

Date: January 7, 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 12-205995 HDZ – ENTRY ALTERATIONS

GENERAL INFORMATION

Applicant: Donald Mutal
PMB 110 - 5331 SW Macadam Ave #258 / Portland, OR 97239

Owners: Clear Channel Outdoor Inc.
715 NE Everett Street / Portland, OR 97232-2724

Architect: Guy Altman / LRS Architects
720 NW Davis Street Suite 300 / Portland, OR 97209

Representative: Mike Coyle 503-680-5497 / Faster Permits
14334 NW Eagleridge Lane / Portland, OR 97229

Site Address: 230 E Burnside Street

Legal Description: BLOCK 66 LOT 7&8 TL 700 LAND & IMPS SEE R149992 (R226504171) HISTORIC PROPERTY 15 YR 2006; POTENTIAL ADDITIONAL TAX FOR BILLBOARD, EAST PORTLAND; BLOCK 66 LOT 7&8 TL 700 BILLBOARD SEE R149991 (R226504170) FOR LAND & IMPS, EAST PORTLAND

Tax Account No.: R226504170, R226504171

State ID No.: 1N1E34DD 00700, 1N1E34DD 00700A1

Quarter Section: 3030

Neighborhood: Buckman, contact Susan Lindsay at 503-725-8257.

Business District: Central Eastside Industrial Council, contact Peter Fry at 503-274-1415.

District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.

Plan District: Central City - Central Eastside

Other Designations: Historic Landmark, pursuant to listing in the National Register of Historic Places as the Frigidaire Building on March 8, 1989.

Zoning: EXd, Central Employment 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 two existing lower level entries and reinstate altered storefront facing the Burnside Bridge on the upper level. Historic Design Review is required because the proposal is for non-exempt exterior alterations to a Historic Landmark.

Relevant Approval Criteria:

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

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

ANALYSIS

Site and Vicinity: Because its upper floor adjoins and opens to the sidewalk of the Burnside Bridge, The Frigidaire Building is generally perceived as being a single story high. However, the two lower levels, which originally served as a warehouse space for appliances to be sold in the showroom above, are fully above grade. They were originally served by a railroad spur. The building is significant primarily as the first local example of a fully integrated business structure, for the Frigidaire Company, where warehousing, transfers, sales, and servicing all occurred at the same location. It was built in 1929 to plans prepared by the local architectural firm of Knighton and Howell, and is of utilitarian concrete and steel construction with large storefront windows and tawny brick veneer facing only at the showroom level facing the Burnside Bridge.

Zoning: The EX zone implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.

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 04-030989 ZC, approving a Zone Change from IG1 to EXd, as supported by the Comprehensive Plan designation.

Public Notice: A Notice of Proposal in your Neighborhood was mailed on **December 11, 2012**.

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

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/Conservation 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 Central City, the relevant approval criteria are the Central City Fundamental Design Guidelines.

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

G. Other Approval Criteria:

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

Findings: In part the proposal is to accurately restore lost historic storefront character where the building fronts E Burnside Street, and in part it is to provide better access and emergency exiting at the ground level in support of new uses. The historic openings will be retained, and in the case of the loading bay the roll-up door will also be retained in a partially closed position. *This criterion is met.*

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

Findings: No conjectural features or architectural features from other buildings are proposed. *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: The proposed new storefront elements on the upper level facing the Burnside Bridge will match the surviving historic elements. *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.

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.

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 for 8, 9, and 10: The proposed alterations fall into two categories: restoration of historic character at the more prominent upper level; and respectful rehabilitation in service of renewed use at the ground floor. The restoration of storefront character at the upper sidewalk edge achieves a very desirable end, and the alteration of the loading and exit doors below will be undertaken within existing opening and will retain historic elements such as the roll up loading bay door in place. The overall utilitarian character of the building is compatibly retained, respecting the building's neighbors, and the site is not within a designated historic or conservation district. *These criteria are met.*

Central City Fundamental Design Guidelines

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

A9. Strengthen Gateways. Develop and/or strengthen gateway locations.

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, A9, and C3: In addition to meeting the basic Historic Design Review approval criteria, the proposed treatment will support three applicable guidelines related to the Design overlay zoning. This is achieved by rehabilitating a building in a prominent gateway location at the east end of the Burnside Bridge, for more active use without adverse effect on its architectural 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 proposal will have two favorable effects: restoration of historic character at the most visible part of the building, and respectful rehabilitation in service of new uses at the more utilitarian lower level. 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 criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a proposal to alter two existing lower level entries and reinstate altered storefront, on the Historic Landmark Frigidaire Building;

Approval is per Exhibits C-1 through C-11, signed and dated January 3, 2013, 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-11. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-205995 HDZ. No field changes allowed."

Staff Planner: Dave Skilton

Decision rendered by: _____ **on January 3, 2013.**

By authority of the Director of the Bureau of Development Services

Decision mailed: January 7, 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 November 15, 2012, and was determined to be complete on **December 6, 2012.**

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 November 15, 2012.

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 January 22, 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 **January 23, 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. Site Plan (attached)
 - 2. Proposed Floor Plans
 - 3. Existing Elevations
 - 4. Proposed Elevations, Enlarged Elevations, Section (attached)
 - 5. Context Photographs
 - 6. Enlarged Entry Elevation and Plan
 - 7. Enlarged Entry Section
 - 8. Enlarged Storefront Elevation and Section
 - 9. Light Fixture Details
 - 10. Door Details
 - 11. Existing Sign Documentation
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Water Bureau
 - 2. Fire Bureau
 - 3. Life Safety Review Section of BDS
- 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).

