



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

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Portland, Oregon 97201
503-823-7300
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www.portlandonline.com/bds

Date: February 11, 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 11-102676 HDZ – ENTRY AND SIGNS

GENERAL INFORMATION

Applicant: R & H Construction
1530 SW Taylor Street
Portland OR 97205

Chris Kopca
Downtown Developers
920 SW 6th Avenue, Suite 223
Portland, OR 97204

Em Gee LLC
920 SW 6th Avenue #223
Portland, OR 97205

Eric Knudtson
Sephora USA Inc
525 Market Street 32nd Floor
San Francisco, CA 94110

Representative: Jon Taber 503-297-2917
Sephora
6663 SW Beaverton-Hillsdale Hwy #258
Portland, OR 97225

Site Address: 419 SW Morrison Street

Legal Description: BLOCK 62 LOT 4 HISTORIC PROPERTY 15 YR 1996 POTENTIAL
ADDITIONAL TAX, PORTLAND

Tax Account No.: R667707270
State ID No.: 1S1E03BA 08100
Quarter Section: 3129

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

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - Downtown
Other Designations: Portland Historic Landmark pursuant to listing in the National Register of Historic Places, as the Kress Building, on September 12, 1996.

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 alter the entry surround by substituting similar materials of different colors; and install three signs:

- one 8.7 square foot internally illuminated sign on the wall west of the storefront;
- one 10.9 square foot internally illuminated sign above the entry; and
- one 3.4 square foot internally illuminated blade sign at the east end of the storefront.

Historic Design Review is required because the proposal is for non-exempt treatments and the property is a Portland Historic Landmark.

Relevant Approval Criteria:

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

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

ANALYSIS

Site and Vicinity: The terra cotta clad S. H. Kress Building, to which the subject property was annexed in 1953, was one of hundreds of Kress & Co. buildings erected around the United States in the first decades of the Twentieth Century. Completed in 1928, the main building was designed by Emil Hoffman, an in-house architect practicing in Memphis, Tennessee, at the time, but who happens to have gotten his start locally, as a draftsman for the firm of Bennes, Hendricks, & Thompson. It is a fairly conservative example of the Commercial Style, with Beaux Arts ornamental elements. The annex, which represents an earlier structure re-clad with a much simpler terra cotta system following acquisition in 1953, is compatible but distinct in character. At the time of nomination, in 1996, it had not reached the base age of fifty years for consideration as a historic element of the building.

The building is in the heart of the commercial core of downtown, which is designated as a pedestrian zone. SW Morrison includes the westbound track of the MAX light rail blue and red lines, and the location is also served nearby by buses and other MAX lines on the Transit Mall.

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

parameters which support the intent of the specific zone. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

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

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

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

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

- LU 04-062246 DM, approving demolition of the Kress Building Annex after a 120 day delay period, which ended on March 17, 2005.
- LU 06-124192 DZ, an application proposing new awnings which was withdrawn.
- LU 10-183756 HDZ, approving alterations to the storefronts and exit door.

Public Notice: A "Notice of Proposal in Your Neighborhood" was mailed **January 18, 2010**.

Agency Review: The following Bureaus have responded with no issues or concerns:

- Water Bureau
- Bureau of Transportation

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846, Historic Reviews

Purpose of Historic Design Review

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

Historic Design Review Approval Criteria

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

Findings: The site is a designated Historic Landmark and the proposal is for non-exempt exterior alterations. Therefore the proposal requires Historic Design Review. The applicable approval criteria are those listed in 33.846.060 G. In addition, because the site is located within the Central City, the relevant approval criteria are the Central

City Fundamental Design Guidelines.

Staff has considered all criteria and guidelines and addressed only those which are applicable.

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.
- 3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
- 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 for 1, 3, and 5: Although the Kress Building annex has passed the minimum fifty year threshold for consideration of significance, it does not rise to the level of a contributing element under the architectural focus of the designation. It remains, as noted in the National Register nomination a compatible addition that is not stylistically related to the main building. Alterations to it therefore do not, by definition, alter historic character and do not possess historic significance. The door surround and storefronts proposed for alteration date from the 1980s and the terra cotta tiled area dates from the 1953 conversion. *These criteria are therefore 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 change at the entry door surround is stone for stone and the pattern of alternating darker and lighter materials is maintained with new colors. The small blade sign and the standing letters above the door are well-integrated because of their locations at the sub-cornice below the transoms, while the more unconventional "S" sign aligns with the storefront. This latter sign, located low on the wall, is visually interesting and occupies a broad area of the building that is unarticulated at this level. The sign attachments will be at mortar joints only and will not damage the terra cotta tile field. *This guideline is therefore 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.

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

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 for A6, B1, and C13: Along with extensive interior alterations, this proposal helps to rehabilitate the Kress Building annex for continued use. It also improves the pedestrian realm by introducing visually interesting signage at the sidewalk level on an otherwise unarticulated expanse of white wall. Other signage is traditional in scale and location, and all the signs are attractively designed, well-detailed, and of sturdy construction. *These guidelines are therefore 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

This proposal accommodates a new retail user while improving the character of the pedestrian environment. 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 a new entry treatment and three signs on the Historic Landmark Kress Building;

Approval per Exhibits C-1 through C-6, signed and dated February 9, 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-6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-102676 HDZ. No field changes allowed."

Staff Planner: Dave Skilton

Decision rendered by:  **on February 9, 2011.**

By authority of the Director of the Bureau of Development Services

Decision mailed: February 11, 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 11, 2011, and was determined to be complete on **January 13, 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 11, 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 February 25, 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 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 **February 28, 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:

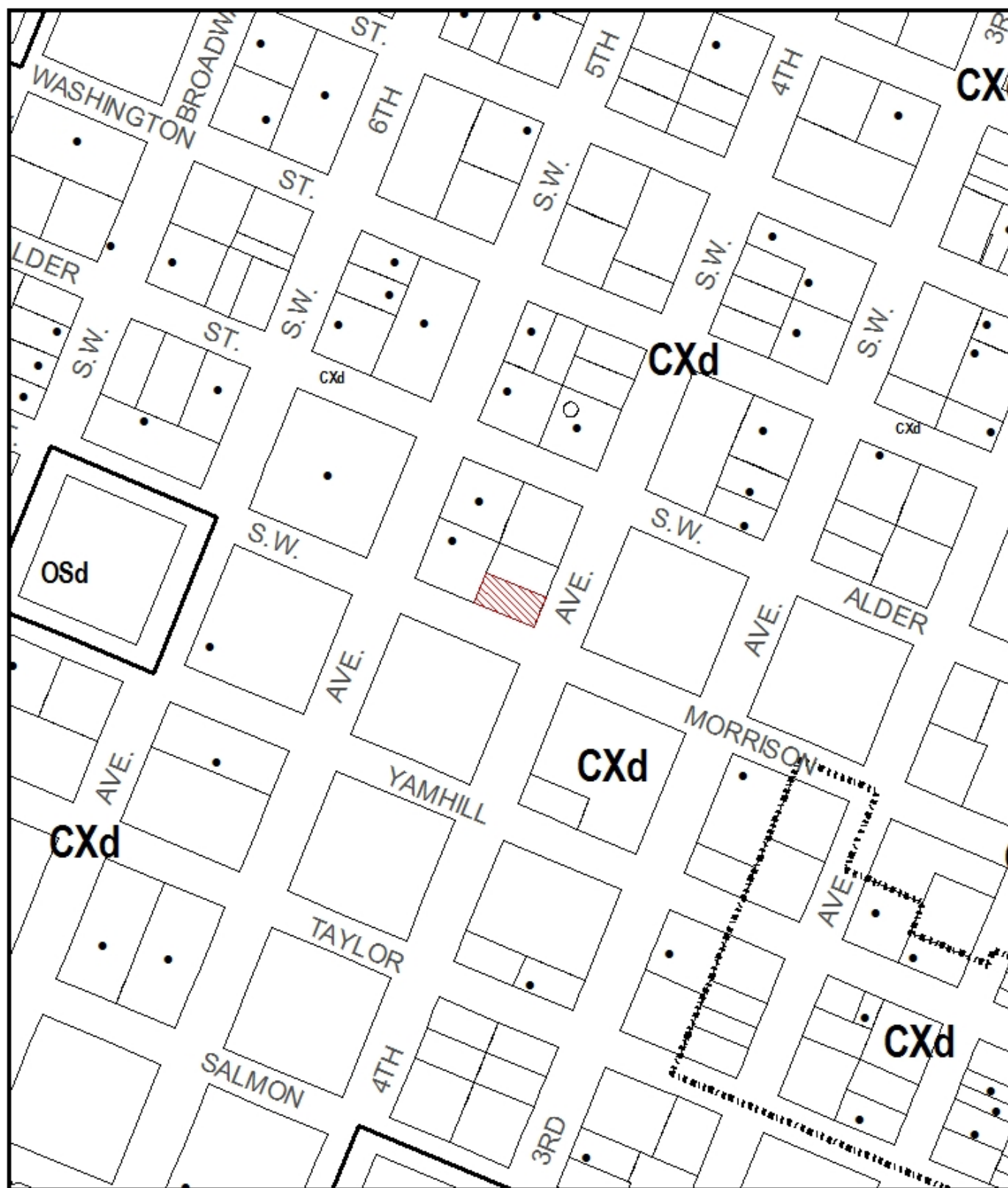
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Drawings:
 - 1. Vicinity Map and Photos
 - 2. Existing Elevation and Floor Plan
 - 3. Existing Elevation and Floor Plan (attached)
 - 4. Proposed Entry Elevation and Plan
 - 5. Existing and Proposed Entry Sections
 - 6. Sign Details (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Water Bureau
 - 2. Bureau of Transportation
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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



ZONING



Site



Historic Landmark



NORTH

This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	LU 11-102676 HDZ
1/4 Section	3129
Scale	1 inch = 200 feet
State_Id	1S1E03BA 8100
Exhibit	B (Jan 12, 2011)



LAND USE & DESIGN REVIEW SUBMISSION

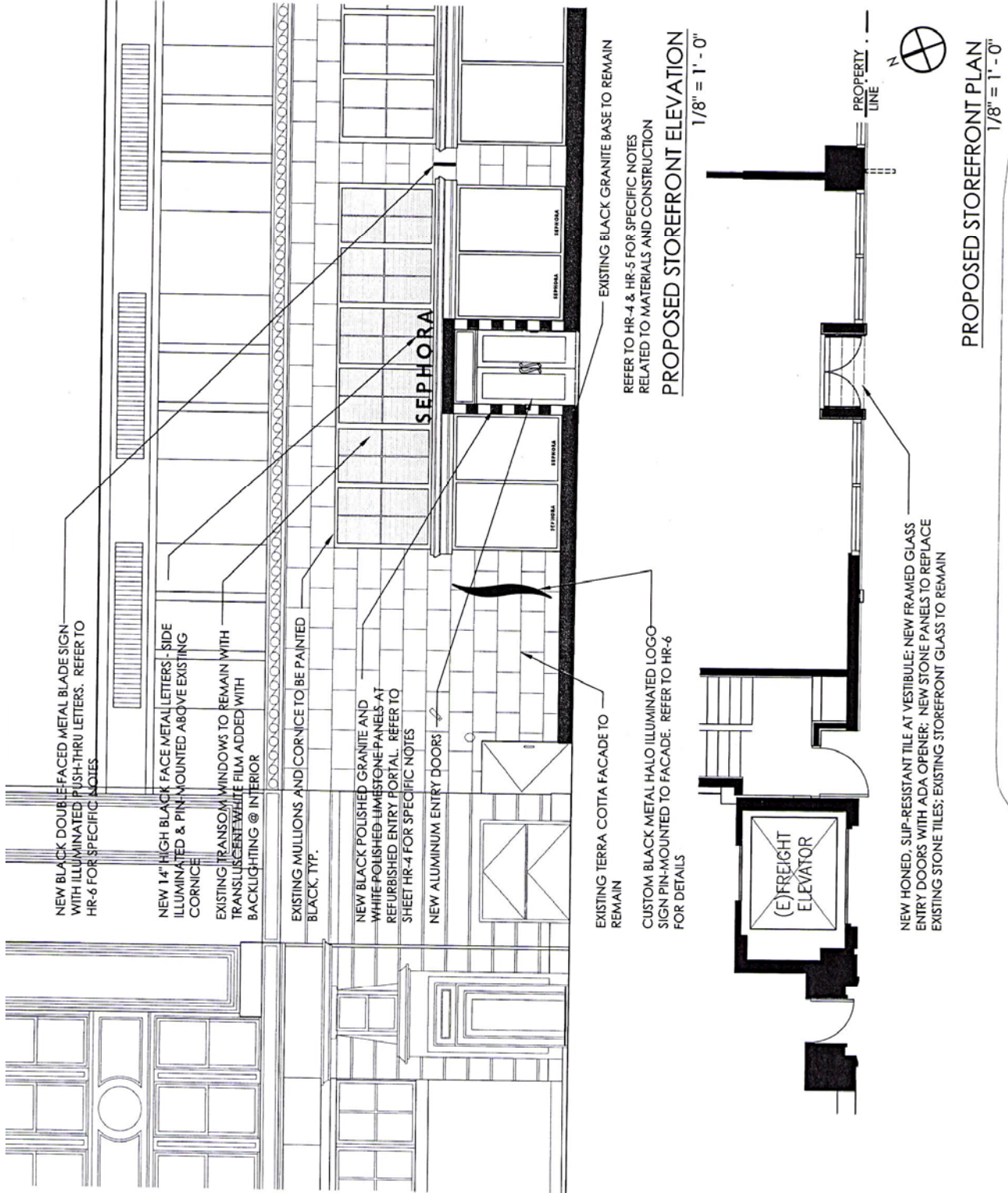
SEPHORA DOWNTOWN PORTLAND
413 SW MORRISON STREET
PORTLAND, OREGON 97204

* This approval applies only to the reviews requested and is subject to the City of Portland - Bureau of Development Services. Additional zoning requirements may apply. Date: 12.9.11

Approved: [Signature] City of Portland - Bureau of Development Services

SHEET TITLE	PROPOSED PLAN & ELEVATION
SCALE	1/8" = 1'-0"
PROJECT NO.	1031
DATE	JANUARY 10, 2011
DRAWN BY:	EC
REVIEWED BY:	EC
SHEET NO.	111-102610 HDZ

HR-3





LAND USE & DESIGN REVIEW SUBMISSION
413 SW MORRISON STREET
PORTLAND, OREGON 97204

SIGNAGE
SCALE: NO SCALE
PROJECT NO: 1001
DATE: JANUARY 10, 2011
DRAWN BY: EK
REVIEWED BY: EK
SHEET NO: 1111-102676 HDZ
HR-6

