



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

Dan Ryan, Commissioner
Rebecca Esau, Director
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www.portland.gov/bds

Date: April 26, 2022
To: Interested Person
From: Benjamin Nielsen, Land Use Services
503-865-6519 / Benjamin.Nielsen@portlandoregon.gov

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

The Bureau of Development Services has approved a proposal in your neighborhood. The 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 22-115256 HR 71 SW OAK BUILDING WINDOW

GENERAL INFORMATION

Applicant: Richard Brown, Telford Brown Studio Architecture AIA
2132 NE Alberta St, Portland, OR 97211
(503) 223-4957, richardb@telfordbrownstudio.com

Owner/Agent: John Russell, Russell Fellows Properties, LLC
200 SW Market St Suite 1720, Portland, OR 97201

Site Address: 71 SW OAK ST

Legal Description: BLOCK 26 E 25' OF LOT 5&6, PORTLAND
Tax Account No.: R667703950
State ID No.: 1N1E34DC 03100
Quarter Section: 3029 & 3030

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: Historic Landmark and Eligible/Contributing Structure 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 Ix – an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant requests Historic Resource Review to add a new custom wood window to the east elevation of the landmark Delschneider Building, which is both a local historic landmark and an eligible/contributing structure in the Skidmore / Old Town Historic District. The proposed window will be inserted into an existing, infilled opening in the east party wall.

Historic Resource Review is required for non-exempt exterior alterations to historic landmarks.

Relevant Approval Criteria:

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

- PZC 33.846.060.G, Other Approval Criteria
- Skidmore / Old Town Historic District Guidelines
- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The Dielschneider Building is located in the Skidmore/Old Town Historic District on the south side of the block bounded by SW Pine Street to the north, SW Naito Parkway to the east, SW Oak Street to the south, and SW 1st Avenue to the west. The building is located between the Freimann Restaurant Building to the west, and the Hallock & McMillan Building to the east. The Dielschneider Building, which was listed as a Portland Historic Landmark in 1969, was constructed in 1859 in the Italianate style, originally as a factory and later as a warehouse, office, and residence. Originally, the building had two floors and a third floor was added in 1876. According to the Skidmore/Old Town Historic District National Register nomination, the building is the second oldest existing building in the district.

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 ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people's daily experience; and
- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

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:

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **March 14, 2022**. The following Bureaus have responded with no issues or concerns about the proposal:

- Fire Bureau
- Site Development Review Section of BDS

The Life Safety Review Section of BDS responded with general life safety comments. Please see Exhibit E.1 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **March 14, 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 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.

Findings: The historic character of the property is being retained and preserved. Reopening the original door in the proposed wall reinforces the building's original historic character.

Therefore, this criterion is met.

- 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 new window will not alter the physical record of the building's time, place, or use. Adding the new wood window to the existing, bricked-over door opening will restore one component of the building's historic character. The shape of the window is derived from this historic opening in the wall and is therefore not a conjectural feature or element from another building.

Therefore, this criterion is met.

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

Findings: The bricked-over opening that is being re-opened with this proposal has not acquired historic significance, and the proposed new window will not damage or remove any other part of the building that has acquired such significance.

Therefore, this 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 proposed new wood window complements the design and character of existing historic wood windows on the building. The arch element is not conjectural but rather an expression of the historic door opening in this wall that has since been bricked-over—evidence of which is visible from the building's interior, as shown on the photo provided (Exhibit C.2).

Therefore, this 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.

Findings: Existing historic brick materials surrounding the window opening will be protected. No sandblasting or chemical or physical treatments are proposed.

Therefore, this criterion is 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 no known archaeological resources located within the building's wall, and no ground disturbance is proposed. Consequently, no archaeological resources will be affected by the proposal, and no mitigation measures are necessary.

Therefore, this criterion is 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.

Findings: The new window, though replicating the historic character of existing historic wood windows in the building, will be custom-constructed using

contemporary methods, not the least of which is double-glazing with an air gap. These features will serve to differentiate the new window from the old while still allowing it to be compatible with the historic character of the building.

Therefore, this criterion is 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 for 8, 9, & 10: The proposed new wood window will reopen an existing door opening that has since been bricked-over, while retaining the opening's distinctive arch. Consequently, opening will preserve and further enhance the integrity of the landmark structure.

The proposed new window is scaled and sized appropriately to the wall it sits within, and its design, with two primary vertical sashes further divided into two lights, give the window the characteristics of the door that was historically placed in this opening. Furthermore, the window's detailing and placement within the wall will give it the "punched" feeling found on other historic windows on this landmark structure, helping to further integrate it with the building's existing architecture.

For all these reasons, the proposal is compatible primarily with the landmark structure itself and serves to complement the character of adjacent landmark structures and other historic buildings within the Skidmore/Old Town Historic District.

Therefore, these criteria 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 proposed wood window is appropriate to the landmark and other buildings within the District, and the painted color of the wood will match the existing colors on the SW Oak St (street-facing) façade of the building.

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.

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

Findings for B1, B2, & B3: The building's main, street-facing façade, with its significant architectural features, will remain unaltered. The proposed new window will restore an existing, bricked-over door opening on the building's east façade, including its distinctive arch. This will help to repair a long-forgotten historic detail in this side elevation. The window is retaining the existing shape of this opening without enlarging it. No historic trim is remaining.

Therefore, these guidelines are met.

Central City Fundamental Design Guidelines

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

Findings: The new window will be placed within an existing historic brick arched

opening, restoring the historic opening, and will allow for improved interior comfort of this existing historic structure.

Therefore, this guideline is met.

- 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.

Findings: The new window will have oblique southeast views to the Willamette River and Waterfront Park.

Therefore, this guideline is met.

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

Findings: The proposed new wood window will be custom-built and designed for this specific opening. Wood windows are traditional and long-lasting architectural components, particularly when well-detailed, such as this window is.

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 for C3, C4, & C5: The *Findings for Criteria 8: Architectural compatibility, 9: Preserve the form and integrity of historic resources, and 10: Hierarchy of compatibility*, also address these guidelines and are incorporated herein by reference.

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 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

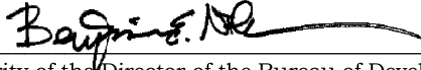
The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants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

ADMINISTRATIVE DECISION

Approval of Historic Resource Review to add a new custom wood window to the east elevation of the landmark Delschneider Building, per the approved site plans, Exhibits C.1 through C.8, signed and dated 04/22/2022, 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 22-115256 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: Benjamin Nielsen

Decision rendered by:  **on April 22, 2022.**
By authority of the Director of the Bureau of Development Services

Decision mailed: April 26, 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 18, 2022, and was determined to be complete on March 9, 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 18, 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: July 7, 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.

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.

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- The final decision will be recorded on or after **April 27, 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:

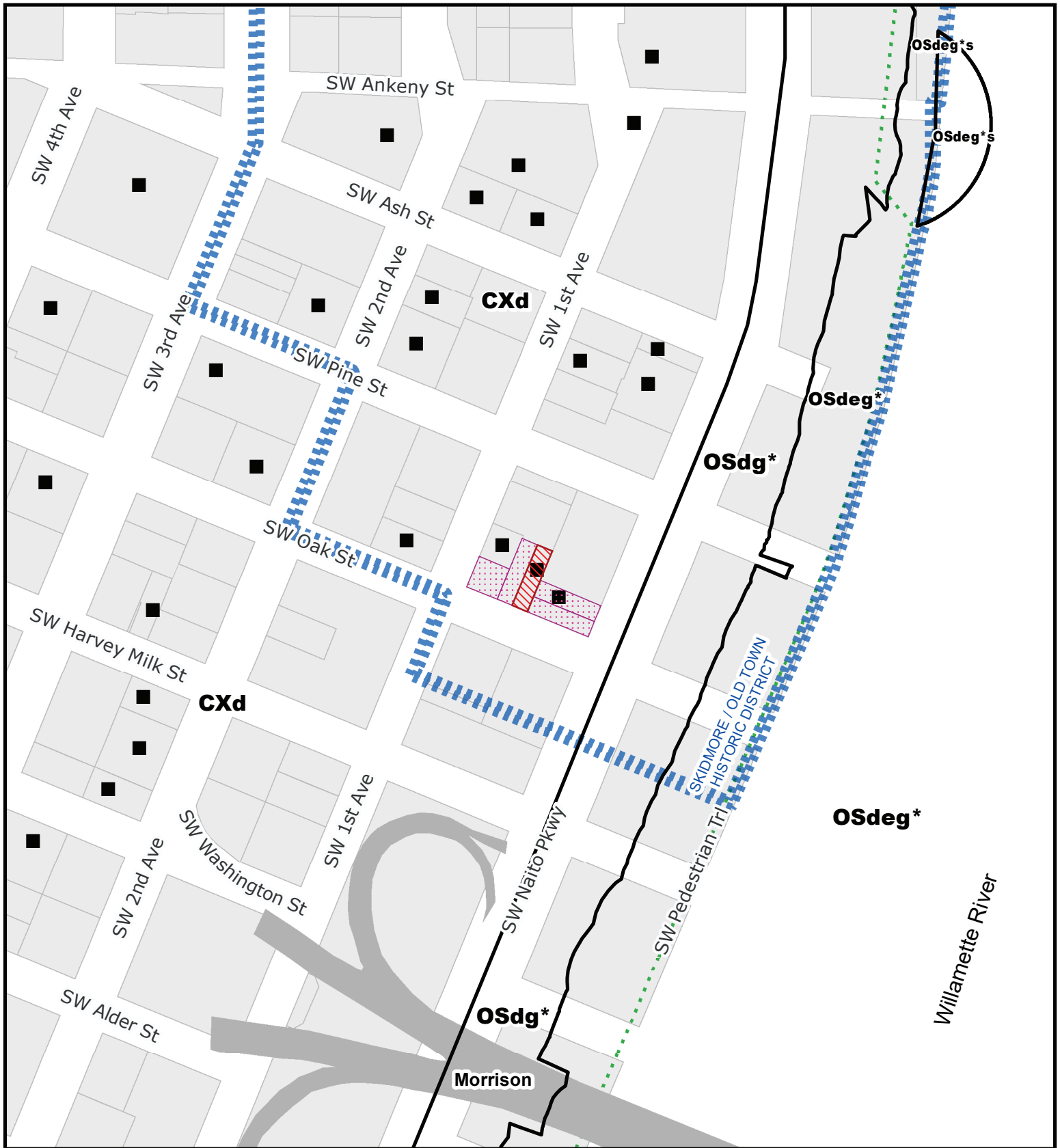
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 - 1. Narrative
 - 2. Drawing Set
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Photographs
 - 3. Second Floor Plan & Int. Elevations
 - 4. Interior Window Elevation
 - 5. Interior Elevation – South
 - 6. Jamb Detail & East Elevation
 - 7. Exterior Elevation (East) (attached)
 - 8. Jamb Detail
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Review Section of BDS
- F. Correspondence:
 - No correspondence was 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



For Zoning Code in effect Post August 1, 2021

CENTRAL CITY PLAN DISTRICT
 OLD TOWN / CHINATOWN SUB DIST
 SKIDMORE / OLD TOWN HISTORIC DIST

-  Site
-  Also Owned Parcels
-  Historic Landmark
-  Recreational Trails

File No.	LU 22 - 115256 HR
1/4 Section	3029,3030
Scale	1 inch = 200 feet
State ID	1N1E34DC 3100
Exhibit	B Feb 22, 2022



1 SITE PLAN
Scale: 1/64" = 1'-0"

APPROVED
City of Portland
Bureau of Development Services
Planner / *Tracy N*
Date: 04/22/2022

*This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

SEAL

**71 OAK
BUILDING**

71 SW OAK ST
PORTLAND, OR 97204

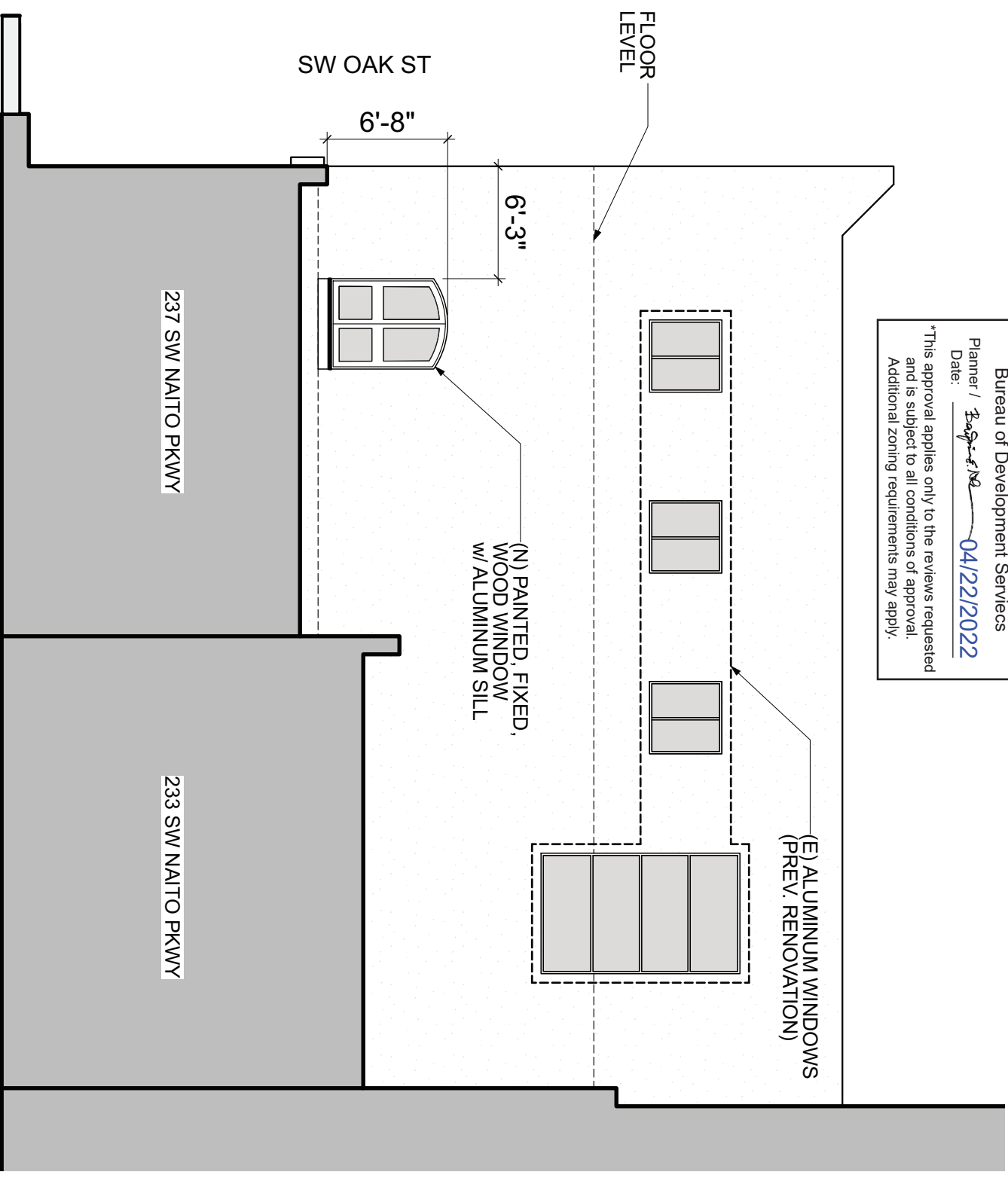
TBSA PROJECT #21029

DESCRIPTION	DATE
PRELIM PERMIT SET	02/14/22

DRAWN BY: MK

SITE PLAN

APPROVED
 City of Portland
 Bureau of Development Services
 Planner / *Paige M* **04/22/2022**
 Date: _____
 *This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



1

EXTERIOR ELEVATION (EAST)
 Scale: 1/8" = 1'-0"

telford + brown
 studio
 ARCHITECTURE
 239 NW 13th Ave., Rm. 305
 Portland, Oregon 97209

SEAL

71 OAK BUILDING

71 SW OAK ST
 PORTLAND, OR 97204

TBSA PROJECT #21029	
DESCRIPTION	DATE
PRELIM PERMIT SET	02/14/22

DRAWN BY: MK
 EXTERIOR ELEVATION (EAST)