



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

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**Date:** April 19, 2016  
**To:** Interested Person  
**From:** Benjamin Nielsen, Land Use Services  
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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 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 16-117888 HR – ALTERATIONS TO A FENCE AT THE HISTORIC SIMON BUILDING FACADE**

### **GENERAL INFORMATION**

**Applicant/Representative:** Sarah Lavoie, Emerick Architects P.C.  
321 SW 4th Ave #200  
Portland, OR 97204

**Tenant:** Mitchell Rask, The Barrell Room  
105 NW 3rd Ave  
Portland, OR 97209

**Owner:** 105 Investment LLC  
10940 SW Barnes Rd  
Portland, OR 97225

**Site Address:** 105 NW 3RD AVE

**Legal Description:** BLOCK 28 LOT 1, COUCHS ADD; BLOCK 28 LOT 4, COUCHS ADD  
**Tax Account No.:** R180202070, R180202090  
**State ID No.:** 1N1E34CA 08000, 1N1E34CA 08100  
**Quarter Section:** 3029

**Neighborhood:** Old Town-China Town, contact Sarah Stevenson 503-226-4368 x2 or Zach Fruchtengarten 503-227-1515.

**Business District:** Old Town Chinatown Business Association, contact Zach Fruchtengarten at 503-227-1515.

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

**Plan District:** Central City - River District

**Other Designations:** Historic Landmark (Sinnott House) and Contributing Building (Simon Building Façade) in the Skidmore/Old Town Historic District and in the New Chinatown/Japantown Historic District

**Zoning:** CXd – Central Commercial with Design Overlay

**Case Type:** HR – Historic Resource Review

**Procedure:** Type II – an administrative decision with appeal to the Landmarks Commission.

**Proposal:**

The applicant requests historic resource review to remove the existing, non-historic wrought iron fence and gate located behind the historic Simon Building Façade and replace it with a new wrought iron fence, rolling gate, and two person gates. A support post for the new fence may optionally be attached to the landmark Sinnott House. The applicant also proposes to remove the existing low fence which spans across the northern ground floor bay. Finally, the applicant proposes to alter a non-historic curb and landscaped area at the north edge of the site, behind the historic Simon Building Façade, to be slightly shorter than it is currently.

Historic resource review is required for exterior alterations to historic landmarks and to structures within historic districts.

**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 Historic Resource Review
- 33.846.060.G Other Approval Criteria
- Design Guidelines for the Skidmore/Old Town Historic District
- Central City Fundamental Design Guidelines
- River District Design Guidelines

## ANALYSIS

**Site and Vicinity:** The subject site consists of two separate buildings: the contributing Simon Building Façade and the landmark Sinnott House, with the main area of work taking place behind the Simon Building Façade. This façade is all that remains of the building, which was demolished in 1974 and replaced with a parking lot. The three story façade is constructed of brick, laid in a common bond, and rusticated stone at the ground floor. The parapet steps up at the ends and is capped with molded brick coping. Vertical brick panels embellish the cornice. Four rough-faced stone columns support the structure on the first floor. Two of the columns are centrally located and spaced close together, reflecting the original entrance. Two larger openings flank this entrance. The entire façade is reinforced with steel “I” beams.

The Sinnott House building, immediately to the south of the Simon Building Façade, is a three story Italianate style building. Stucco covers the building’s exterior, except on its north side wall where the brick wall is exposed to the adjacent parking lot behind the Simon Building Façade.

Other buildings in the immediate vicinity share a similar scale to these two structures except for the single-story brick building immediately to the north of the subject site which occupies a quarter block.

**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 Historic Landmark designation protects certain Portland historic resources and preserves significant parts of Portland’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. Proposed alterations to Historic Landmarks must go through a Historic Design Review process (Chapter 33.846) and proposed demolition is subject to certain demolition protections (Section 33.445.150).

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 River District Subdistrict of this plan district.

The Skidmore/Old Town Historic District is nationally significant for its historical associations with the early development and economic growth of the Pacific Northwest’s most important urban center of the last half of the 19<sup>th</sup> century. It was once the center of commerce and entertainment in Portland and contains the city’s largest remaining collection of mid to late 19<sup>th</sup> century business buildings. The district is an area of approximately 20 blocks centered on W Burnside Street and bordered by the Willamette River on the east. The district is known for its Italianate, High Victorian Italianate, Renaissance Revival, Richardsonian Romanesque, and Sullivanese architecture. The wooden cornices, masonry bearing walls, and the use of architectural cast iron in the street level facades once typified the streets of Portland and are well represented in the present district. The focal point and source of the district’s name is the Skidmore Fountain built in 1888 and donated to the city by Stephen G. Skidmore. The district’s period of significance extends from 1857-1929.

The New Chinatown/Japantown Historic District consists of ten blocks bound by NW Glisan Street, NW 3<sup>rd</sup> Avenue, W Burnside Street, and NW 5<sup>th</sup> Avenue and is nationally significant for being the largest and most intact Chinatown in Oregon. This district was the major Chinese immigration center in the state, and portrays the traditional nature of Chinese social, political, cultural, and economic organizations. The majority of the buildings in the District are designed by some of Portland’s best architects and buildings of the period spanning 1880-1943, and many architectural building styles are represented within the district, including Italianate, 19<sup>th</sup> and 20<sup>th</sup> Century Commercial, Moderne, Half Modern, Mediterranean, and Industrial. Brick and stucco are the primary building materials, and some building cornices, pediments, friezes, and door and window surrounds are embellished with cast iron, terra cotta, cast stone, and pressed metal.

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

- LU 91-009107 (Ref. # LUR 91-00852) – Approval for installation of a neon projecting sign.
- LU 10-133675 HDZ – Historic design review approval to temporarily remove, catalog, and store deteriorated cornice elements from the landmark Sinnott Building and store them on site for later reinstallation.
- LU 13-132471 HDZ – Historic design review approval to remove and reconstruct the parapet and upper wall structure on the landmark Sinnott Building with one condition of approval.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **March 15, 2016**. No responses were received.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on March 15, 2016. 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 located within the Skidmore/Old Town Historic District and within the New Chinatown/Japantown Historic District. Therefore the proposal requires Historic Resource Review approval. The relevant approval criteria are the *Skidmore/Old Town Historic Design Guidelines*, the *Central City Fundamental Design Guidelines*, and the *River District Design Guidelines*.

A portion of the site is also a designated Historic Landmark, and the proposal is for a non-exempt treatment. Therefore the proposal requires Historic Resource Review approval. The relevant additional approval criteria are listed in *33.846.060.G – Other Approval Criteria*.

### **Central City Fundamental Design Guidelines and Historic Skidmore/Old Town Design Guidelines**

The Skidmore/Old Town Historic District is a unique asset to Portland and has been recognized nationally by its placement on the National Register of Historic Places. In addition, the Skidmore/Old Town Historic District has been identified as a National Landmark, of which there is only one other in Portland, Pioneer Courthouse. There are certain procedures and regulations the City has adopted for the protection and enhancement of the Skidmore/Old Town 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.*

### **Historic Skidmore/Old Town Design Guidelines**

**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:** The existing fences are not original historic materials, having been added to the façade after the demolition of the majority of the contributing Simon Building. No other materials will be removed from the Simon Building façade or from the landmark Sinnott Building adjacent.

*Therefore, this guideline is met.*

**E. Visual Integrity of Structure.** The vertical lines of columns and piers, and the horizontal definition of spandrels and cornices, and other primary structural elements shall be maintained. Such structural lines should be restored if previous alterations have substantially changed such elements.

- The modulation of building facades was determined by lot parceling. Generally, buildings were built at 25, 50 or 100-foot widths. Within those general building widths, the building was further divided into smaller bay storefront systems.
- Where structural lines cannot be carried to the ground, integrate the upper and lower floor design with color, materials and form simplicity.

**F. Scale and Proportion.** The scale and proportion of altered or added building elements, the relationship of voids to solids (i.e. openings such as doors and windows to walls and column elements) shall be visually compatible with the traditional architectural character of the Historic District. An important element within the Historic District was the emphasis on the pedestrian scale activities, which were characterized with the addition of canvas awnings or permanent canopies. This defined an important scale and proportion element of the District and to the extent possible, this relationship at pedestrian level should be re-established within the District.

**Findings for E & F:** The removal of the existing fences and the installation of new fences will retain the original historic façade patterning of the Simon Building Façade. The new fence will sit behind the façade and allow the existing, open bays and stone pilasters to continue to be the defining element at the ground floor.

*Therefore, these guidelines are 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 sidewalls, avoid walling-in openings with masonry, if possible. Rather, maintain the opening and replace the glazing if necessary with appropriate hard surface materials.

**Findings:** All remaining existing historic material on the contributing Simon Building Façade will be retained: only the non-historic fencing will be removed and replaced. The fencing will be replaced behind the existing historic façade. The existing open window and door bays on the ground level of the façade will not be closed in with masonry, but will retain a high level of transparency due to the proposed fence design.

*Therefore, 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 proposed new fence will retain the same black color of the existing fence it is replacing. This color will help the fence recede behind the façade and mimic, to some extent, the coloring of clear glazing into a darkened retail space.

*Therefore, this guideline is met.*

### **Central City Fundamental Design Guidelines** **River District Design Guidelines**

**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.

**A5-1. Reinforce Distinct Areas.** Enhance the qualities that make each area distinctive within the River District, using the following "Area Design Guidelines" (A5-1-1 – A5-1-8).

**A5-1-5. Reinforce the Identity of the Skidmore/Old Town Historic District.** Use the Skidmore/Old Town Historic District Design Guidelines for projects located within the Historic District to reinforce the identity of the district. *Copies of these guidelines are available at the Bureau of Planning and Sustainability.*

**A5-1-6. Reinforce the Identity of Chinatown.** This guideline may be accomplished by:

- a. Emphasizing the Asian ambiance of Chinatown with visual and cultural design features that relate to, and are appropriate to, the District's ethnic history and character; or
- b. Using ornate signs that enhance the ethnic character of the District.  
Lighted signs may be approved which exceed maximum area, number, projection, height and lighting regulations, or which flash or include exposed incandescent lamps, provided they constructively add to festive atmosphere of the District. Traditional sign lighting methods, such as incandescent lamps and neon tubing are preferred. If internal lighting is used, letter forms should be illuminated brighter than the sign background. The background should use a predominance of deep-toned color;  
Signs that are not lighted, and which conform with regulations governing projection but exceed maximum number, area, and height regulations, may be approved. Signs made of impermanent materials which can be moved by the wind, such as banners, flags, and ornaments, may be permitted if found to be consistent with Chinatown's character.

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

**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.

**A8-1. Design Fences, Walls and Gateways to be Seen over.** Design fences, walls and gateways located between a building and the sidewalk to be seen over to allow for social

interaction.

**C9. Develop Flexible Sidewalk-Level Spaces.** Develop flexible spaces at the sidewalk-level of buildings to accommodate a variety of active uses.

**Findings for A4, A5, A5-1, A5-1-5, A5-1-6, A7, A8, A8-1, & C9:** The proposal will retain the remaining historic character of the Simon Building Façade and will make no alterations to its historic material. This façade helps to establish the identity and character of both the New Chinatown/Japantown Historic District and the Skidmore/Old Town Historic District by continuing the historic street character, even though the building behind it has long since been demolished. The replacement fences and gates will retain the existing character of the ground floor storefront bays, and the variety of activities happening behind this façade—which will be clearly visible behind the open cast iron picket fence—will help to animate the sidewalk, much like the traditional retail storefront would have.

*Therefore, these guidelines are met.*

**B1. Reinforce and Enhance the Pedestrian System.** Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

**B1-1. Provide Human Scale to Buildings along Walkways.** Provide human scale and interest to buildings along sidewalks and walkways.

**B1-2. Orient Building Entries to Facilitate Transit Connections.** Orient primary building entries at pedestrian circulation points, which conveniently and effectively connect pedestrians with transit services.

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

**Findings for B1, B1-1, B1-2, & B7:** The proposed replacement fence continues to help define the sidewalk edge, and the replacement fence provides new access gates which facilitates easier pedestrian access to the frequently used outdoor area behind the Simon Building Façade. These new gates also allow for barrier-free access to this space as well as helping to facilitate connections to transit on nearby streets.

*Therefore, these guidelines are met.*

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

**C3. Respect Architectural Integrity.** Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

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

**C5. Design for Coherency.** Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

**Findings for C2, C3, C4, & C5:** The proposed replacement cast iron picket fence will replicate the look of the existing, non-historic fence which lies behind the historic Simon



Building Façade. The fence will be supported by steel posts that will be painted black to match the cast iron; and the color of the cast iron will replicate, to some extent, the character of the missing storefront glazing which was removed with the demolition of the rest of the building. The cast iron material is consistent with the historic character of the district and complements the brick and stone masonry of the historic façade. Both the cast iron and the steel posts are also high-quality materials which will endure as the historic façade has.

*Therefore, this guideline is met.*

### **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.

**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, 5, & 9:** The historic façade of the Simon Building will remain fully intact as part of this proposal. Supporting steel posts for the proposed replacement fence will connect primarily to the steel support structure behind the historic Simon Building Façade, which is not a historic component of the façade. One post may also be attached to the north side wall of the landmark Sinnott House building, and the drawings show that any connections into this non-street-facing façade will penetrate only through the grout joints in the brick, helping to preserve the historic material and character of that building.

*Therefore, these criteria are met.*

**2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.

**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 for 2 & 7:** The proposed replacement fence is not a conjectural feature or architectural element from another building, but is a functional addition set behind the historic façade, responding to the condition of helping to contain and define the private exterior space located behind the façade. A fence of this nature would not have been present in a historic building, and thus is clearly differentiated from the historic material of the façade.

*Therefore, these criteria are 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 & 10:** The proposed replacement fence is primarily composed of cast iron, which is a compatible material with the historic brick and stone masonry Simon Building Façade. The proposed fence will be located behind the historic façade and will be visible through the open ground floor window and door bays. The simple design of the individual pickets will help to keep the visual emphasis on the architecture of the façade and will help the fence recede into the background. The height of the fence is tall enough to provide the desired security features while also establishing an edge to the sidewalk at the approximate height of doors in the former bays, further helping the fence to be compatible with the existing historic architecture and the district as a whole.

*Therefore, these criteria 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 replacement cast iron fence, located behind the historic Simon Building Façade in the New Chinatown/Japantown Historic District and the Skidmore/Old Town Historic District in the River District Subdistrict of the Central City Plan District, will retain the original remaining material on the historic façade and will be compatible with the structure. Additionally, the proposed new fence will connect in a sensitive way to the adjacent landmark Sinnott House on its north façade, and the historic material on this building will not be damaged.

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**

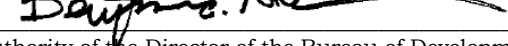
Approval of the proposed exterior alterations to the historic Simon Building Façade in the New Chinatown/Japantown Historic District and the Skidmore/Old Town Historic District in the River District Subdistrict of the Central City Plan District, including:

- Removal of the existing wrought iron fence, located behind the historic Simon Building Façade;
- Installation of a new cast iron fence and gates behind the historic Simon Building Façade;
- Removal of the low, decorative fence along the sidewalk in the north bay of the historic Simon Building Façade;
- Alterations to the non-historic curb located behind the historic Simon Building Façade; and,

Per the approved site plans, Exhibits C-1 through C-5, signed and dated 04/14/2016, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-117888 HR. No field changes allowed."

**Staff Planner: Benjamin Nielsen**

**Decision rendered by:**  **on April 14, 2016.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: April 20, 2016**

**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 8, 2016, and was determined to be complete on March 8, 2016.

*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 8, 2016.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: May 7, 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 Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on May 3, 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 5<sup>th</sup> 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](http://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 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 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 4, 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:

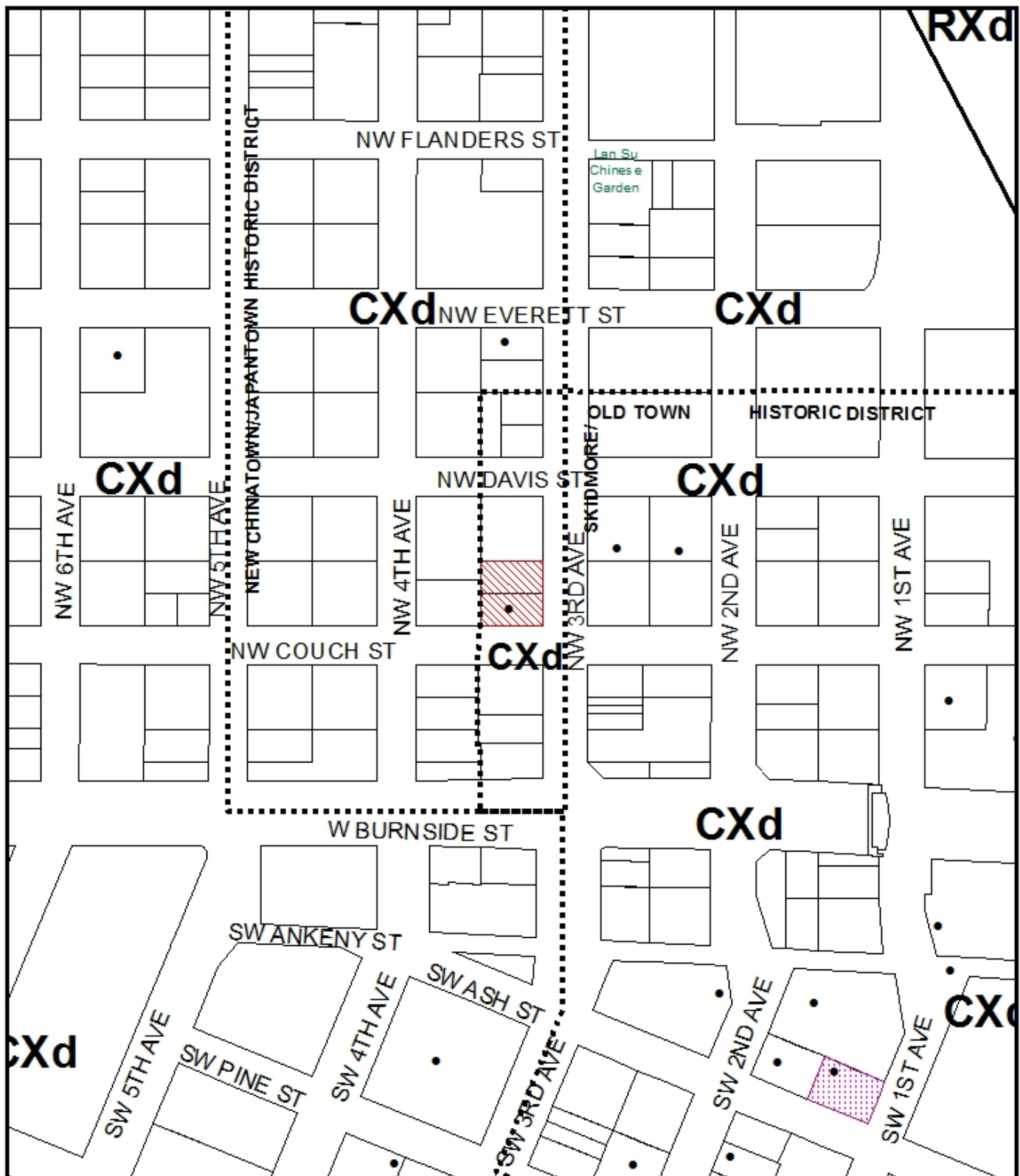
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
  - 1. Applicant's Statement
  - 2. Original Drawing Package
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Proposed Site Plan (attached)
  - 2. Demo Plan & Proposed Plan (attached)
  - 3. Demo East Exterior Elevation (attached)
  - 4. Proposed East Exterior Elevation & Alternate Post Concept Detail (attached)
  - 5. Photos
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence: No correspondence was received.
- 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).**



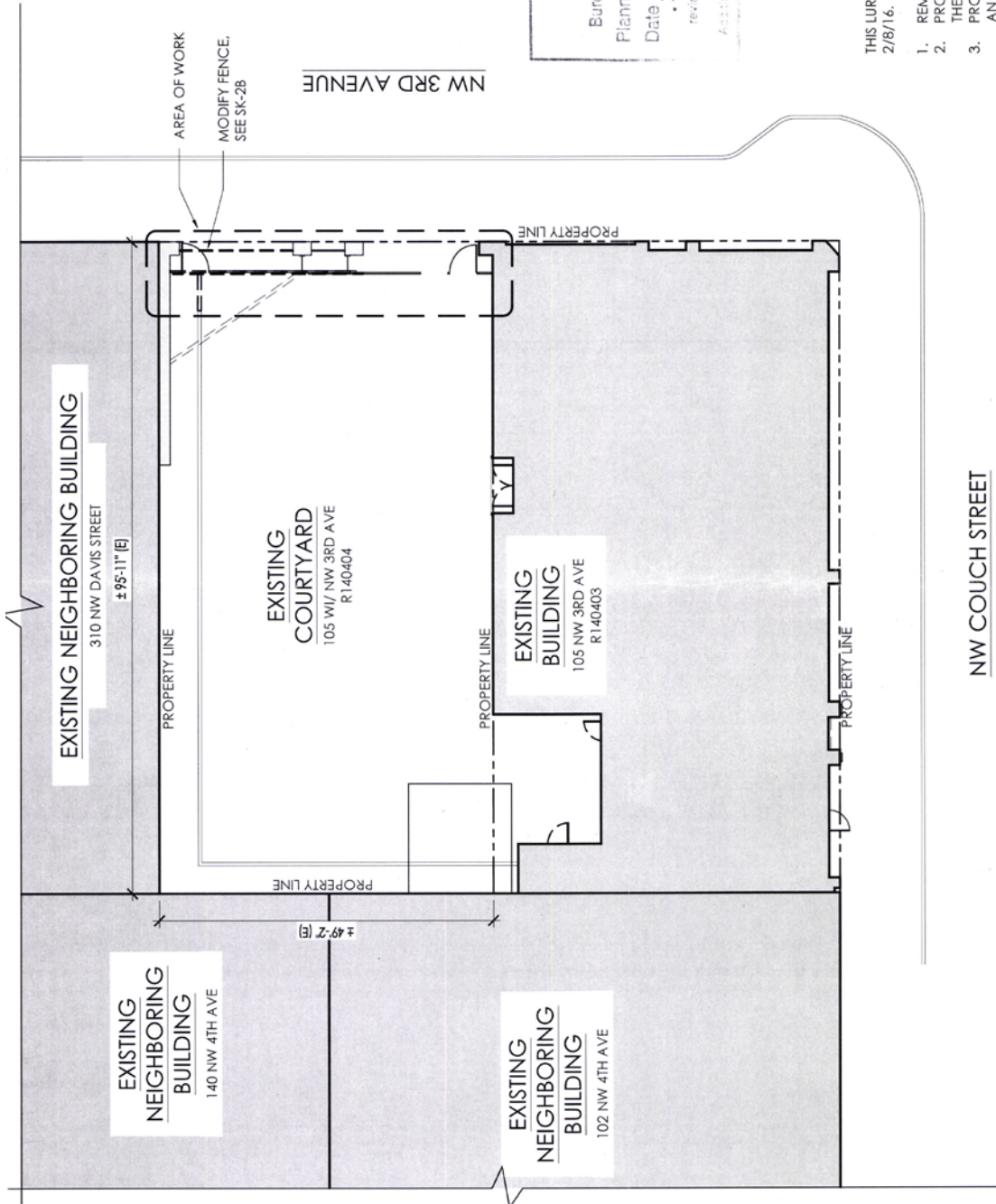
## ZONING



This site lies within the:  
CENTRAL CITY PLAN DISTRICT  
RIVER DISTRICT SUBDISTRICT  
NEW CHINATOWN/JAPANTOWN AND  
SKIDMORE/OLD TOWN HISTORIC DISTRICTS

- Site
- Also Owned Parcels
- Historic Landmark

File No. LU 16-117888 HR  
1/4 Section 3029  
Scale 1 inch = 200 feet  
State\_Id 1N1E34CA 8000  
Exhibit B (Feb 10, 2016)



\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner *Benjamin N. N. N.*  
 Date *04/14/2016*  
 \* This approval applies only to the  
 review requested and is subject to all  
 conditions of approval.  
 Additional zoning requirements may apply.

THIS LUR SET WAS ORIGINALLY SUBMITTED ON  
 2/8/16. THIS SET WAS REVISED AS FOLLOWS:

1. REMOVED ADDITIONAL LOW FENCING
2. PROVIDED AN IMAGE OF THE BRACING ON THE BACK OF THE FACADE
3. PROVIDED AN ALTERNATE DETAIL SHOWING AN ATTACHMENT TO THE BRICK WALL.

EXIT GATES - HISTORIC LUR



PROPOSED SITE PLAN

SCALE: 1/16" = 1'-0"

1

EMERICK ARCHITECTS

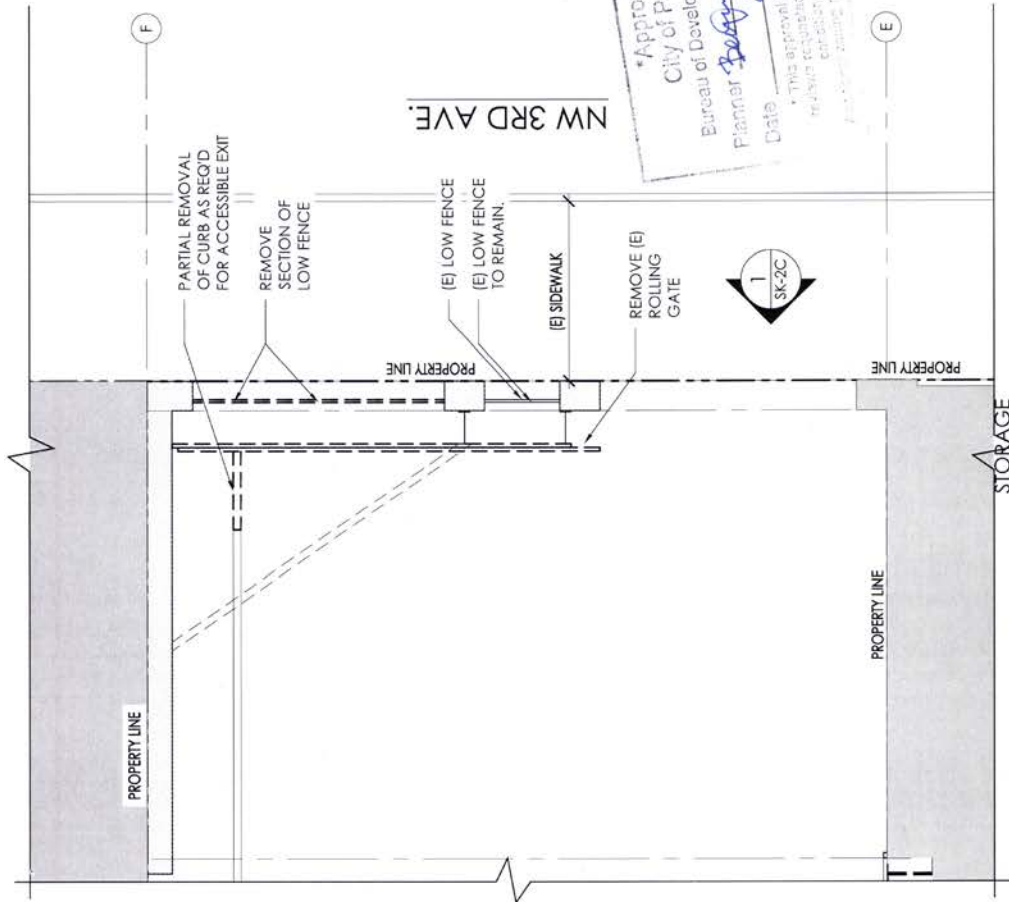
THE BARREL ROOM  
 105 NW 3RD AVE.  
 PORTLAND, OR 97209  
 JOB #: 1529

*EXHIBIT C-1 113 1/2 - 117888 HR*

SK-2A

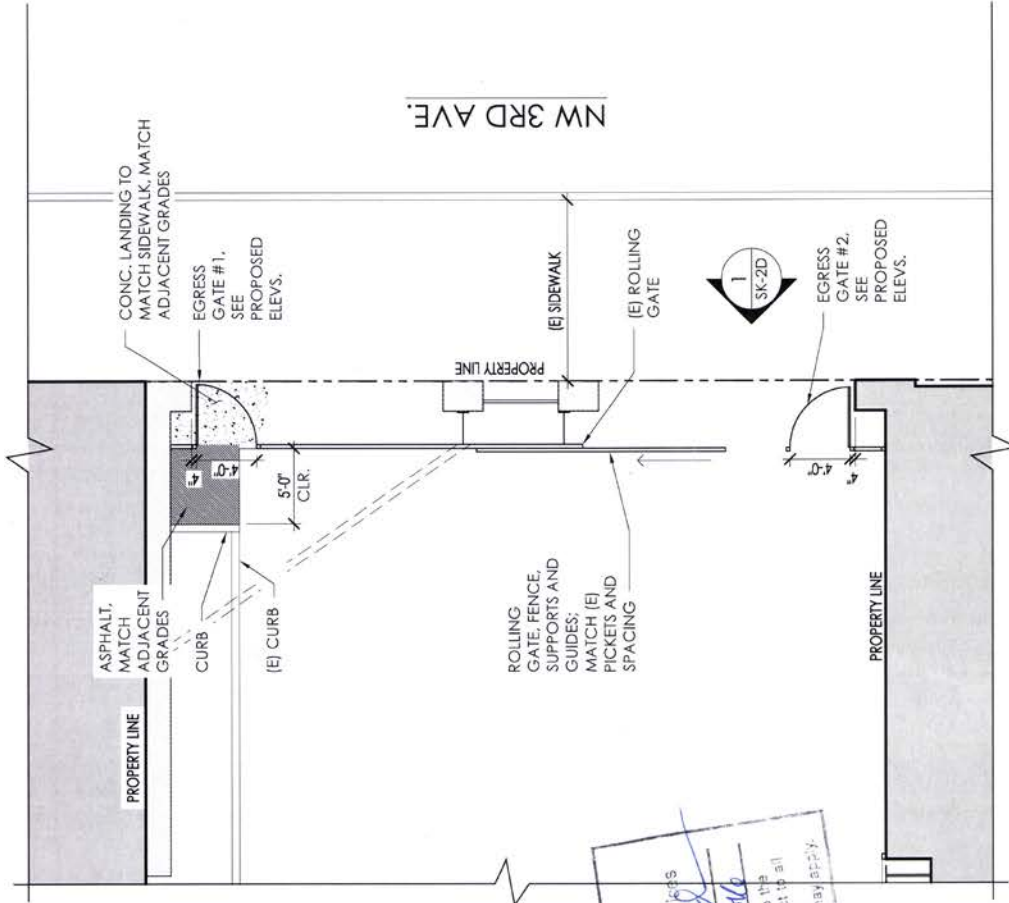
DATE: 3/8/16





# 1 DEMO PLAN

SCALE: 1/8" = 1'-0"



# 2 PROPOSED PLAN

SCALE: 1/8" = 1'-0"

\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner *[Signature]* *5/14/2016*  
Date *5/14/2016*  
\*This approval applies only to the  
project as shown and is subject to all  
regulatory conditions of approval.  
Any other conditions may apply.

EXIT GATES - HISTORIC LUR

THE BARREL ROOM  
105 NW 3RD AVE.  
PORTLAND, OR 97209  
JOB #: 1529

EMERICK ARCHITECTS

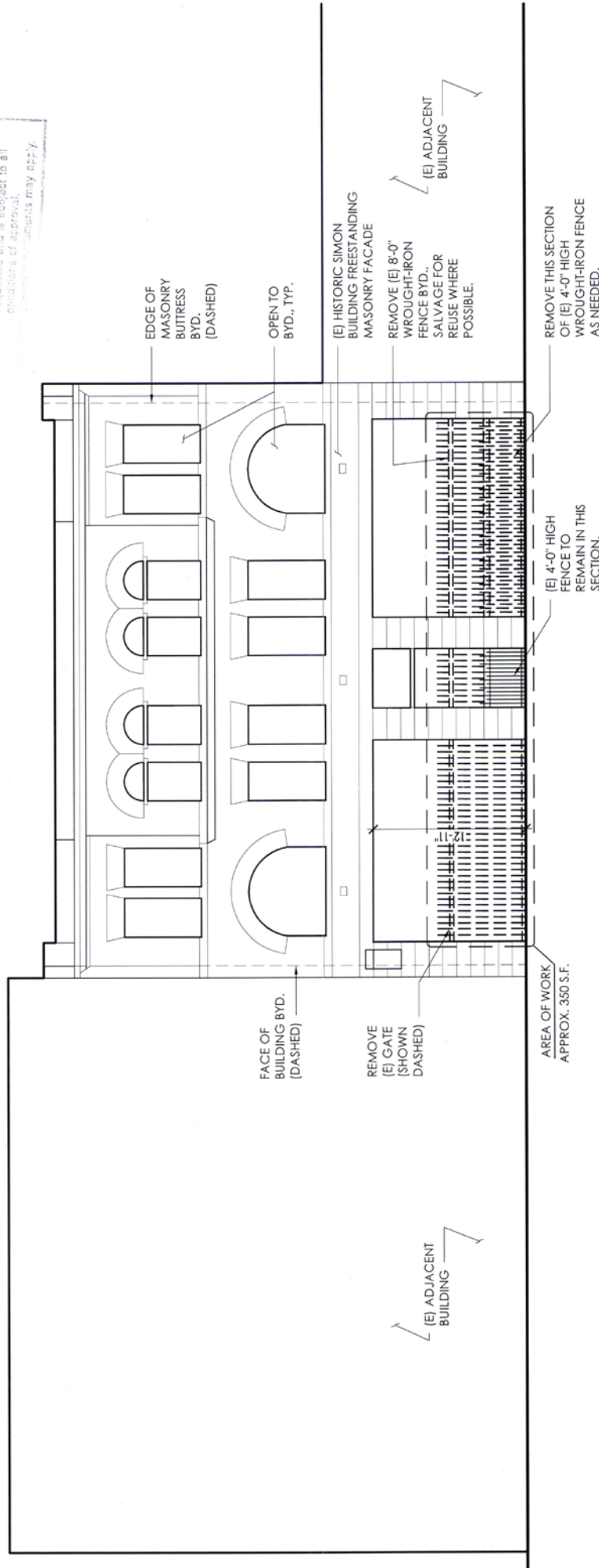
EVALUATION 2 4016-117888 HK

SK-2B

DATE: 3/8/16



**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner Baigis, Nid  
 Date 04/14/2016  
 \* This approval applies only to the plans submitted and is subject to all applicable codes and regulations. Comments may apply.



EXIT GATES - HISTORIC LUR

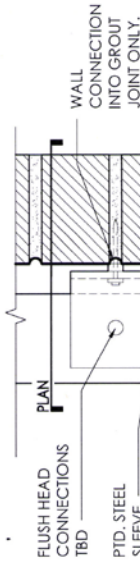
**1 DEMO EAST EXT. ELEVATION**

SCALE: 1/8" = 1'-0"

EMERICK ARCHITECTS

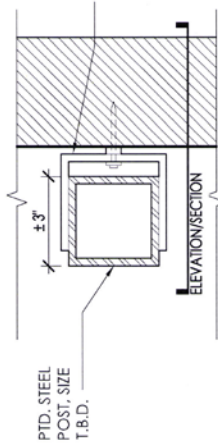
THE BARREL ROOM  
 105 NW 3RD AVE.  
 PORTLAND, OR 97209  
 JOB #: 1529

CALIBIT 02 1116-117888 HR



NOTE: THESE DETAILS ARE SHOWN AS AN ALTERNATE. USE SLEEVE AND WALL CONNECTION ONLY IF ADEQUATE SUPPORT CANNOT BE ACHIEVED THROUGH THE GROUND.

## ELEVATION/SECTION



PLAN

## 2 ALTERNATE POST CONNECTION

SCALE: 3" = 1'-0"

Approved\*  
City of Portland  
Bureau of Development Services  
Planner *Debra J. Nish*  
Date *04/14/2016*

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

## NOTES:

1. PROTECT (E) MASONRY FACADE AND NEIGHBORING BUILDING.
2. ALL FENCE WORK TO BE PTD. BACK CAST IRON OR STEEL WHEN POSSIBLE.
3. REUSE EXISTING FENCE MATERIAL WHEN POSSIBLE.
4. ALL ATTACHMENTS ARE TO BE INTO PAVEMENT OR TO (E) STEEL BRACING. NO ATTACHMENT TO (E) MASONRY FACADE OR WALLS, UNLESS REQ'D. SEE DETAIL 2 THIS SHEET FOR ALTERNATE.
5. ALL HARDWARE TO BE BLACK.

(E) HISTORIC SIMON BUILDING FREESTANDING MASONRY FACADE

PAINTED BLACK STEEL POST. SEE NOTE 4 THIS SHEET.

PANIC HARDWARE  
9 GA. BARRIER MESH AS REQ'D

AREA OF WORK

CAST IRON FENCE TO MATCH (E) PICKETS & SPACING.

GATE #1, SEE TYP. NOTES ON GATE #2 THIS SHEET.

(E) ADJACENT BUILDING

CAST IRON GATE #2, MATCH (E) PICKETS & SPACING. PROVIDE EGRESS HARDWARE, CLOSER, & ALLOW FOR L.V. WIRING, TYP. AT BOTH GATES.

SLIDING GATE, MATCH (E) CAST IRON FENCE TO REMAIN IN THIS SECTION

(E) CAST IRON PICKETS & SPACING. PROVIDE EGRESS HARDWARE, CLOSER, & ALLOW FOR L.V. WIRING, TYP. AT BOTH GATES.

REQ'D, SEE NOTES

EXIT GATES - HISTORIC LUR

## 1 PROPOSED EAST EXT. ELEVATION

SCALE: 1/8" = 1'-0"

THE BARREL ROOM  
105 NW 3RD AVE.  
PORTLAND, OR 97209  
JOB #: 1529

EMERICK ARCHITECTS

WHITE 1-4 LV 16-117888 HR

SK-2D

DATE: 3/8/16