



City of Portland
Bureau of Development Services
Land Use Services Division

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Portland, Oregon 97201
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www.portlandonline.com/bds

Date: April 17, 2008
To: Interested Person
From: Shawn Wood, Land Use Services
503-823-6962 / woods@ci.portland.or.us

NOTICE OF A TYPE I 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 to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-107088 HDZ- DESCHUTES BREWERY ROOFTOP MECHANICAL SCREEN

GENERAL INFORMATION

Applicant: Gabriel Headrick (Architect) 503.230.2211
Emmons Architects
1006 SE Grand Ave, 2nd Fl
Portland, OR 97214

GED Armory II LLC (Owner)
Mark Edlen
1120 NW Couch, #600
Portland, OR 97209

Site Address: 210 NW 11TH AVE

Legal Description: LOT 2&3 BLOCK 70, COUCHS ADD
Tax Account No.: R180206430
State ID No.: 1N1E34CB 07200
Quarter Section: 3029
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 Designations: Historic Landmark #8520, G.G. Gerber Building
Zoning: Central Employment with Design Overlay (EXd)
Case Type: Historic Design Review (HDZ)
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal: The applicant requests historic design review approval to modify a rooftop plan that was previously approved through LU 07-111627 DZ. The previous design review approval included the installation of several new pieces of mechanical equipment located

toward the northeast corner of the building's rooftop and enclosed by a vertical, 7-foot tall, mechanical equipment screen.

The applicant would like to modify the previously approved plans by proposing a horizontal, perforated metal screen in lieu of the vertical, 7-foot tall screen. The horizontal metal screen will cover a 13'-0" x 10'-0" area (two panels at 6'-6" x 10'-0") of rooftop mechanical ductwork and the mechanical units will be further consolidated to minimize visual impacts from surrounding buildings. Additionally, the mechanical units and screen will be painted gray to match the roof.

Exterior alterations to a historic landmark require historic design review.

RELEVANT APPROVAL CRITERIA:

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

- 33.846 Historic Reviews
- Central City Fundamental Design Guidelines
- River District Design Guidelines
- 33.846.060.G Other Approval Criteria

ANALYSIS

Site and Vicinity: This quarter-block site is located at the southwest corner of NW Davis and NW 11th. The site contains a one-story, reinforced concrete and brick building with a metal-clad wooden-truss roof. This building was constructed in 1919 and was recently listed on the National Register of Historic Places. The building's two street-facing facades (south and west) are constructed of speckled tan-colored brick. The brick is laid in a common bond with gray-colored mortar. At these two façades, the fenestration is articulated horizontally with a solid, smooth cement signage band that runs along the top of the windows. The north and east facades are plain concrete party walls. Immediately to the south of the site is the historic National Guard Armory Annex building. The general area consists of a mix of light industrial, commercial, and residential uses and NW 11th includes the Portland Street Car alignment.

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 zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. 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.

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

- LU 07-111627 DZ: Design review approval of a building remodel consisting of a new metal canopy, lighting, new recessed storefronts, industrial sash restoration, rooftop mechanical equipment and screening, a grain silo, and painted building signage.
- LU 08-106753 HDZ: Pending design review for a projecting corner sign on the existing building.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **March 10, 2008**. The following Bureaus have responded with no issues or concerns about the proposal:

- Portland Fire & Rescue;
- Portland Water Bureau;

- Bureau of Environmental Services;
- Bureau of Transportation Engineering & Development;
- Urban Forestry Division of Portland Parks & Recreation; and
- Site Development Section of the Bureau of Development Services.

The Life Safety (Building Code) Section of the Bureau of Development Services responded with preliminary comments regarding Building Codes. A complete Life Safety building plan review will be provided at the time of building permit submittal. The proposal must be designed to meet all applicable building codes and ordinances. Although all potential conflicts may not have been identified based on an evaluation of the information in the mailed notice for this case, there appear to be no conflicts between the proposal and applicable building codes. Please see Exhibit E.1 for additional details.

The Oregon State Historic Preservation Office responded with the following comment. Please see Exhibit E.2 for additional details.

“SHPO agrees with the proposal for the screening and mechanical equipment placement on the roof of the Deschutes Brewery (aka Gerber Building).”

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **March 10, 2008**. 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 a designated Historic Landmark. Therefore the proposal requires historic design review approval. The relevant approval criteria are listed in 33.846.060 G. 1.-10. In addition, because of the site’s location, the applicable design guidelines are the Central City Fundamental Design Guidelines and River District Guidelines.

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

G. Approval criteria based on the Standards of the Secretary of the Interior:

- 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 for 1 and 2: The proposed mechanical screen will not affect the historic character of the resource. Two perforated metal panels, measuring 6’-6” x 10’, will be installed horizontally above an area of rooftop mechanical ductwork. The panels will be set back 9’-6.5” from the western edge of the roof, and will rise approximately 36 inches above the roof. The purpose of the screen is to create a more uniform and orderly rooftop view for surrounding buildings that look down onto the subject

building. Due to the placement of the proposed screen, as well as its material composition, this proposal will not create a false sense of historic development. In addition, the installation of the proposed screen will not affect historic materials present on the building. *Therefore, these criteria are met.*

- 3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
- 5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

Findings for 3, 4 and 5: The building façade will not be affected by this proposal, and there are no changes proposed to areas of the building that contain historic features or materials. *Therefore, these criteria 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.

Findings: Historic materials that characterize the building will not be affected by this proposal. The proposed mechanical screen will be additive in nature, and due to its material composition and modern design, will be easily differentiated from the building's historic elements. *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 and 10: The mechanical screen and minor reconfiguration of the previously approved equipment will be compatible with the building's massing, size, scale, and architecture. The proposed horizontal panels are an appropriate solution to rooftop mechanical screening that will also conform to the horizontal nature of the existing building. Further, the screen will rest above mechanical ductwork and will be installed in a manner that will allow for its future removal without compromising the form or integrity of this historic resource. In addition, the proposal is sensitive to views from adjacent properties, while at the same time maintaining the industrial nature of the property. *Therefore, these criteria are met.*

River District Design Guidelines and Central City Fundamental Design Guidelines

The River District is planned to become a place that is remarkable within the region. The area is intended to grow rich with special and diverse qualities that are, or will become characteristic of Portland. Further, the River District will accommodate a significant portion of the region's population growth. The plan calls for the creation of a new community of

dense neighborhoods, housing a resident population of over 15,000 people, and providing jobs, services, and recreation to this population and others. This area is intended to emphasize the joy of the river, connections to it, and create a sense of community. The goals frame the urban design direction for Central City and River District development.

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.

River District Design Goals

1. Extend the river into the community to develop a functional and symbolic relationship with the Willamette River.
2. Create a community of distinct neighborhoods that accommodates a significant part of the region’s residential growth.
3. Enhance the District’s character and livability by fostering attractive design and activities that give comfort, convenience, safety and pleasure to all its residents and visitors.
4. Strengthen connections within River District, and to adjacent areas.

Central City Plan Design Goals

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.

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: The proposed rooftop mechanical screen will be placed over mechanical ductwork located on the northwest corner of the roof. The screen will be setback 9’-6.5” from the western edge of the roof, which is street-facing. In addition, the majority of the remaining mechanical equipment will be located on the northeast corner of the roof. By placing the mechanical equipment in this location, away from adjacent sidewalks, the building’s internal needs are met, while the pedestrian zone is protected. *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 rooftop mechanical screen consists of materials that will add to the quality and permanence of the existing building. Specifically, the screen will consist of two, perforated metal panels, which will be painted to match the color of the rooftop mechanical units. In addition, the rooftop mechanical equipment has been further consolidated, and carefully placed, to limit potential negative impacts on views from surrounding buildings. The fact that the mechanical screen is horizontal will further limit the screen's presence on the roof, and again, its material composition will contribute to the quality of the building. *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.

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 for C3, C5 and C11: The proposed horizontal, mechanical screen will not compromise the character of the existing building. Because the building is only one story, and horizontal in nature, the installation of the proposed mechanical screen will not detract from the building's form. In addition, the mechanical screen will be painted to match rooftop mechanical equipment, creating a more coherent rooftop system. Further, the proposed mechanical screen will be integrated within the building's overall rooftop design. The screen will be placed above rooftop mechanical ductwork, creating a uniform appearance and enhancing views from other buildings and vantage points. In addition, the proposal will further consolidate the proposed rooftop equipment to create a more orderly design and limit their visual impact on surrounding buildings. *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 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

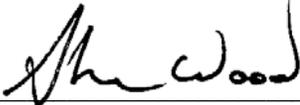
The purpose of the historic design review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposed screening unifies the previously approved mechanical equipment by visually consolidating the ducting with the other mechanical equipment. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of Historic Design Review for the reconfiguration of previously approved mechanical equipment and horizontal screening, per the approved site plans, Exhibits C.1 through C.5, signed and dated April 10, 2008, subject to the following condition:

- 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.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-107088 HDZ."

Decision rendered by:  on April 10, 2008.
By authority of the Director of the Bureau of Development Services

Decision mailed April 17, 2008

Staff Planner: Shawn Wood

About this Decision. This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. 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 5, 2008, and was determined to be complete on **February 28, 2008**.

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 5, 2008.

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.

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. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

The file and all evidence on this case is available for your review by appointment. Please contact the receptionist at 503-823-7967 to schedule an appointment. Copies of all information in the file can be obtained for a fee equal to the cost for such services. You may also find additional information about the City of Portland and City Bureaus, as well as a digital copy of the Portland Zoning Code, by visiting the City's homepage on the Internet at www.portlandonline.com.

Recording the final decision.

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **April 18, 2008**. 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 503-823-7967.

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

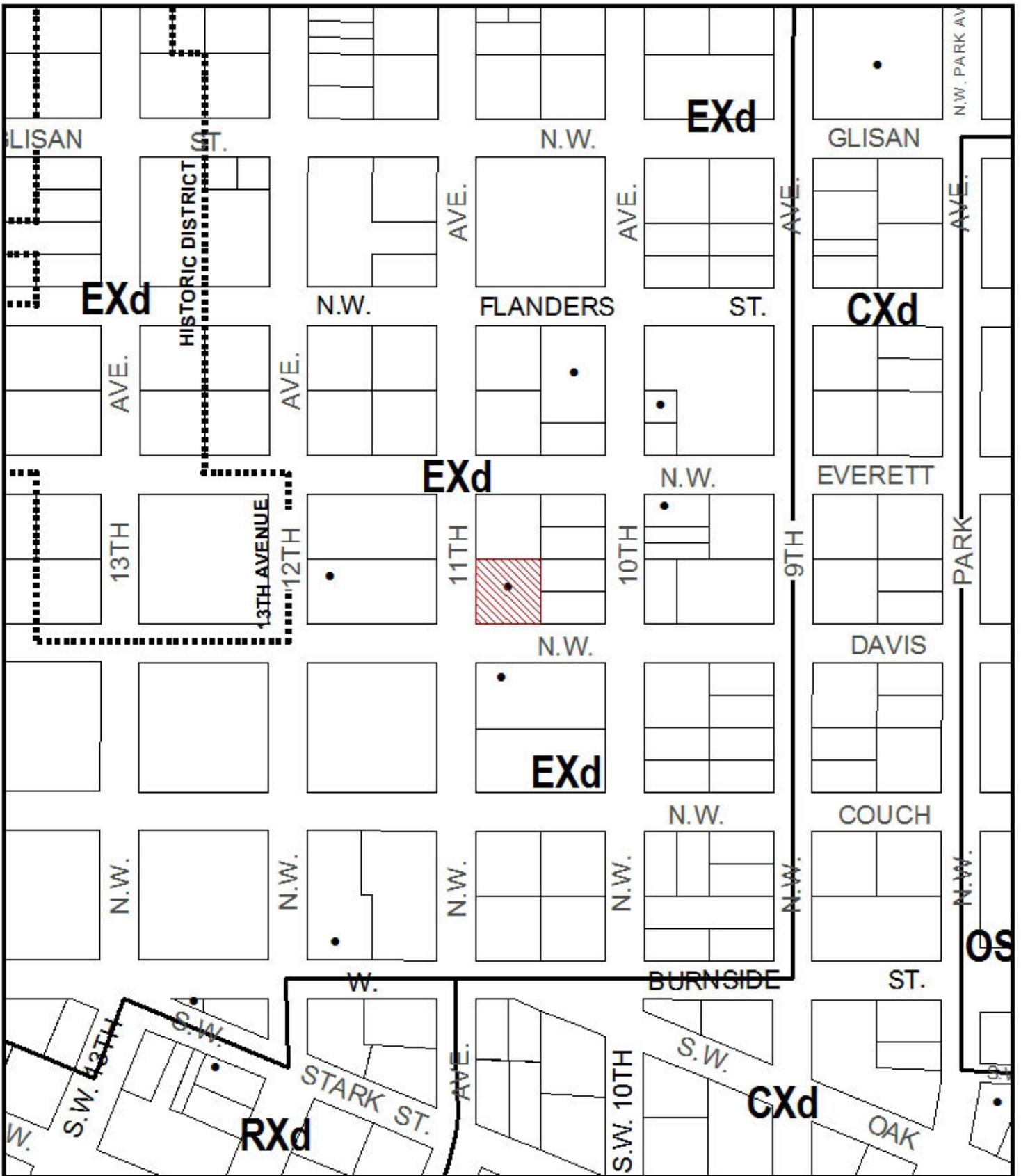
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. West Elevation (attached)
 - 3. South Elevation (attached)
 - 4. Roof Plan (attached)
 - 5. Screening Material (attached)
- D. Notification information:

1. Mailing list
2. Mailed notice
- E. Agency Responses:
 1. Life Safety (Building Code) Section of the Bureau of Development Services
 2. Oregon State Historic Preservation Office
- F. Correspondence:

None received
- 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 503-823-0625 (TTY 503-823-6868).



ZONING



Site



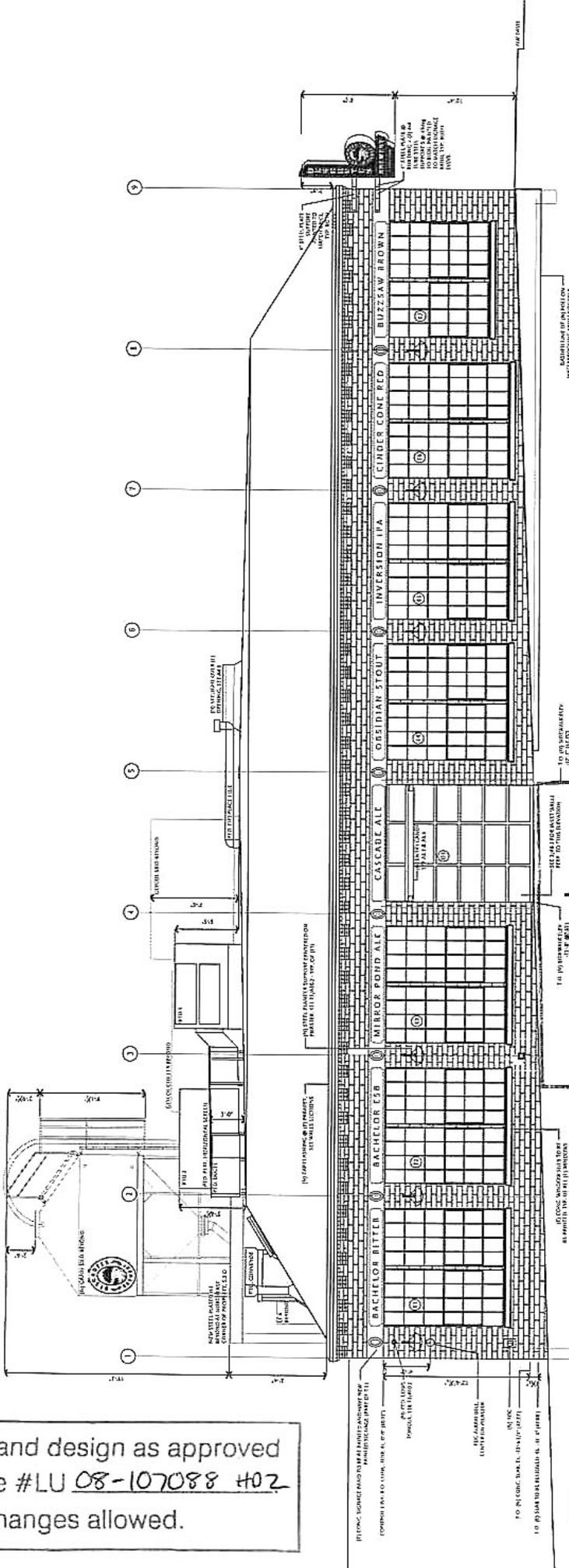
Historic Landmark



NORTH

This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	LU 08-107088 HDZ
1/4 Section	3029
Scale	1 inch = 200 feet
State_Id	1N1E34CB 7200
Exhibit	B (Mar 7, 2008)



Approved
 City of Portland
 Bureau of Development Services
 Planner [Signature]
 Date APRIL 10, 2008

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

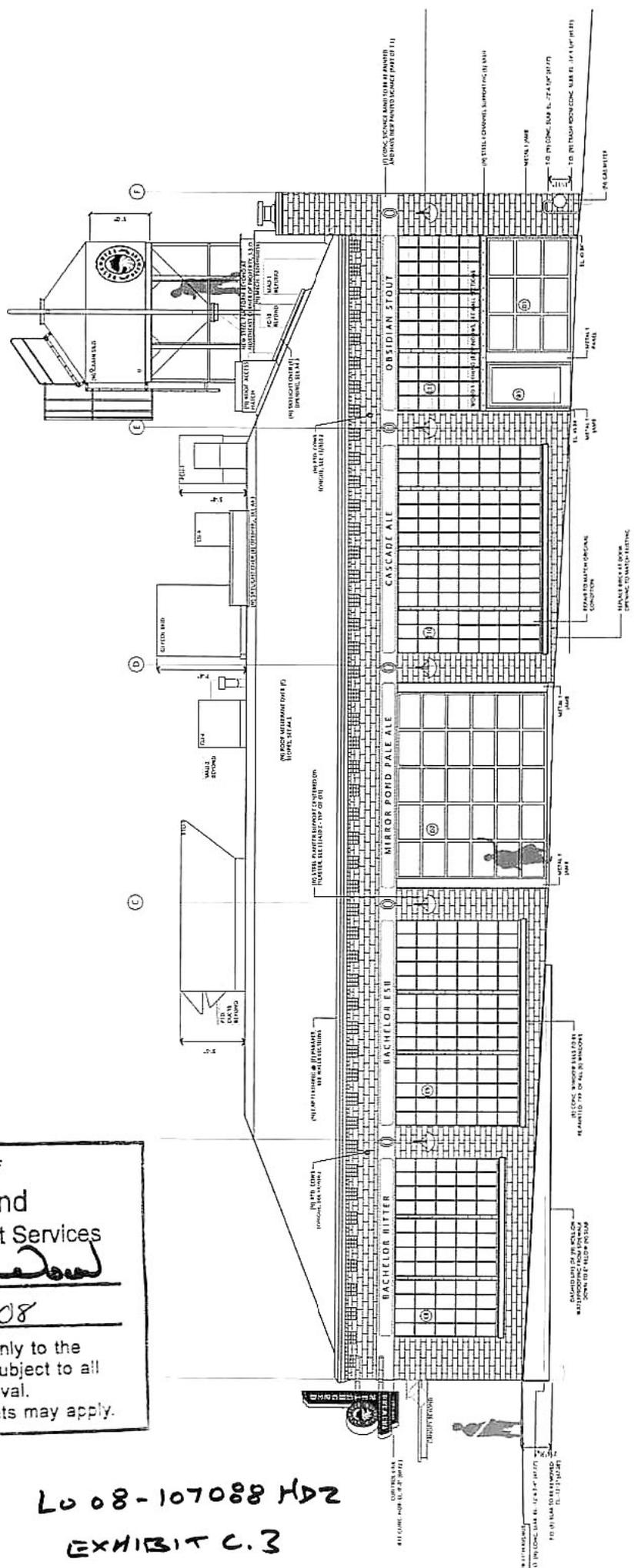
Proposal and design as approved
 In case file #LU 08-107088 #02
 No field changes allowed.

LU 08-107088 HD2
 EXHIBIT C.2

Proposal and design as approved
 In case file #LU 08-107088 HDZ
 No field changes allowed.

Approved
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date APRIL 10, 2008

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



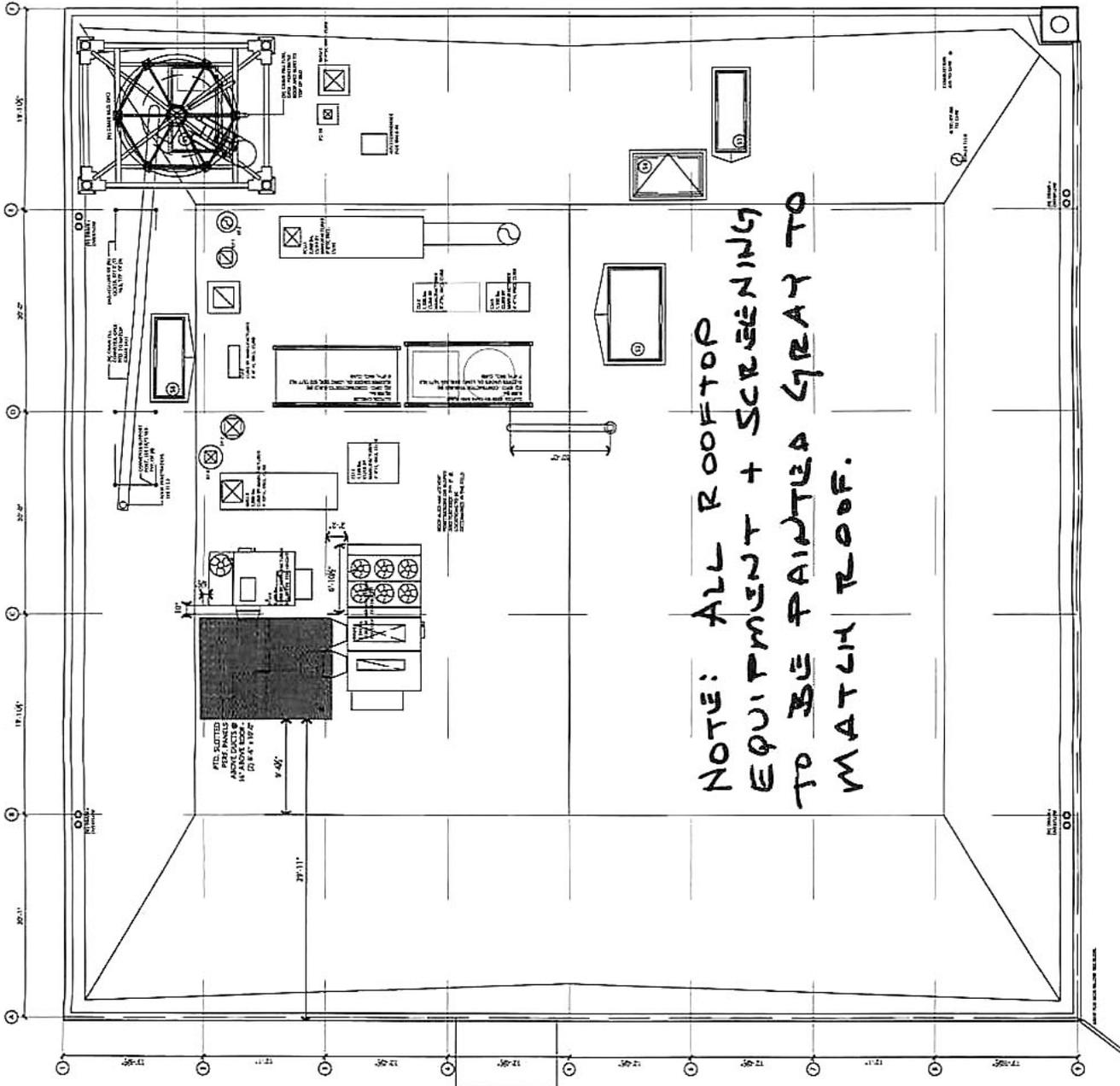
LU 08-107088 HDZ
 EXHIBIT C.3

Approved
City of Portland

Bureau of Development Services
Planner *Shawn*

Date APRIL 10, 2008

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



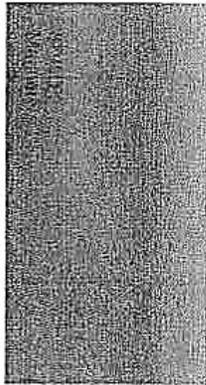
Proposal and design as approved
In case file #LU 08-107088 HD2
No field changes allowed.

LU 08-107088 HD2

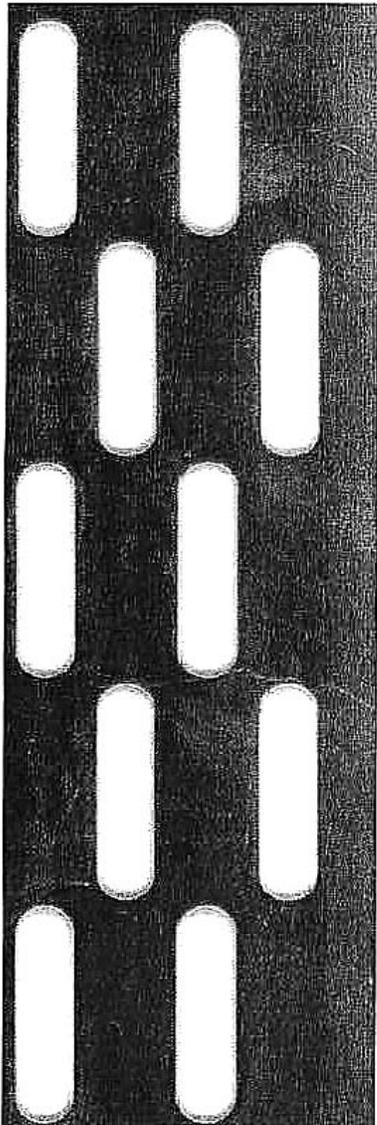
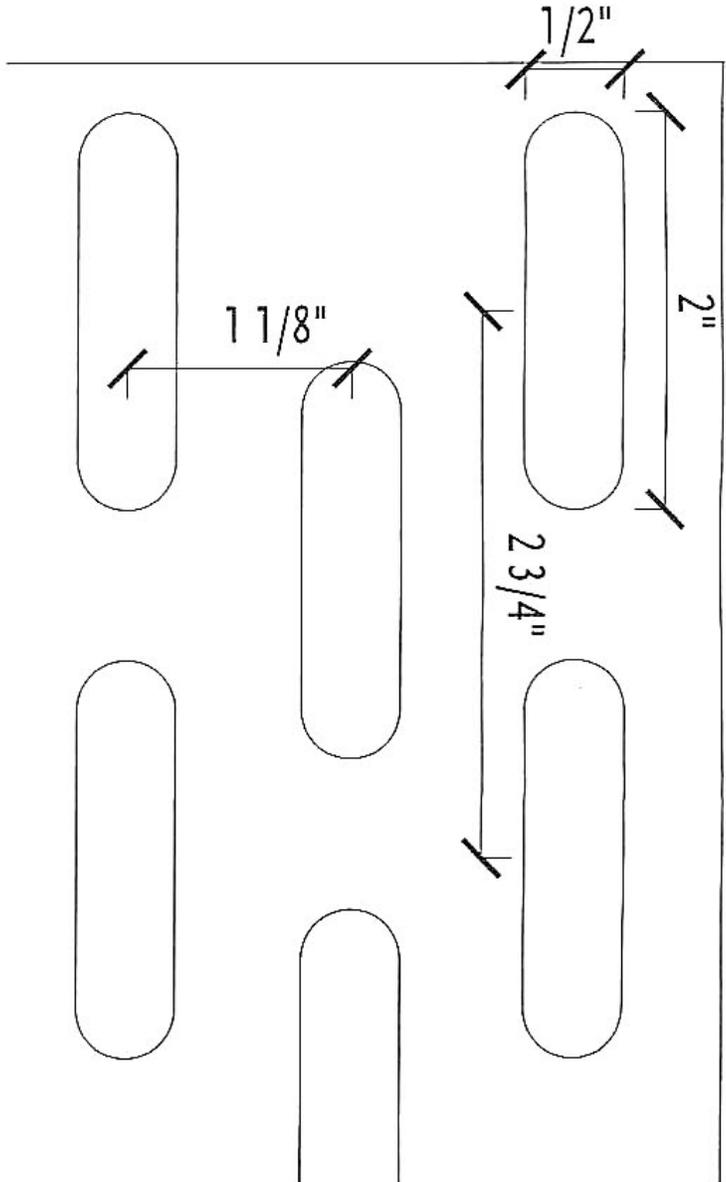
EXHIBIT C.4

Approved
City of Portland
 Bureau of Development Services
 Planner [Signature]
 Date APRIL 10, 2008

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



MECHANICAL SCREEN PAINT



SLOTTED PERFORATED MECHANICAL SCREEN
 W/ 1/2" x 2" ORB LONG SLOTS AND 1 1/8" x 2 3/4"
 CC SIDE STAG
 MATERIAL: PAINTED METAL
 THICKNESS: 14 GAUGE
 OPENESS: 30%

CONTACT INFORMATION FOR SCREEN FABRICATION
 TOM WEAVER
 THE WESTERN GROUP
 4025 NW EXPRESS AVENUE, PORTLAND, OREGON 97210

Proposal and design as approved
 In case file #LU 08-107088 HDZ
 No field changes allowed.

LU 08-107088 HDZ
 EXHIBIT C.5