



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
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Date: April 11, 2014
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 14-122134 HR – WINDOW REPLACEMENT
GENERAL INFORMATION

Applicant: Wendy Klein / 971-244-5032 / Central City Concern
232 NW 6th Ave / Portland OR 97209

Owner: Shoreline Building Limited Partnership
2 NW 2nd Avenue / Portland, OR 97209

Consultants: Sean Hubert / Central City Concern
232 NW 6th Ave / Portland, OR 97209-3609

Ryan Cone / Richart Family Inc
14600 NE 20th Ave / Vancouver, WA 98686

Site Address: 123 W Burnside Street

Legal Description: BLOCK 12 LOT 2 EXC PT IN STS LOT 3 POTENTIAL ADDITIONAL TAX, COUCHS ADD

Tax Account No.: R180200520, R180200520

State ID No.: 1N1E34CA 09200, 1N1E34CA 09200

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: Contributing resource in the Skidmore Old Town Historic District, which was listed in the National Register of Historic Places on December 6, 1975.

Zoning: CXd, Central Commercial with Historic Resource and Design Overlays

Case Type: HR, Historic Resource Review

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

Proposal:

The applicant is seeking Historic Resource Review approval for a proposal to replace all of the existing second and third windows. The windows on the street facing facades are 6-over-1 wooden double-hung units and the proposal is to replace them with new wooden units that match the existing windows in exterior appearance. The existing windows in the light well are steel-framed units and the proposal is to replace them with new metal-clad wooden units. Historic Resource Review is required because the proposal is for non-exempt exterior alterations in a historic district.

Approval Criteria:

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

- Skidmore Old Town Historic District Guidelines

ANALYSIS

Site and Vicinity: The subject property, identified as the Burnside (or Shoreline) Hotel in the National Register nomination documentation for the Skidmore Old Town Historic District, was built in 1901, but significantly altered by the widening of W Burnside Street to accommodate the new bridge approach in 1925-1926. It is a straightforward three story red brick "background" building that, notwithstanding its simple detailing is evaluated as a contributing resource to the historic district.

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 brick buildings like the Globe Hotel.

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 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.

Public Notice: A Notice of Proposal in Your Neighborhood was mailed on March 19, 2014.

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

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

ZONING CODE APPROVAL CRITERIA

Chapter 33.846, Historic Reviews

Purpose of Historic Resource Review

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

Historic Resource Review Approval Criteria

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

Findings: The site is located within the Skidmore Old Town Historic District, and the proposal is for non-exempt exterior alterations. It therefore requires Historic Resource Review approval. 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.

Skidmore Old Town Historic District Guidelines

General Guidelines: Alterations and Additions to Historic Landmarks, Potential Landmarks, and other Compatible Buildings

A. Retention of Original Construction. So far as practicable, all original exterior materials and details shall be preserved.

Findings: The applicant has demonstrated through a 20% random-sample survey of the upper floor windows that significantly more than half are deteriorated beyond repair. It is therefore not practicable to retain the windows. The proposal is to replace the windows with new wooden units that replicate the exterior appearance and operational mode of the historic windows on the street elevations, and approximates the appearance of the steel windows in the light well. These latter windows are not visible from the right-of-way.
This guideline is met.

G. Exterior Building Materials. Most of the buildings within the District were constructed of bearing wall brick masonry (left exposed or covered with plaster), or stone. This feature gives the area much of its textural surface character. Surfaces need to be treated, repaired, and maintained in a manner which is sympathetic to the District.

1. Walls

- Original building materials shall be preserved wherever possible. Cleaning and/or repointing masonry is preferred over replacement.
- If masonry has to be replaced, repair or replace existing masonry with masonry of matching color, texture, size, coursing. Avoid using “used” brick in replacement. This conflicts with traditional masonry surfaces.
- Mortar should match the color and joint configuration of the existing masonry wall.
- Masonry was painted to seal soft bricks from the weather or painted later for other reasons. Where soft brick surfaces are found to be painted, surfaces should not be stripped but should be repainted.
- Plastered surfaces should be cleaned, repaired with a similar plaster texture and repainted. Avoid exposing brick to the weather by removing finish plaster as this will speed deterioration of the brick.
- Do not apply artificial and/or inappropriate coverings to masonry surfaces. Examples are metal, plastic or wood sidings.

2. Storefronts, Doors and Windows.

The shape, size, placement and trim of storefront openings are a key element in establishing the character of a building.

- Where original storefronts remain, preserve and repair. Where covered with other materials, remove and determine condition of original materials.
- Storefronts requiring new materials could consider a wide variety of replacement systems. Building Codes require non-combustible materials (steel, aluminum, etc.), but wood systems may be acceptable provided other means of fire protection are installed. Wood systems should be painted, rather than stained or treated naturally.
- New window and door openings should maintain a similar horizontal and vertical relationship as the originals. Traditionally, windows were two-over-two or one-over-one. Large panes of glass, as used in contemporary storefronts, should be avoided.
- Glazed portions of windows were important elements to the building and should not be altered, painted over or eliminated.
- Clear glass is traditional and should be used instead of tinted glass. Additionally, signs cannot be painted on tinted glass without the possibility of breakage due to the effect of sunlight.
- Re-use original hardware whenever possible. If possible, new hardware should be in keeping with original designs.
- On sidewalls, avoid walling-in openings with masonry, if possible. Rather, maintain the opening and replace the glazing if necessary with appropriate hard surface materials.

Findings: As noted above, the proposal, to replace all the windows on second and third floors of the subject property, is justified by the high degree of deterioration of the existing, historic, windows. The new windows will be installed in the existing openings at the same depth as the existing; will have the same six pane pattern of muntins in the upper sash; and will match the existing windows in dimensions and trim details. *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.

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.

Findings for A6 and C3: Because the proposal will greatly improve the building's long-term survival and the comfort of the residents, it meets the dictionary definition of rehabilitation. It also meets the commonly accepted meaning of the term within a historic resource context, as articulated in the Secretary of the Interior's Standards for the Treatment of Historic Property (Standards): "Rehabilitation is 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". (As a side note, the State Historic Preservation Office has made a similar determination, pursuant to review triggered by federal funding for the proposed window replacement project, that the Standards are met.) The surviving significant historic integrity of the building is respected because it will receive substantial repairs and long overdue maintenance, without loss of historic integrity. *These guidelines are met.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of window replacement on a contributing resource in the Skidmore Old Town Historic District;

Approval is per Exhibits C-1 through C-6, signed and dated April 10, 2014, 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 14-122134 HR. No field changes allowed."

Staff Planner: Dave Skilton

Decision rendered by:  on April 10, 2014.

By authority of the Director of the Bureau of Development Services

Decision mailed: April 11, 2014

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

Procedural Information. The application for this land use review was submitted on February 28, 2014, and was determined to be complete on March 17, 2014.

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 28, 2014.

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 25, 2014** 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 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 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 28, 2014**.
- 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. Site Plan (attached)
 - 2. Floor Plans
 - 3. Elevations (attached)
 - 4. Existing and Replacement Window Sections
 - 5. Existing and Replacement Window Sections

6. Muntin Detail

D. Notification information:

1. Mailing list
2. Mailed notice

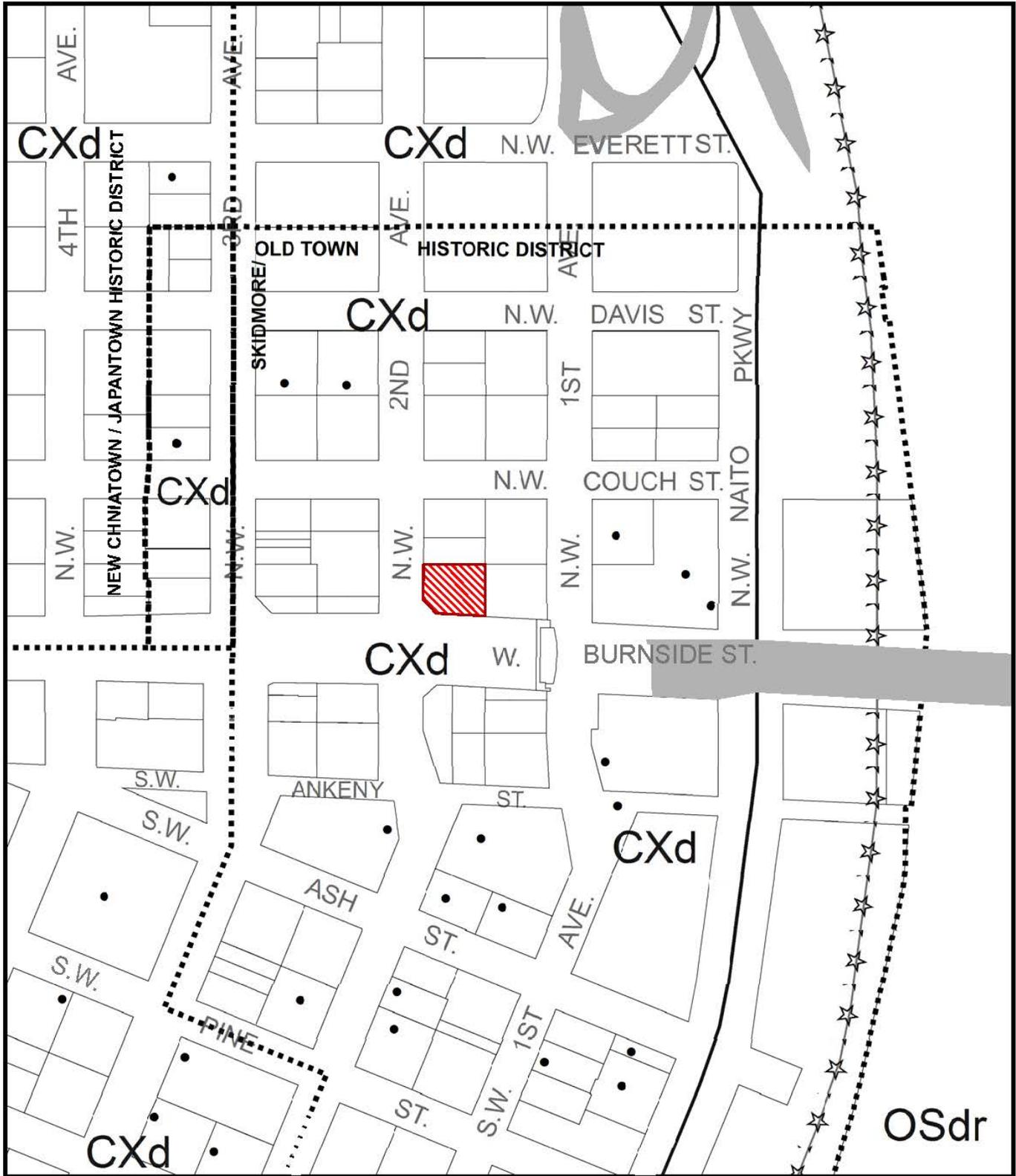
E. Agency Responses: none

F. Correspondence: none

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
-  Historic Landmark
-  Recreational Trail

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



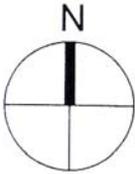
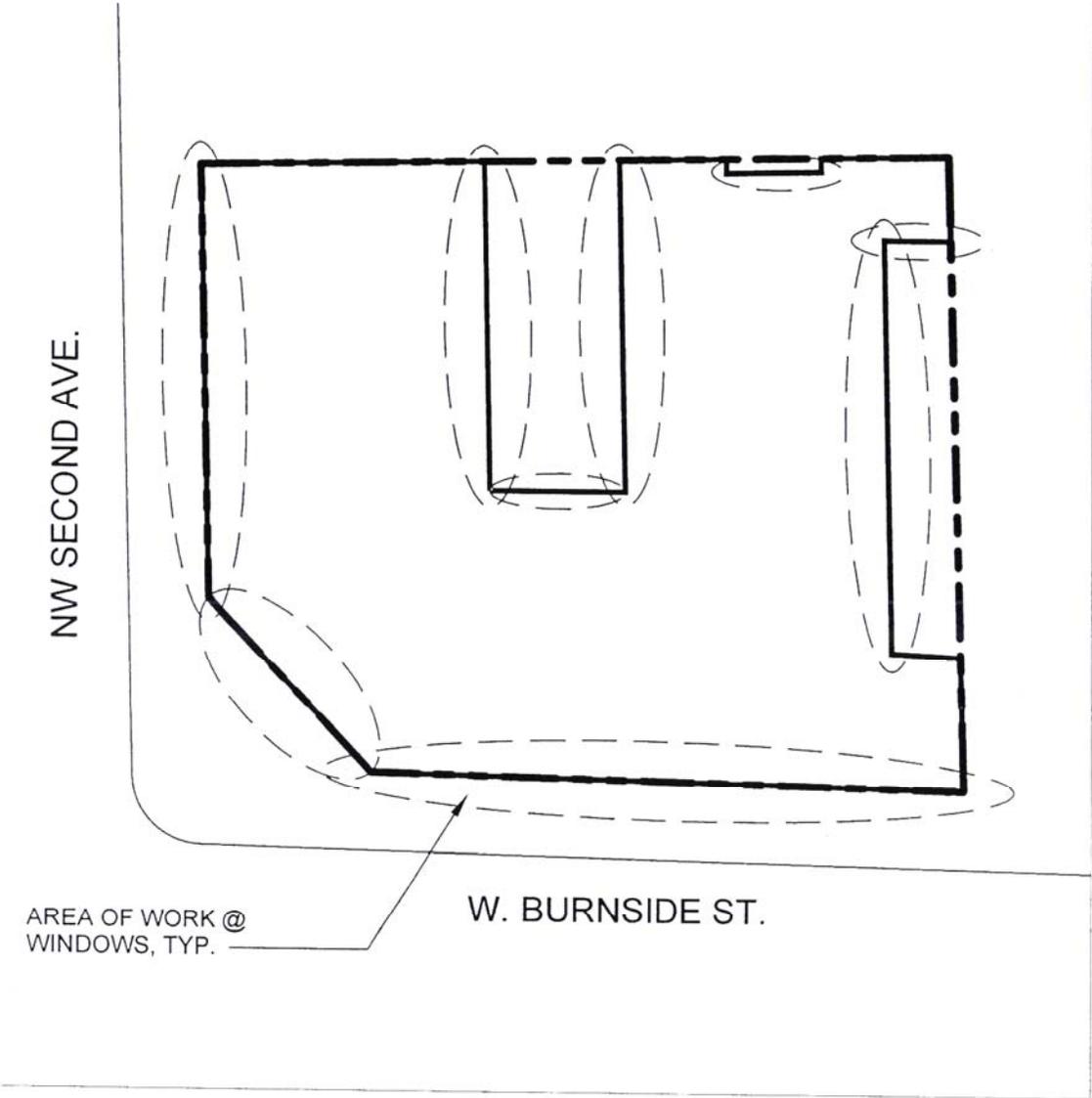
File No.	<u>LU 14-122134 HR</u>
1/4 Section	<u>3029,3030</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E34CA 9200</u>
Exhibit	<u>B (Mar 05,2014)</u>

Approved

City of Portland - Bureau of Development Services

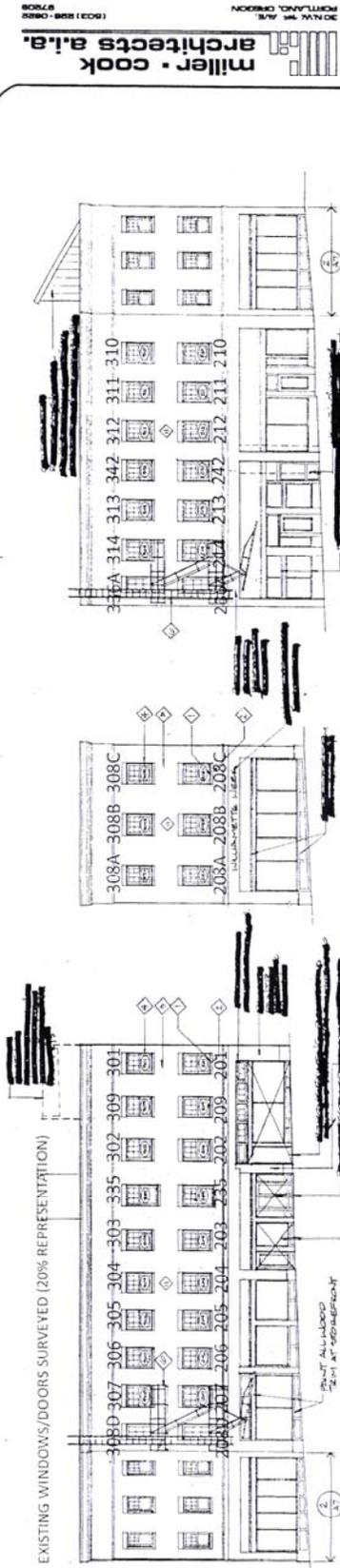
Planner Dave Philton Date 4.10.14

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



C-1

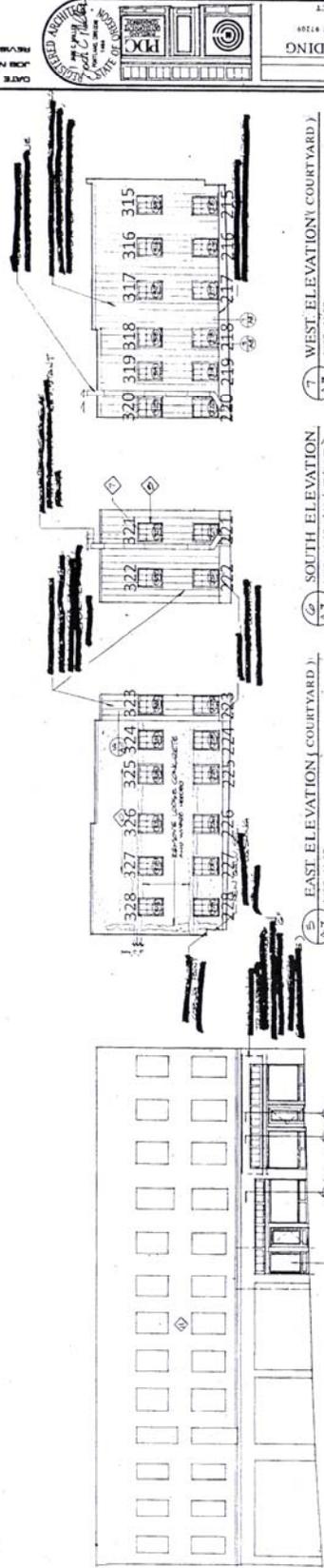
KEY:
EXISTING WINDOWS/DOORS SURVEYED (20% REPRESENTATION)



1 SOUTH ELEVATION (WEST BURNSIDE)
1/8"=1'-0"

2 SOUTHWEST ELEVATION
1/8"=1'-0"

3 WEST ELEVATION (N.W. SECOND AVENUE)
1/8"=1'-0"

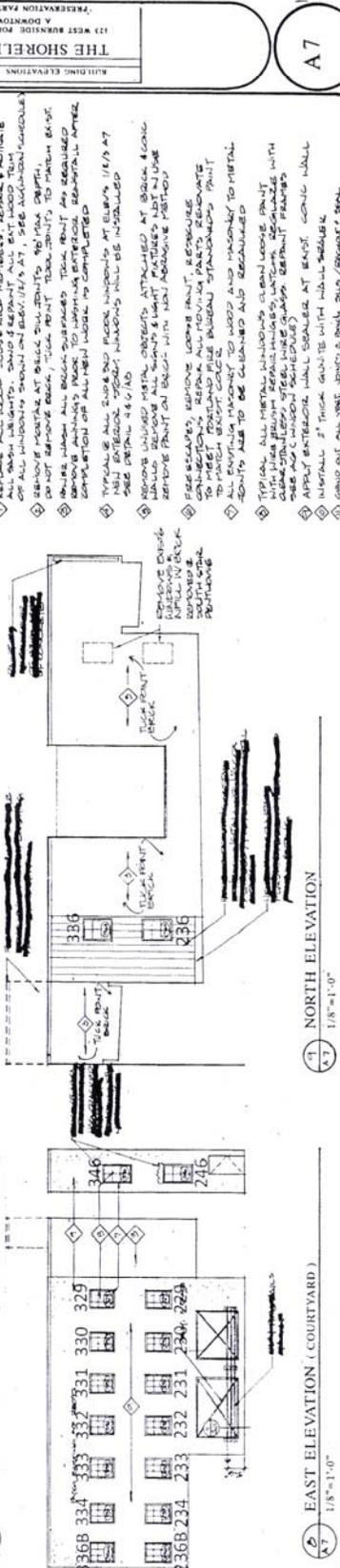


4 SOUTH ELEVATION (EAST BURNSIDE)
1/8"=1'-0"

5 EAST ELEVATION (COURTYARD)
1/8"=1'-0"

6 SOUTH ELEVATION (COURTYARD)
1/8"=1'-0"

7 WEST ELEVATION (COURTYARD)
1/8"=1'-0"



8 EAST ELEVATION (COURTYARD)
1/8"=1'-0"

9 NORTH ELEVATION
1/8"=1'-0"

- BUILDING ELEVATION NOTES
- ◇ REPAIR ALL WOOD TRIM & WOOD HANDRAILS, STAIRS & ACTIVATE ALL WOOD TRIM. SAND & REPAINT ALL EXISTING WOOD TRIM OF ALL WINDOWS, DOORS & BALCONIES AT 1/8"=1'-0". SEE ADDITIONAL NOTES.
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miller + cook
architects a.a.
1001 N.W. 2nd Ave.
Portland, Oregon 97208
(503) 228-0882

DATE: 1-21-21
JOB NO: 10143
REVISIONS



THE SHORELINE BUILDING
123 WEST BURNSIDE PORTLAND, OREGON 97208
PRESERVATION PARTNERSHIP PROJECT
A7

Approved
City of Portland - Bureau of Development Services
Planner: *[Signature]*
Date: 4.10.14
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

14-122134-03