



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

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Date: July 23, 2009
To: Interested Person
From: Chris Caruso, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 09-118781 HDZ – PEARNE BUILDING

GENERAL INFORMATION

Applicant: Carter Case
Case Design Group
1314 NW Irving Street, #203
Portland, OR 97209

Owner: Zar Sheikh
Arum Investment Co
PO Box 871538
Vancouver, WA 98687

Site Address: 814 SW 1ST AVENUE

Legal Description: N 1/2 OF LOT 7 BLOCK 4, PORTLAND
Tax Account No.: R667700750
State ID No.: 1S1E03BA 01700
Quarter Section: 3129

Neighborhood: Portland Downtown, contact Jennifer Geske at 503-750-9843
Business District: Downtown Retail Council, contact Lisa Frisch at 503-552-6740
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212
Plan District: Central City - Downtown
Other Designations: Contributing Historic Landmark in the Yamhill Historic District
Zoning: CXd, Central Commercial with Design Overlay
Case Type: HDZ, Historic Design Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission

Proposal: The applicant seeks Historic Design Review approval for the restoration of the SW 1st Avenue façade of the Pearne Building, a local historic landmark and primary structure within the Yamhill Historic District. The work includes the following:

- Repair and painting of front façade wood windows. No windows will be replaced;
- Removal of existing entry doors and rectilinear entry surround and replacement with new painted wood entry doors plus a painted wood and glass storefront system across the entire ground floor, below the transom;
- Repair and painting of the transom windows across the 1st Avenue façade;
- Repair and painting of the 1st Avenue façade plaster walls, trim, and fire escape;
- Repair and painting of the entry soffit plaster. The existing light fixture will remain; and
- Paint colors are a selection of 4 muted shades of green.

No work is being done on the roof and no new light fixtures or signage is being proposed at this time. Exterior alterations to contributing structures within historic districts require Historic Design Review.

Relevant Approval Criteria:

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

- 33.846 Historic Reviews
- 33.846.060.G Other Approval Criteria
- Central City Fundamental Design Guidelines
- Yamhill Historic District Design Guidelines

ANALYSIS

Site and Vicinity: The 2,500 SF site occupies a narrow portion of the block bounded by SW Yamhill Street, SW Taylor Street, SW 1st Avenue, and SW Naito Parkway in downtown Portland. The site is the location of the Pearne Building. Built in 1874, the original two story structure was an example of the Italianate style. The two lower stories of the building date from 1875 and use one-story highcast-iron pilasters that were part of an earlier building on the site that was destroyed by fire in 1873. A third story was added at some point prior to 1900. The building is significant for its architecture, which is a good example of the period style, and for its association with the Rev. Thomas H. Pearne, who was the original owner of the building and a significant religious figure in the history of Oregon.

The subject site is located within the Yamhill Historic District, an area that contains many examples of nineteenth century commercial architecture. Italianate is the dominant architectural style within the district, but examples of Second Empire, Sullivanesque, Commercial, and Colonial Revival can be found there as well. Many buildings within the district were constructed after the Great Fire of 1873 and were built by investors during Portland's economic expansion of the late 1870s.

The larger area around the site and historic district is defined by the commercial, retail, and office uses of downtown Portland and by the open space area of Waterfront Park.

Zoning: 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.

The Design (d) overlay zone 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 must meet the Community Design Standards (Chapter 33.218) or are subject to Design Review.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **June 25, 2009**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Life Safety Section of BDS

The Bureau of Transportation Engineering responded with the following comment. See exhibit E-1:

The replacement doors appear to be adequately recessed out of the public right-of-way. Based on IBC encroachment standards being met and no work being performed to within the public right-of-way, Transportation has no objection to this proposal.

The Bureau of Parks – Forestry Division responded with the following comment. See Exhibit E-2:

Street trees may be required if project exceeds \$25,000.

Neighborhood Review: A “Notice of Proposal in Your Neighborhood” was mailed on June 25, 2009. No written responses have been received from either the Neighborhood Association or from notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846, Historic Reviews

Purpose of Historic Design Review

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

Historic Design Review Approval Criteria

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

Findings: The site is a designated Historic Landmark. 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 Yamhill Historic District, the relevant approval criteria are the Yamhill Historic Design Guidelines and the Central City Fundamental Design Guidelines.

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: The historic character of the building will not be altered as no historic features will be removed and no historic spaces will be altered. *This criterion is therefore 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: The new wood and glass storefront system being proposed at the ground level is consistent with buildings of this type. *This criterion is therefore met.*

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

Findings: The existing aluminum storefront door and ground floor windows have not achieved historic importance. No other elements that have attained historic importance are being removed. *This criteria is therefore 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: All historic features including windows, trim, decorative elements, exterior plaster, and the fire escape will remain and will be repaired in place. *This criteria is therefore 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 building will be cleaned without sandblasting or harsh chemical treatments. Historic materials will be protected. *This criteria is therefore met.*

- 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: There are no significant archaeological resources on this site. *This criteria is therefore 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 new ground floor wood and glass storefront system will be differentiated from the original transom windows above, which is all that remains of the original storefront, by the new hardware and double-paned insulated glazing. *This criteria is therefore met.*

- 8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

Findings: The proposed renovation will be compatible with the original building design through the use of wood frames and doors, clear glazing, and historically appropriate mullion sizes. *This criteria is therefore 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: No new additions or adjacent construction is being proposed. *This criteria is not applicable.*

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 proposed changes are consistent with the original building design in material, scale and proportion. *This criteria is therefore met.*

Design Guidelines for the Yamhill Historic District and Central City Fundamental Design Guidelines

The Yamhill Historic District is a unique asset to Portland and has been recognized nationally by its placement on the National Register of Historic Places. There are certain procedures and regulations the City has adopted for the protection and enhancement of the Yamhill Historic District.

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.

Design Guidelines for the Yamhill Historic District

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: All remaining original exterior materials and details will be preserved and repaired in-place. *This guideline is therefore met.*

B. Cast Iron. In the case of cast iron structures which have lost cast iron elements, every effort shall be made to replace such elements with appropriate cast iron parts available in the City. If this is not feasible, replicas matching the exterior appearance of the existing features may be permitted.

Findings: The building has cast iron columns on either side of the front façade as well as cast iron blocks at the second floor level of the pilasters. All of these elements will remain and will be repaired. There is no indication that original cast iron elements were removed from the building so no new pieces will be installed. *This guideline is therefore met.*

C. Height. Additional stories may be added to historic buildings provided that the following are addressed:

- The added height complies with requirement of the building and zoning codes. The Historic District has a FAR (Floor Area Ratio) designation of 4:1. The FAR may be increased to 5:1 if the 1:1 increase is for residential only. This residential bonus was established to stimulate new housing construction in order to enhance the vitality and economy of Downtown.
- The added height does not exceed that which was traditional for the style of the building. Example: Portland's cast iron buildings did not exceed four stories. The majority of Portland's masonry buildings did not exceed six stories.
- The added height does not alter the traditional scale and proportions of the building style.
- The added height is visually compatible with adjacent historic buildings.

Findings: No new stories are being proposed. *This guideline therefore does not apply.*

D. Width. Horizontal additions may be added to historic buildings provided that the following are addressed:

- The width of the addition does not exceed that which was traditional for the building style.
- The addition maintains the traditional scale and proportion of the building style.
- The addition is visually compatible with adjacent historic buildings.

Findings: No horizontal additions are being proposed. *This guideline therefore does not apply.*

E. Visual Integrity of Structure. The vertical lines of columns and piers, and the horizontal definition of spandrels and cornices, and other primary structural elements shall be maintained. Such structural lines should be restored if previous alterations have substantially changed such elements.

- The modulation of building facades was determined by lot parceling. Generally, buildings were built at 25, 50 or 100-foot widths. Within those general building widths, the buildings was further divided into smaller bay storefront systems.
- Where structural lines cannot be carried to the ground, integrate the upper and lower floor design with color, materials and form simplicity.

Findings: The existing horizontal and vertical elements on the front façade will be maintained. The new storefront system will re-establish traditional vertical and horizontal elements by adding a new wood-framed base below the windows, maintaining the multi-paned transom band, incorporating large clear glazed ground floor windows, and recessing the entry doors. *This guideline is therefore met.*

F. Scale and Proportion. The scale and proportion of altered or added building elements, the relationship of voids to solids (i.e. openings such as doors and windows to walls and column elements) shall be visually compatible with the traditional architectural character of the Historic District. An important element within the Historic District was the emphasis on the

pedestrian scale activities which were characterized with the addition of canvas awnings or permanent canopies. This defined an important scale and proportion element of the District and to the extent possible, this relationship at pedestrian level should be re-established within the District.

Findings: While no canopy or awning is being proposed at this time, the traditional wood framed storefront and wood entry doors match the scale and proportion of the storefront area, allowing views into active spaces and enhancing the pedestrian realm. The vertical window divisions align with the transom mullions above and the overall size of the new wood frame members matches the original building's architecture. *This guideline is therefore 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 textual 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 and 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.

Findings: The front façade is brick covered with plaster. No new bricks will be installed and no brick repair is necessary. The existing wall surface will be cleaned and re-plastered with a similar texture. *This guideline is therefore met.*

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 side-walls, avoid walling-in openings with masonry, if possible. Rather, maintain the opening and replace the glazing if necessary with appropriate hard surface materials.

Findings: No original storefront remains. A previous renovation installed a non-historic aluminum system. This is being removed and replaced with a historically appropriate wood-framed storefront and a pair of wood and glass entry doors that are recessed from the lot line. The glazing elements are aligned with existing transom mullions above and are made of large panes of clear glass. No work is being done on the exposed side wall. *This guideline is therefore met.*

H. Rear and Side Walls. Generally, the standards which apply to the fronts of buildings also apply to rear and side walls, although the conditions to meet are usually much more simple. The chief concern lies with the removal of redundant additions to each building including signs, pipes, non-functioning stacks, grills, television aerials, etc. The repair and repointing of brick or masonry, painting of wood or certain masonry surfaces, and an effort to coordinate and subdue the clutter of the mechanical equipment are all recommended.

Findings: No work is being done to rear or side walls. *This guideline therefore does not apply.*

I. Color. The colors used in alterations or additions within the District shall be visually compatible with the traditional architectural character of the historic buildings within the area.

- Historically, in the era of the late 1800's and early 1900's, painting was usually done using earth colors, i.e., hues tending towards brown, soft greens, and beiges.
- Bright colors and white were rarely used. Buildings, therefore, are perhaps most appropriately painted using subdued colors. Little or nothing is gained by the use of strong or loud colors, especially those with no tradition of local usage.
- Color combinations will occur, as nearly all buildings will have wood trim or metal ornamentation in addition to their base materials. This, plus the further elaboration of wood storefronts, suggests the use of an overall wall color plus one or two trim colors.
- A method for determining the original wall and trim colors consists of scraping chips from the existing surface and analyzing them microscopically. This should be done whenever the original color is unknown and major repainting is contemplated.

Findings: The building is currently painted white with blue trim. The entire front façade will be repainted in four complimentary shades of soft green and beige. The pattern being established is one major wall color, two trim colors, and one window frame color. *This guideline is therefore met.*

J. Signs. Exterior building signage should be visually compatible with the traditional architectural character of the historic buildings in the District. A variety in signage is encouraged, incorporating excellence in graphic design and lettering, careful color coordination with the building, good mounting, readability, and materials, all of which are compatible with and sensitive to the character of the building. Lighting may also be permissible which is creative without being overwhelming. Sign design should be done in an "identification" sense rather than an "advertising" sense. All types of exterior signs are reviewed.

Signs are controlled by three ordinances. One is the Signboard Control Zone (S Zone) which includes the area at the Morrison and Burnside Bridgeheads and along Front Avenue; another is the newly adopted ordinance which regulates signs in C1 Zones (downtown); and finally, the Landmarks Ordinance provides for sign review. Projects should address all ordinances in addition to District compatibility.

Findings: No signs are being proposed. *This guideline therefore does not apply.*

K. Lighting. Historically, lighting within the District was provided by lighting in the public right-of-way with the use of gas lamps, electrical lights, etc. First floor storefront lighting should be consistent with the overall character of the building and the District.

Findings: No lighting is being proposed. *This guideline therefore does not apply.*

L. Awnings/Canopies. Alterations and/or additions to historic buildings within the District should consider the use of awnings and/or canopies. These should be consistent with the function of the building and the relationship of the awning to adjacent buildings and to the District.

Findings: No canopies or awnings exist on the building at this time and no new ones are being proposed under this scope of work. *This guideline is therefore met.*

General Guidelines- New Construction

An analysis of old photographs depicting the area at the turn of the century indicates the District was a compact, urban environment. With the addition of Harbor Drive and the reconstruction of Front Avenue in 1942, the eastern edge of the District was seriously weakened. Additionally, the loss of buildings within the District for the conversion to surface parking lots added to the historic loss. An essential ingredient to the development of the District is re-establishing the compact urban feeling it once had with compatible new infill buildings.

Findings: This is a renovation of an existing building therefore these guidelines do not apply.

Central City Fundamental Design Guidelines

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

Findings for A6 & C3: The entire front façade of the Pearne Building will be repaired and repainted and a new ground level storefront system will be installed so the building can continue to be occupied, remaining a vibrant example of original 19th Century Yamhill District architecture. *This guideline is therefore met.*

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.

B1. Reinforce and Enhance the Pedestrian System. Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

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 A8, B1 & C8: The new, large clear-glazed storefront windows and entry doors will allow views into the ground floor area, creating visual connections from the street to active interior spaces. The ground floor will remain differentiated from the upper floors by the use of large wood-framed open areas of glass at the street and the retention of a distinctive multi-paned transom band below the second floor. The public sidewalk will remain clear for pedestrian travel as none of the renovation work will encroach into the public right-of-way. *These guidelines are therefore met.*

C2. Promote Quality and Permanence in Development. Use design principles and building materials that promote quality and permanence.

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.

Findings for C2 & C5: The front façade will be repaired with durable, painted cement plaster similar to what would have been on the building originally. The existing trim, decorative elements and wood windows are also being painted to weatherproof them and increase their durability. The new storefront system, entry doors, and base are made of quality wood and glass elements and will be painted to weatherproof them and make them more durable. *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 proposed renovation of the front façade of the Pearne Building, a primary structure in the Yamhill Historic District, and a local city landmark, is consistent with the original architecture of the building. The proposal removes an incompatible ground level alteration, retains and repairs all remaining original material, and introduces a finely detailed, well-proportioned ground level entry and storefront system made of quality durable materials. The entire façade will also be cleaned, re-plastered and painted in muted colors, reinforcing the Pearne Building's importance within the District. The purpose of the historic design review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposal meets the applicable design guidelines and criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of Historic Design Review for the restoration of the SW 1st Avenue façade of the Pearne Building, a local historic landmark and primary structure in the Yamhill Historic District which includes the following:

- Repair and painting of existing front façade wood windows. No windows will be replaced;
- Removal of existing aluminum entry doors and aluminum rectilinear entry surround and replacement with new painted wood entry doors plus a painted wood and glass storefront system across the entire ground floor, below the existing transom;
- Repair and painting of the existing transom windows across the front façade;
- Repair and painting of the existing front façade plaster surface, wood, plaster and cast iron trim, and metal fire escape;
- Repair and painting of the entry soffit plaster above the new doors. The existing light fixture will remain;
- Paint colors are a selection of 4 muted shades of green and beige; and

No work is being done on the roof and no new light fixtures, awnings, or signs are being proposed at this time.

Approved per the approved site plans, Exhibits C-1 through C-3, signed and dated July 21, 2009, 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.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 09-118781 HDZ. No field changes allowed."

Staff Planner: Chris Caruso

Decision rendered by: Chris Caruso **on July 21, 2009.**
By authority of the Director of the Bureau of Development Services

Decision mailed: July 23, 2009

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 April 3, 2009, and was determined to be complete on **June 22, 2009.**

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 April 3, 2009.

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: October 20, 2009.**

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 August 6, 2009** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., 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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides

within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 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 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 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 **August 7, 2009 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

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

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

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

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

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

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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

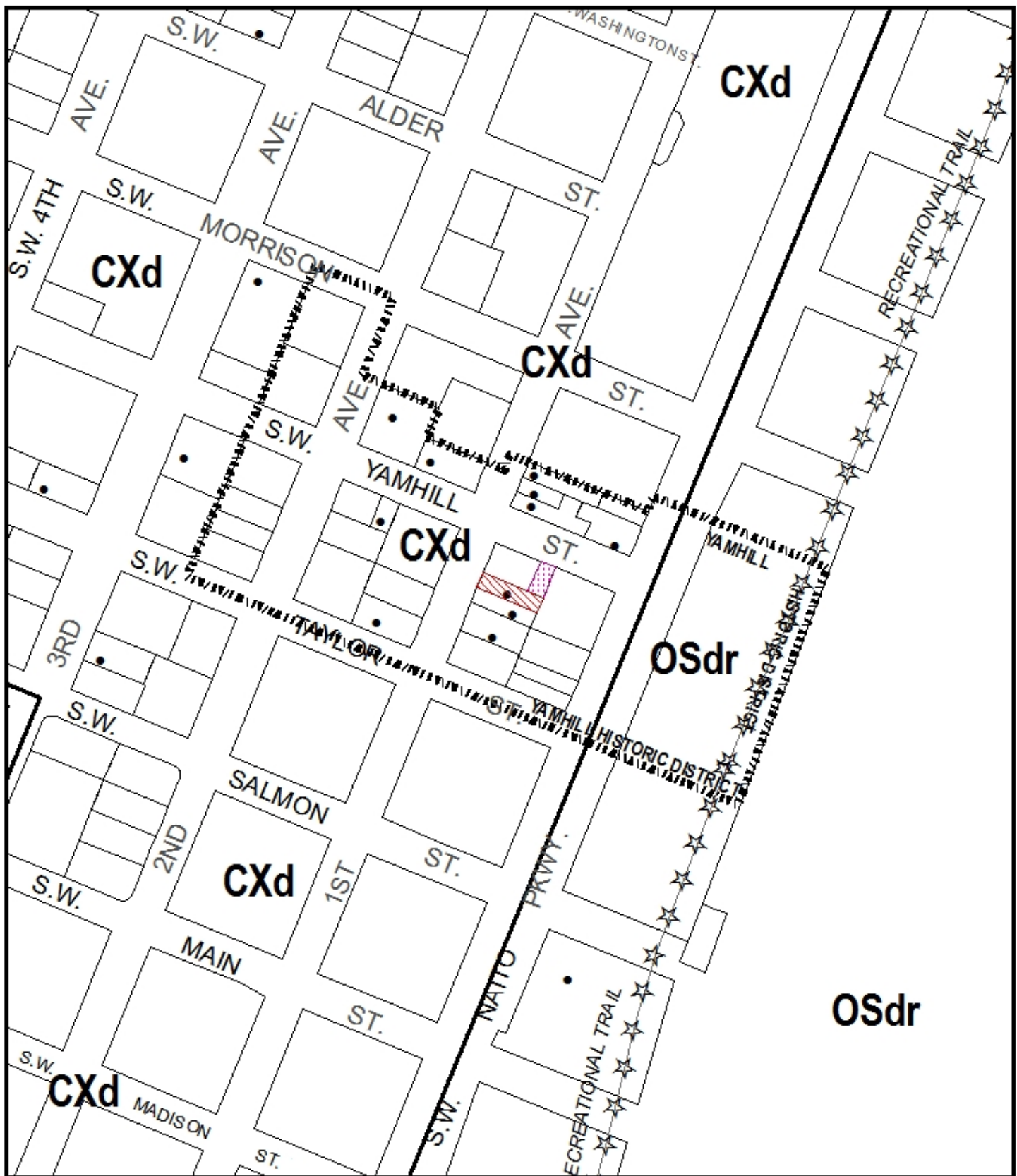
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Application
 - 1. Applicant's Statement
 - 2. Versatile Sash window survey memo dated 5/5/2009
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan(attached), 1st Floor, Storefront Plans
 - 2. Elevation (attached), Sections, Details
 - 3. Colored Elevations and color samples
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Transportation Engineering and Development Review
 - 2. Bureau of Parks, Forestry Division
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter
 - 3. Existing building photos before renovation

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).



ZONING

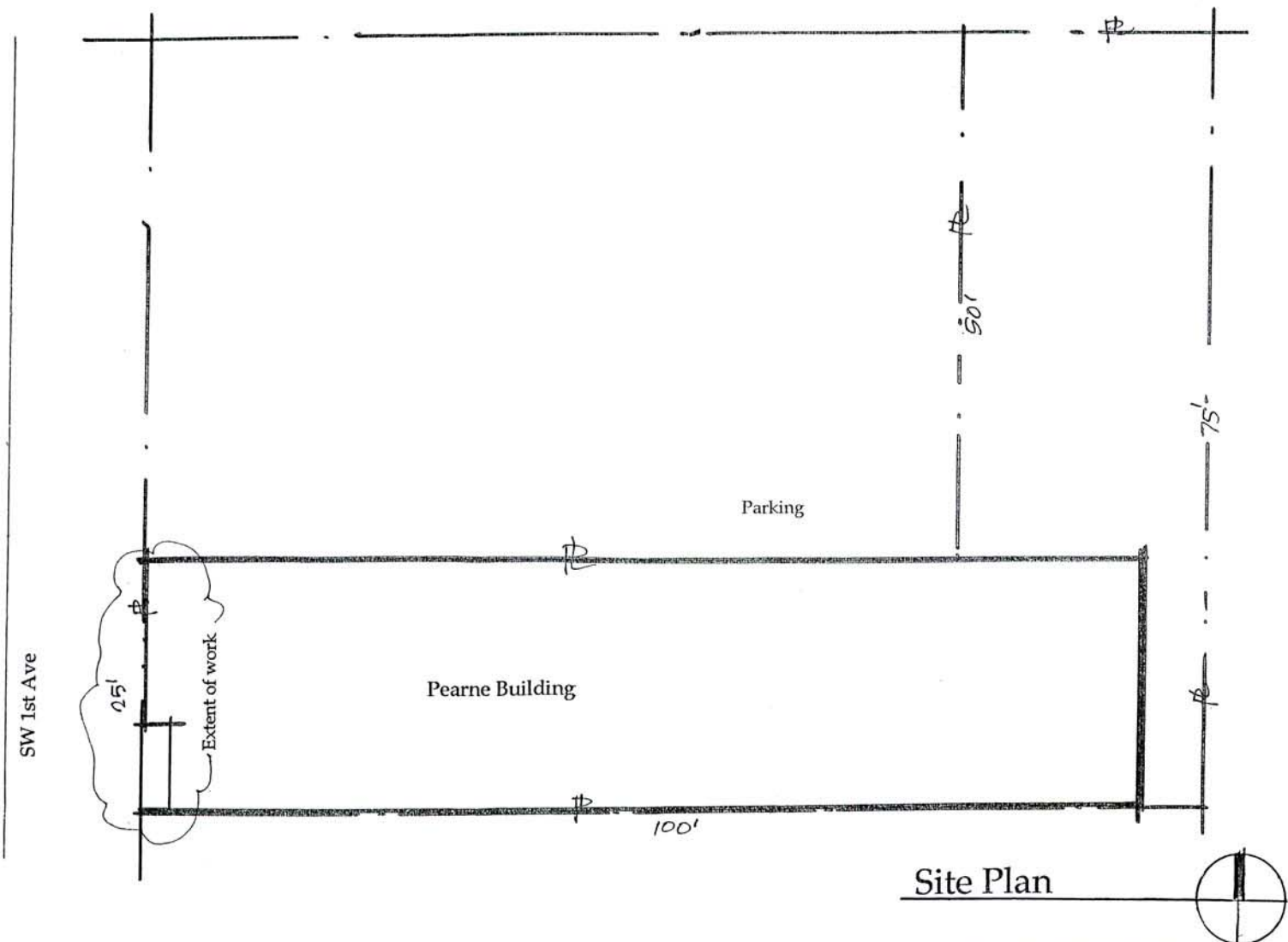
-  Site
-  Also Owned
-  Historic Landmark

This site lies within the:
YAMHILL HISTORIC DISTRICT
CENTRAL CITY PLAN DISTRICT



File No.	LU 09-118781 HDZ
1/4 Section	3129
Scale	1 inch = 200 feet
State_Id	1S1E03BA 1700
Exhibit	B (Apr 06,2009)

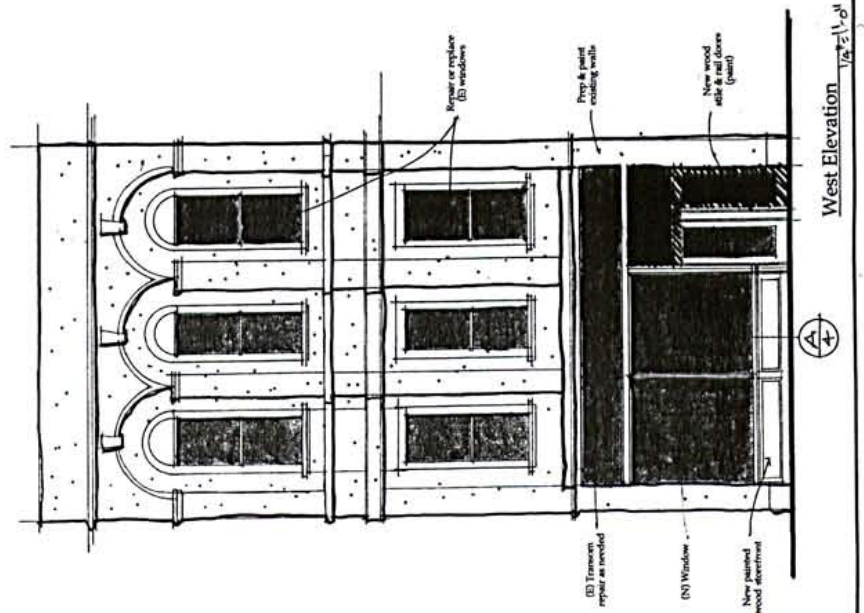
SW Yamhill



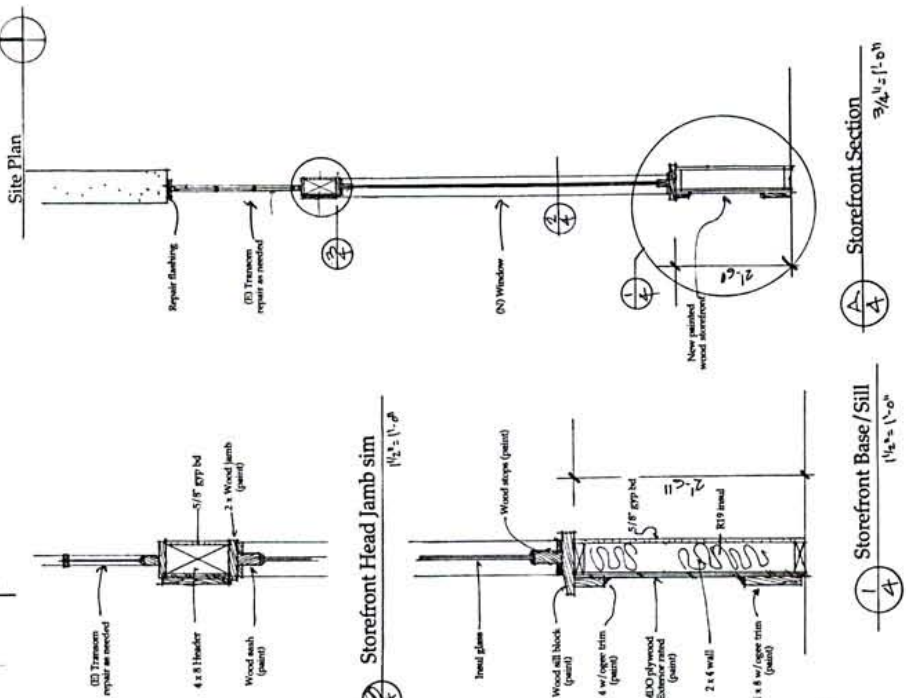
Site Plan

Approved
 City of Portland - Bureau of Development Services
 Planner Chia-An Date 7/21/09
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Approved*
 City of Portland - Bureau of Development Services
 Date 7/21/09
 Planning [Signature]
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



West Elevation 1/4" = 1'-0"

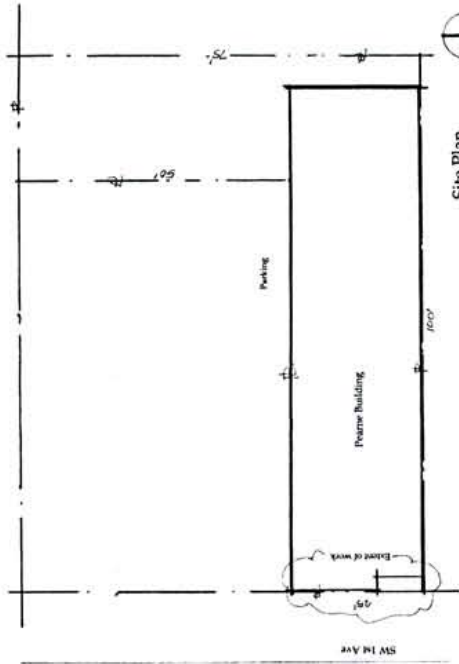


Storefront Mullion 1/4" = 1'-0"

1 A 1/4" = 1'-0"

1 A 1/4" = 1'-0"

1 A 1/4" = 1'-0"



Site Plan

REVISIONS BY	DATE	DESCRIPTION

Case Design Group
 1314 NW Yong St
 Portland, OR 97209
 503.224.0000
 503.224.0001
 503.224.0002

Pearne Building
 814 SW 1st
 Portland, Or