



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: December 28, 2015
To: Interested Person
From: Hillary Adam, Land Use Services
503-823-3581 / Hillary.Adam@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 mailed copy of this document is only a summary of the decision. 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 15-125941 HR- NEW PATIO
ENCLOSURE AND ALTERATIONS TO A LANDMARK**

GENERAL INFORMATION

Applicant: Carter Case, Applicant
Case Design Group
232 SE Oak St
Portland, OR 97214

Arum Investment Co LP, Owner
PO Box 871538
Vancouver, WA 98687

Site Address: 814 SW 1st Avenue & 25' west of 811 SW Naito Parkway on SW Yamhill

Legal Description: BLOCK 4 N 1/2 OF LOT 7, PORTLAND; E 25' OF LOT 8 BLOCK 4, PORTLAND

Tax Account No.: R667700750, R667700810

State ID No.: 1S1E03BA 01700, 1S1E03BA 01500

Quarter Section: 3129

Neighborhood: Portland Downtown, contact Rani Boyle at 503-725-9979.

Business District: None

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

Plan District: Central City - Downtown

Other Designations: Local Landmark, designated by City Ordinance #131111 on July 1, 1970. Also a contributing resource (building) and noncontributing resource (vacant parcel) in the Yamhill Historic District, listed in the National Register of Historic Places on July 30, 1976

Zoning: CXd – Central Commercial with Design and Historic Resource Protection overlays

Case Type: HR – Historic Resource Review

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

Proposal:

The applicant proposes exterior alterations to the Pearne Building, a local landmark and contributing resource in the Yamhill Historic District, as well as construction of a new uncovered patio enclosure at the eastern 25 feet of the existing surface parking lot.

The exterior alterations to the Pearne Building include:

- Creation of a new door opening at the ground level of the north wall;
- Removal of existing iron doors at the ground level east wall and infill of this opening with a new steel door and stucco infill wall; and
- Installation of a powder coated steel wall and door at the rear light well.

The proposed patio enclosure is to be 15'-0" tall and constructed of a brick west wall with a wood and stucco front façade along SW Yamhill. The SW Yamhill façade is also proposed to feature powder coating aluminum fencing, the relocated iron doors from the east wall of the Pearne Building, lighting, and decorative cast iron pieces.

Historic Resource Review is required because the proposal is for exterior alterations to a Landmark as well as for a new structure within a historic district.

Relevant Approval Criteria:

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

- Design Guidelines for the Yamhill Historic District
- 33.846.060.G *Other approval criteria*
- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The existing building occupies a narrow 2,500sf portion of the block bounded by SW Yamhill Street, SW Taylor Street, SW 1st Avenue, and SW Naito Parkway in downtown Portland. Also included within the site is a 1,250sf surface parking lot. To the west of the surface parking lot included within the site is a 3,750sf surface parking lot that is not part of the site. Built in 1874, the original two story structure was an example of the Italianate style. The two lower stories of the building use one-story high cast-iron pilasters that were part of an earlier building on the site that was destroyed by fire in 1873. A third story was added at some point prior to 1900. The building is significant for its architecture, which is a good example of the period style, and for its association with the Rev. Thomas H. Pearne, who was the original owner of the building and a significant religious figure in the history of Oregon. It is known as the Pearne Building.

The subject site is located within the Yamhill Historic District, an area that contains many examples of nineteenth century commercial architecture. Italianate is the dominant architectural style within the district, but examples of Second Empire, Sullivanesque, Commercial, and Colonial Revival can be found there as well. Many buildings within the district were constructed after the Great Fire of 1873 and were built by investors during Portland's economic expansion of the late 1870s.

The larger area around the site and historic district is defined by the commercial, retail, and office uses of downtown Portland and by the open space area of Waterfront Park.

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.

The Central City Plan District implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation management Plan. The Central City plan district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area. The site is within the Downtown Subdistrict of this plan district.

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

- LU 09-118781 HDZ – Historic Design Review approval of exterior alteration to the ground level of the existing Landmark to include removal of non-compatible storefront and entry doors with compatible wood systems.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **October 14, 2015**.

The **Life Safety Division of BDS** provided standard comments. Please see Exhibit E-1 for additional details.

The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Bureau of Transportation Engineering
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on October 14, 2015. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Kelsey Schultes, Swift Real Estate Partners, on November 13, 2015 (after the close of the comment period), wrote noting concerns with the logistics and safety of a patio enclosure located adjacent to the parking lot to remain.

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 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 Yamhill Historic District, the relevant approval criteria are the Yamhill Historic Design Guidelines and the Central City Fundamental Design Guidelines.

Design Guidelines for the Yamhill Historic District and Central City Fundamental Design Guidelines

The Yamhill Historic District is a unique asset to Portland and has been recognized nationally by its placement on the National Register of Historic Places. There are certain procedures and regulations the City has adopted for the protection and enhancement of the Yamhill Historic District.

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.

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.
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.
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.
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.

- 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 for 1, 2, 4, 5, and 9: The subject property consists of two separate elements: the 1874 Pearne Building which is a local Landmark and contributing resource in the Yamhill Historic District and a non-contributing parcel occupied by a surface parking lot. The proposed changes to the Landmark building are minimal and limited to secondary façades; some of these changes will not be visible from the public way. The essential historic character, features, form, and integrity of the building will remain intact, as the majority of the walls and the entirety of the primary façade will remain unchanged. No physical or chemical treatments are proposed. *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: The proposed patio enclosure will be differentiated from the historic Landmark building through the details of the contemporary construction methods, the contemporary brick albeit with a “used” quality, and powder coated aluminum fencing. The proposed structure is a separate structure and will not destroy historic materials. *This criterion is 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.

- 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 8 and 10: The proposed patio enclosure is designed to recall traditional Main Street storefronts, however reinterpreted for an open-air patio. The proposed structure is 15 feet high and scaled for pedestrians, while featuring the impressively-scaled historic steel doors from the Pearne’s rear façade. The enclosure will be constructed of brick on the side façade to blend with the adjacent buildings while the front façade will be clad with stucco and will feature decorative detailing such as a molded cornice, wood molding at the bulkheads, lighting, and decorative cast iron details. The structure is relatively small and will serve to enclose and activate a portion of an existing surface parking lot; thus, the proposed patio enclosure will add vitality to the district while helping to reinforce the streetscape. *These criteria are met.*

Design Guidelines for the Yamhill Historic District

General Guidelines Alterations and Additions to Historic Landmarks, Potential Landmarks and Other Compatible Buildings

- A. Retention of Original Construction.** So far as practicable, all original exterior materials and details shall be preserved.

Findings: No changes are proposed on the primary façade of the existing Landmark. The only changes to the existing Landmark occur on the side (north) façade, where a new ground level opening will be created through what once was the party wall to the building that formerly occupied the lot to the north, and to the rear façade where original steel doors will be relocated to the front façade of the proposed patio enclosure.

The opening created by the removal of the steel doors will be infilled with a new stucco wall and a steel door. *This guideline is met.*

G. Exterior Building Materials. Most of the buildings within the District were constructed of bearing wall brick masonry (left exposed or covered with plaster), or stone. This feature gives the area much of its textual surface character. Surfaces need to be treated, repaired, and maintained in a manner which is sympathetic to the District.

1. Walls

- Original building materials shall be preserved wherever possible. Cleaning and/or repointing masonry is preferred over replacement.
- If masonry has to be replaced, repair or replace existing masonry with masonry of matching color, texture, size, coursing. Avoid using “used” brick in replacement. This conflicts with traditional masonry surfaces.
- Mortar should match the color and joint configuration of the existing masonry wall.
- Masonry was painted to seal soft bricks from the weather or painted later for other reasons. Where soft brick surfaces are found to be painted, surfaces should not be stripped but should be repainted.
- Plastered surfaces should be cleaned, repaired with a similar plaster texture and repainted. Avoid exposing brick to the weather by removing finish plaster as this will speed deterioration of the brick.
- Do not apply artificial and/or inappropriate coverings to masonry surfaces. Examples are metal, plastic or wood sidings.

2. Storefronts, Doors and Windows. The shape, size, placement and trim of storefront openings are a key element in establishing the character of a building.

- Where original storefronts remain, preserve and repair. Where covered with other materials, remove and determine condition of original materials.
- Storefronts requiring new materials could consider a wide variety of replacement systems. Building Codes require non-combustible materials (steel, aluminum, etc.), but wood systems may be acceptable provided other means of fire protection are installed. Wood systems should be painted, rather than stained or treated naturally.
- New window and door openings should maintain a similar horizontal and vertical relationship as the originals. Traditionally, windows were two-over-two or one-over-one. Large panes of glass, as used in contemporary storefronts, should be avoided.
- Glazed portions of windows were important elements to the building and should not be altered, painted over or eliminated.
- Clear glass is traditional and should be used instead of tinted glass. Additionally, signs cannot be painted on tinted glass without the possibility of breakage due to the effect of sunlight.
- Re-use original hardware whenever possible. If possible, new hardware should be in keeping with original designs.
- On side-walls, avoid walling-in openings with masonry, if possible. Rather, maintain the opening and replace the glazing if necessary with appropriate hard surface materials.

Findings for 1 and 2: A new opening is proposed at the ground level in the north façade in order to provide a direct connection between the interior of the existing Landmark to the proposed outdoor patio. The proposed door opening is of a traditional dimension with a cement plaster infill adjacent to the pull side of the door to account for potential Building Code requirements. However, if Building Code allows for the opening within the historic Landmark building to be only as wide as the door, then the opening should be no wider than necessary.

The proposed door within the new opening is shown to be steel with a full glass panel. Staff notes that in 2009, full light wood front doors were approved on the front façade of the building as part of a limited rehabilitation. As such, if a full light door is proposed, it should match those that were approved and installed front doors, at least in material (wood).

Staff notes that a new steel-clad wall is proposed at the east end of the north façade in order to hide back-of-house activities, such as trash storage. Because the uses within this area are more industrial in nature, staff supports the use of a sturdier system in this limited application. Likewise, a new steel door and stucco infill is proposed within the opening from which the steel doors will be removed on the rear (east) façade. Because this door will lead to the trash area and is not visible from the street, a steel door is acceptable. The stucco infill will allow the original opening to be easily read.

With the condition of approval that the new opening in the north façade of the Pearne Building shall be no wider than the door unless Building Code requires the additional width adjacent to the pull side of the door; and

With the condition of approval that the proposed door in the north façade be constructed of wood and match the doors approved in LU 09-118781 HR, this guideline is met.

H. Rear and Side Walls. Generally, the standards which apply to the fronts of buildings also apply to rear and side walls, although the conditions to meet are usually much more simple. The chief concern lies with the removal of redundant additions to each building including signs, pipes, non-functioning stacks, grills, television aerials, etc. The repair and repointing of brick or masonry, painting of wood or certain masonry surfaces, and an effort to coordinate and subdue the clutter of the mechanical equipment are all recommended.

Findings: The proposed steel wall at the rear of the building will help to conceal clutter in the back of house area behind the proposed wall. *This guideline is met.*

I. Color. The colors used in alterations or additions within the District shall be visually compatible with the traditional architectural character of the historic buildings within the area.

- Historically, in the era of the late 1800's and early 1900's, painting was usually done using earth colors, i.e., hues tending towards brown, soft greens, and beiges.
- Bright colors and white were rarely used. Buildings, therefore, are perhaps most appropriately painted using subdued colors. Little or nothing is gained by the use of strong or loud colors, especially those with no tradition of local usage.
- Color combinations will occur, as nearly all buildings will have wood trim or metal ornamentation in addition to their base materials. This, plus the further elaboration of wood storefronts, suggests the use of an overall wall color plus one or two trim colors.
- A method for determining the original wall and trim colors consists of scraping chips from the existing surface and analyzing them microscopically. This should be done whenever the original color is unknown and major repainting is contemplated.

Findings: The cement plaster panels proposed within the door openings on the north and east façades are indicated to be painted to match the brick. Painting the plaster to match the adjacent brick will allow this new area to blend with the existing building and not draw attention to itself. *This guideline is met.*

General Guidelines – New Construction

An analysis of old photographs depicting the area at the turn of the century indicates the District was a compact, urban environment. With the addition of Harbor Drive and the reconstruction of Front Avenue in 1942, the eastern edge of the District was seriously weakened. Additionally, the loss of buildings within the District for the conversion to surface parking lots added to the historic loss. An essential ingredient to the development of the District is re-establishing the compact urban feeling it once had with compatible new infill buildings.

A. Siting. In addition to zoning requirements, the relationship of the new building to the street, and to the open spaces between it and other historic buildings should be visually compatible with the adjacent buildings and with the architectural character of the District.

Findings: The proposed new patio enclosure is located at the street lot line on the north side of the property. While the proposed structure will sit between an existing surface parking lot and the garage entrance of an adjacent non-contributing building constructed in 1985, the new structure will help to reinforce the historic character of the district by continuing the fabric of street lot line façades. *This guideline is met.*

B. Height and Bulk. In addition to zoning requirements, the height and width of a new building should not exceed the height and width of the largest landmark building in the District, and should be visually compatible with adjacent landmark buildings.

It is the intention of these guidelines to ensure District compatibility with respect to new construction. It is recognized that development could occur which combine several parcels. In this event, the project should respond to the above guidelines through major vertical “breaks” in the façade design. The maximum height should not exceed 75 feet.

Findings: The proposed structure is an open-air 15 foot high enclosure intended to provide safety and security for the patrons within the space. It is approximately the size of a one-story building except that it is not roofed, and is well below the height of the tallest building in the district. *This guideline is met.*

C. Scale and Proportion. The size and form of a new building, the relationship of voids to solids, the size and relationship of windows, doors, porches, and other architectural elements, should be of a scale, and have a proportion that is visually compatible with adjacent landmark buildings, and with the architectural character of the District.

- The horizontal dimension of a façade of any new building should not exceed 100 feet on east–west streets and 50 feet on north-south avenues. It is further recommended that there be major façade breaks at 25 or 50- foot bay modules, consistent with traditional District development.
- An important element within the District was the emphasis on the pedestrian scale activities, emphasized with awnings or canopies. New development should include provisions for this element.
- New development should avoid blank walls at the pedestrian level.

Findings: The proposed structure is 25 feet wide, and is broken into three bays, with sidewalls and open fencing flanking a central entrance at the front (north) façade. Because the structure is an open-air patio enclosure with no roof, the front façade is also relatively open, but designed to recall traditional storefront detailing. The primary feature of the front façade is the steel doors to be relocated from the east façade of the Landmark Pearne Building, thus putting these historic doors on display for pedestrians. Flanking the doors are fenced openings to provide views into the patio with adjacent columns to ground the structure and provide a backdrop for the proposed lanterns and decorative cast iron pieces. *This guideline is met.*

D. Materials, Colors and Texture. The exterior materials, colors and textures used in new buildings should be visually compatible with adjacent landmark buildings, and with the architectural character of the District. Refer to previous guidelines outlined under *Alterations and Additions to Historic Landmarks, Potential Landmarks and Other Compatible Buildings* for guidelines.

- Use of masonry and stuccoed masonry as a major building material should be given consideration. Attention should be given to new brickwork as follows: (a) the color, texture and size of the brick themselves; (b) the width of the joints between the bricks; (c) the color and tone of the mortar in the joints; and (d) the profile of the mortar joint.
- The use of artificial finish materials shall be avoided. Also, the use of wood as a major surface material should be avoided.

E. Rear and Side Walls. Generally, the standards which apply to the fronts of buildings also apply to rear and side walls, although the conditions to meet are usually much more simple. A strong effort should be made to coordinate and subdue the clutter of mechanical/electrical equipment on exterior surfaces.

Findings for D and E: The proposed patio enclosure will be constructed primarily of brick. Although the brick is newly manufactured, it will have a “used” quality which will help the structure integrate with the 1874 Pearne Building to the south and the 1985 Building to the east, both of which are constructed of red brick of different quality and character. Stucco will also be used on the north façade, allowing the opportunity to differentiate the front façade from the simpler brick side wall. *These guidelines are met.*

F. Signs, Lighting and Other Appurtenances. Signs, exterior lighting, and other appurtenances such as walls, fences, awnings/canopies, and landscaping should be visually compatible with adjacent landmark buildings, and with the architectural character of the District.

G. Cast Iron. For new buildings the appropriate re-use of available cast iron elements is encouraged.

Findings for F and G: Cast iron pieces are proposed to be attached to the front façade to provide some decoration and reinforce the character of the historic district, which features many cast-iron buildings. The proposed light fixtures have a vintage character and will also be compatible with the proposed steel doors and cast iron pieces on the north façade. No signage is proposed. *These guidelines are met.*

Central City Fundamental Design Guidelines

A1. Integrate the River. Orient architectural and landscape elements including, but not limited to lobbies, entries, balconies, terraces, and outdoor areas to the Willamette River and Greenway. Develop access ways for pedestrians that provide connections to the Willamette River and Greenway.

A8. Contribute to a Vibrant Streetscape. Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings’ active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

B4. Provide Stopping and Viewing Places. Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.

B5. Make Plazas, Parks and Open Space Successful. Orient building elements such as main entries, lobbies, windows, and balconies to face public parks, plazas, and open spaces. Where provided, integrate water features and/or public art to enhance the public open space. Develop locally oriented pocket parks that incorporate amenities for nearby patrons.

C1. Enhance View Opportunities. Orient windows, entrances, balconies and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building façades that create visual connections to adjacent public spaces.

C6. Develop Transitions between Buildings and Public Spaces. Develop transitions between private development and public open space. Use site design features such as movement zones, landscape elements, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

Findings for A1, A8, B4, B5, C1, and C6: The proposed patio enclosure is located one half-block from Waterfront Park and oriented along the most direct route to the park. While the structure is very small and does not exceed one story in height, views toward the river are provided through the relatively open front façade as a result of the façade being partially composed of open fencing. The proposed patio is intended to provide secure outdoor space for the patrons of the Landmark building also on site; this outdoor space is located at the sidewalk edge and will increase the outdoor activity and vitality within the district, which will help to bridge and reinforce activity between Waterfront Park and the remainder of the Yamhill Historic District. While the patio will be operated by a private entity, the relative openness of the façade and the ample seating proposed will be inviting to passersby who make take the opportunity to rest and visit within this space. *These guidelines are met.*

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

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.

A7. Establish and Maintain a Sense of Urban Enclosure. Define public rights-of-way by creating and maintaining a sense of urban enclosure.

C4. Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.

Findings for A4, A5, A7, and C4: While open to the elements, essentially designed as a shell, the building maintains a sense of urban enclosure by reinforcing the streetscape sidewalk edge with the new façade. The proposed patio enclosure is designed to complement the historic character within the district through its use of brick, stucco, and historically compatible decoration. In addition, the proposed introduction of cast iron elements as well as showcasing the historic steel doors from the rear façade of the Pearne Building will help to enhance and embellish the historic character of the district through the medium of this new structure. *These guidelines are met.*

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 1874 Pearne Building received approval in 2009 for a rehabilitation of the ground floor storefront. That rehabilitation, the proposed patio enclosure, and other interior work not subject to historic resource review, indicate that the owner intends to make the building leasable for a potential tenant which will help ensure the building's continued viability. The proposed alterations to the Landmark building are relatively minimal in scope and are limited to secondary façades. *These guidelines are met.*

B2. Protect the Pedestrian. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

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.

C12. Integrate Exterior Lighting. Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.

Findings for B2, B6, and C12: The proposed patio enclosure is to be constructed on a portion of an existing surface parking lot. Closure of the curbcut directly north of the patio enclosure will be required by the Portland Bureau of Transportation at the time of Building Permit, thus decreasing conflicts between pedestrians and vehicles at this specific location. While canopies or awnings are typically desirable on historic and new buildings, the proposed structure is relatively stripped down and does not have a traditional storefront with solid walls and windows; therefore canopies would seem out of place on this relatively threadbare structure and would also be more easily damaged by wind were they required. Staff notes that the intent of the proposed design is to be an open-air enclosure which exposes people to the elements and will most likely feature seasonal protection at the interior. Lighting, proposed at the north façade of the new structure, as well as the increased level of activity within the patio will add a sense of

security for pedestrians. Staff notes that to ensure that the proposed light fixtures do not detract from the historic character of the district, all conduit must be routed immediately to the interior of the patio enclosure and shall not be exposed at the exterior.

With the condition of approval that the conduit for the lighting shall be routed immediately to the interior of the patio enclosure and shall not be exposed at the exterior, these guidelines are met.

B7. Integrate Barrier-Free Design. Integrate access systems for all people with the building's overall design concept.

Findings: The floor level of the proposed patio enclosure is at grade and is therefore accessible to all potential users. *This guideline is met.*

C2. Promote Quality and Permanence in Development. Use design principles and building materials that promote quality and permanence.

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 and C5: The proposed patio enclosure will be constructed of brick and stucco and will feature on the north façade, steel doors, powder-coated aluminum fencing, and decorative painted wood elements. All of these materials are considered permanent in their proposed application. The alterations to the historic Landmark include a new door opening on the north façade, infilled opening on the east façade, and a new steel wall and door at the northeast corner. The proposed steel wall and door will ensure longevity at this back-of-house area and provide coherency with the steel doors and powder-coated fencing at the front façade of the patio enclosure. The proposed door in the north façade of the Landmark, while proposed to be steel, will be required to match, through a condition of approval (described under Yamhill Alteration guideline G.1-2 above), the doors on the west façade of the Pearne Building, which are wood and were approved in 2009. *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 alterations to the Landmark Pearne Building are relatively minor in scope, limited to secondary facades, and minimally visible from the public way. The proposed patio enclosure is distinctly different from extant historic resources in that it is designed essentially as a shell with no roof and is open to the elements; however, the detailing and materials of the structure are designed to be compatible with the historic district. The structure is to be constructed of brick and stucco with a front façade articulated with decorative painted wood details, decorative cast iron elements, lighting, and notably featuring the large steel doors relocated from the rear (east) façade of the Pearne Building. The new structure is relatively small in scale and will reinforce the streetscape of the district while also adding vitality. 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 to the Pearne Building, a local landmark and contributing resource in the Yamhill Historic District, as well as construction of a new uncovered patio enclosure at the eastern 25 feet of the existing surface parking lot to the north.

The exterior alterations to the Pearne Building include:

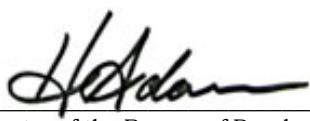
- Creation of a new door opening at the ground level of the north wall;
- Removal of existing iron doors at the ground level east wall and infill of this opening with a new steel door and stucco infill wall; and
- Installation of a powder coated steel wall and door at the rear light well.

The proposed patio enclosure is to be 15'-0" tall and constructed of a brick west wall with a wood and stucco front façade along SW Yamhill. The SW Yamhill façade is also proposed to feature powder coating aluminum fencing, the relocated iron doors from the east wall of the Pearne Building, lighting, and decorative cast iron pieces.

This approval is per the approved site plans, Exhibits C-1 through C-3, signed and dated December 22, 2015, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 15-125941 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The new opening in the north façade of the Pearne Building shall be no wider than the door unless Building Code requires the additional width adjacent to the pull side of the door.
- C. The proposed door in the north façade be constructed of wood and match the doors approved in LU 09-118781 HR.
- D. The conduit for the lighting shall be routed immediately to the interior of the patio enclosure and shall not be exposed at the exterior.

Staff Planner: Hillary Adam

Decision rendered by:  **on December 22, 2015**
By authority of the Director of the Bureau of Development Services

Decision mailed: December 28, 2015

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 27, 2015, and was determined to be complete on **August 21, 2015**.

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 27, 2015.

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 requested that

the 120-day review period be extended 120 days (see Exhibits A-5 and A-9). Unless further extended by the applicant, **the 120 days will expire on: April 17, 2016.**

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 January 11, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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 **January 12, 2016 – (the day following the last day to appeal)**.
- 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

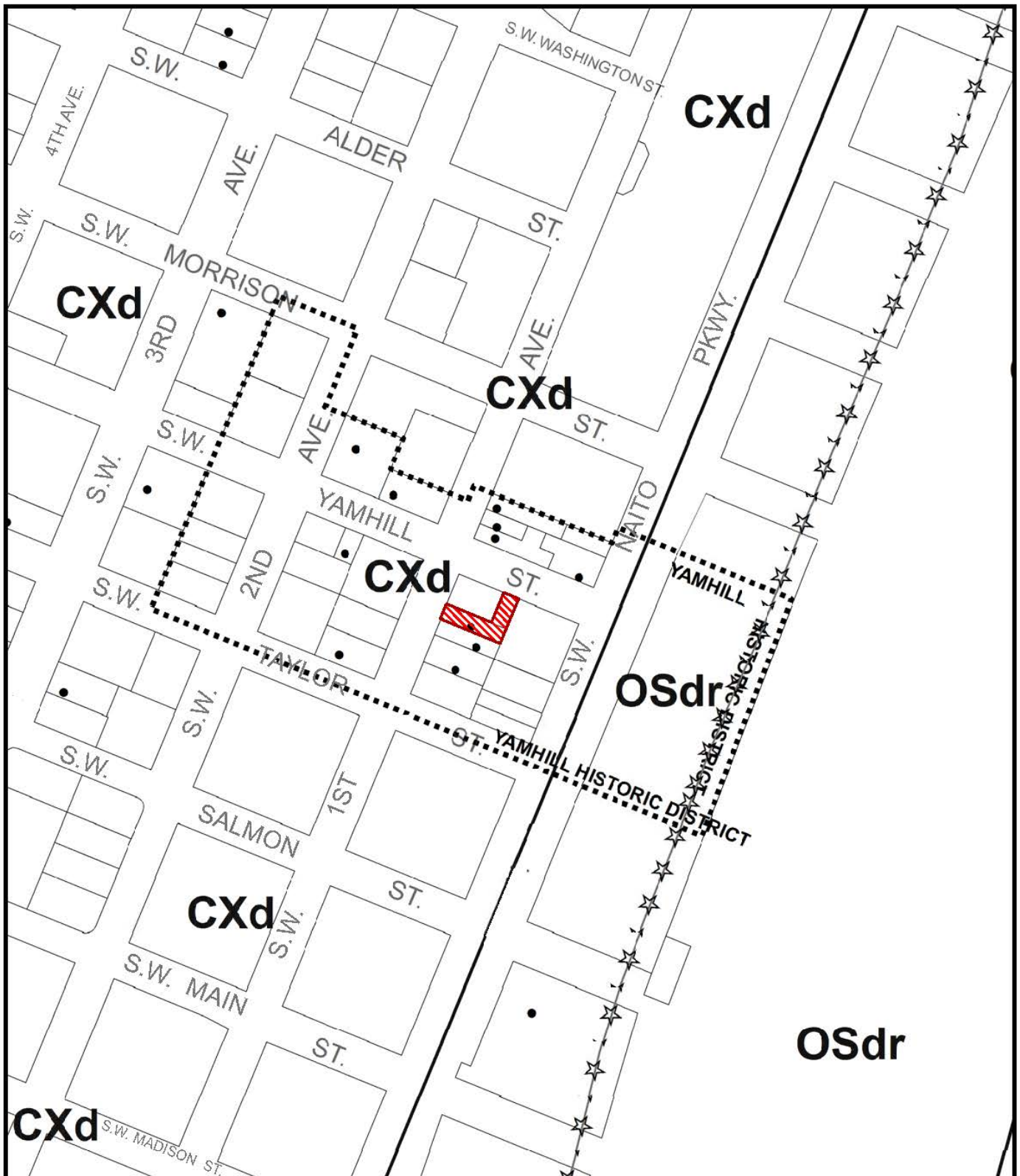
A. Applicant's Statement

1. Narrative
2. Original Drawing Submittal
3. Completeness Response, received August 21, 2015
4. Completeness Response Drawings, received August 21, 2015
5. Extension Form, received October 5, 2015
6. Revised Completeness Response, received October 9, 2015
7. Revised Completeness Response Drawings, received October 9, 2015
8. Revised Drawings, received October 12, 2015
9. Extension Form, received December 8, 2015

B. Zoning Map (attached)**C. Plans/Drawings:**

1. Site Plan (attached)
 2. Elevations (attached)
 3. Details
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Life Safety Division of BDS
 2. Bureau of Environmental Services
 3. Water Bureau
 4. Fire Bureau
 5. Portland Bureau of Transportation Engineering
- F. Correspondence:
1. Kelsey Schultes, Swift Real Estate Partners, on November 13, 2015 (after the close of the comment period), noting concerns with the logistics and safety of a patio enclosure located adjacent to the parking lot to remain.
- G. Other:
1. Original LU Application
 2. Incomplete Letter, dated March 30, 2015
 3. 180-Day Letter, dated July 29, 2015
 4. Memo to Carter Case, dated August 31, 2015

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



Recreational Trail



NORTH

This site lies within the:
YAMHILL HISTORIC DISTRICT
CENTRAL CITY PLAN DISTRICT

File No.	LU 15-125941 HR
1/4 Section	3129
Scale	1 inch = 200 feet
State_Id	1S1E03BA 1700
Exhibit	B (Mar 03,2015)

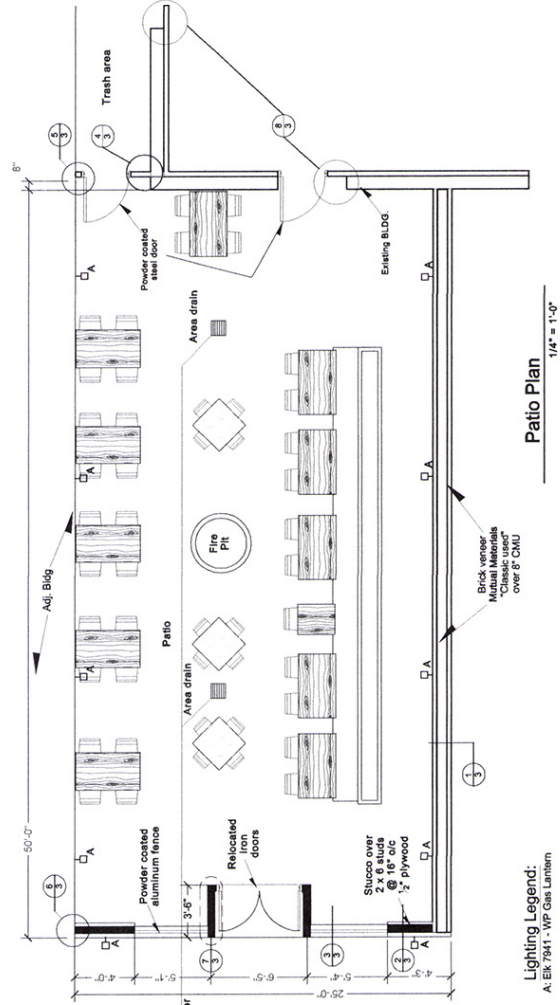
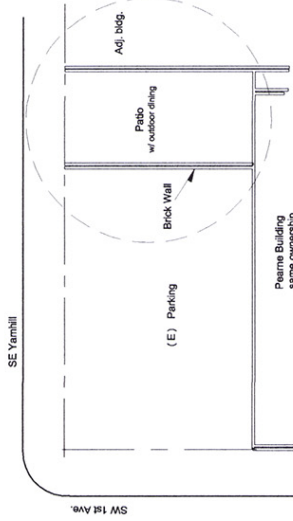
Patio @
the Zar Bar
814 SW 1st
Portland, Oregon

Case Design Group
232 S.E. Oak Street
Portland Oregon 97214

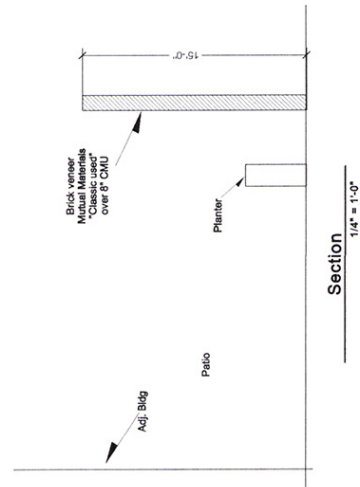
12.09.15
12.09.15 Changes

A1.0

Approved
City of Portland
Bureau of Development Services
Planner *[Signature]*
Date *12/22/15*
* This approval applies only to the
revisions shown and is subject to all
conditions of approval.



Lighting Legend:
A: EK 7941 - WP Gas Lantern



0-1

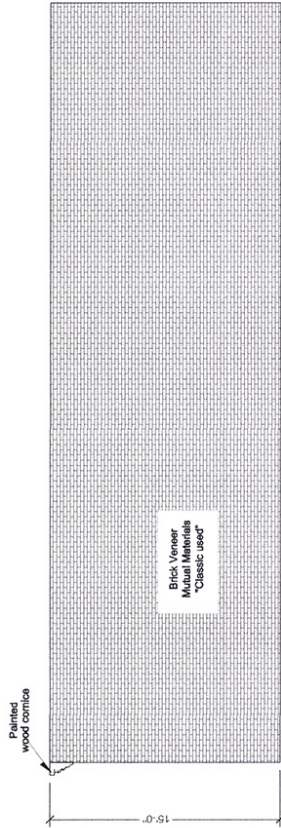
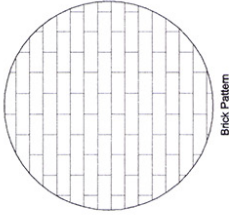
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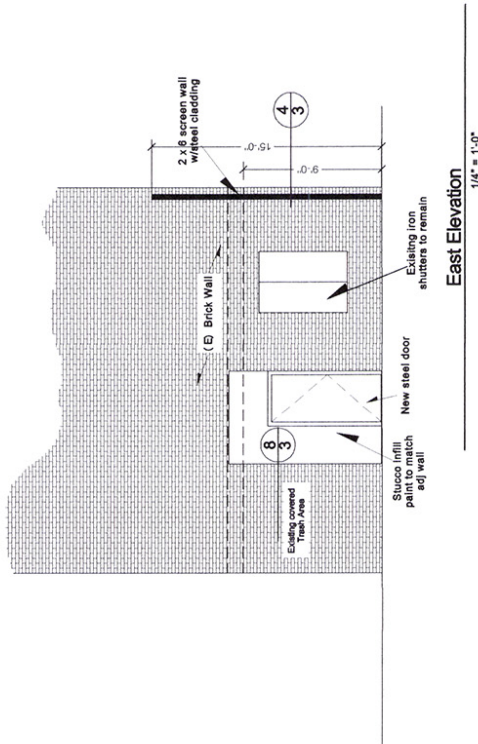
DATE: 12/09/15
DESCRIPTION: Changes

12/09/15
Pat Case Design Group

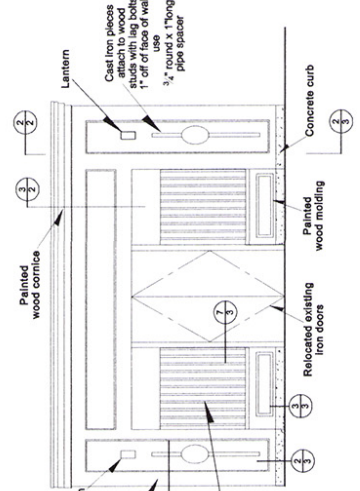
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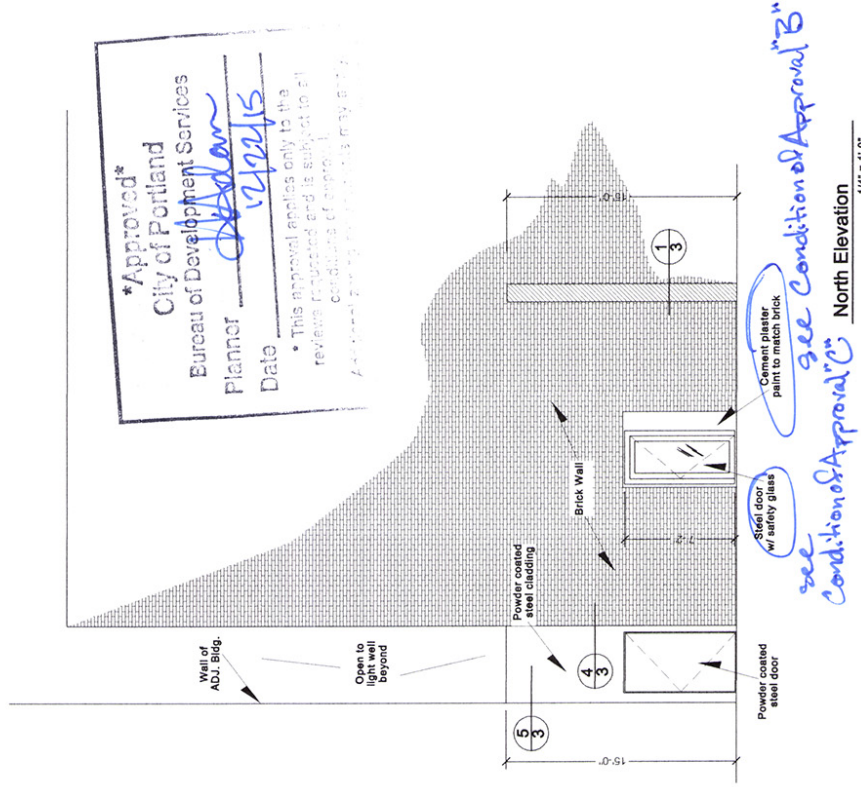
West Elevation
1/4" = 1'-0"



East Elevation
1/4" = 1'-0"



North Elevation @ Yamhill
1/4" = 1'-0"



North Elevation
1/4" = 1'-0"

Approved
City of Portland
Bureau of Development Services
Planner: [Signature]
Date: 12/22/15
• This approval applies only to the review requested and is subject to all conditions of approval.
Additional drawings for other conditions may be required.

see Condition of Approval "B"
see Condition of Approval "C"