



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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Date: April 10, 2017
To: Interested Person
From: Mike Gushard, Land Use Services
503-823-5091 / Mike.Gushard@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 mailed copy of this document is only a summary of the decision. 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 16-204490 HR – NEW WINDOWS IN A HISTORIC LANDMARK BUILDING

GENERAL INFORMATION

Applicant: Ganesh K Sonpatki,
415 SW Montgomery St
Portland, OR 97201-5518

Stan Chesshir, Chesshir Architecture, PC
2337 NW York St Suite 208
Portland, OR 97210

Robert Mawson, Heritage Consulting Group
1120 NW Northrup St
Portland, OR 97209

Harlow Param Hotel Corp
415 SW Montgomery St
Portland, OR 97201

Site Address: 722-738 NW GLISAN ST

Legal Description: BLOCK 49 LOT 7 LAND & IMPS SEE R140507 (R180204351) FOR BILLBOARD HISTORIC PROPERTY; POTENTIAL ADDITIONAL TAX, COUCHS ADD

Tax Account No.: R180204350
State ID No.: 1N1E34CB 00800
Quarter Section: 3029

Neighborhood: Pearl District, contact planning@pearldistrict.org.
Business District: Pearl District Business Association, contact Carolyn Ciolkosz at 503-227-8519.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District:	Central City - River District
Other Designations:	Historic Landmark, Individually Listed on the National Register of Historic Places
Zoning:	CXd – Central City Commercial with Design Review Overlay and Historic Resource Rview
Case Type:	HR – Historic Resource Review
Procedure:	Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The proposal includes two new windows on the west elevation that replicate existing historic window conditions on this elevation and removing wood infill on this elevation and reconstructing a historic window.

The original application submitted included a penthouse addition. This was eliminated by the applicant. This decision is only for two new windows. Any future penthouse addition will require a separate historic resource review.

Historic resource review is required because the proposal is for non-exempt exterior alterations to a historic landmark.

Relevant Approval Criteria:

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

- 33.846060G – Historic Resource Review
- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The historic Harlow Block, built for the entrepreneur Captain John Harlow in 1883, is among the oldest surviving commercial structures in NW Portland. Its restrained Italianate style was already a fairly conservative design expression at the time of construction, being more typical of the 1860s and 1870s. Although elements such as the ornate cornice, known from photographs, have been lost, the building still retains most of its character defining elements. The building faces onto NW Glisan Street, which is designated as a local traffic street, and its side faces the North Park Blocks across NW 8th Avenue. Both frontage streets are also designated as City Walkways. The entire Central City Plan Area is designated as a pedestrian zone.

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. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The Design Overlay Zone (d) 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.

The Historic Overlay Zone 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.

Land Use History: City records indicate that prior land use reviews include the following:

- LU 09-149099 HDZ- Historic Rehabilitation

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **November 7, 2016**. The following Bureaus have responded with no issues or concerns:

Water Bureau
 Fire Bureau
 Site Development Section of BDS
 The Bureau of Transportation Engineering

The Bureau of Environmental Services initially responded on November 7, 2016 not recommending approval. However, the project was altered to eliminate the penthouse and they provided a March 1, 2017 addendum stating that they have no issues or concerns with the project. See Exhibit 2 and 2a.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 7, 2016. Two written responses were received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Joy Sears, Restoration Specialist, State Historic Preservation Office November 28, 2016, In support.
2. Gregory and Mary Spencer with questions about parking and the kitchen in the initially proposed penthouse.
 Staff Response: No parking is proposed with the project. The penthouse is no longer part of the project.

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.

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.

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.
3. **Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
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.
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.
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.
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.
8. **Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.
9. **Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.
10. **Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City.

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.

- A6. Reuse/Rehabilitate/Restore Buildings.** Where practical, reuse, rehabilitate, and restore buildings and/or building elements.
- 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.
- C1. Enhance View Opportunities.** Orient windows, entrances, balconies and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building façades that create visual connections to adjacent public spaces.
- 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.
- C4. Complement the Context of Existing Buildings.** Complement the context of existing buildings by using and adding to the local design vocabulary.
- 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.
- C6. Develop Transitions between Buildings and Public Spaces.** Develop transitions between private development and public open space. Use site design features such as movement zones, landscape element, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.
- 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.
- C9. Develop Flexible Sidewalk-Level Spaces.** Develop flexible spaces at the sidewalk-level of buildings to accommodate a variety of active uses.
- D1. Park Blocks.** Orient building entrances, lobbies, balconies, terraces, windows, and active use areas to the Park Blocks. In the South Park Blocks, strengthen the area's

emphasis on history, education, and the arts by integrating special building elements, such as water features or public art. In the Midtown Park Blocks, strengthen the connection between the North and South Park Blocks by using a related system of right-of-way elements, materials, and patterns. In the North Park Blocks, strengthen the area's role as a binding element between New China/Japantown and the Pearl District.

Findings: 1-10, A6, A8, C1-C9 and D1 The addition of the proposed windows on the west elevation of the Harlow building are replicas of historic buildings that appear elsewhere on the building's ground floor. For this reason, the proposed windows allow the proposal maintains the building's coherent tripartite design and does not diminish its historic character. It will continue to be a record of its time. The replicated details of the new tall narrow windows on the elevation on the elevation ensure that they are architecturally compatible. They are the same 138" x 30" wood frame as an existing window on the façade. While the inclusion of the new windows will require the removal of some historic brick the vast majority of the brick will remain so, on balance, the building will maintain its historic integrity. Using a detailed traditional style wood windows continues the quality and permanence in design that has allowed the Harlow building to stand for more than a century. The blank wall that the windows would replace is not considered a character-defining feature of the building in its National Register of Historic Places nomination. It does not appear to have achieved special significance in and of itself over time. The two new windows are too small to interrupt the basic form and integrity of the building. The project emphasizes Portland themes by visually connecting and enhancing the building's interior view one of the city's oldest commercial buildings with the street life of the North Park Blocks. This new transparency will provide a transition between the interior and exterior of the building add to the vibrant streetscape along NW Park by activating what was once a blank wall. No ground disturbing activity is proposed thus no archaeological resources will be disturbed. *Therefore these guidelines are met.*

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review because the proposed new windows meet the Central City Fundamental Guidelines about activating street levels and creating connections to the Park Blocks in a way that compliment the historic integrity of the Harlow Building. Therefore this proposal warrants approval.

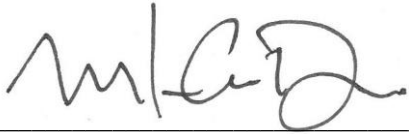
ADMINISTRATIVE DECISION

Approval of two new windows in a historic landmark building, per the approved site plans, Exhibits C-1 through C3, signed and dated February 28, 2017, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through XX) must be noted on each of the 4 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 16-204490 HR ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Mike Gushard

Decision rendered by:  **on (March 31)**

By authority of the Director of the Bureau of Development Services

Decision mailed: April 10, 2017

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 July 13, 2016, and was determined to be complete on October 26, 2016.

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 July 13, 2016.

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 requested that the 120-day review period be extended by 245 as stated with Exhibit (Exhibit # A10) Unless further extended by the applicant, **the 120 days will expire on: June 28, 2018**

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 April 24, 2017** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

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

Recording the final decision.

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

- *Unless appealed*, The final decision may be recorded on or after **April 25, 2017**
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

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

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

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

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

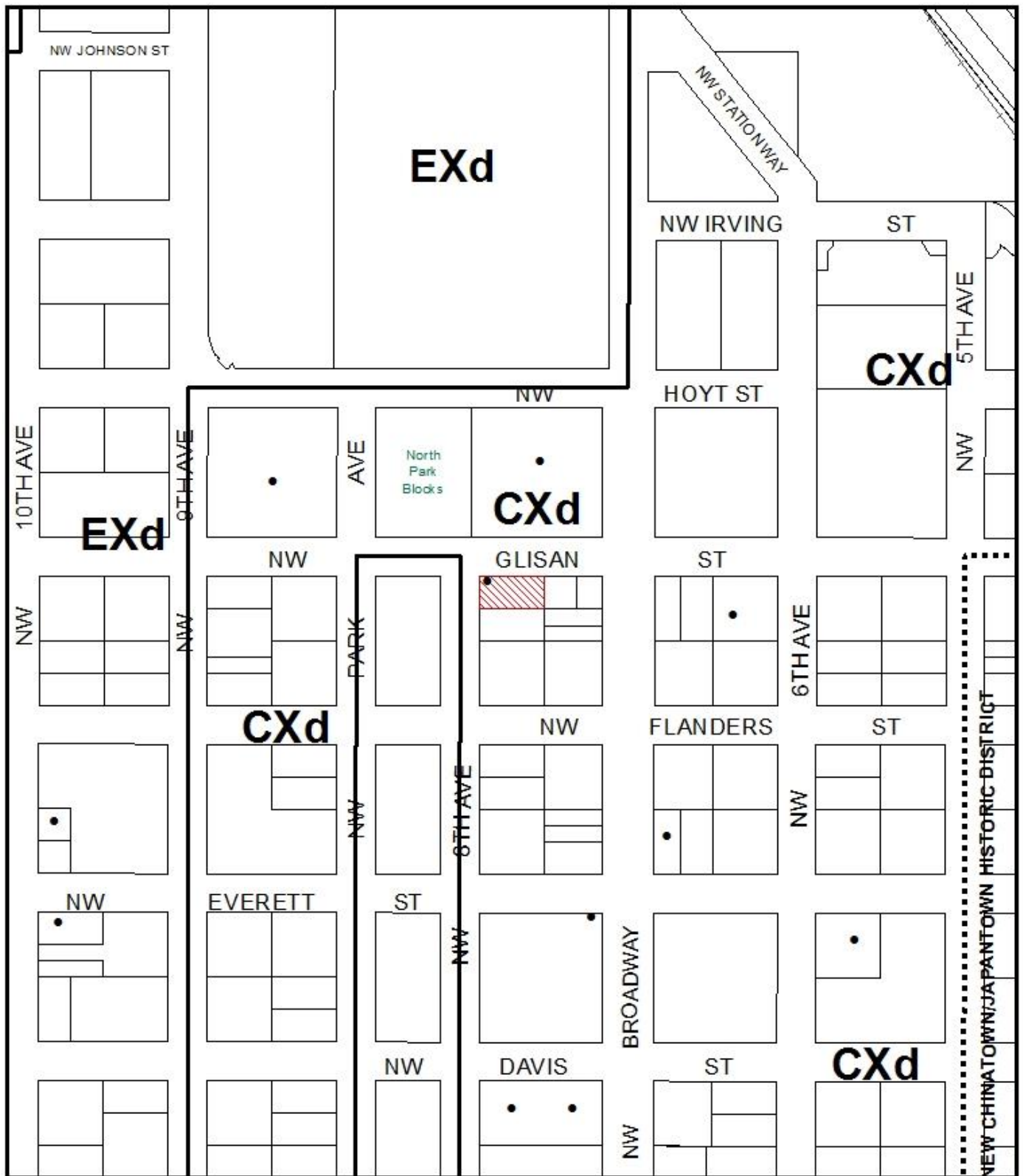
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Narrative Statement
 2. Roof Mockup photos
 3. Incomplete Response
 4. Roof photos
 5. Correspondence from State Historic Preservation Office Pertaining to the proposal.
 6. Letter from the Applicant
 7. National Park Service Historic Preservation Certification Application Amendment
 8. Correspondence between the applicant, SHPO and NPS
 9. Original submittal which included a penthouse addition. This is provided for reference only.
 10. Request from applicant to eliminate penthouse from project
 11. Request for extension of the 120 day review period
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Elevation (attached)
 2. Window details
 3. Window sections and details
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 - A. Addendum
 3. Site Development Review Section of BDS
 4. Life Safety Section of BDS
 5. TRACS Printout
- F. Correspondence:
 1. Joy Sears, SHPO November 28, 2016 – In Support
 2. Gregory and Mary Spencer, November 11, 2016, Questions
- G. Other:
 1. Original LU Application

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



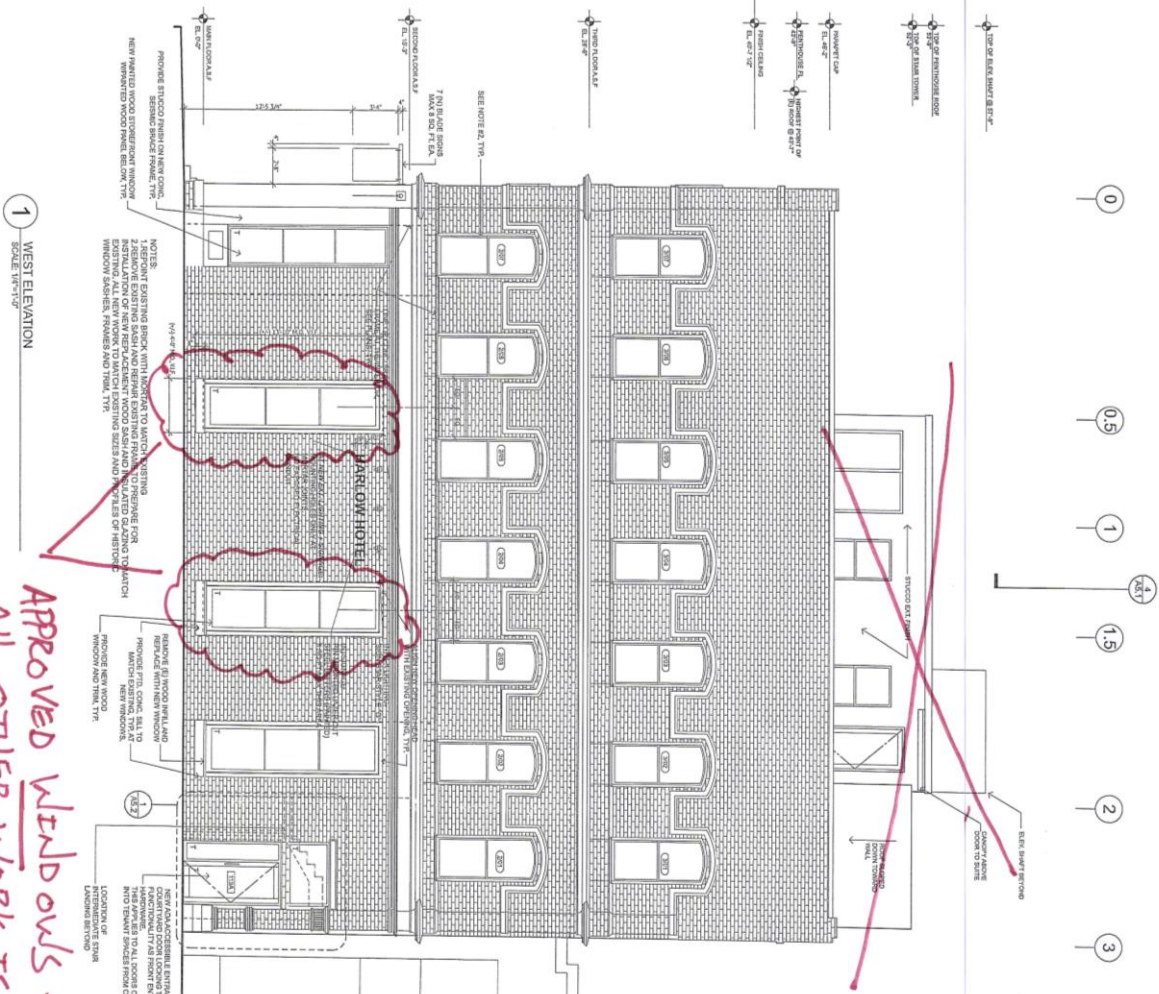
ZONING

-  Site
-  Historic Landmark



This site lies within the:
CENTRAL CITY PLAN DISTRICT
RIVER DISTRICT SubDistrict

File No. LU 16-204490 HR
 1/4 Section 3029
 Scale 1 inch = 200 feet
 State_Id 1N1E34CB 800
 Exhibit B (Jul 15, 2016)



APPROVED WINDOWS - ONLY
 ALL OTHER WORK IS
 FROM A PREVIOUS APPROVAL.

RETHOUSE AND STAIR
 TOWER ELIMINATED FROM
 PROTECT. / ONLY WINDOWS
 FOR APPROVAL

C1

Approved
 City of Portland - Bureau of Development Services
 Planner: [Signature]
 2/28/17
 * This approval applies only to the conditions of approval. Additional conditions may apply.

THE HARLOW BUILDING 738 NW GLISAN STREET PORTLAND, OREGON 97209		3031 NW 10th St. Portland, OR 97209 Phone: 503.281.1519 www.creativearchitects.com
WEST ELEVATION CHECK: SET DATE: 2016.05.18	DRAWN BY: CHECKED BY: SMC PROJECT NO: 201601	AA.2