



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

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Date: March 22, 2011
To: Interested Person
From: Dave Skilton, Land Use Services 503-823-0660
dave.skilton@portlandoregon.gov

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

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 11-104098 HDZ - SIGNS AND AWNINGS

GENERAL INFORMATION

Applicant: Church of Scientology Portland
1208 SW 13th Avenue
Portland, OR 97205-1704

Representative: Christine Lehto, Architect
Gensler
2 Harrison Street, Suite 400
San Francisco, CA 94105

Site Address: 320 SW Oak Street

Legal Description: BLOCK 46 LOT 1&2 HISTORIC PROPERTY 15 YR 1996 POTENTIAL
ADDITIONAL TAX, PORTLAND

Tax Account No.: R667705540
State ID No.: 1N1E34CD 05600
Quarter Section: 3029

Neighborhood: Portland Downtown, contact Jennifer Geske at 503-750-9843.
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - Downtown
Other Designations: Historic Landmark pursuant to listing in the National Register of
Historic Places as the Sherlock Building on October 20, 1977

Zoning: CXd, Central Commercial, with Historic Resource Protection and
Design Overlay zoning.

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

Proposal:

The applicant is seeking Historic Design review approval for a proposal to add awnings, three signs, new stone tile at entries, and rooftop mechanical equipment to the building. Historic Design Review approval is required because the proposal is for non exempt exterior alteration on a Historic Landmark property.

Relevant Approval Criteria:

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

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

ANALYSIS

Site and Vicinity: The subject property, now known as the Sherlock Building after the entrepreneur who completed it, started its life as the Forbes & Breeden Building but was caught up in financial scandals during the Panic of 1893. The building is in a Romanesque Revival stylistic vein, with clear influences from Louis Sullivan's contemporary work in Chicago and the Midwest. The architect for the building is unknown but strongly conjectured to have been Isaac Hodgson Jr. of Chicago who did other, similar, design work for the promoters of this building around the same time. The building is clad in a rust-colored brick with basalt trims at the ground floor and stucco spandrel panels between the windows. The two street facades are symmetrical and similar. The building is significant under National Register eligibility Criterion C, for its architectural design. The National Register nomination form was prepared by George McMath, founding member of the Portland Historic Landmarks Commission.

Zoning:

The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The Historic Resource Protection chapter protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

The Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

Land Use History: City records indicate there are no prior land use reviews for this site in the last ten years.

Public Notice: A "Notice of Proposal in Your Neighborhood" was mailed on February 17, 2011.

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

Neighborhood Review: One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal:

- On March 3, 2011, Patrick Wolf wrote, opposing the inclusion of proposed vertical, projecting sign because no similar signs are to be found in the vicinity.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846, Historic Reviews

Purpose of Historic Design Review

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

Historic Design Review Approval Criteria

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

Findings: The site is a designated Historic Landmark and the proposal is for non-exempt exterior alterations. Therefore the proposal requires Historic Design Review approval. The relevant approval criteria are listed in 33.846.060 G. Because the site is located within the Central City Plan District, the approval criteria also include the Central City Fundamental Design Guidelines.

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

G. Other Approval Criteria:

1. **Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.

Findings: No removal of historic materials or features is proposed. *This criterion is met.*

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

Findings: No conjectural features or architectural elements from other buildings are proposed. *This criterion is met.*

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

Findings: No changes that have acquired historic significance are proposed for alteration. *This criterion is met.*

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

Findings: No repair or replacement is proposed. *This criterion is met.*

5. **Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

Findings: No chemical or physical treatments are proposed. *This criterion is met.*

- 6. Archaeological resources.** Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

Findings: No ground-disturbing activity is proposed. *This criterion is met.*

- 7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.

Findings: The proposed exterior alterations affecting the street facades, awnings at the storefront openings, two entry-related signs, and a projecting wall sign, will all be attached to the building at mortar joints and/or at other repairable materials. Both the signs and the awnings will be detectibly but not assertively modern in design. No character-defining materials will be destroyed or irreparably damaged. *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.

Findings: The proposed new rooftop mechanical equipment is substantial in size, 10'-8" tall above the roof surface and 45' long but set back from street-facing roof edges a minimum of 25'. The minimum setback from the south (interior) lot line is 8'-5". Building height above the sidewalk is a minimum of 83'. The upper several feet of the mechanical equipment structure will be visible, as viewed from the far side of SW Stark Street at mid block. This sightline is across a surface parking lot. The setbacks and a 5'-0" partial parapet obscure the equipment from views along SW 3rd Avenue and SW Oak Street. The minimal visibility and structure-like nature of the equipment makes it compatible with the character of the building. *This criterion is met.*

- 9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

Findings: No additions or adjacent new development are proposed. *This criterion is met.*

- 10. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

Findings: The signs and awnings are elements commonly included on commercial buildings during the historic period of significance and are therefore compatible with the building and its commercial surroundings. The rooftop equipment is compatible by virtue of its low visibility. *This criterion is met.*

Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City.

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven Central City policy areas. The nine goals for design review within the Central City are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

Findings: The proposed awnings will provide rain protection and the entry doors are recessed to create a more sheltered alcove. The new stone tile flooring at the entries is slip resistant. *This guideline is met.*

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

Findings: The proposed rooftop equipment, while 10'-8" tall and 45' long, is well screened as viewed from the public right of way by virtue of the height of the building, and the location of the equipment near an interior lot line, set back 8'-5", and behind a 5' parapet wall. The proposed installation relates to other rooftop elements in a structure-like manner which will give it an orderly appearance as viewed from other buildings. *This guideline is met.*

- C13. Integrate Signs.** Integrate signs and their associated structural components with the building's overall design concept. Size, place, design, and light signs to not dominate the skyline. Signs should have only a minimal presence in the Portland skyline.

Findings: The two proposed signs are well integrated with the architecture of the building by virtue of their type, size, and location, as follows:

The two proposed, similar, non-illuminated, entry signs will be constructed of cut-out, painted, aluminum letters attached between, above, and below two painted aluminum

channels, plus a central cross element, and they will be mounted with brackets attached to the masonry only at the mortar joints. Technically measuring 79 square feet per the measurement standards of Sign Code, 32.24.010 – Sign Face Area, the size of these signs is only acceptable because nearly a third of the area, 24 square feet, is unoccupied space included because the top of the cross image defines the overall "boxes" of the signs. The signs are also improved by the fact that the letters and the cross are cut out. Full face area signs at 80 square feet would be significantly out of scale with the pedestrian nature of these entries and would diminish the historic opening, and would not be approvable. The locations, at the main entries of the full building tenant are logical, and the fact that the sign fits within the frame of building bay also mitigates for its size.

The proposed, non-illuminated, vertical blade sign will be constructed of two cut-out aluminum panels sandwiching a third, solid panel. The assembly will be 6" thick. It will be attached directly to the wall using small brackets mounted through mortar joints and spaced regularly along the edge of the sign. The sign will be 30 square feet in face area, and located 23' above grade, centered on the face of the corner building column on the east facade. Vertical wall signs at this scale and larger were a common feature of the commercial landscape during the historic period. *This guideline is 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 signs, awnings, and rooftop equipment will adequately prepare the building for occupation by its new ownership without having an adverse effect on its historic character. The purpose of the Historic Design Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Design Review guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of new signs, awnings, entry tile, and rooftop mechanical equipment on the Historic Landmark Sherlock Building, in the Central City Plan District;

Approval per Exhibits C-1 through C-18, signed and dated March 17, 2011, subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-18. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-104098 HDZ. No field changes allowed."

Staff Planner: Dave Skilton



Decision rendered by: _____ **on March 17, 2011.**

By authority of the Director of the Bureau of Development Services

Decision mailed: March 22, 2011

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on January 18, 2011, and was determined to be complete on **February 15, 2011**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 18, 2011.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

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 April 5, 2011** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Historic Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Historic Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **April 6, 2011**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

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

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

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

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

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

- All conditions imposed herein;

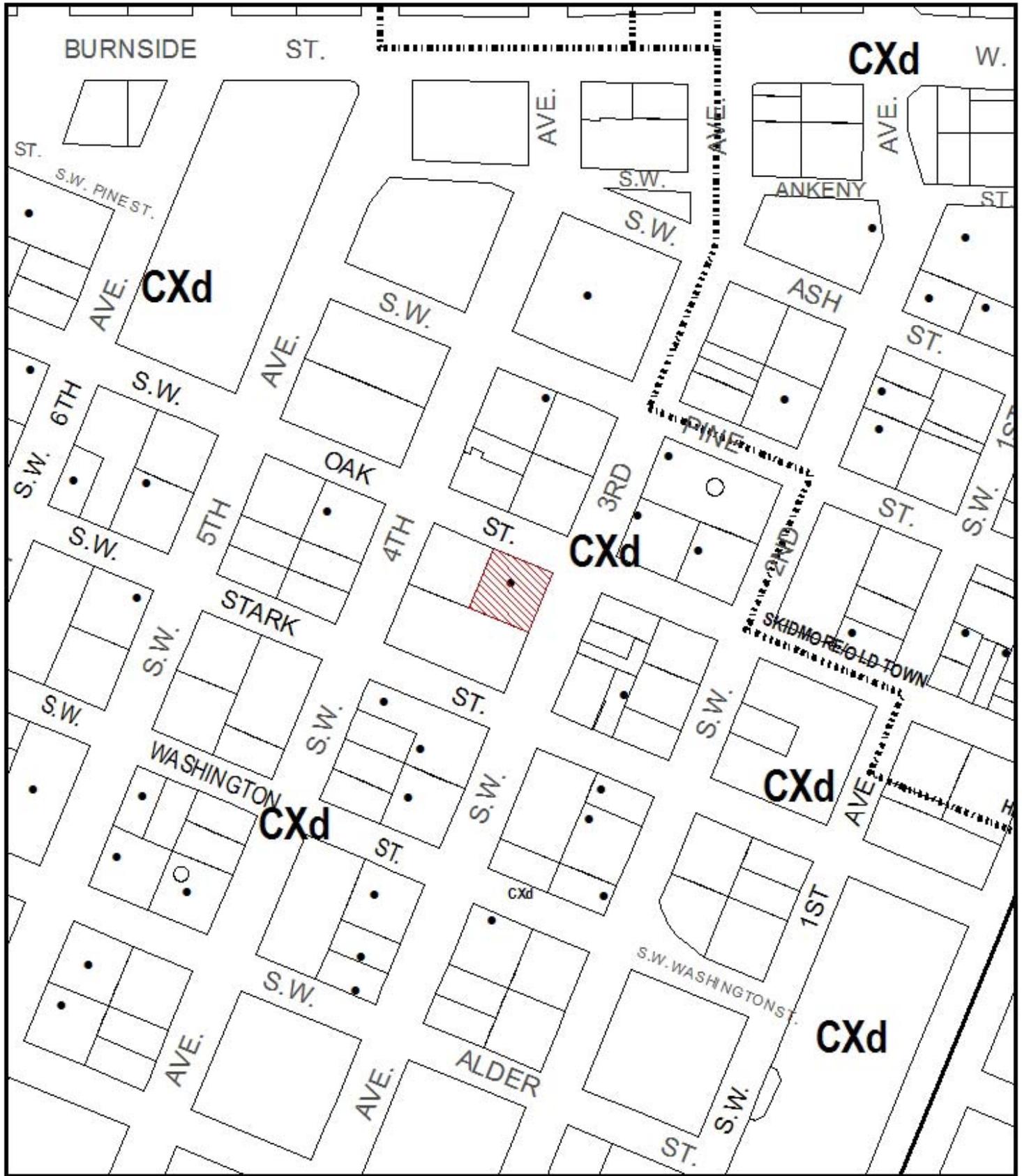
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Cover Sheet
 - 2. Notes and Vicinity
 - 3. Site Plan (attached)
 - 4. Ground Floor Plan
 - 5. Roof Plan
 - 6. North Elevation (attached)
 - 7. East Elevation (attached)
 - 8. South Elevation
 - 9. Vertical Sign Elevation and Details
 - 10. Entry Sign Elevation
 - 11. Entry Sign Details
 - 12. Entry Section
 - 13. Storefront Section with Awning
 - 14. Awning Details
 - 15. Mechanical equipment Details
 - 16. Mechanical Equipment Details
 - 17. Entry Tile Details
 - 18. Awning Fabric Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Water Bureau
 - 2. Fire Bureau
 - 3. Life Safety Review
- F. Correspondence:
 - 1. Patrick Wolfe, March 3, 2011, opposing the projecting vertical sign because there are no similar signs in the vicinity.
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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



ZONING



Site



Historic Landmark



NORTH

This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	LU 11-104098 HDZ
1/4 Section	3029
Scale	1 inch = 200 feet
State_Id	1N1E34CD 5600
Exhibit	B (Jan 20,2011)

Planner: *Dave Sklar* Date: *3-17-11*
 City of Portland - Bureau of Development Services
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

CHURCH OF SCIENTOLOGY
 320 SW OAK STREET,
 PORTLAND, OREGON 97204

Gensler
 Two Emery Street
 San Francisco, CA 94105
 TEL: 415.431.1700

Item	Date & Issue Description	By	Check
1	03/17/11 - DESIGN APPROVAL	DAVE SKLAR	0
2	03/17/11 - DESIGN APPROVAL	DAVE SKLAR	0

ISSUED FOR DESIGN INTENT - NOT FOR CONSTRUCTION

Project Number: 104098
 Description: SITE PLAN
 Scale: 1/8" = 1'-0"

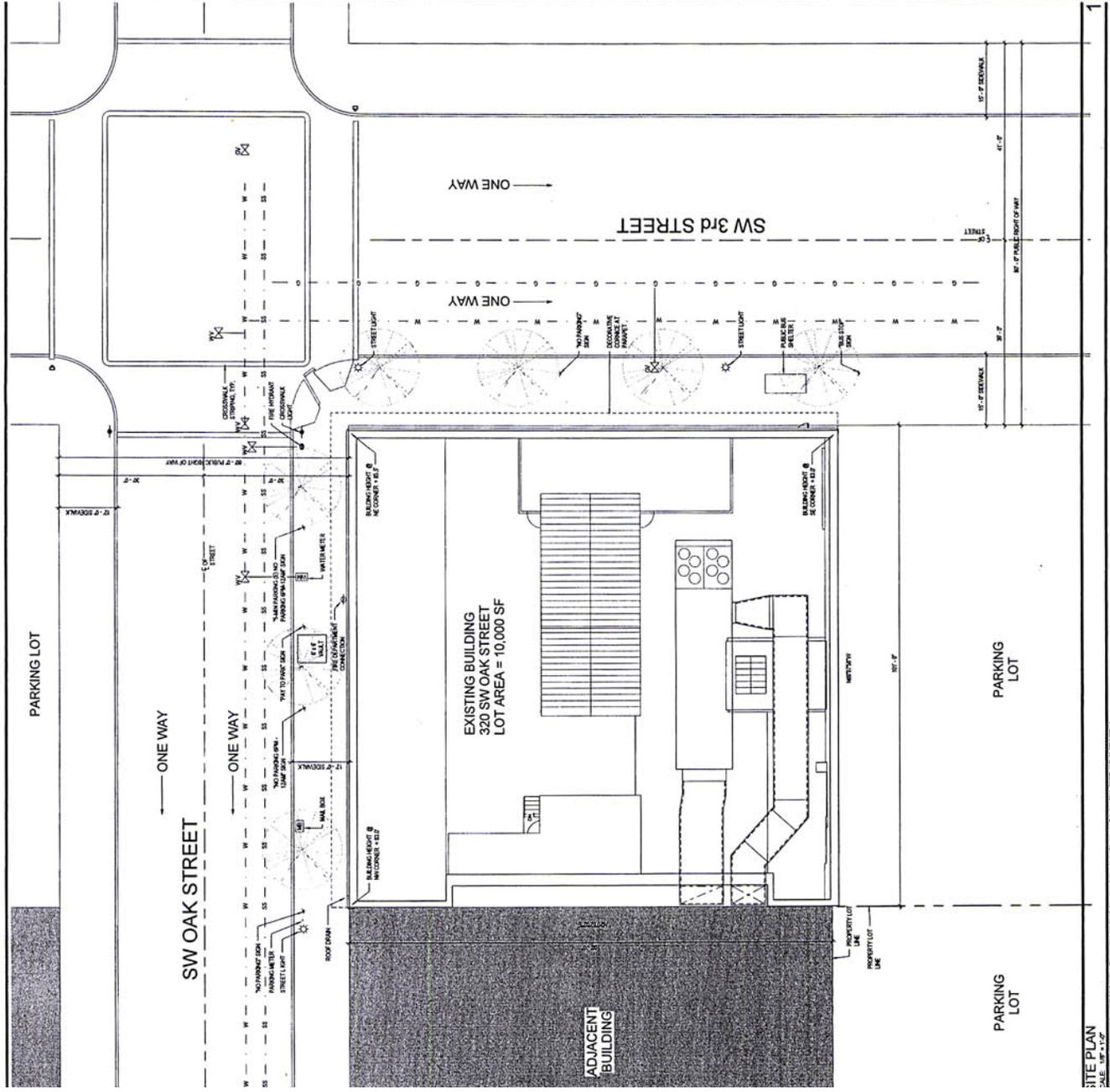
A00.50

SITE PLAN NOTES
 LEGAL DESCRIPTION
 LOTS 1 AND 2 BLOCK 4, CITY OF PORTLAND, IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON

SHEET NOTES
 ① INDICATES SHEET NOTE

LEGEND

- W UNDERGROUND WATERLINE
- G UNDERGROUND GASLINE
- RS UNDERGROUND SANITARY SEWERLINE
- WV WATER VALVE
- OV OIL VALVE
- GV GAS VALVE



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

