



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** April 8, 2014  
**To:** Interested Person  
**From:** Dave Skilton, Land Use Services 503-823-0660  
dave.skilton@portlandoregon.gov

**NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

**CASE FILE NUMBER: LU 14-115135 HR – DOOR OPERATORS**

**Applicant:** Wendy Klein  
Central City Concern  
232 NW 6th Avenue  
Portland OR 97209

**Representative:** Kevin Saxton  
KASA Architects  
4119 NE Cesar E Chavez Boulevard  
Portland, OR 97211

**Site Address:** 309 SW 4<sup>th</sup> Avenue

**Legal Description:** BLOCK 65 LOT 1&2 LAND ONLY SEE R246126 (R667707551) FOR IMPS POTENTIAL ADDITIONAL TAX, PORTLAND; BLOCK 65 LOT 1&2 IMPS ONLY SEE R246125 R66770-7550) FOR LAND POTENTIAL ADDITIONAL TAX, PORTLAND

**Tax Account No.:** R667707550, R667707551

**State ID No.:** 1N1E34CD 05900, 1N1E34CD 05900A1

**Quarter Section:** 3029

**Neighborhood:** Portland Downtown, contact Jennifer Geske at 503-750-9843.

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

**Plan District:** Central City - Downtown

**Other Designations:** Historic Landmark pursuant to listing in the National Register of Historic Places as the C. K. Henry Building on May 13, 1982.

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

**Case Type:** HR, Historic Resource Review

**Procedure:** Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

**Proposal:**  
The applicant is seeking Historic Resource Review approval for a proposal to attach three door operating devices to the terra cotta surface on the front of the building adjacent to the main entry. Attachment will be with a reversible adhesive and holes will only be drilled

through mortar joints. Historic Resource Review is required because the proposal is for exterior alteration of a Historic Landmark.

**Approval Criteria:**

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

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

**ANALYSIS**

**Site and Vicinity:** The subject property, known as the C. K. Henry Building, is a six story office structure designed by architect Francis J. Berndt in the then forward-looking Chicago School style. It occupies a quarter block at the southwesterly corner of the intersection SW 4<sup>th</sup> Avenue and SW Oak Street. The building was placed on the National Register of Historic Places on May 13, 1982. It is significant both for its architectural expression and for its association with Charles K. Henry a progressive and influential real estate developer in early Twentieth Century Portland.

**Zoning:** The commercial zones implement the commercial policies and plan map designations of the Comprehensive Plan. The zones are for areas of the City designated by the Comprehensive Plan for commercial uses. The differences in the zones reflect the diversity of commercial areas in the City. The zones are distinguished by the uses allowed and the intensity of development allowed. Some of the zones encourage commercial areas that are supportive of surrounding residential areas, while other zones allow commercial areas which have a community or regional market. The regulations promote uses and development which will enhance the economic viability of the specific commercial district and the city as a whole.

In general, a wide range of uses is allowed in each zone. Limits on the intensity of uses and the development standards promote the desired character for the commercial area. The development standards are designed to allow a large degree of development flexibility within parameters which support the intent of the specific zone. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The Historic Resource Protection chapter protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

The Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that

certain types of infill development will be compatible with the neighborhood and enhance the area.

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

**Public Notice:** A “Notice of Proposal in Your Neighborhood” was mailed on March 4, 2014.

**Agency Review:** None of the notified Bureaus has responded with 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 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 a designated Historic/Conservation Landmark. Therefore the proposal requires Historic Resource 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.
5. **Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that damage historic materials will not be used.

**Findings for 1 and 5:** Although the proposed alteration is very minor in scope and size, attachment of three small electronic door operator devices to the face of the building adjacent to the main door, the wall material at this location is terra cotta which is difficult to patch or repair. In order not to damage this intact historic material at such a visible location, the proposal is to run the wiring through the mortar joint and attach the devices to the wall face with a non-penetrating silicone-based glue that could in future be dissolved with a harmless solvent. This allows for easy future reversibility without damage to the terra cotta. *These criteria are met.*

#### **Central City Fundamental Design Guidelines**

- 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:** As noted above, the proposed treatment is fully reversible without damage to the integrity of the terra cotta wall surface. *This guideline is met.*

## DEVELOPMENT STANDARDS

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

## CONCLUSIONS

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

## ADMINISTRATIVE DECISION

Approval of electronic door operators on the Historic Landmark C. K. Henry Building;

Approval is per Exhibits C-1 through C-7, signed and dated April 4, 2014, subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-7. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-115135 HR."

**Staff Planner: Dave Skilton**

**Decision rendered by:**  **on April 4, 2014.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: April 8, 2014**

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

**Procedural Information.** The application for this land use review was submitted on February 11, 2014, and was determined to be complete on February 28, 2014.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on February 11, 2014.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined

the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**This decision, and any conditions associated with it, is final.** It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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](http://www.portlandonline.com).

**Recording the final decision.**

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **April 8, 2014**. 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 for 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. Photo Simulation
  - 3. Elevation (attached)
  - 4. Adhesive Information
  - 5. Door Operator Information
  - 6. Entry Telephone Information
  - 7. Card Reader Information
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety Review Section of BDS
- F. Correspondence: none
- G. Other:
  - 1. Original Land Use Application

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



# ZONING



Site; Historic Landmark: C.K. Henry Building



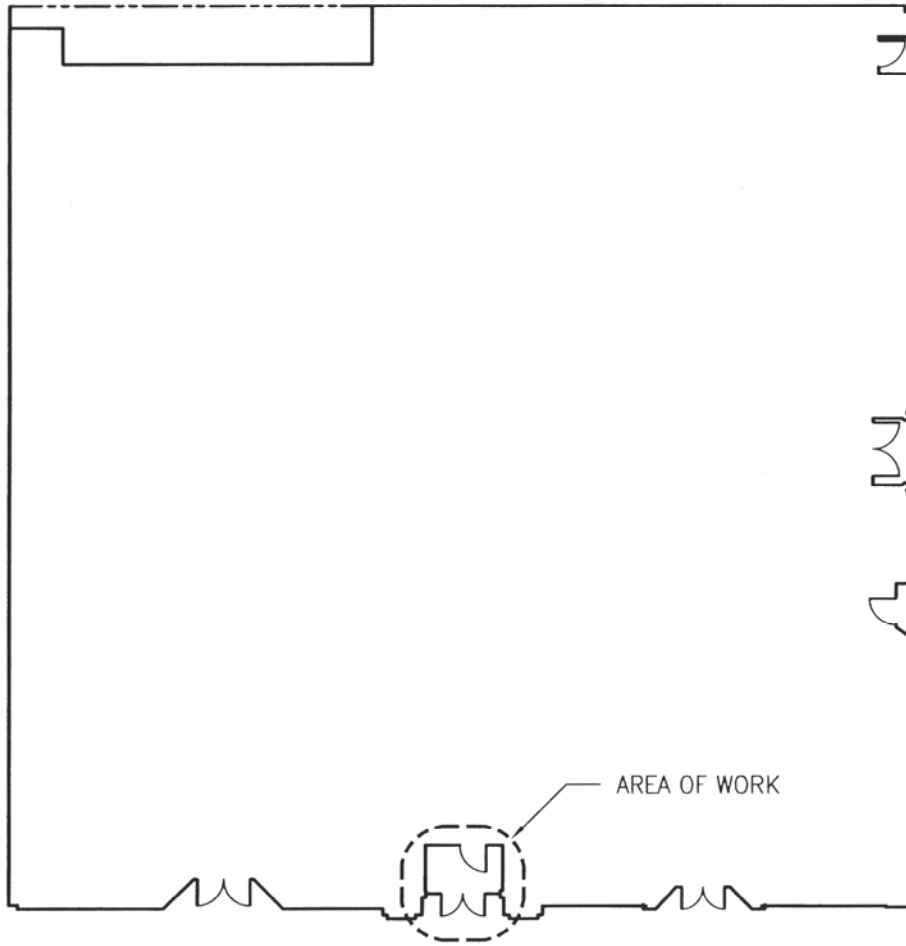
Historic Landmark

This site lies within the:  
**CENTRAL CITY PLAN DISTRICT**  
**DOWNTOWN SUB DISTRICT**

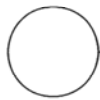


NORTH

File No.	<u>LU 14-115135 HR</u>
1/4 Section	<u>3029</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E34CD 5900</u>
Exhibit	<u>B (Feb 13, 2014)</u>



SW Fourth Ave.



Site Plan

1" = 20'-0"

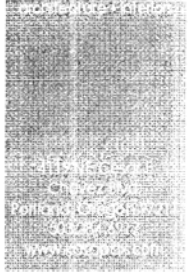
FEBRUARY 07, 2014



## Henry Building Entrance Alteration

309 SW Fourth Ave.  
Portland, Oregon  
KASA Proj. # 1337

Approved\*  
 City of Portland, Bureau of Development Services  
 Planner Dave Schultz Date 4.4.14 SW Oak St.  
 This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.



C-1

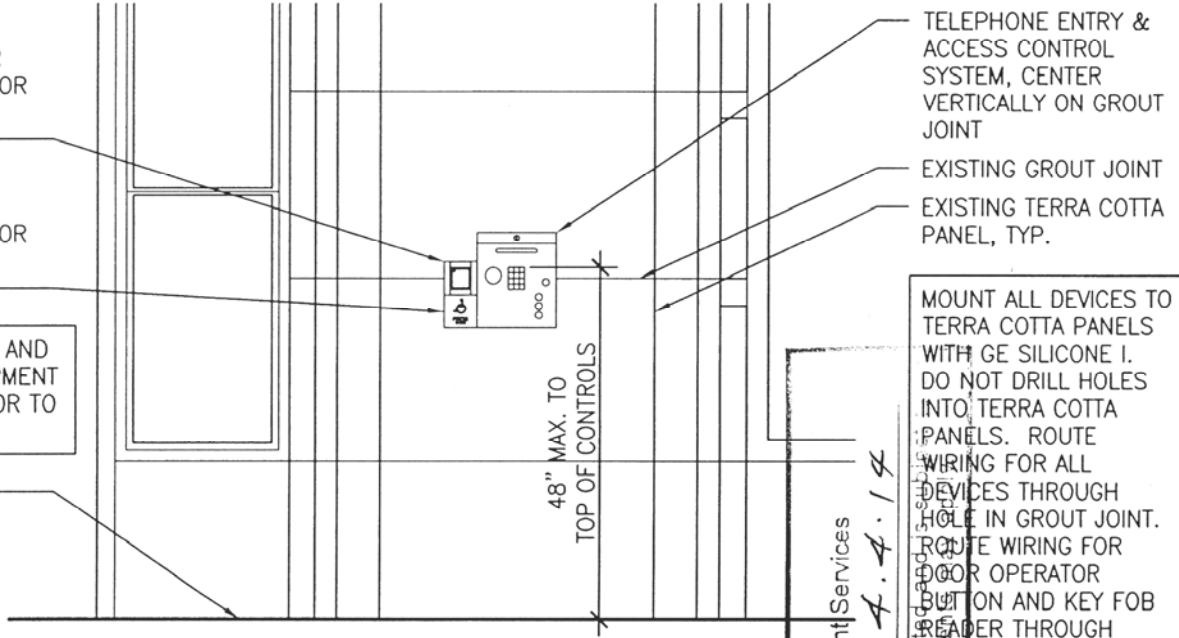


KEY FOB READER  
MOUNT IN EXTERIOR  
DOUBLE-GANG  
JUNCTION BOX

DOOR OPERATOR  
BUTTON  
MOUNT IN EXTERIOR  
DOUBLE-GANG  
JUNCTION BOX

VERIFY LOCATION AND  
LAYOUT OF EQUIPMENT  
WITH OWNER PRIOR TO  
ROUGH-IN.

EXISTING GRADE



MOUNT ALL DEVICES TO  
TERRA COTTA PANELS  
WITH GE SILICONE I.  
DO NOT DRILL HOLES  
INTO TERRA COTTA  
PANELS. ROUTE  
WIRING FOR ALL  
DEVICES THROUGH  
HOLE IN GROUT JOINT.  
ROUTE WIRING FOR  
DOOR OPERATOR  
BUTTON AND KEY FOB  
READER THROUGH  
MOUNTING BOX FOR  
TELEPHONE ACCESS  
CONTROL SYSTEM.

6

### Door Access Equipment Elevation

1/2" = 1'-0"

FEBRUARY 26, 2014

## Henry Building Entrance Alteration

309 SW Fourth Ave.  
Portland, Oregon  
KASA Proj. # 1337

Approved  
 City of Portland - Bureau of Development Services  
 Planner *Dave Skilton* Date *4.4.14*  
 This approval applies only to the reviews  
 conditions of approval. Additional zoning

**KASA**  
 architecture • interiors

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 Chavez Blvd.  
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 503.234.4917  
 www.kasapdx.com

C-3