

City of Portland, Oregon

Bureau of Development Services

Land Use Services

FROM CONCEPT TO CONSTRUCTION

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

Date: July 25, 2013
To: Interested Person

From: Kate Marcello, Land Use Services

503-823-7538 | kate.marcello@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, via this link: http://www.portlandonline.com/bds/index.cfm?c=46429. Click on the district coalition and 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 13-163977 HR

New Exterior Lighting at Fleischner-Mayer Bldg in Skidmore/Old Town

GENERAL INFORMATION

Applicant: Lisa Petterson, Sera Architects | (503) 445-7317

338 NW 5th Ave | Portland, OR 97209

Owners: Shawn Menashe; Gevurtz, Menashe, Larson & Howe, PC

115 NW 1st Ave | Portland OR 97209

115 NW First Holdings LLC

111 SW 5th Ave #900 | Portland, OR 97204

Site Address: 115 NW 1st Avenue

Legal Description: BLOCK 13 LOT 1&4, COUCHS ADD

 Tax Account No.:
 R180200580

 State ID No.:
 1N1E34DB 01100

Quarter Section: 3030

Neighborhood: Old Town Chinatown; contact Paul Verhoeven at 503-222-6072 ext 12 Old Town Chinatown Business Association; contact Dorian Yee at 503-

224-7006

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

Plan District: Central City Plan District; River Subdistrict

Other Designations: Contributing Resource in Skidmore/Old Town Historic District, which

was listed in the National Register of Historic Places on Dec 6, 1975

Zoning: Central Commercial (CX) base zone; Design (d) overlay zone; Historic

Resource Protection overlay zone

Case Type: Historic Resource Review (HR)

Procedure: Type II (an administrative decision, with appeal to the Portland Historic

Landmarks Commission)

PROPOSAL: The applicant requests Historic Resource Review approval for new exterior lighting at the Fleischner-Mayer Building, which is designated as a Contributing Resource in Skidmore/Old Town Historic District. The existing light fixture adjacent to the building entrance on the east

façade and the existing bare candelabra lights (and associated exposed conduit) located along the belt course of the building will be removed.

New lighting consists of 11 indirect up-lights: six on the south façade and five on the east façade. These lights will be located along the upper edge of the belt course. They are intended to illuminate the brick façade of the building.

In addition, nine sconce down-lights will be installed: four on the south façade and five on the east façade. These lights are intended to illuminate the sidewalk.

All proposed lighting will consist of light-emitting diodes (LEDs). There will be no exposed electrical conduit associated with the new lighting.

Because the proposal is for non-exempt exterior alterations to an existing building in a designated Historic District, Historic Resource Review is required prior to the issuance of permits.

RELEVANT APPROVAL CRITERIA:

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

- Central City Fundamental Design Guidelines; and
- Skidmore/Old Town Historic District Design Guidelines.

ANALYSIS

I. Site and Vicinity: The Fleischner-Mayer Building, also known simply as the Fleischner Building or Fleischner Block, is located in the southeast corner of the block bounded by NW 1st Avenue, Davis Street, 2nd Avenue, and Couch Street in the Skidmore-Old Town Historic District.

The building was constructed in 1906. It was designed by Edgar Lazarus, a noted Portland architect. It was built as an office and warehouse building, in association with the waterfront commerce located nearby along the Willamette River. By the 1920s, waterfront-related commercial activity in the area had declined. At this time, a dry goods firm called Fleischner-Mayer took over the building. It later served as the Armory Annex. In the 1950s and 60s, a wholesale chinaware importer called Norcrest China Company occupied the building. In the late 1970s, the interior of the building was rehabilitated and adapted for ground-floor restaurant use and office space at the upper floors.

The building was constructed in the Twentieth-Century Romanesque style. It is five stories tall. The building is constructed of load-bearing red brick laid in American Common bond. The Skidmore/Old Town Historic District registration form for the National Register of Historic Places states:

Defining features include inset brickwork around the windows on the fifth floor, where two arched windows are set within a larger arched area. Windows and doorways on the ground floor have segmental brick arches. The roofline projects upward to a central pediment shape and is accentuated by a cast-iron cornice with brackets. Alterations include renovations and signage in the mid-1980s.

The surrounding area contains a mixture of uses, including nightclubs, restaurants, coffee shops, low-income housing, social service agencies, small retail shops, the Portland campus of University of Oregon's architecture program, and offices such as the headquarters of the Portland Business Alliance and NW Natural gas company.

II. Zoning: The site is located in one base zone and two overlay zones.

Base Zone: The <u>Central Commercial (CX) zone</u> 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.

Overlay Zones: The <u>Design (d) overlay zone</u> promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design overlay zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, Design Review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The <u>Historic Resource Protection overlay zone</u> is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks. The regulations that pertain to these properties protect certain historic resources in the region and preserve significant parts of the region's heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

- **III. Land Use History:** City records indicate one prior land use review case number LU 03-160318 HDZ for the Fleischner-Mayer Building. It was a Historic Design Review for a new sign with associated lighting.
- **IV. Public Notice:** A *Notice of Proposal in Your Neighborhood* was mailed on June 21, 2013.

Agency Review: No City bureaus responded with comments or objections to the proposal.

Neighborhood Review: No written comments in response to the proposal have been received from the neighborhood association (Old Town Chinatown Community Association) or notified property owners.

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. Therefore the proposal requires Historic Resource Review approval. The relevant approval criteria are the *Skidmore/Old Town Historic Design Guidelines*. In addition, the site is located within the Central City Plan District. Therefore the relevant approval criteria also include the *Central City Fundamental Design Guidelines*.

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

I. <u>Historic Skidmore/Old Town Design Guidelines - General Guidelines: Alterations and Additions to Historic Landmarks, Potential Landmarks, and other Compatible Buildings</u>

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 building 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 for E: The illumination from the new up-lights will add definition to the vertical areas of brick façade located between the windows at the upper floors. The new sconce down-lights will work in concert with the existing belt course to highlight the horizontality of the ground floor and the sidewalk environment. *Therefore this guideline is 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 for F: The new sconce down-lights, which will be located about 12.5 ft above the sidewalk on the south elevation and about 11.5 ft above the sidewalk on the east elevation, will highlight the pedestrian environment on NW Couch Street and 1st Avenue. The appropriate location and size of the lights will also add human scale to the ground floor of the building. The simple style of both the down-lights and the up-lights, their unobtrusive locations, and their reasonable quantity make the new lights visually compatible with the traditional architectural character of the District. *Therefore this guideline is met.*

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 for I: The housing for both the up- and down-lights will be black, in keeping with the black color of the existing windows and doors. *Therefore this quideline is met.*

II. Central City Fundamental Design Guidelines

A7. Establish and Maintain a Sense of Urban Enclosure.

Define public rights-of-way by creating and maintaining a sense of urban enclosure.

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.

B2. Protect the Pedestrian.

Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

C2. Promote Quality and Permanence in Development.

Use design principles and building materials that promote quality and permanence.

C3. Respect Architectural Integrity.

Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

C5. Design for Coherency.

Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

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.

C12. Integrate Exterior Lighting.

Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.

Findings for A7, B1, B2, C2, C3, C5, C8, and C12: The new up-lights will be installed along the upper edge of the existing belt course. Each light will illuminate the building façade between the vertical rows of windows, visually fostering a sense of vertical rhythm on the east and south façades, and maintaining the building's strong sense of urban enclosure. Each light is cylindrical and has a tempered glass lens, stainless-steel hardware, an adjustable swivel stem, and an adjustable hood to provide glare control. The cylindrical housing of each light fixture is about eight inches long and three inches in diameter. The housing is made of corrosion-resistant silicone aluminum alloy and is protected by a polyester powder-coat paint finish. The electrical conduit will be fed through the mortar joint of the brick course that abuts the upper edge of the belt course. To serve each light fixture, the conduit will run along the upper edge of the belt course. The conduit will be tucked as far as possible into the corner where the belt course meets the building wall. In this inconspicuous location, the conduit will not affect pedestrians' views of the building.

The new sconce down-lights will be installed along the ground floor of the building, about 12.5 feet above the adjacent sidewalk on the south façade and about 11.5 feet above the adjacent sidewalk on the east façade. Each light will be located between existing windows. These down-lights will be vertically aligned with the new aforementioned up-lights. The down-lights will strengthen the building's existing sidewalk-level differentiation, further define the building frontage zone, and can increase pedestrians' sense of security during nighttime hours. Each light is comprised of a die-cast aluminum arm and canopy, with a three-ply opal glass sphere. The electrical conduit for each light will run through a mortar joint on the façade, ensuring that the bricks themselves remain unaffected. At each lighting location, the conduit will run directly into the light fixture; in other words, there will be no exposed conduit.

The proposed lights are made of durable materials, positively contribute to the pedestrian environment, respect the architectural integrity of the subject building, and contribute to its overall design coherency. With the conditions of approval that all electrical conduit penetrate existing mortar instead of brick, and that there be no exposed conduit associated with the sconce down-lights, 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 proposed lights are made of durable materials, positively contribute to the pedestrian environment, respect the architectural integrity of the subject building, and contribute to its overall design coherency. This proposal meets the applicable Historic Resource Review approval criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of the removal of existing exterior lighting and the installation of new exterior lighting on the south and east façades of the Fleischner-Mayer Building (also known as the Fleischner Building, or the Fleischner Block) located in the Skidmore/Old Town Historic District, Central City Plan District, and River Subdistrict.

Approval per the approved plans and drawings, Exhibits C-1 through C-8, signed and dated July 23, 2013, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE Case File LU 13-163977 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The façade penetrations for the electrical conduit for the new lights will be located within existing mortar, not within existing brick.
- C. There shall be no exposed electrical conduit associated with the new sconce down-lights.
- D. No field changes allowed.

Staff Planner: Kate Marcello

Decision rendered by: ______ on July 23, 2013

By authority of the Director of the Bureau of Development Services

Decision mailed: July 25, 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 June 4, 2013, and was determined to be complete on June 19, 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 June 4, 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. Unless extended by the applicant, **the 120 days will expire on October 2, 2013.**

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 Thursday, August 8, 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 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, OR 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision. If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- Unless appealed, the final decision may be recorded on or after Friday, August 9, 2013 (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:

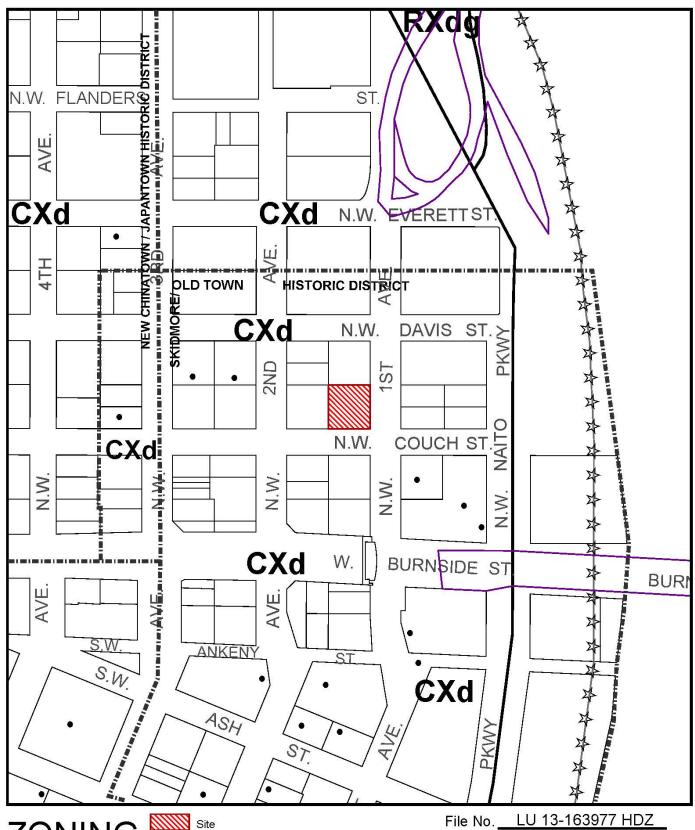
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement/Narrative
- B. Zoning Map (attached)
- C. Plans and Drawings:
 - 1. Site Plan (attached)
 - 2. South Elevation and Detail Drawings (attached)
 - 3. East Elevation Drawing (attached)
 - 4. Nighttime Rendering South Facade
 - 5. Lighting Study South Façade
 - 6. Nighttime Rendering East Façade
 - 7. Lighting Study East Facade
 - 8. Manufacturers' Cutsheets/Information for Up-lights and Sconce Down-lights
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Response: None received.
- F. Correspondence: None received.
- G. Other
 - 1. Original Land Use Review Application
 - 2. Site Visit Photographs
 - 3. Excerpt from National Register of Historic Places Registration Form for Skidmore/Old Town Historic District
 - 4. Webpage Gevurtz-Menashe Attorneys at Law (http://www.gevurtzmenashe.com/ firm-news/gevurtz-menashe-moves-to-old-town!)

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

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Historic Landmark



This site lies within the: SKIDMORE / OLD TOWN HISTORIC DISTRICT CENTRAL CITY PLAN DISTRICT File No. <u>LU 13-163977 HDZ</u>

1/4 Section <u>3030</u>

Scale <u>1 inch = 200 feet</u>

State_Id <u>1N1E34DB 1100</u>

Exhibit <u>B</u> (Jun 06,2013)

