



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

Charlie Hales, Mayor
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: May 16, 2013
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 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 13-132471 HDZ – PARAPET AND UPPER WALL REPLACEMENT

GENERAL INFORMATION

Applicant: Kecia Nathan / 105 Investments LLC
10940 SW Barnes Road Suite 279 / Portland, OR 97225

Tom McClain / MBC LLC
4640 SW Macadam Ave - Ste. 10 / Portland OR 97239

Representative: William Bailey. 503-228-7571 / Waterleaf Architecture
419 SW 11th Avenue Suite 200 / Portland, OR 97205

Site Address: 105 NW 3rd Avenue

Legal Description: BLOCK 28 LOT 1 LAND & IMPS SEE R651943 (R180202071) FOR BILLBOARD, COUCHS ADD

Tax Account No.: R180202070

State ID No.: 1N1E34CA 08000

Quarter Section: 3029

Neighborhood: Old Town-China Town, Paul Verhoeven at 503-222-6072 ext 12.

Business District: Old Town Chinatown Business Assoc, Dorian Yee at 503-224-7006.

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

Plan District: Central City - River District

Other Designations: Portland Historic Landmark by ordinance, May 6, 1970; contributing resource in the Skidmore/Old Town Historic District, listed in the National Register of Historic Places on December 6, 1975; and contributing resource in the New Chinatown Japantown Historic District, listed in the National Register of Historic Places on November 11, 1989.

Zoning: CXd, Central Commercial with Historic Resource Protection Overlay 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 remove the badly deteriorated and dangerously leaning historic brick parapet and wooden cornice of the subject building, down to the third floor ceiling level; and replace them with a new, reinforced and stucco plastered parapet structure. The structure will include engineered attachment points for future reinstatement of a reconstructed cornice. Historic Design Review is required because the proposal is for non-exempt exterior alteration in a historic district.

Approval Criteria:

In order to be approved, this proposal must comply with the criteria specified in the Zoning Code (Title 33 of the Portland City Code. These criteria are:

- Skidmore Old Town Historic Design Guidelines
- Central City Fundamental and River District Design Guidelines

ANALYSIS

Site and Vicinity: The so-called Sinnott House, is a three story, unreinforced brick masonry, Italianate style, building occupying an eighth block site at the northwest corner of the intersection of NW 3rd Avenue and Couch Street. It was built in 1883, and it counted as a contributing resource in both the Portland Skidmore Historic District and the Portland New Chinatown Japantown Historic District. Many of the exterior ornamental elements are of cast iron, a trademark material of the neighborhood. The ground floor has traditionally housed a variety of commercial uses while the upper floors were used as a hotel at least until 1974. The building exhibits a high degree of historic integrity but somewhat deteriorated condition.

The Skidmore/Old Town Historic District is nationally significant for its association with the initial phase of commercial development of Portland. In addition to listing in the National Register of Historic Places, the district is recognized as a National Historic Landmark (one of only sixteen in Oregon and two in Portland) because of the importance of Portland in the development of commerce and transportation in the western United States from the mid-nineteenth century through the early twentieth. The area is especially rich in Italianate commercial buildings with elaborate cast iron facades, set against a background of less spectacular but nonetheless significant brick buildings.

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 overlay 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 no land use reviews in the past ten years.

Public Notice: A "Notice of Proposal in Your Neighborhood" was mailed April 25, 2013.

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

Other Response: One written comments was received in response to the Notice of Proposal.

- Doug Klotz wrote on May 1, 2013, urging that the cornice be reinstated after the parapet is repaired.

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. Therefore the proposal requires historic design review approval. The relevant approval criteria are listed in 33.846.060 G. 1.-10. In addition, because the site is located within the Skidmore/Old Town Historic District, the relevant approval criteria are the Skidmore/Old Town Historic Design Guidelines and the Central City Fundamental Design Guidelines.

Staff has considered all guidelines 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.
- 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 for 1 and 4: The proposed removal and mothballing of the cornice of the subject property was approved by an earlier land use case, LU 10-133675 HDZ, in 2010, with a condition of approval that it be reinstated within three years. However, work pursuant to that approval has uncovered severe and dangerous deterioration of not just the cornice, but also the parapet and upper walls. The current proposal is therefore to remove the cornice, parapet, and wall material down to the level of the top floor ceiling and rebuild it with a reinforced masonry system tied into the roof structure. The new material would be finished to match the existing walls.

This proposal, however, does not include reinstatement of the cornice. Because the cornice is a defining historic feature of the building, the proposal as advanced does not meet the intent of the approval criteria to retain historic character; and because the cornice material is so severely deteriorated it cannot be effectively repaired. However, if the cornice were eventually replaced with an accurate replica, the spirit of the regulations would be met. In consideration of the significant and unexpected expense of replacing and seismically strengthening the parapet and upper wall, a period of approximately five years provides a reasonable window for reinstatement of the cornice feature.

With a condition of approval that the cornice be restored, to a visually accurate standard, by October 1, 2018, these criteria can be met.

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: As with the above findings, the Skidmore/Old Town Historic Design Guidelines do not address the practice of removing significant building parts and restoring them at a later date. However, because the final outcome will be a fully restored cornice, the proposal can be interpreted as an extended act of repair. *With the above-stated condition of approval, this guideline is met.*

Central City Fundamental Design Guidelines

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

Findings: In a historic preservation context “rehabilitation” is described as “the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.” The proposal, removal and eventual, accurate, in-appearance restoration of the Sinnott Building’s cornice, employs exactly that approach. *This guideline is 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

While the current proposal is not the optimum solution from a historic preservation perspective, over time it should produce the desired outcome of a sound building with a historically accurate appearance. 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. With a condition for eventual reinstatement of the cornice this proposal meets the applicable Historic Design Review criteria and therefore warrants approval.

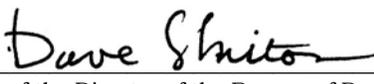
ADMINISTRATIVE DECISION

Approval of removal and reconstruction of the parapet, and upper wall structure, and restoration within five years of the cornice, on the Historic Landmark Sinnot Building in the Skidmore/Old Town Historic District;

Approval is per Exhibits C-1 through C-6, signed and dated May 14, 2013, 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-6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-132471 HDZ. No field changes allowed."
- B. The cornice shall be restored, to a visually accurate standard, by October 1, 2018.

Staff Planner: Dave Skilton

Decision rendered by:  on May 14, 2013
By authority of the Director of the Bureau of Development Services

Decision mailed: May 16, 2013

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 March 26, 2013, and was determined to be complete on April 22, 2013.

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 March 26, 2013.

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 May 30, 2013** 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 **May 31, 2013**.
- A building or zoning permit will be issued only after the final decision is recorded.

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

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to:

Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.

- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

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

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

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

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

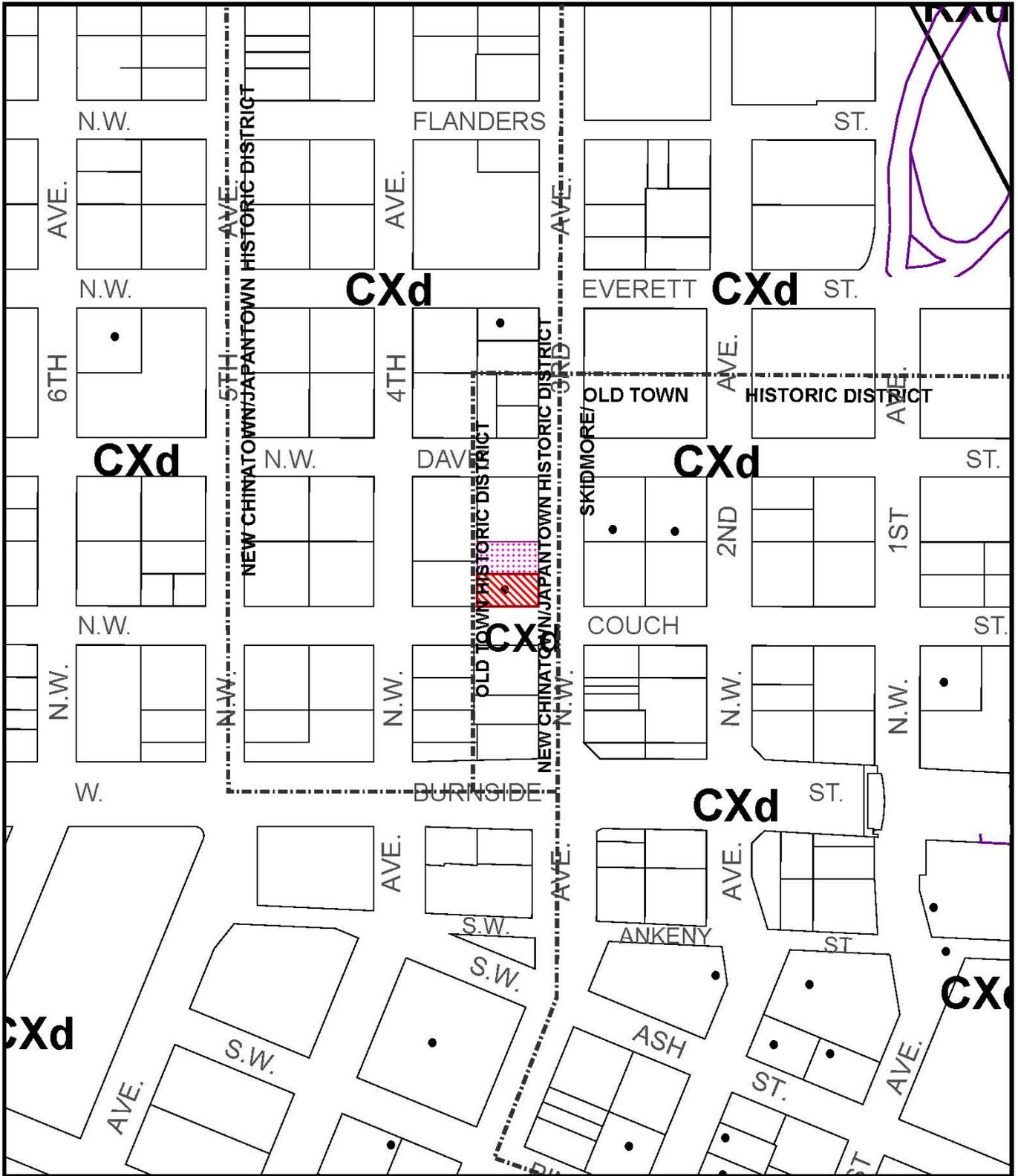
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Photo, Drawing Index, Vicinity Map, and Project Description
 2. Site Plan and Zoning Map (attached)
 3. Roof Plan
 4. South and East Elevations
 5. Enlarged Cornice/Parapet Elevations and Photos
 6. Proposed Interim Elevations and Structural Section Detail (attached)
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Life Safety Review Section of BDS
- F. Correspondence:
 1. Doug Klotz wrote of May 1, 2013, urging eventual reinstatement of the cornice.
- 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

-  Site
-  Also Owned
-  Historic Landmark

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



File No. LU 13-132471 HDZ
 1/4 Section 3029
 Scale 1 inch = 200 feet
 State_Id 1N1E34CA 8000
 Exhibit B (Apr 02, 2013)

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.
 Date: 5.14.13
 Planner: *Burt Salton*
 City of Portland - Bureau of Development Services
 105 NW Third Avenue, Portland, OR 97209
 Phone: 503.228.7271

waterleaf

Sinnott House
 Historic Parapet Repair
 LAND-USE REVIEW
 105 NW Third Avenue
 Portland, OR 97209

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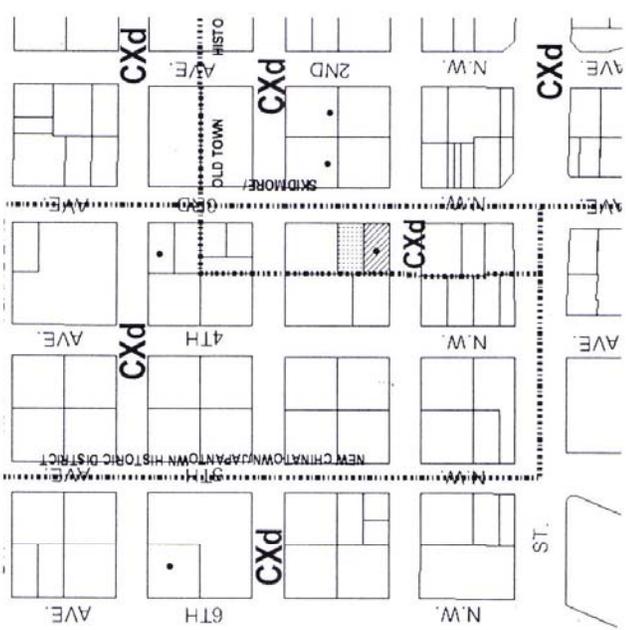
Project #: 1102.00
 File #: 03.11.2013
 Review Set:
 Revisions:

Site Plan C-2
 Zoning Map

A1.1



1 Partial Site Plan
A1.1 SCALE: 1"=20'-0"



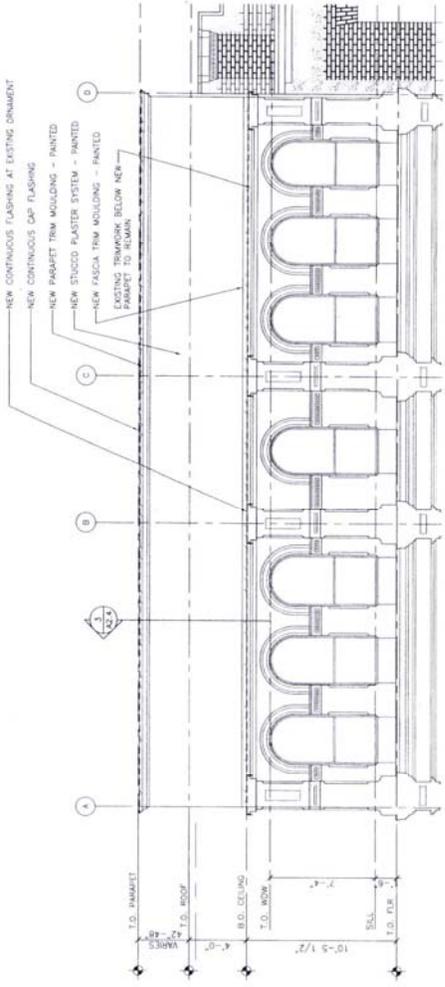
2 Zoning Map
A1.1 SCALE: NTS

See Also Overlaid Historic Landmark

Approved
 City of Portland - Bureau of Development Services
 105 NW Third Avenue
 Portland, OR 97209
 Date: 5.14.13
 This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

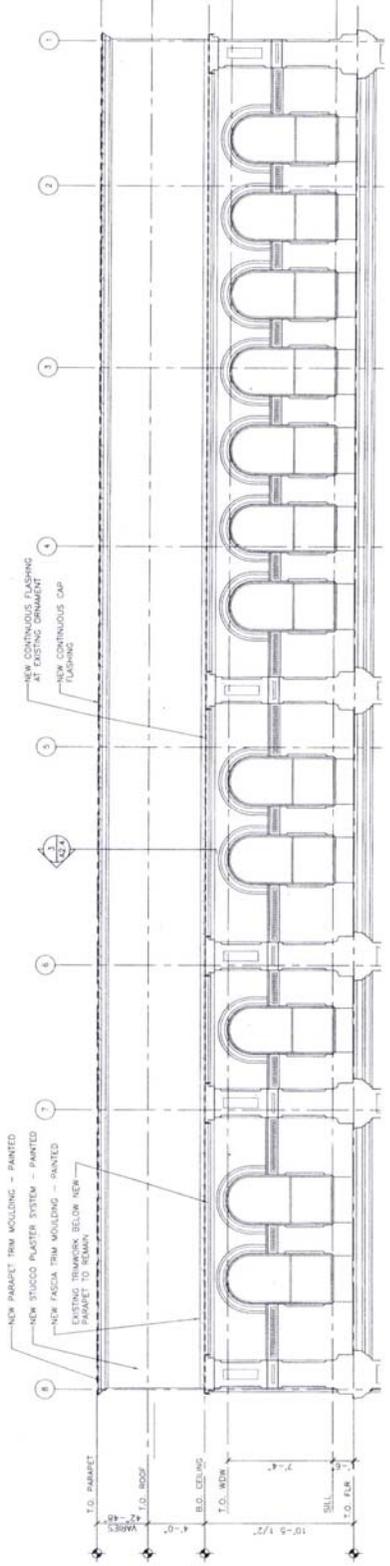
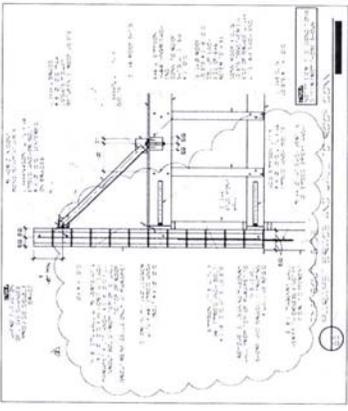
Removal of existing cornice elements, plaster features and brickwork, installation of new plaster, masonry and structural-reinforced roof insulation and parapet wall tie.

waterleat



1 EAST CORNICE ELEVATION
 A2.4 SCALE: 1/4"=1'-0"

3 STRUCTURAL DETAIL FOR NEW CMU PARAPET
 A2.4 SCALE: NTS



2 SOUTH CORNICE ELEVATION
 A2.4 SCALE: 1/4"=1'-0"

DRAFT

Project #: 1102.00
 File #: 03.11.2013
 Review Set:
 Revision: 02.28.2013

C-6
 NEW CORNICE & PARAPET WORK

A2.4