



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

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Date: April 7, 2022
To: Interested Person
From: Megan Sita Walker, Land Use Services
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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 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 22-110476 HR - ATM

GENERAL INFORMATION

Applicant: Milena Di Tomaso | ZGF Architects LLP
1223 SW Washington Street, Suite 200
Portland, OR 97205
(503) 984-1874

Owner: 1st & Pine LLC
1477 NW Everett St
Portland, OR 97209

Site Address: 151 SW 1ST AVE

Legal Description:
Tax Account No.: R667704240
State ID No.: 1N1E34CD 02000
Quarter Section: 3029

Neighborhood: Old Town Community Association, contact Jonathan Cohen at treasure@pdxoldtown.org or Mary-Rain O'Meara at secretary@pdxoldtown.org

Business District: Downtown Retail Council, contact at lfrisch@portlandalliance.com, Old Town Community Association, contact at chair@PDXoldtown.org

District Coalition: Neighbors West/Northwest, contact at admin@nwnw.org

Plan District: Central City - Old Town/Chinatown

Other Designations: Noncontributing Resource in the Skidmore/Old Town Historic District

Zoning: CXd – Central Commercial zone with Design and Historic Resource Protection 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 exterior alterations to the recently constructed PAE Living Building, a noncontributing structure in the Skidmore/ Old Town Historic District, approved in 2019 (LU 19-142823 HRM). The proposed alterations include the installation of an ATM within the storefront system on the East Elevation of the building fronting onto SW First Avenue.

Historic resource review is required as the proposal includes non-exempt exterior alterations to a Landmark and a contributing resource in a 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:

- *Skidmore Old Town Historic District Design Guidelines*
- *Central City Fundamental Design Guidelines*

ANALYSIS

Site and Vicinity: The subject site is located within the Skidmore/Old Town Historic District. The site is bound by SW 1st on the east, SW Pine Street on the south, the “United Carriage and Baggage Transfer Co. Building”, a National Register Landmark, on the west, and a surface parking lot on the north. A Local Landmark, the Glisan Building and a contributing building at 124 SW Ash are also on the block. The site is listed as a non-contributing resource in the district and was recently developed with a five-story, approximately 57,755 SF, building with retail and support spaces at the ground level and office spaces above (LU 19-142823 HRM).

The Skidmore/Old Town Historic District was listed in the National Register of Historic Places on December 6, 1975, and due to its significance, later listed as a National Historic Landmark on May 7, 1977. The district was listed for being nationally significant for both its historical association with the early development and economic growth of the city of Portland, which was the most important urban center of the late 1800s, as well as for its exceptional architectural collection, including mid- to-late 19th Century cast iron commercial buildings.

The site is located within the Downtown Pedestrian District and the Old Town/ Chinatown Bicycle District. The City’s Transportation System Plan (TSP) classifies the abutting rights-of-way (ROWs) as follows:

- *SW 1st Avenue:* Regional Transitway/ Major Transit Priority Street, Major City Walkway, and Local Service Street for other modes.
- *SW Pine Street:* Neighborhood Walkway and Local Service Street for other modes.

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 2035 Plan. The regulations address the unique role the Central City plays as the region's premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river. The site is within the Old Town/Chinatown Subdistrict of this plan district.

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

- LU 19-142823 HRM – Historic Resource Review w/ Modification approval for a new five-story, approximately 57,755 SF, building with retail and support spaces at the ground level and office spaces above.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **February 22, 2022**. The following Bureaus have responded with no issues or concerns about the proposal:

1. Life safety Division of BDS (See Exhibit E-1)
2. Site Development Section of BDS (See Exhibit E-2)
3. Fire Bureau (See Exhibit E-3)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **February 22, 2022**. 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 located within the Skidmore/Old Town Historic District. Therefore the proposal requires Historic Resource Review approval. The relevant approval criteria are the Skidmore/Old Town Historic District Design Guidelines and the Central City Fundamental Design Guidelines.

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.

I. Skidmore/Old Town Historic District Design Guidelines

General Guidelines

- A1.a.** Reinforce the Predominant Scale and Massing of the Historic District.
- A1.b.** Reinforce Pedestrian Scale and Orientation in the District.
- A4.** Select Historically Compatible, High Quality Materials with Finishes and Colors that are Appropriate to the District.

Findings for A1.a, A1.b, and A4: The proposal includes the installation of an ATM within the storefront on the East Elevation of the existing PAE Living Building along its primary SW 1st Avenue frontage. The ATM is proposed to be installed within the existing storefront system by removing one transparent glass window to be replaced with a durable, backed metal panel with cut outs for the ATM screen and controls. The backed metal panel is black to match the other existing metal spandrel panels within the existing storefront. As such, the proposal continues to reinforce the predominant scale and massing and pedestrian scale and massing of the District as expressed by the existing building. The proposal also continues to use compatible, high-quality materials in applications appropriate to the District.

These guidelines are therefore 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.
- B3.** Respect the Shape, Size, Placement, Rhythm, and Trim of the Historic Openings in the Building.

Findings for B1, B2, and B3: The proposal is for alterations to a non-contributing, recent construction building. As such, the proposal does not include alterations to historic materials. However, the design of the building successfully relates to the shape, size, placement, rhythm, and trim of typical conditions expressed within historic resources in the District. As designed, the proposed ATM is fully integrated within the design of the storefront system and reinforces several design concepts and

built elements already incorporated in the recently completed building and, therefore, continues to successfully differ to contributing resources in the District.

These guidelines are therefore met.

II. Central City Fundamental Design Guidelines

The Central City Fundamental 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 all of the Central City policy areas. The nine goals for design review within the Central City are as follows:

10. Encourage urban design excellence in the Central City;
11. Integrate urban design and preservation of our heritage into the development process;
12. Enhance the character of the Central City's districts;
13. Promote the development of diversity and areas of special character within the Central City;
14. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
15. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
16. Provide for the humanization of the Central City through promotion of the arts;
17. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
18. 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.

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

A5. Enhance, Embellish, and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

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.

C4. Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.

Findings for A1, A4, A5, A8, and C4: The proposed ATM is well integrated within the existing storefront system. The methods used to integrate the ATM result in limited change in the amount of glazing and allow for the storefront window mullion pattern and proportions to be retained. As such, the proposal continues to use unifying elements, reflect the local character, contribute to a vibrant streetscape, and complement the context of existing buildings.

These guidelines are therefore 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.
- C12. Integrate Exterior Lighting.** Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.
- C13. Integrate Signs.** Integrate signs and their associated structural components with the building's overall design concept. Size, place, design, and light signs to not dominate the skyline. Signs should have only a minimal presence in the Portland skyline.

Findings for C2, C3, C5, C12 and C13: The proposed ATM is well integrated within the existing storefront system and continues to include pedestrian oriented placement and illumination. The proposed use of a single piece of backed metal panel with cut outs for the ATM screen and controls within the existing mullion pattern promotes quality and permanence, respects the architectural integrity of the building and allows for continued coherency of the ground floor storefront.

Existing, previously approved, exterior lighting is installed at the back edge of the painted steel canopy. This existing light fixture is concealed from view from the street and produces pedestrian (downward) oriented lighting. The proposal includes the continued use of this integrated lighting and the potential placement of a slightly longer bulb in the same concealed location on the back side of the existing canopy (shown on EXH C-7). One (1) additional security camera is also proposed at the location of the ATM and will be integrated within the same through-wall assembly as the ATM itself.

Alterations associated with the proposed ATM will not impact the previously approved ground floor signage package as no separate building mounted sign related to the ATM is proposed.

These guidelines are therefore 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 requirements of Title 11 can be met, and 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 alterations are intended to be sensitive to and to integrate with the overall design of the storefront system. Thus, the proposal allows for a continued cohesiveness at the base of the building along the primary street frontage. The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise design standards and their ability to convey historic significance. The proposal meets the applicable Historic Resource Review approval criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations to the PAE Living Building, a noncontributing structure in the Skidmore/ Old Town Historic District (LU 19-142823 HRM), to include the installation of an ATM within the storefront system on the East Elevation of the building fronting onto SW First Avenue.

Approved per site plans, Exhibits C-1 through C-10, signed and dated April 4, 2022, 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 four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 22-110476 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: Megan Sita Walker

Decision rendered by:  **on April 4, 2022**

By authority of the Director of the Bureau of Development Services

Decision mailed April 7, 2022

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 3, 2022, and was determined to be complete on February 17, 2022.

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 3, 2022.

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: June 17, 2022.**

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.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to paper files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

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 **April 7, 2022** 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.

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
 - 1. Original Project Description and Narrative
 - 2. Original Drawing Packet
- B. Zoning Map
- C. Plan & Drawings:
 - 1. Site Plan (Attached)
 - 2. Existing Level 1 Plan
 - 3. Proposed Level 1 Plan (Attached)
 - 4. Existing East Elevation
 - 5. Proposed East Elevation (Attached)
 - 6. Existing Wall Section & Partial East Elevation
 - 7. Proposed Wall Section & Partial East Elevation (Attached)
 - 8. Specifications - ATM
 - 9. Specifications - ATM
 - 10. Specifications - ATM
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life safety Division of BDS
 - 2. Site Development Section of BDS
 - 3. Fire Bureau
- F. Correspondence: none
- G. Other
 - 1. Original LUR Application
 - 2. Email correspondence between staff and the applicant

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).