



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

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Date: November 15, 2017
To: Interested Person
From: Emily Hays, Land Use Services
 503-823-5676 / Emily.Hays@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 17-250390 HR – AUDITORIUM BUILDING EGRESS

Applicant: Keith Daily | Emerick Architects
 321 SW 4th Avenue Suite 200 | Portland, OR 97204

Owner / Representative: Steve Martini | 1750 Fifth Ave LLC
 1770 4th Avenue | San Diego, CA 92101
920-928 SW 3rd Avenue

Site Address: BLOCK 23 LOT 6, PORTLAND

Legal Description: R667703580
Tax Account No.: 1S1E03BA 06300
State ID No.: 3129
Quarter Section: Portland Downtown, contact Rani Boyle at 503-725-9979.
Neighborhood: Downtown Retail Council, contact Sandra McDonough at 503-552-6762.
Business District: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

District Coalition: Central City - Downtown

Plan District: Other Designations: Historic Landmark, National Register of Historic Places - 1980
CXd – Central Commercial with Design Overlay

Zoning: **HR** – Historic Resource Review

Case Type: **Type II** - an administrative decision with appeal to the Landmarks Commission.
Procedure:

PROPOSAL:
 The applicant is seeking Historic Resource Review approval for alterations to a landmark building in the Downtown Subdistrict of the Central City Plan District. The proposal involves construction of a new landing and stair at the base of the existing fire escape on the east side of the building. The existing fire escape is an approved, legal means of egress from the building. Alterations to the existing fire escape are required due to construction of a new building on the adjacent property.

Historic Resource Review approval is required because the proposal is for non-exempt exterior alterations on a Historic Landmark.

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:

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

ANALYSIS

Site and Vicinity: The subject property is located on the block bound by SW 3rd Avenue, SW Salmon Street, SW 2nd Avenue, and SW Taylor Street in the Downtown subdistrict of Central City. The site is located two blocks west of Waterfront Park, two blocks northeast of the Portland Building, and two blocks northwest of the Morrison Bridge ramps.

Known as the Auditorium & Music Hall and designed by F. Manson White, the building was constructed in 1894. The building is rectangular, with a 50' wide street facing façade. The side walls run 93' along the 100' property line, toward the center of the block, to allow rear windows. The exterior walls are constructed of brick masonry ranging from 20" to 12" in width, laid in running bond. The front elevation is detailed with shaped brick, unglazed terra cotta panels and capitals, carved stone capitals at the first floor, and stone sills at each level. The remainder of the block is intended for redevelopment as approved under a previous land use process.

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 "d" overlay 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 are subject to design review. 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 Central City Plan District implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation Management Plan. The Central City plan district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area. The site is within the Downtown Subdistrict of this plan district.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and 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:

- HL 27-82: Approved penthouse proposal.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **October 16, 2017**. The following Bureaus have responded with no issues or concerns:

- Site Development Section of BDS
- Life Safety Review Section of BDS, See Exhibit E-1

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on October 16, 2017. 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.

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.

Findings: No changes to the street facing façade are proposed and no features that contribute to the property's historic significance will be removed or altered. The historic fire escape will be extended and new elements will closely match the existing. All work is proposed on the rear façade, which will not be visible from any right-of-way when construction of the adjacent building is complete. No conjectural features or architectural elements from other buildings will be added to the building, allowing it to remain a record of its time. There are no known prior changes to the building that have acquired historic significance. Historic materials will be protected; where repair is necessary, new material will match existing. *These guidelines have been 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 known archaeological resources on site. *This guideline is 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: Proposed alterations will not destroy historic materials that characterize the property. The existing fire escape ladder extension and landing will closely match historic conditions. The new emergency egress window will be set within an existing opening and match existing in materials and depth within the wall construction. Both windows will be custom wood to fit the existing opening; a wood infill panel is proposed

at each arch to match existing. Existing sills will remain and new work will be differentiated by modern materials. The new metal landing and stairs are set within an existing well surrounded by concrete retaining wall. The bulk of the new work is therefore differentiated by its location below existing grade. *This guideline has been met.*

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

Findings: The proposed project involves constructing a new landing and stair at the base of the existing fire escape on the east side of the building. The existing fire escape is an approved non-conforming condition that serves as a legal means of egress for the building. Alterations to the existing fire escape are required due to construction of a new building on the adjacent property. When construction of the new adjacent building is complete, none of the proposed work will be visible from the public right-of-way.

The fire escape ladder extension, landing, and associated site work will closely match the historic condition and read as a modern extension of the historic element. The exterior alterations will not be visible from the public right-of-way once work on the adjacent lot is complete. New custom windows will be installed within the existing masonry opening. The alterations are compatible with the historic building and will not compromise the architectural integrity of the historic resource. *These guidelines have been met.*

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.

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

Findings: No significant changes will be made to the existing building; proposed alterations are concentrated at the existing fire escape facing the rear property line. The new landing and handrail will match color and style of existing fire escape as close as possible. Two new custom egress windows will match the existing windows in material, depth, and profile. Wood infill panels at the arch of each window opening to match existing for a coherent and unified rear façade. *This guideline has been met.*

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

Findings: The existing fire escape serves as a legal means of egress for the building; these alterations are therefore necessary to maintain egress due to the proposed construction of a hotel on the adjacent lot. The proposed landing and stair will improve the existing egress, allowing this historic building to continue being occupied for years to come without more significant alterations to the building. *This guideline has been met.*

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.

Findings: All new stair and landing elements will closely match color and style of existing fire escape to ensure permanence and quality. Continuous metal handrail and slip resistant metal grate landing will be constructed of quality material to meet code requirements. Originally completed in 1895, the historic Auditorium Building is a symbol of permanence and quality of Portland architecture, and the improved egress will allow it to remain an active contributor to the area as new buildings are constructed on the adjacent lots. *These guidelines have been 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

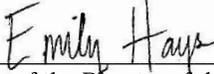
The purpose of the historic resource review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposal employs durable, architecturally compatible materials, maintains coherency, and respects the character of the resource. The proposal meets the applicable approval criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of new landing and stair at the base of the existing fire escape, and two new egress windows, on the east side of the building, per the approved site plans, Exhibits C-1 through C-5, signed and dated November 8, 2017, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) 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 17-250390 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: Emily Hays

Decision rendered by:  **on November 8, 2017**
By authority of the Director of the Bureau of Development Services

Decision mailed: November 15, 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 October 3, 2017, and was determined to be complete on October 10, 2017.

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 October 3, 2017.

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: February 7, 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 Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on November 29, 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 Design 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 Design 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **November 29, 2017** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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:

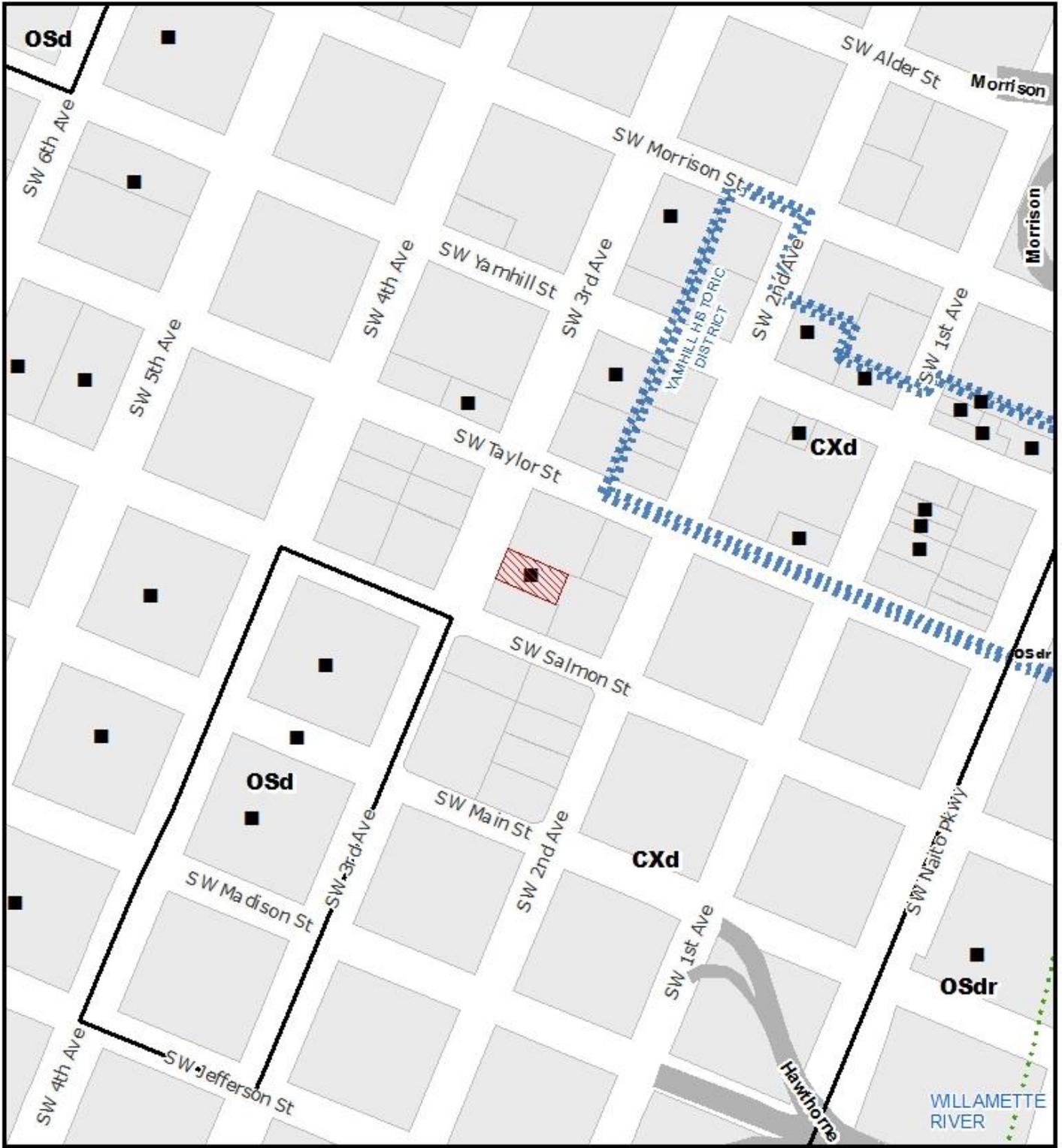
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Full Drawing Set
 - 2. Response to Approval Criteria
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Proposed Floor Plan
 - 3. Proposed Rear Elevation (attached)
 - 4. Proposed Sections
 - 5. Window Schedule
- 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 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).

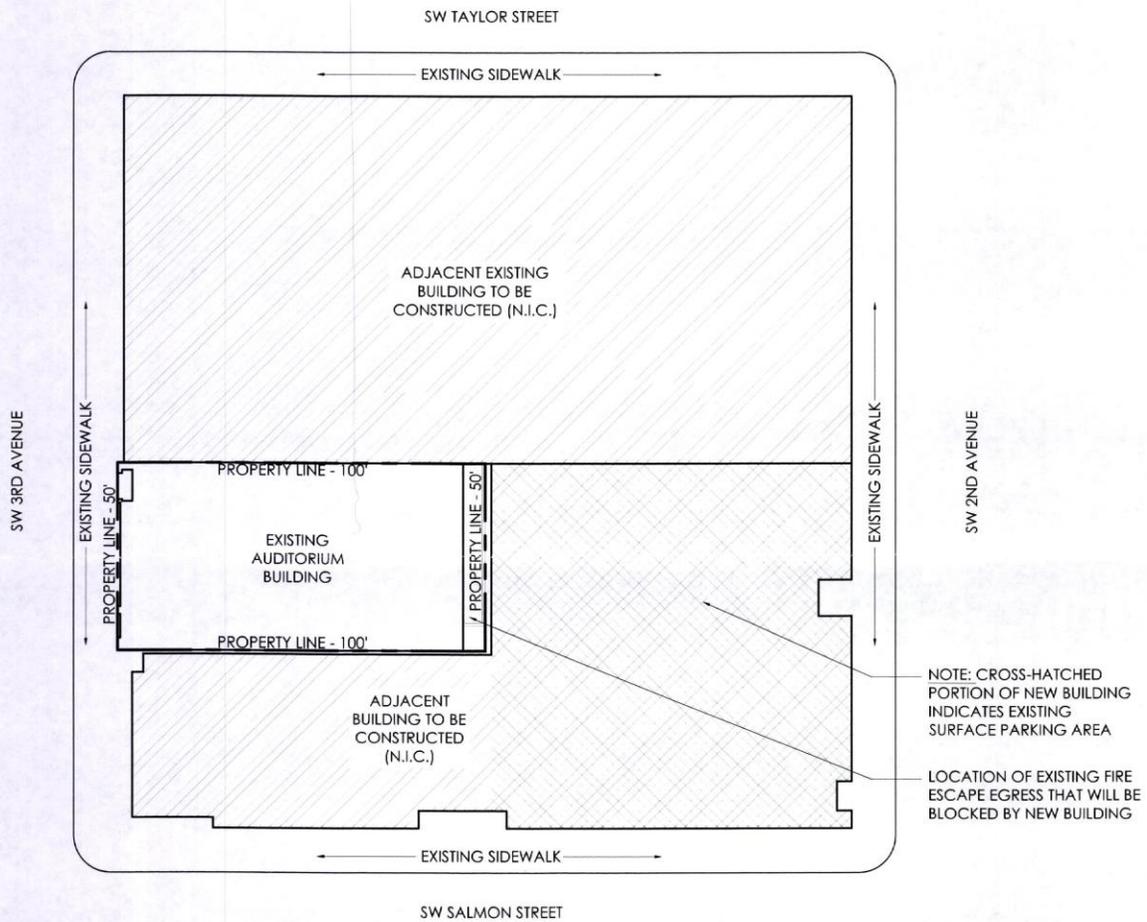


ZONING

THIS SITE LIES WITHIN THE:
CENTRAL CITY PLAN DISTRICT
DOWNTOWN SUBDISTRICT

-  Site
-  Historic Landmark
-  Bridge
-  Recreational Trails

File No.	LU 17-250390 HR
1/4 Section	3129
Scale	1 inch = 200 feet
State ID	1S1E03BA 6300
Exhibit	B Oct 06, 2017



Approved
City of Portland
 Bureau of Development Services
 Planner Erinny Hays
 Date 11/8/17
 * This approval applies only to the reviews requested and is subject to all conditions of approval.
 Additional zoning requirements may apply.

1

SITE PLAN

SCALE: 1/32" = 1'-0"



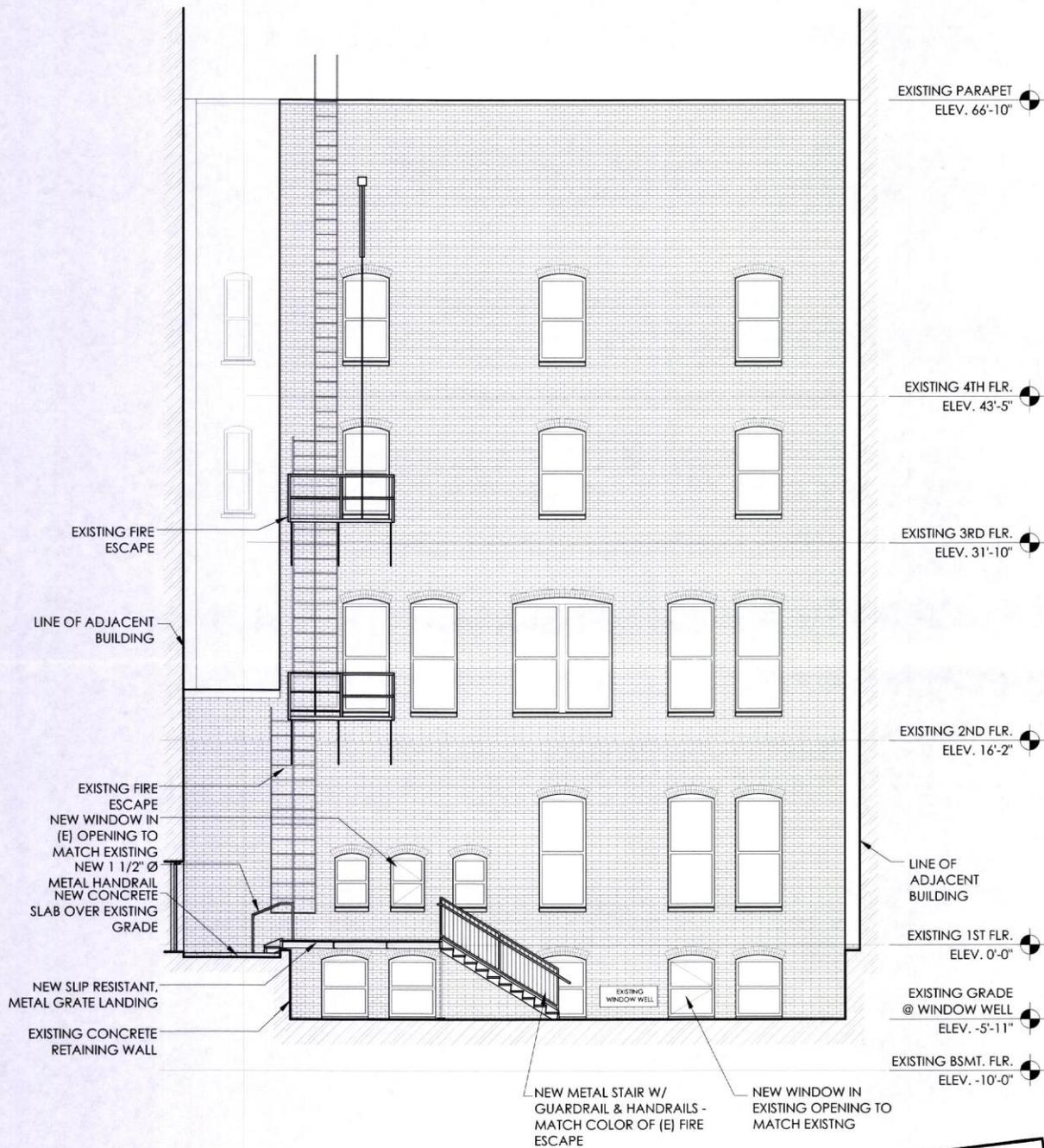
1750 5TH AVE LLC
 920 SW THIRD AVE
 PORTLAND, OR 97204
 NOT FOR CONSTRUCTION



FIRE ESCAPE
 JOB #: 1609

LUR-3
 DATE: 08-07-17

LU 17-250390 HR CI



1

PROPOSED ELEVATION

SCALE: 1/8" = 1'-0"

Approved
 City of Portland
 Bureau of Development Services
 Planner Erinna Harris
 Date 11/2/17
 * This approval applies only to reviews requested and is subject to conditions of approval.
 Additional zoning requirements

1750 5TH AVE LLC
 920 SW THIRD AVE
 PORTLAND, OR 97204
 NOT FOR CONSTRUCTION



FIRE ESCAPE

JOB #: 1609

LUR-5

DATE: 08-07-17

LU 17-250390 HR C3