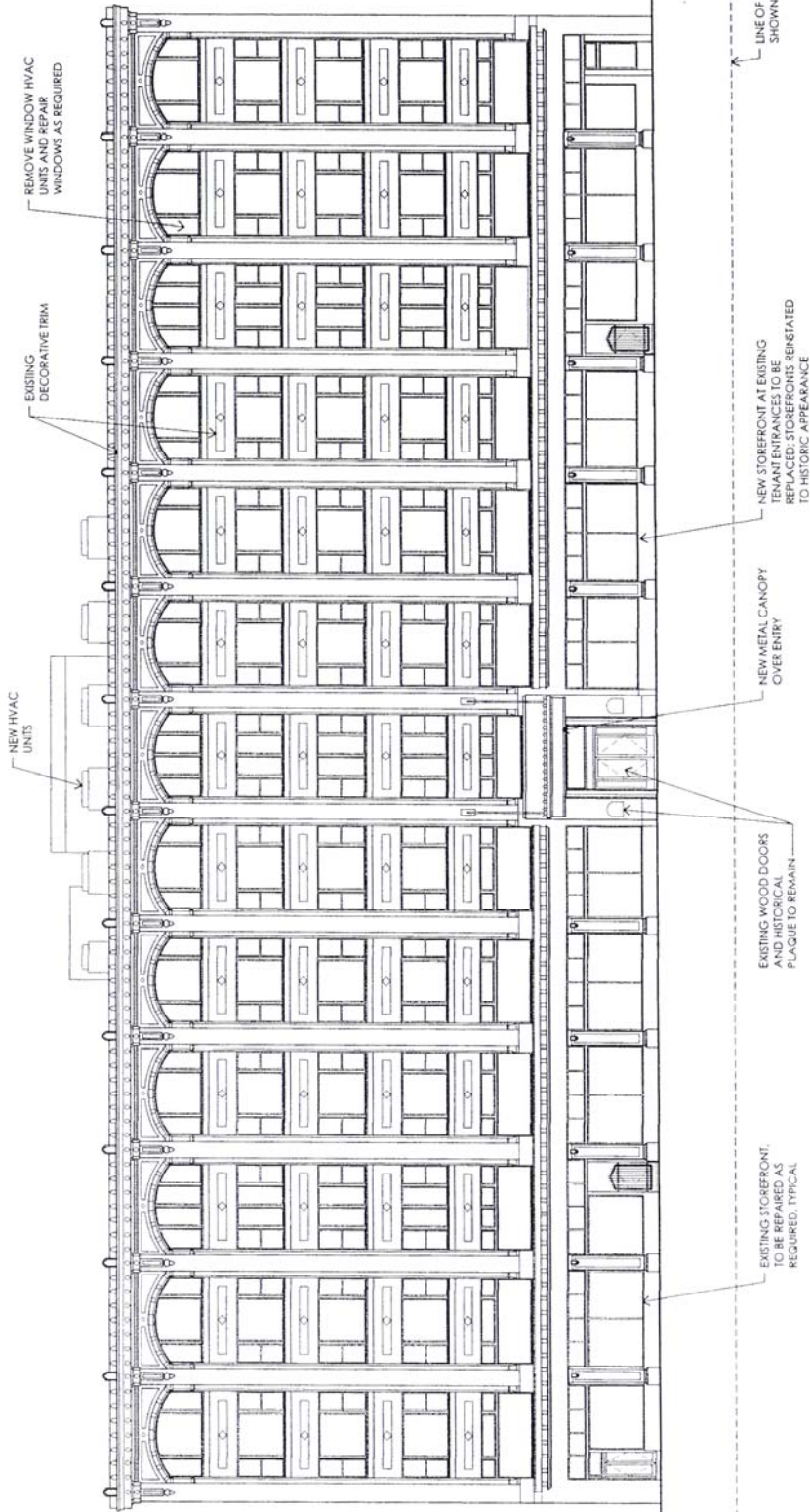
Approved: 4/14/14
 11-00078 11.17
A-2

Oregon Pioneer Building
 320 SW Stark Street
 Portland, Oregon



SITE PLAN

3
 2



SW STARK STREET (NORTH)

C-15

PROPOSED EXTERIOR ELEVATION



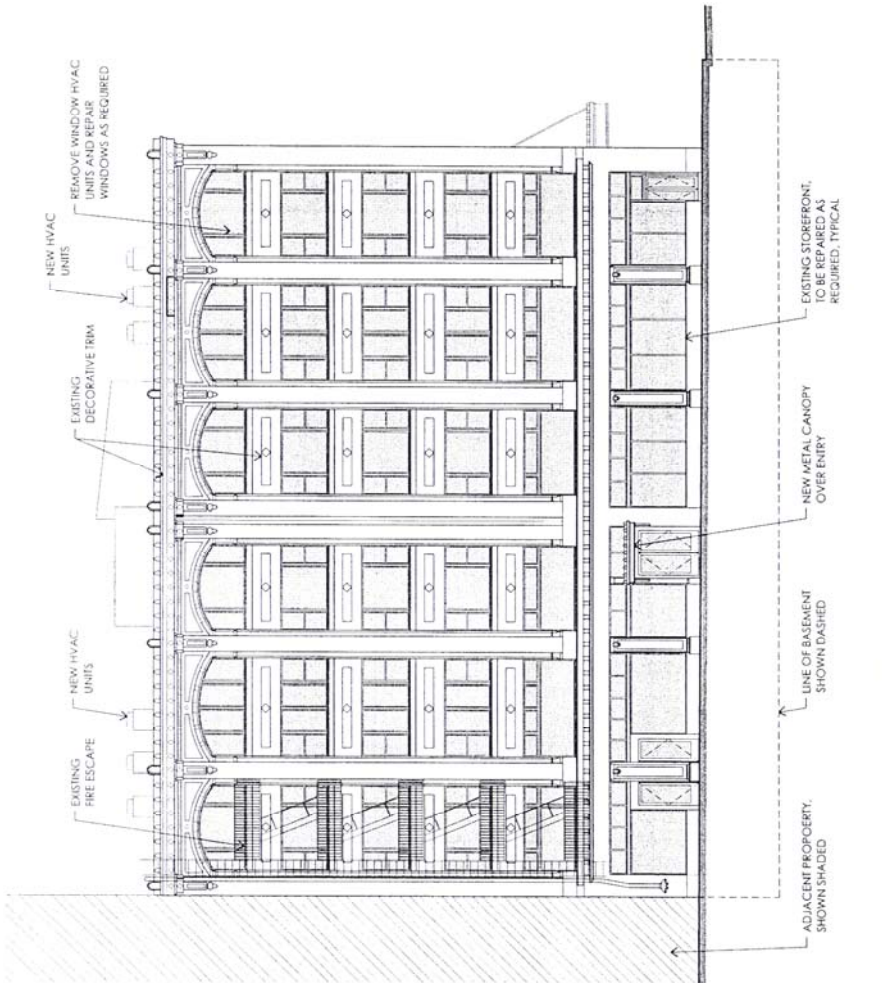
Oregon Pioneer Building
320 SW Stark Street
Portland, Oregon

A-14

Approved
City of Portland - Bureau of Development Services
Date 7.14.14
This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.



SW 4th AVENUE (WEST)



SW 3rd AVENUE (EAST)

C-17



PROPOSED EXTERIOR ELEVATIONS



Oregon Pioneer Building

320 SW Stark Street
Portland, Oregon

PROJECT No. 1717
DATE: 04/14/17
A-16