



City of Portland, Oregon
Bureau of Development Services
Land Use Services

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Date: September 18, 2009
To: Interested Person
From: Staci Monroe, Land Use Services
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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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 09-149949 HDZ – HISTORIC DESIGN REVIEW FOR SKYLIGHTS AND CHIMNEY

GENERAL INFORMATION

Applicant: Thomas E. & Patricia Hassler (owner)
416 NW 13th Ave #608
Portland, OR 97209

Representative: Paul Ellis (architect), 503-295-3746
C Paul Ellis Architect
105 SE Taylor St #101
Portland OR 97214

Site Address: 416 NW 13TH AVENUE

Legal Description: LOT 608, CHOWN PELLA CONDOMINIUMS
Tax Account No.: R157002220
State ID No.: 1N1E33DA 70116
Quarter Section: 3028
Neighborhood: Pearl District, contact Patricia Gardner at 503-228-3273.
Business District: Pearl District Business Association, contact Adele Nofield at 503-223-0070.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - River District
Other Designation: 13th Avenue Historic District
Zoning: EXd – Central Employment Zone with a Design Overlay
Case Type: HDZ – Historic Design review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant request Historic Design Review for 7 new aluminum skylights and 1 chimney flue along the western portion of the roof on the Chown Pella building. They include:

- Four 2'-6" x 4'-6" skylights;

- Two 2'-6" x 6'-0" skylights;
- One 3 square foot skylight; and
- One 0'-8" diameter chimney flue and safety guard rail.

Because the site is located within the NW 13th Avenue Historic District, exterior alterations required Historic Design Review per Section 33.445.3020.B.

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
- NW 13th Avenue Historic District Guidelines

ANALYSIS

Site and Vicinity: The 35,000 square foot site occupies the majority of the block bound by NW 13th and NW 12th Avenues and NW Glisan and NW Flanders Streets. The building sits on the western portion of the site while a surface parking lot occupies the eastern half. The development along NW 13th and in the immediately surrounding area consists of warehouse type buildings mostly converted to residential on the upper levels with retail at the ground level.

Zoning: The Central Employment (EX) zone allows mixed uses and is intended for areas in the center of the City that have predominantly industrial-type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

The Design (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.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks. The regulations that pertain to these properties protect certain historic resources in the region and preserve significant parts of the region's 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 the following prior land use reviews for this site:

- LUR 94-00184: Approval of a 1994 Design Review to convert the building to residential condo units above and retail ground floor use.
- LUR 94-00185: Approval of a 1994 Conditional Use Review for an 84-space parking facility providing accessory parking for the Chown Pella building (40 structured spaces, 44 surface lot spaces; 72 spaces accessory to residential uses, 12 spaces accessory to retail uses).

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **August 24, 2009**.

The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau (Exhibit E-1)
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division
- Plan Review Section of BDS (Exhibit E-2)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on August 24, 2009. 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 Design Review

Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Design Review Approval Criteria

Requests for historic design 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 NW 13th Avenue Historic District. Therefore the proposal requires historic design review approval. The relevant approval criteria are the Historic NW 13th Avenue District Design Guidelines and the Central City Fundamental Design Guidelines.

Historic NW 13th Avenue District Design Guidelines and Central City Fundamental Design Guidelines

NW 13th Avenue Historic District has been designated as a Portland Historic District and has also been listed on the National Register of Historic Places, in recognition of its unique architectural and historical qualities. It contains an outstanding ensemble of late 19th and early 20th century loft warehouse structures. These structures display a remarkable uniformity of design, materials, and special features. The essential character of the District lies in this architectural coherence and uniformity, and in the street itself. Northwest 13th Avenue is the spine of the District. The District remains as a primary expression of the City's historical development as a center of commerce and distribution.

Because of its Historic District status, properties within the NW 13th Avenue Historic District are subject to review by the Portland Historical Landmarks Commission of any new construction or exterior remodeling. Each Historic District has design guidelines which the Commission uses in its review of projects. The purpose of these guidelines is to encourage rehabilitation and new construction which respect and enhance the historical character of the district. The guidelines are not intended to be inflexible; rather, they seek to guide development and rehabilitation in a manner compatible with the District character.

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.

Historic NW 13th Avenue District – Guidelines for Exterior Remodeling

1. **Visual Integrity of Structure.** The vertical lines of columns and piers, and the horizontal definition of spandrels and cornices, and other primary structural elements should be maintained. Such structural lines should be restored if previous alterations have substantially changed them.

Findings:

- The low height (2'-0") of the units, setback locations and building parapet (1'-9") along portions of the rooftop limits visibility of the new skylights and chimney flue ensuring the visual integrity of the building is maintained.
- The 0'-2" thick flat bar design and 3'-0" setback of the guard rail results in a light and transparent rooftop element that does not significantly impact the character of the building.

This guideline is therefore met.

4. **Rear and Side Walls and Roofs.** Generally, the issues which apply to the fronts of buildings also, apply to rear and side walls. Masonry surfaces should be repaired as necessary. Historic elements on rear or side walls, such as old painted wall signs, and historic roof top features, such as water towers, should be retained where practicable. New openings are allowed in rear or side walls, but should be a consistent system (as opposed to random placement) which doesn't detract from primary elevations.

Findings:

- The new skylights, chimney flue and guard rail do not impact either of the historic water towers on the rooftop.

This guideline is therefore met.

Central City Fundamental Design Guidelines

B2. Protect the Pedestrian. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

Findings:

- In addition to the low height (2'-0") of the units, setback locations and building parapet, the 6-story height of the building ensures minimal impacts on the pedestrian environment below.

This guideline is therefore met.

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

Findings:

- The metal and glass composition of the skylights, chimney flue and guard railing are durable materials constructed for exterior installation and to withstand exposure to the elements.

This guideline is therefore 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.

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.

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 rooftop locations and limited visibility of the units ensure the architectural integrity of the building is maintained.
- The placement of the skylights and chimney flue on the roof result in a coherent organization of these elements from elevated vantage points.
- The low profile (2’-0” height) of the skylights and chimney did not significantly impact the Central City’s skyline.

This guideline is 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 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 design review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposed skylights, chimney flue and guard rail maintain the architectural integrity of the building and provide a coherent composition of the rooftop elements. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of an Historic Design Review for 7 skylights and a chimney in the NW 13th Historic District and Central City Plan District (River Subdistrict).

Approval per the approved site plans, Exhibits C-1 through C-7, signed and dated 9/16/09, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.7. The sheets on which this information appears

must be labeled, "Proposal and design as approved in Case File # LU 09-149949 HDZ. No field changes allowed."

Staff Planner: Staci Monroe



Decision rendered by: _____ **on September 16, 2009**

By authority of the Director of the Bureau of Development Services

Decision mailed: September 18, 2009

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 August 11, 2009, and was determined to be complete on August 19, 2009.

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 August 11, 2009.

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.

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 October 2, 2009** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and on Monday, appeals must be

submitted to the receptionist at the front desk on the fifth floor. **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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

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

Recording the final decision.

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

- *Unless appealed*, The final decision may be recorded on or after **October 5, 2009 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

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

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

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

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:

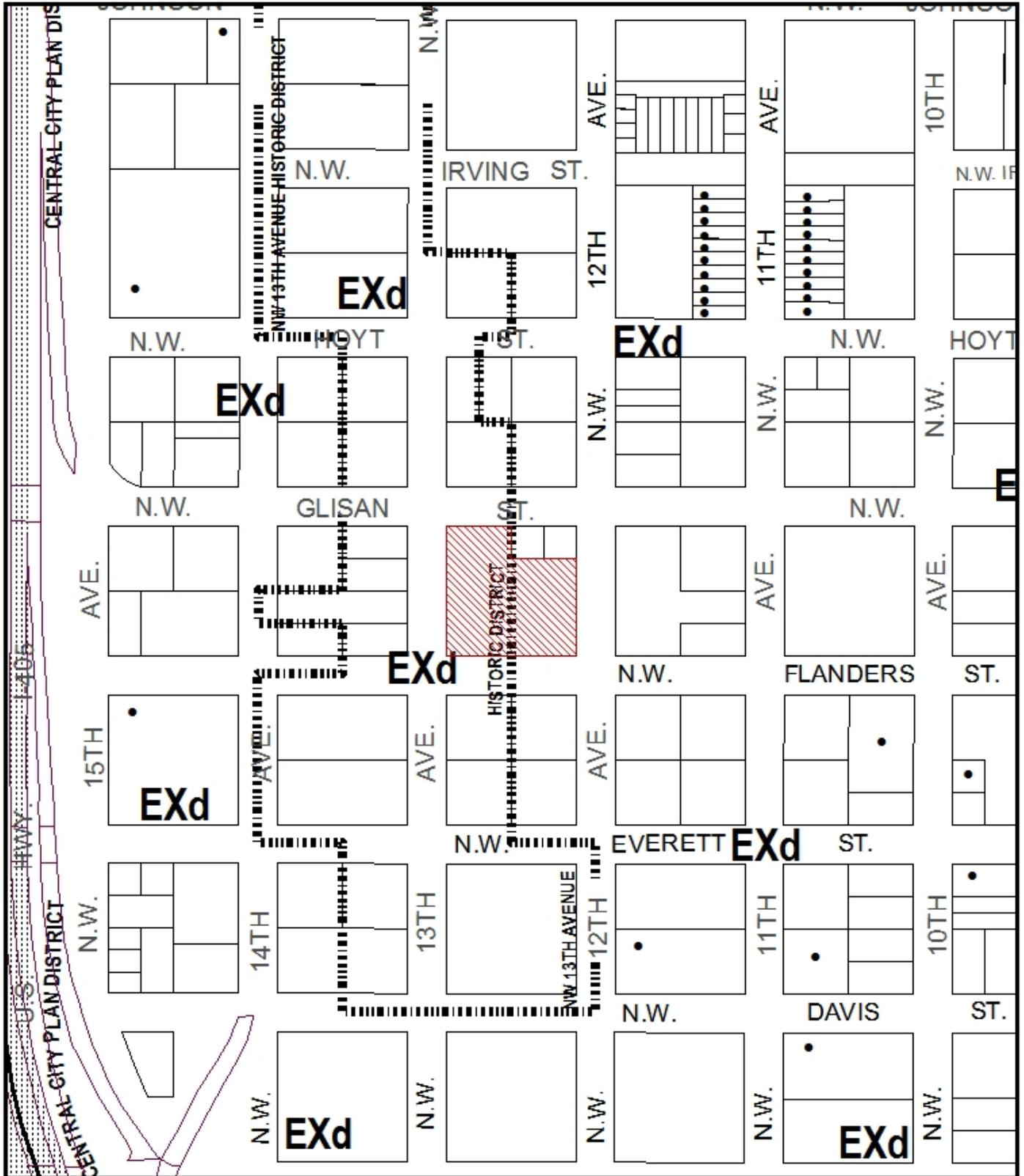
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Design Guideline Responses
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Roof Plan (attached)
 - 3. Enlarged Roof Plan
 - 4. Building Section
 - 5. West Building Elevation
 - 6. Chimney Detail – 2 Sheets
 - 7. Skylight Detail – 2 Sheets
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Water Bureau
 - 2. Plan Review Section of BDS
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).



ZONING



Site



Historic Landmark



NORTH

This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No. LU 09-149949 HDZ

1/4 Section 3028

Scale 1 inch = 200 feet

State_Id 1N1E33DA 70116

Exhibit B (Aug 14,2009)

