



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

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Date: 2/16/2018
To: Interested Person
From: Jill DeCoursey, Land Use Services
 503-823-7314 / Jill.DeCoursey@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 18-102849 HR – SKYLIGHT REPLACEMENT

GENERAL INFORMATION

Applicant: Steven Ehlbeck | Sera Architects
 338 NW 5th Avenue | Portland, OR 97209

Owner: PT Pope Properties LLC
 133 SW 2nd Avenue #301 | Portland, OR 97204-3526

Representative: Maria Pope | PT Pope Properties, LLC
 133 SW 2nd Avenue #301 | Portland, OR 97204

Property Manager: Liz Hirst | Melvin Mark
 111 SW Columbia, Suite 1380 | Portland, OR 97201

Site Address: **133 SW 2nd Avenue**

Legal Description: BLOCK 31, LOT 3&4, PORTLAND
Tax Account No.: R667704520
State ID No.: 1N1E34CD 02200
Quarter Section: 3029
Neighborhood: Old Town-China Town, contact Sarah Stevenson 503-226-4368 x2 or Zach Fruchtingarten 503-227-1515.

Business District: Downtown Retail Council, contact Sandra McDonough at 503-552-6762., Old Town Chinatown Business Association, contact at chair@oldtownchinatown.org.

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

Plan District: Central City - Downtown
Other Designations: Individually Listed Historic Landmark and Contributing Resource in the Skidmore/Old Town Historic District

Zoning: CXd – Central Commercial with Design and Historic Resource Protection Overlays

Case Type: HR – Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant is seeking Historic Resource Review approval for alterations to a historic landmark in the Skidmore/Old Town Historic District. The proposal includes the in-kind replacement of an existing non-original skylight. The existing skylight is in damaged condition and poses a safety concern.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations of a historic landmark and contributing resource in the Skidmore/Old Town Historic District.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines
- Skidmore/Old Town Historic District Design Guidelines
- Criteria in Section 33.846.060.G of the Portland Zoning Code

ANALYSIS

Site and Vicinity: The Haseltine Building is a four-story masonry building, built in 1893 as a warehouse for James E. Haseltine. Haseltine was a prominent Portland businessman and politician at the end of the nineteenth-century, a period of significant development for Portland. The Haseltine Building was built in the Richardsonian Romanesque style and has the distinctive rough-faced stone base and massive round arches that characterize that style. The upper two levels are brick with wood and stone trim. The building is a Portland Historic Landmark and a contributing resource within the Skidmore/Old Town Historic District. A major restoration of the building was completed in 1980 by Zimmer, Gunsul, Frasca Partnership.

The Haseltine Building sits on a quarter block, at the Northwest corner of the intersection of SW 2nd Avenue and SW Pine Street. The building's primary entrance is on 2nd Avenue. A dozen landmark buildings are located within a block of the building, including the 1875 United Carriage & Baggage Transfer Co. Building and the 1889 Glisan Building directly across SW 2nd Avenue.

The Skidmore/Old Town Historic District is nationally significant for its association with the initial phase of commercial development of Portland. In addition to listing in the National Register of Historic Places, the district is recognized as a National Historic Landmark (one of only sixteen in Oregon and two in Portland) because of the importance of Portland in the development of commerce and transportation in the western United States from the mid-nineteenth century through the early twentieth. The district is recognized architecturally for its cast-iron facades and its rich blend of late nineteenth-century/early twentieth-century commercial architectural styles.

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 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.

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.

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

- LU 13-154400 HRM: Type II, Historic Resource Review with Modifications. Approval of one painted wall sign (22’ x 22’) on the north façade of the building.
- LU 82-005685 (Reference number HL 11-82): Approved signage.
- LU 79-006448 (Reference number HL 9-79): Approved renovation.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **January 19, 2018**. The following Bureaus have responded with no issues or concerns:

- Site Development Division of BDS
- Fire Bureau
- Life Safety Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on January 19, 2018. 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 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 Skidmore/Old Town Historic District, the relevant approval criteria are the Skidmore/Old Town Historic District Design Guidelines and the Central City Fundamental Design Guidelines.

G. Other Approval Criteria:

1. **Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property’s historic significance will be avoided.
2. **Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.

Findings: The proposal is for the in-kind replacement of a non-original skylight. The skylight was added as part of a 1980 building renovation, and is not visible from the exterior of the building. Replacing the skylight will not impact the historic character of the building or how the building serves as a record of its time.

Therefore, Approval Criteria 1 & 2 are met.

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

Findings: The skylight to be replaced was added as part of a 1980 renovation of the building. The skylight provides natural light to a circulation atrium within the building and has become a significant feature of the building interior. Although not historic, the atrium represents an important change in the buildings history and should be preserved. The new skylight will match the existing skylight in material and form. *Therefore, this Approval Criterion is met.*

- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.

Findings: The 1980 skylight is in failing condition and poses a safety concern to building users. Repair of the existing skylight is not feasible given its state of deterioration. The existing skylight is not original to the building. The replacement skylight will match the existing 1980-skylight in material and form. *Therefore, this Approval Criterion is met.*

- 5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.
- 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: The scope of work is limited to the in-kind replacement of a non-original skylight. There will be no alterations to the historic materials or potential archaeological resources present at the building. *Therefore, Approval Criteria 5 & 6 are met.*

- 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.

Findings: The proposal is for the in-kind replacement of a non-original skylight. The skylight was added as part of a 1980 building renovation, and is not visible from the exterior of the building. The existing skylight is distinguishable from the 1893 historic structure and the skylight's simple and utilitarian form is compatible with the historic character of the building. The proposed new skylight will match the 1980 skylight it is replacing in material and form. *Therefore, Approval Criteria 7, 8, 9 & 10 are met.*

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

The Skidmore/Old Town Historic District is a unique asset to Portland and has been recognized nationally by its placement on the National Register of Historic Places. In addition, the Skidmore/Old Town Historic District has been identified as a National Landmark, of which there is only one other in Portland, Pioneer Courthouse. There are certain procedures and regulations the City has adopted for the protection and enhancement of the Skidmore/Old Town Historic District.

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven Central City policy areas. The nine goals for design review within the Central City are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

Skidmore/Old Town Historic District Design Guidelines

General Guidelines

A4. Select Historically Compatible, High Quality Materials with Finishes and Colors that are Appropriate to the District.

Findings: The new skylight will be an aluminum and glass system and will match the design and form of the non-original skylight it is replacing.

Therefore, this guideline is met.

Guidelines for Alterations

B1. Respect the Building's Historic Period, Style, Materials, and Details in the Design of Alterations.

B2. Preserve and Repair Historic Exterior Materials and Distinctive Details. Maintain the Vertical Lines of Columns and Piers, the Horizontal Definition of Spandrels and Cornices, and Other Primary Structural Elements.

Findings: The new skylight will be an aluminum and glass system and will match the design and form of the non-original skylight it is replacing. The new skylight (like the skylight it is replacing) will be distinguishable from the original 1893 historic structure. The simple and utilitarian form is compatible with the historic building design.

Therefore, guidelines B1 & B2 are met.

B3. Respect the Shape, Size, Placement, Rhythm, and Trim of the Historic Openings in the Building.

Findings: The new skylight will use the same opening as the existing non-original skylight and will have the same profile. The skylight is not visible from the street. *Therefore, this guideline is met.*

Central City Fundamental Design Guidelines

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

Findings: The 1980 skylight is in failing condition and poses a safety concern to building users. Repair of the existing skylight is not feasible given its state of deterioration. However, replacement of the deteriorated non-original skylight will ensure that this historic building will remain safe and pleasant for tenants and visitors. The existing skylight is not original to the building. The replacement skylight will match the existing 1980 skylight in material and form. *Therefore, this guideline is met.*

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

Findings: Although non-original, the 1980 skylight provides natural light to the building atrium, improving the quality of the interior building space. Creating desirable, rentable interior spaces helps maintain occupancy within the building, which in turn, helps with building upkeep and permanence. *Therefore, this guideline is met.*

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.

Findings: The new skylight will be an aluminum and glass system and will match the design and form of the non-original skylight it is replacing. The new skylight (like the skylight it is replacing) will be distinguishable from the original 1893 historic structure. The simple and utilitarian form is compatible with the historic building design. *Therefore, guidelines C3, C4, & C5 are met.*

C11. Integrate Roofs and Use Rooftops. Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

Findings: The new skylight will use the same opening as the existing non-original skylight and will have the same profile. The skylight is not visible from the street. *Therefore, 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

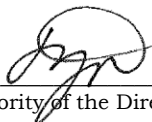
The proposed skylight will match the previous design and will have minimal impact to the historic resource. The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of the proposed skylight replacement, per the approved site plans, Exhibits C-1 through C-4, signed and dated 2/14/2018, 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 18-102849 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: Jill DeCoursey

Decision rendered by:  **on (2/14/2018)**
By authority of the Director of the Bureau of Development Services

Decision mailed: 2/16/2018

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 January 5, 2018, and was determined to be complete on January 12, 2018.

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 January 5, 2018.

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: 5/12/2018.**

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 3/2/2018** 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **3/2/2018** 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:

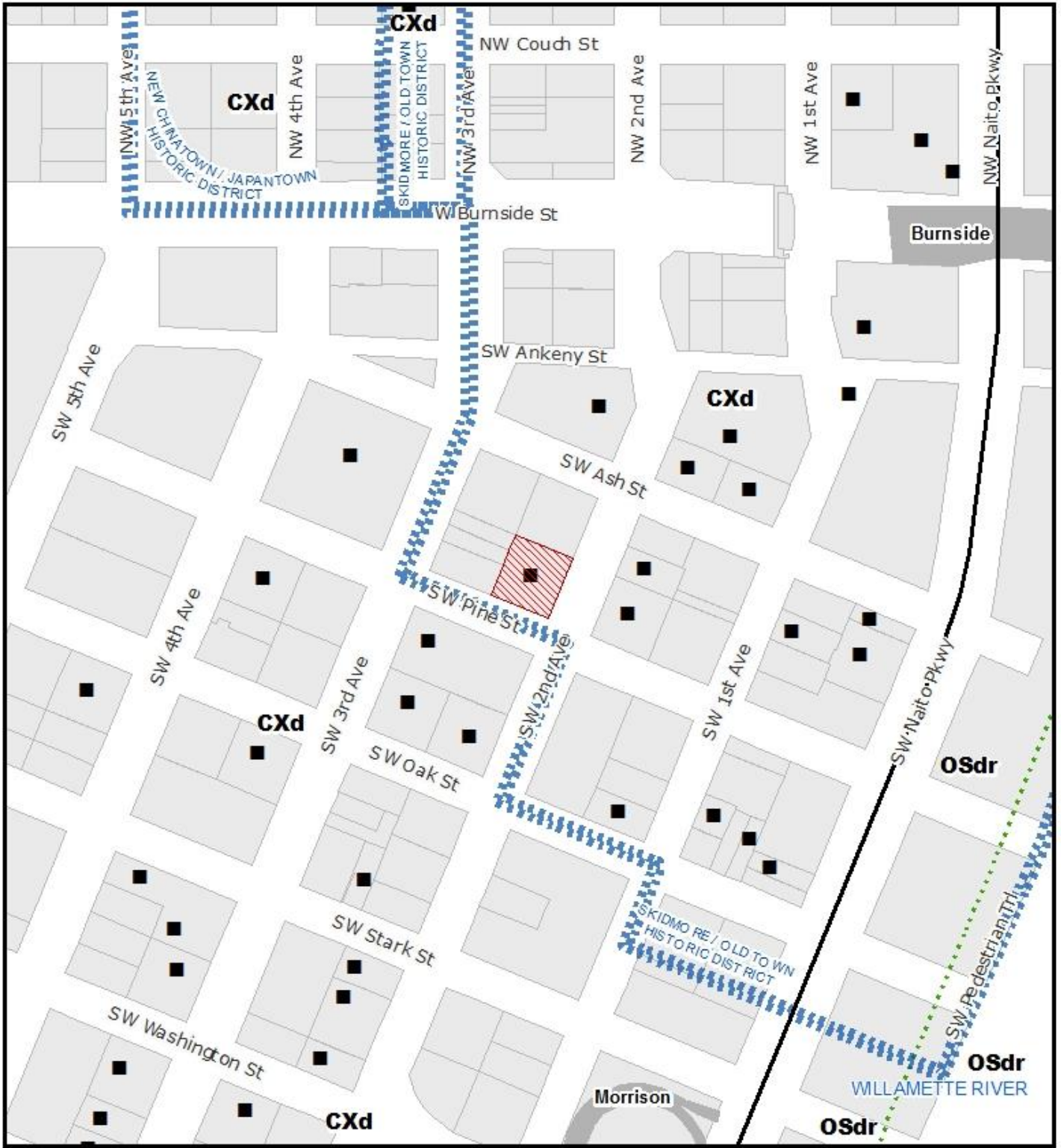
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 - 1. Project Narrative
 - 2. Cover & Contents
 - 3. Site Aerial
 - 4. Site and Context Photos
 - 5. Site and Context Photos
 - 6. Photos of Existing Skylight
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Roof Plan Showing Existing Skylight (attached)
 - 2. Original Construction Details
 - 3. Structural Details
 - 4. Shop Drawing and Specifications
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Section of BDS
- F. Correspondence: None received
- 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
 SKIDMORE / OLD TOWN HISTORIC DISTRICT

-  Site
-  Historic Landmark
-  Bridge
-  Recreational Trails

File No.	LU 18-102849 HR
1/4 Section	3029
Scale	1 inch = 200 feet
State ID	1N1E34CD 2200
Exhibit	B Jan 08, 2018

