

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

Dan Saltzman, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

FROM CONCEPT TO CONSTRUCTION

Date: April 11, 2016

To: Interested Person

From:Mike Gushard, Land Use Services503-823-5091 / Mike.Gushard@portlandoregon.gov

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

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision.

The reasons for the decision are included in the version located on the BDS website <u>http://www.portlandonline.com/bds/index.cfm?c=46429</u>. 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 16-115826 HR - New storefront window; folding doors and seating area on historic Morgan Bldg

GENERAL INFORMATION

| Applicant: | Mike Coyle, Applicant Faster Permits 14334 NW Eagleridge Lane Portland, OR 97229 |
|--|---|
| | David Mclaughlin, Architect Siteworks Design/Build 240 SE 2nd Ave Portland, OR 97214 |
| | GPO Morgan LLC 720 SW Washington St #630 Portland, OR 97205-3508 |
| Site Address: | 720 SW WASHINGTON ST |
| Legal Description: Tax Account No.: | BLOCK 213 LOT 1&2&7&8, PORTLAND R667722900, R667722900, R667722900, R667722900, R667722900, R667722900, R667722900, R667722900, R667722900, R667722900, R667722900, R667722900 |
| State ID No.: | 1N1E34CC 06600, 1N1E34CC 06600 |
| Quarter Section: | 3029 |
| Neighborhood: District Coalition: | Portland Downtown, contact Rani Boyle at 503-725-9979. Neighbors West/Northwest, contact Mark Sieber at 503-823-4212. |
| | 1900 SW 4th Avenue, Suite # 5000, Portland, OR 97201 |

| Plan District: | Central City - Downtown |
|----------------|--|
| Zoning: | CXd - Central Commercial with design overlay |
| Case Type: | HR – Historic Landmark Review Morgan Building, Constructed 1913 |
| Procedure: | Type II, an administrative decision with appeal to the Landmarks Commission. |

Proposal:

The applicant proposes the following alterations to a section of the Park Avenue elevation the historic Morgan Building at 720 SW Washington Street:

- removal of existing non-historic projecting signage;
- one new storefront window facing street;
- one new storefront style window facing mezzanine;
- replacement existing non-historic railings with new powder-coated metal railings;
- replace c. 1966 decorative trim and panels with sliding-glass windows and;
- extension of a small mezzanine to an elevated and covered seating area.

The proposed project requires Historic Resource review as described 33.846 because the Morgan Building is listed on the National Register of Historic Places as an excellent example of the work of architect Albert E. Doyle. It is also subject to the Central City Fundamental Design guidelines due to its downtown location.

Relevant Approval Criteria:

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

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

ANALYSIS

Site and Vicinity: The Morgan Building is an E-shaped, half block building facing SW Washington Street between SW Park and SW Broadway. It is eight stories plus a basement and mezzanine level. Its ground floor consists mostly of large storefront windows. The most prominent exceptions to the fenestration pattern are the SW Broadway entrance to Morgan's Alley, a small shopping arcade. Along SW Park Avenue there is a small inset area with an elevated deck and door that acts as the exit to Morgan's Alley. The upper floors are clad in brick and consist mostly of tripartite Chicago style windows and terracotta accents. The building was listed on the National Register of Historic Places in 1996 for as a well preserved and an excellent example of the work of Albert E. Doyle.

Zoning: The <u>Central Commercial</u> (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 <u>"d" overlay</u> 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 <u>Historic Resource Protection</u> 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.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **February 26, 2016**. The following Bureaus have responded with no issues or concerns:

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 26, 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 33.846.060 - Historic Resource Review

Purpose of Historic Resource Review

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

Historic Resource Review Approval Criteria

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

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

Staff has considered all of the approval criteria and addressed those that 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.
- **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 for Criteria 1 and 2: All of the proposed alterations are located on the ground floor of the Park Avenue elevation of the Morgan Building. This area has been altered over time to function as the back of the building and does not maintain a high level of

integrity. The applicant proposes replacing a filled in storefront widow with a new window that matches existing conditions. This better meets the original design of the building. The changes at the center of the elevation affect an area that has been heavily altered over time to create a new entry. The proposed changes in this area, including new windows set into the building and new railings are simple enough so as not to distract from the historic character of the building and contemporary enough so as not to create a false sense of historic development. *These criteria are met.*

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

Findings: The new entrance and filled in storefront window are not in keeping with the historically significant 1913 design of the Morgan Building and do not possess the historic significance or design distinction to be considered historic in their own right. *Therefore, 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: In 1966 a new inset entry was created on the Park Avenue elevation. The work to create this entry damaged an original 1913 terra-cotta frame at the center of this elevation. A new building element was created and painted grey in stark contrast to the cream colored terracotta elements around it. The applicant proposes painting this element a color that matches the character defining cream color of the terra cotta. *Therefore, 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: The applicant does not propose any sand blasting or chemical treatments on the property. *Therefore this criterion is not applicable.*

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: The applicant does not propose any ground disturbing activity. *Therefore this criterion is not applicable.*

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 changes in this area, including new windows set into the building and new railings are simple enough so as not to distract from the historic character of the building and contemporary enough so as not to create a false sense of historic development. *Therefore 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: There are no changes to the massing; size or scale of any of the building's historic architectural features. The work on the 1966 entry area fits within the overall rhythm of the building's bays and openings. The new storefront window better reflects the historic design of the building. *Therefore 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: The proposed new railings, storefront window, and folding doors are distinct from the historic features of the building and could be easily removed to allow for historically sensitive restoration. The do not affect the historic form, massing or size of the Morgan Building. *Therefore 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 new storefront window better follows the original historic design of the Morgan Building and does not affect the surrounding building or park. The new seating area which includes new railings and doors fits within the original bay system of the Morgan building and does not detract from its historic integrity. The new seating area minimally affects the surrounding properties. *Therefore 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.

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

- **A2.** Emphasize Portland Themes. When provided, integrate Portland-related themes with the development's overall design concept.
- **A4.** Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas
- **A6. Reuse/Rehabilitate/Restore Buildings.** Where practical, reuse, rehabilitate, and restore buildings and/or building elements.
- **A8. Contribute to a Vibrant Streetscape.** Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.
- **B4. Provide Stopping and Viewing Places.** Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.
- **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.
- **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.
- **C6. Develop Transitions between Buildings and Public Spaces.** Develop transitions between private development and public open space. Use site design features such as movement zones, landscape element, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.
- **C8. Differentiate the Sidewalk-Level of Buildings.** Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.

Findings for A2, A4, A6, A8, B4, C3, C5, C6 and C8: The applicant proposes creating covered outdoor seating in the inset area on the Park Avenue elevation. This creates a connection to the street life below and contributes to Portland's reputation for active and lively building streetfronts that address the pedestrian and allow places to stop, observe and socialize. The new patio and storefront window create an opportunity to activate and underutilized ground floor section of one of downtown Portland's most significant buildings. None the new elements disrupt the character-defining rhythm of the Morgan Building's bays, form or massing or terracotta details. The new storefront and painting the frame around the Park Avenue entrance work too better reflect the coherent historic design of the Morgan Building. *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

The applicant proposes creating covered outdoor seating in the inset area on the Park Avenue elevation. This creates a connection to the street life below and contributes to Portland's reputation for active and lively building streetfronts that address the pedestrian and allow places to stop, observe and socialize. The new patio and storefront window create an opportunity to activate and underutilized ground floor section of one of downtown Portland's most significant buildings. None the new elements disrupt the character-defining rhythm of the Morgan Building's bays, form or massing or terracotta details. The new storefront and painting

the frame around the Park Avenue entrance work too better reflect the coherent historic design of the Morgan Building. *Therefore this project warrants approval.*

ADMINISTRATIVE DECISION

Approval of removal of signage, installation of railing, a new window and sliding doors per the approved site plans, Exhibits C-1 through C-5, signed and dated month/day/year, 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-C.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-115826 HR . No field changes allowed."

Staff Planner: Mike Gushard

Decision rendered by:

By authority of the Director of the Bureau of Development Services

on (April 5, 2016)

Decision mailed: April 11, 2016

About this Decision. This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. 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 3, 2016, and was determined to be complete on February 23, 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 3, 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: June 25, 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 April 25, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged**. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the 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 April 26, 2016
- 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 503-823-7617.

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, or
- In situations involving only the creation of lots, the land division has been recorded.

Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the City Planning Director, the City Engineer, and the City Land Use Hearings Officer, and approved by the County Surveyor. **The approved preliminary plan will expire unless a final plat is submitted within three years of the date of the City's approval of the preliminary plan.**

Recording other land use decisions. If the preliminary land division approval also contains approval of other land use decisions (examples include adjustments, conditional uses, and environmental reviews), these other approvals must be recorded by the Multnomah County Recorder before any building or zoning permits can be issued.

The applicant, builder, or their representative may record the final decisions on these other land use decisions 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.

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, or
- In situations involving only the creation of lots, the land division has been recorded.

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

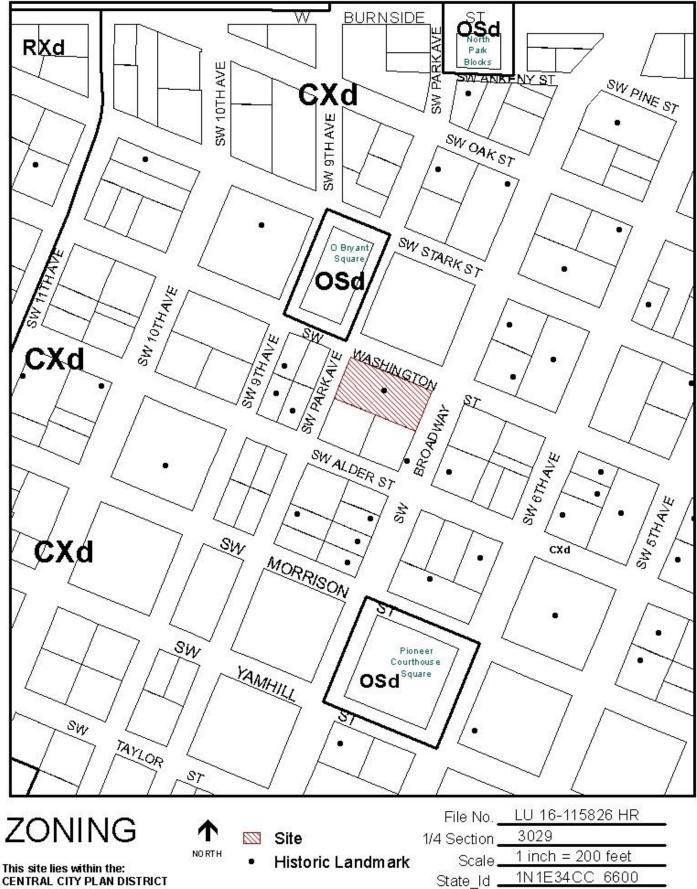
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Project Overview and Narrative
 - 2. Context Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Project Overview
 - 2. Site Plan (attached)
 - 3. Reflected Ceiling Plan
 - 4. Window Detail and Proposed Park Avenue Elevation (attached)
 - 5. Proposed Park Avenue Elevation- Storefront (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
- 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).

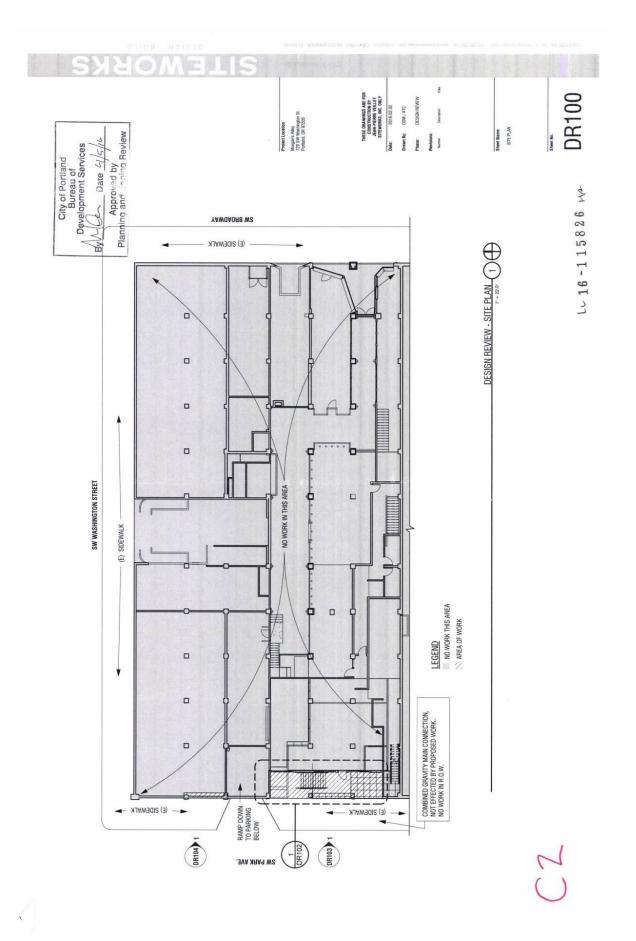


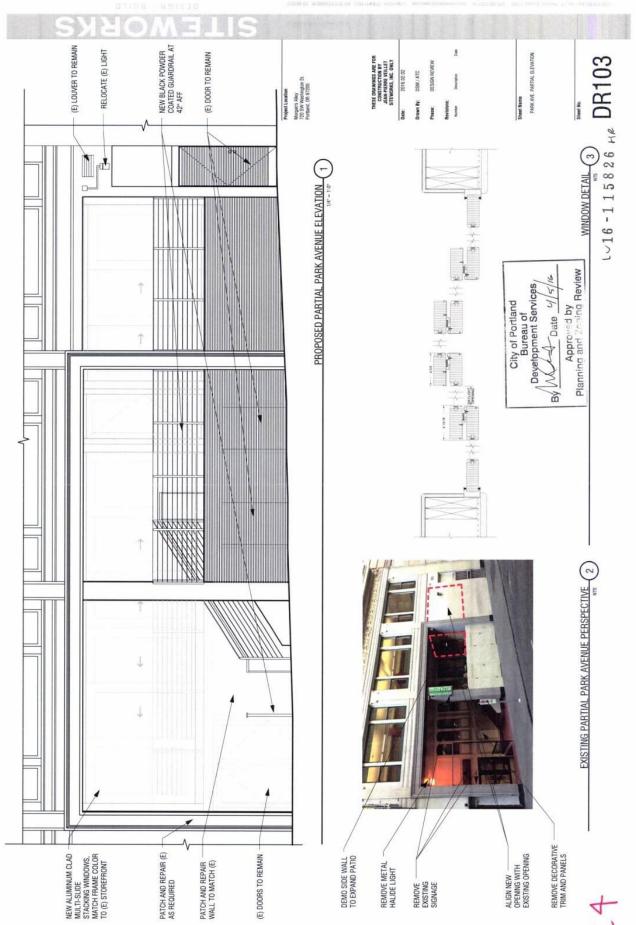
CENTRAL CITY PLAN DISTRICT DOWNTOWN SUBDISTRICT

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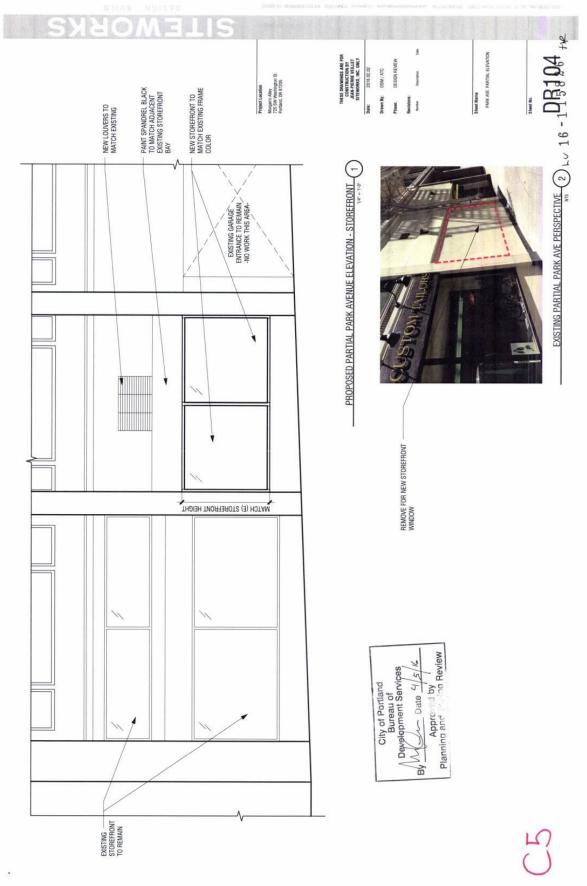
Exhibit.

(Feb 05, 2016)





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