



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

1900 SW 4th Avenue, Suite 5000  
Portland, Oregon 97201  
503-823-7300  
Fax 503-823-5630  
TTY 503-823-6868  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** February 24, 2011  
**To:** Interested Person  
**From:** Dave Skilton, Land Use Services 503-823-0660  
dave.skilton@portlandoregon.gov

**COMBINED NOTICE OF A TYPE II DECISION, AND AN  
APPEAL, ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has denied 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.

**NOTE: Should an appeal of this administrative decision be filed within fourteen days of the mailing date, an appeal hearing before the Historic Landmarks Commission is hereby prescheduled for Monday, March 28, 2011, at 1:30 p.m., at 1900 SW 4<sup>th</sup> Avenue, Room 2500A.**

**CASE FILE NUMBER: LU 10-201454 HDZ – REMOVAL OF  
PREVIOUSLY APPROVED ROOFTOP EQUIPMENT SCREENING**

**GENERAL INFORMATION**

**Applicant:** Portland Development Commission  
222 NW 5th Avenue  
Portland, OR 97209-3812  
  
Pete Eggspuehler,  
Beam Development  
1001 SE Water Avenue, Suite 120  
Portland, OR 97214

**Representative:** Robert Mawson 503-228-0272  
Heritage Consulting Group  
1120 NW Northrup Street  
Portland, OR 97209

**Site Address:** 88 NW Davis Street

**Legal Description:** BLOCK 8 LOT 2&3 EXC PT IN ST, COUCHS ADD  
**Tax Account No.:** R180200080  
**State ID No.:** 1N1E34DB 00300  
**Quarter Section:** 3030  
**Neighborhood:** Old Town-China Town, contact Paul Verhoeven at 503-222-6027.  
**Business District:** Old Town Chinatown Business Association, contact Dorian Yee at 503-224-7066.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Plan District:** Central City - River District  
**Other Designations:** Contributing Resource in the Skidmore/Old Town Historic District, which was listed in the National Register of Historic Places on December 6, 1975.  
**Zoning:** CXd, Central Commercial, with Historic Resource Protection and Design overlay zoning.  
**Case Type:** HDZ, Historic Design Review  
**Procedure:** Type II, an administrative decision with appeal to the Historic Landmarks Commission.

**Proposal:**

The applicant is seeking Historic Design Review approval to revise the Historic Landmarks Commission's approval of LU 09-105169 HDZM by removing the requirement for screening of mechanical equipment on the roof of the proposed new penthouse structure atop the building. Historic Design Review is required because the proposal is for revision of a previously approved proposal.

**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:

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

**ANALYSIS**

**Site and Vicinity:** The Globe Hotel Building, designed by architect E. B. McNaughton and constructed in 1911, is a four-story, painted brick building combining pure load bearing masonry construction on the east and north walls with a combination of brick and steel construction on the west and south. Steel beams, employed to transfer spandrel and window loads to the piers on the street-facing facades, allow for the wide, tripartite window assemblies that are very characteristic of its period of development. Ornament is minimal, and limited to brick detailing, belt courses at each floor and a corbelled cornice. The ground floor storefront system has been altered several times. Generally speaking the building is modest in character, and its contribution is principally to the background of the Historic District.

The Skidmore/Old Town Historic District is nationally significant for its association with the initial phase of commercial development of Portland. In addition to listing in the National Register of Historic Places, the district is recognized as a National Historic Landmark (one of only sixteen in Oregon and two in Portland) because of the importance of Portland in the development of commerce and transportation in the western United States from the mid-nineteenth century through the early twentieth. The area is especially rich in Italianate commercial buildings with elaborate cast iron facades, set against a background of less spectacular brick buildings like the Globe Hotel.

**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.

The Historic Resource Protection Overlay zone 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 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 09-105169 HDZM, approving exterior alterations, including a new penthouse structure with screened mechanical equipment on top.

**Public Notice:** A "Notice of Proposal in Your Neighborhood" was mailed **January 27, 2011**.

**Agency Review:** None of the notified Bureaus has responded with issues or concerns.

**Neighborhood Review:** 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**

#### **33.846.060 Historic Design Review**

**A. Purpose.** 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 Skidmore/Old Town Historic District and the proposal is for non-exempt exterior alterations. Therefore the proposal requires Historic Design Review approval. The relevant approval criteria are the Skidmore/Old Town Historic Design Guidelines. Because the site is also within the Central City Plan District, the approval criteria also include the Central City Fundamental Design Guidelines.

#### **Historic Skidmore/Old Town Design Guidelines and Central City Fundamental 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 addressed only those applicable to this proposal.*

**Historic Skidmore/Old Town Design Guidelines****General Guidelines: Alterations and Additions to Historic Landmarks, Potential Landmarks, and other Compatible Buildings**

**C. Height.** Additional stories may be added to historic buildings provided that the following are addressed:

- The added height complies with requirements of the building and zoning codes. The Historic District has a FAR (Floor Area Ratio) designation of 4:1. The FAR may be increased to 5:1 if the 1:1 increase is for residential only. This residential bonus was established to stimulate new housing construction in order to enhance the vitality and economy of Downtown.
- The added height does not exceed that which was traditional for the style of the building. Example: Portland's cast iron buildings did not exceed four stories. The majority of Portland's masonry buildings did not exceed six stories.
- The added height does not alter the traditional scale and proportions of the building style.
- The added height is visually compatible with adjacent historic buildings.

**Findings:** The proposal is for a rooftop addition of 4,200 square feet, set back from the parapet 11 feet on the north and south and 13 feet on the east and west. The addition roof rises 9 feet above the top of the parapet, and it is surmounted with a miscellany of rooftop mechanical equipment and other vertical elements, including:

- two arrays of condensers, 7' tall and approximately 30' and 36' long;
- two exhaust fans approximately 5' tall and 4' x 4' in footprint;
- a supply fan, 6' tall and approximately 4' x 7' in footprint;
- an elevator over-run 6.5' tall and approximately 9' x 10' in footprint; and
- a skylight 6' tall and approximately 8' x 20' in footprint.

These objects are concentrated in a compact area in a manner atypical of the deployment of rooftop mechanical equipment during the period of historic significance. They also rise 16' above the parapet and will be visible from nearby public vantage points such as NW Naito Parkway and Waterfront Park. The previous approval relied on a screening system to unify the varied objects, mask their cluttered appearance, and reduce their visual impact. Removing the screening would eliminate this important mitigation and have a significant negative impact on the historic district. *This guideline is not met.*

**Central City Fundamental Design Guidelines**

**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 C5 and C-11:** The rooftop addition is set back from the parapet 11 feet on the north and south and 13 feet on the east and west, and features the flat-roofed form that is characteristic of rooftop additions from the historic period. The mechanical equipment atop the penthouse addition roof is set back from its edges, but it is also more elevated, varied, and concentrated than would have been typical for rooftop equipment during the period of historic significance, and it will be readily visible from nearby public vantage points such as NW Naito Parkway and Waterfront Park. Without the mitigation of screening this agglomeration of objects will be distracting and out of character with the regular and orderly character of the building and the historic district. *These guidelines are not 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 proposal, to eliminate mechanical equipment screening approved by the Historic Landmarks Commission in LU 09-105169 HDZM would expose an unacceptably distracting concentration of large mechanical units and other elements to view high above the roof level. This is out of character with both the building and the historic district. If the mechanical equipment were moved from the penthouse roof to the main roof surface, leaving only the elevator over-run and the skylight in view, the messy visual impact would be reduced and the proposal might be approvable.

The purpose of the Historic Design 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 does not meet the applicable approval criteria and is therefore warrants denial.

## ADMINISTRATIVE DECISION

**Denial.**

**Staff Planner: Dave Skilton**

**Decision rendered by:**  **on February 22, 2011.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: February 24, 2011**

**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 December 16, 2010, and was determined to be complete on January 21, 2011.

*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 December 16, 2010.

*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 Historic Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on March 10, 2011** 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 Mondays, 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://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 Historic 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 Historic Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Penthouse Roof Plan (attached)
  - 3. South Elevation (attached)
  - 4. West Elevation (attached)
  - 5. East Elevation
  - 6. North Elevation
  - 7. Rooftop Equipment Details (8 types)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety Review Section of BDS
  - 2. Water Bureau
- 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. 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).**

# LANDMARKS COMMISSION HEARINGS PROCESS ON APPEALS

## 1. SUBMISSION OF TESTIMONY

- a. Testimony regarding the appeal may be submitted in writing to the Landmarks Commission, c/o the Planner named in this report, Bureau of Development Services, 1900 SW Fourth Avenue, Room 5000, Portland, OR 97201. Written comments must be received by the time of the hearing and should include the case number.
- b. Testimony may be submitted orally at the time and place shown on the hearing notice.

## 2. HEARINGS PROCESS

- a. The order of appearance is generally as follows:
  - Planner Presentation 10 minutes
  - Appellant 10 minutes
  - Supporters of Appellant 2-5 minutes each (determined by commission chair)
  - Principal Opponent 15 minutes
  - Other Opponents 2-5 minutes each (determined by commission chair)
  - Appellant Rebuttal 5 minutes
  - Close Public Testimony
  - Commissioner Comments or Deliberation

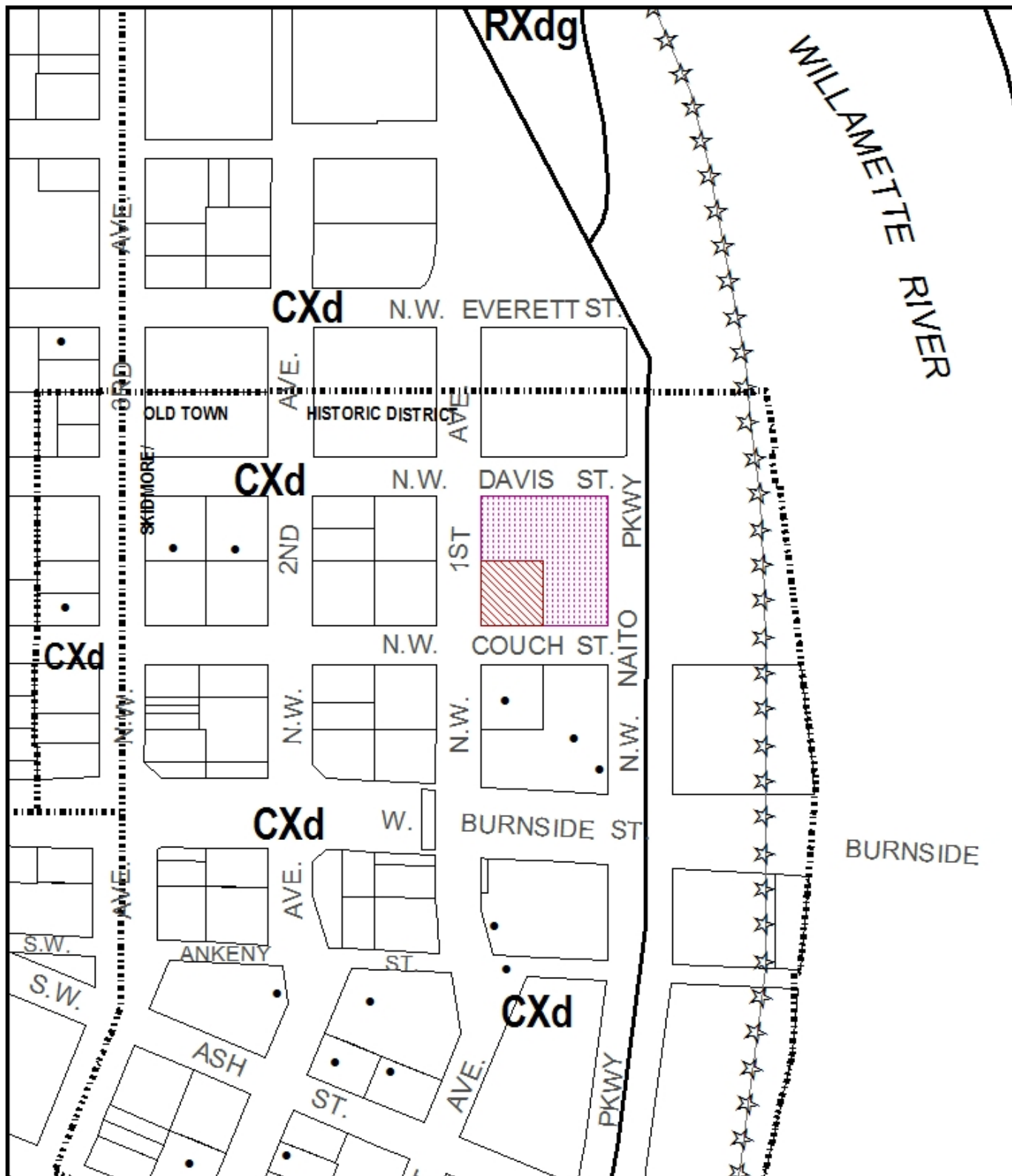
Prior to the close of Public Testimony, if any party requests an opportunity to submit additional evidence, the record will be held open.

- b. The appellant may be the applicant or someone else, and opposes the administrative decision. In order to prevail, the appellant must succeed in one of the following:
  1. If you are the appellant and not the applicant, you must persuade the Commission to find that the applicant has not carried the burden of proof with regard to one or more of the approval criteria. You may also wish to explain to the Commission how or why the applicant's facts are incorrect.
  2. If you are the appellant and also the applicant, you must persuade the Commission how you have met all of the applicable criteria and how the facts, which you relied upon, are correct. If you have appealed the decision because of a condition of approval, you must demonstrate how the applicable criteria can be met without the condition or that there is no legal relationship between the approval criteria and the condition.
  3. If you are the appellant (and either the applicant or an opponent of the decision), you may want to show the approval criteria are being incorrectly interpreted, the wrong approval criteria are being applied, or additional approval criteria should be applied. Any errors in the proceeding should also be identified, as well as an error in any decision by staff.
- c. Failure to address an issue with sufficient specificity to afford the decision-maker and the parties an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals (LUBA) on that issue.

## 3. ADDITIONAL INFORMATION

- a. The Appeal Report to the Landmarks Commission, including the Administrative Findings and Decision, will be available at least 10 days prior to the hearing. Call the Bureau of Development Services at (503) 823-7300 if you want a copy mailed to you. Be sure to indicate the case file number.
- b. If any additional information is provided in support of the application, after the notice of the hearing is given, any party is entitled to request a continuance of the hearing to allow time for review of that material.
- c. If a participant requests it, before conclusion of the initial evidentiary hearing by the Landmarks Commission, the record will remain open for at least seven days after the hearing to allow for the submittal of additional written evidence. If new evidence is submitted in that seven-day period, there will be an additional seven days provided to the applicant for written rebuttal to the evidence, if the applicant requires that time. The Commission will then meet again to make their decision.
- d. The decision of the Commission will be mailed to the applicant and other participants no later than 17 days after the close of the record.





# ZONING



Site



Also Owned



Historic Landmark

This site lies within the:  
SKIDMORE / OLD TOWN HISTORIC DISTRICT  
CENTRAL CITY PLAN DISTRICT



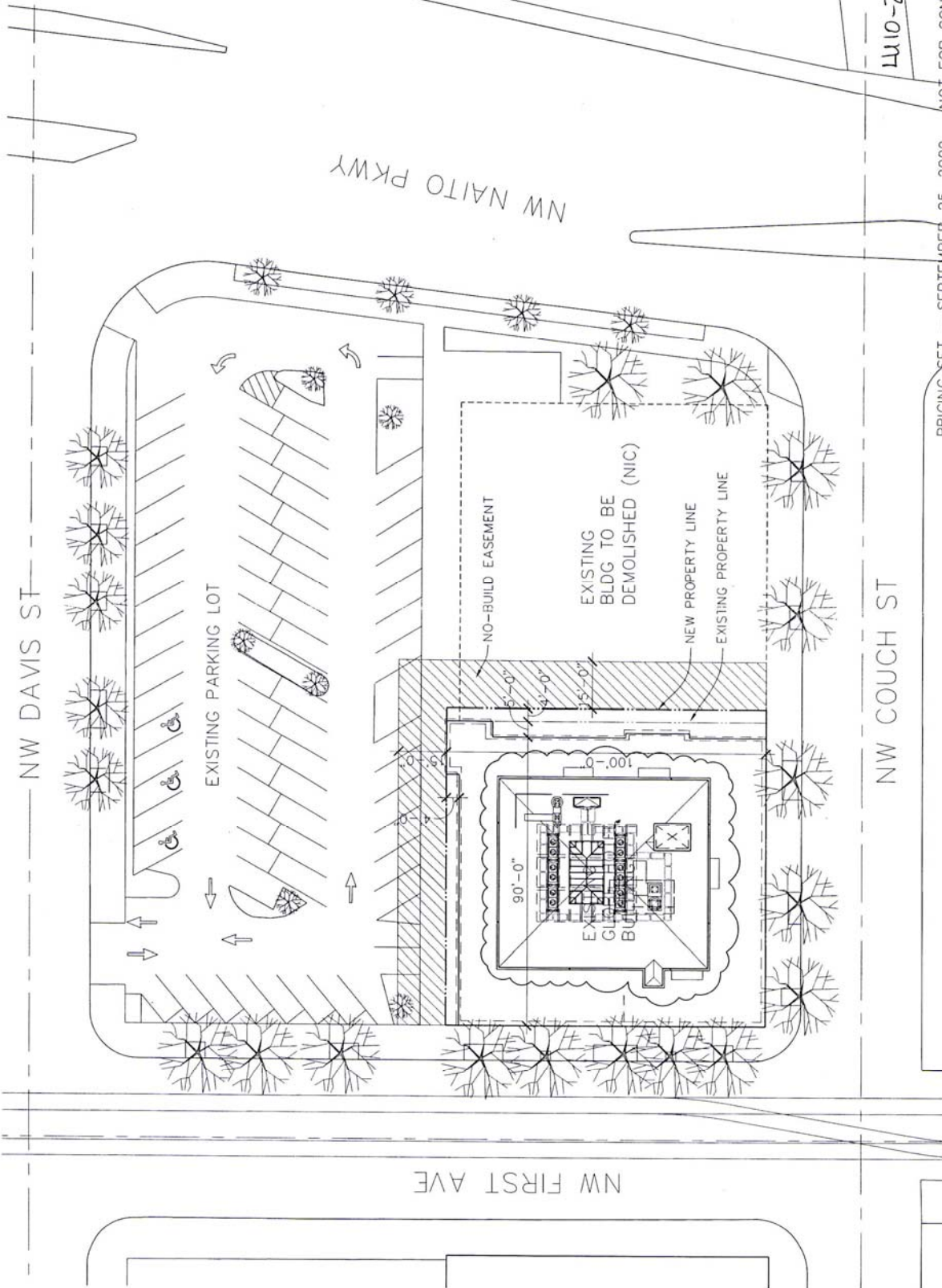
File No. LU 10-201454 HDZ

1/4 Section 3030

Scale 1 inch = 200 feet

State\_Id 1N1E34DB 300

Exhibit B (Dec 21, 2010)



ANKROM MOISAN  
ARCHITECTS  
INTERIORS PLANNING  
6720 SE WACOMB, PORTLAND, OR 97214  
503-251-1800

OREGON COLLEGE OF ORIENTAL  
88 NW Davis St  
Portland, OR 97209  
At the Globe Hotel Building (NW 1st Ave and NW Couch St)

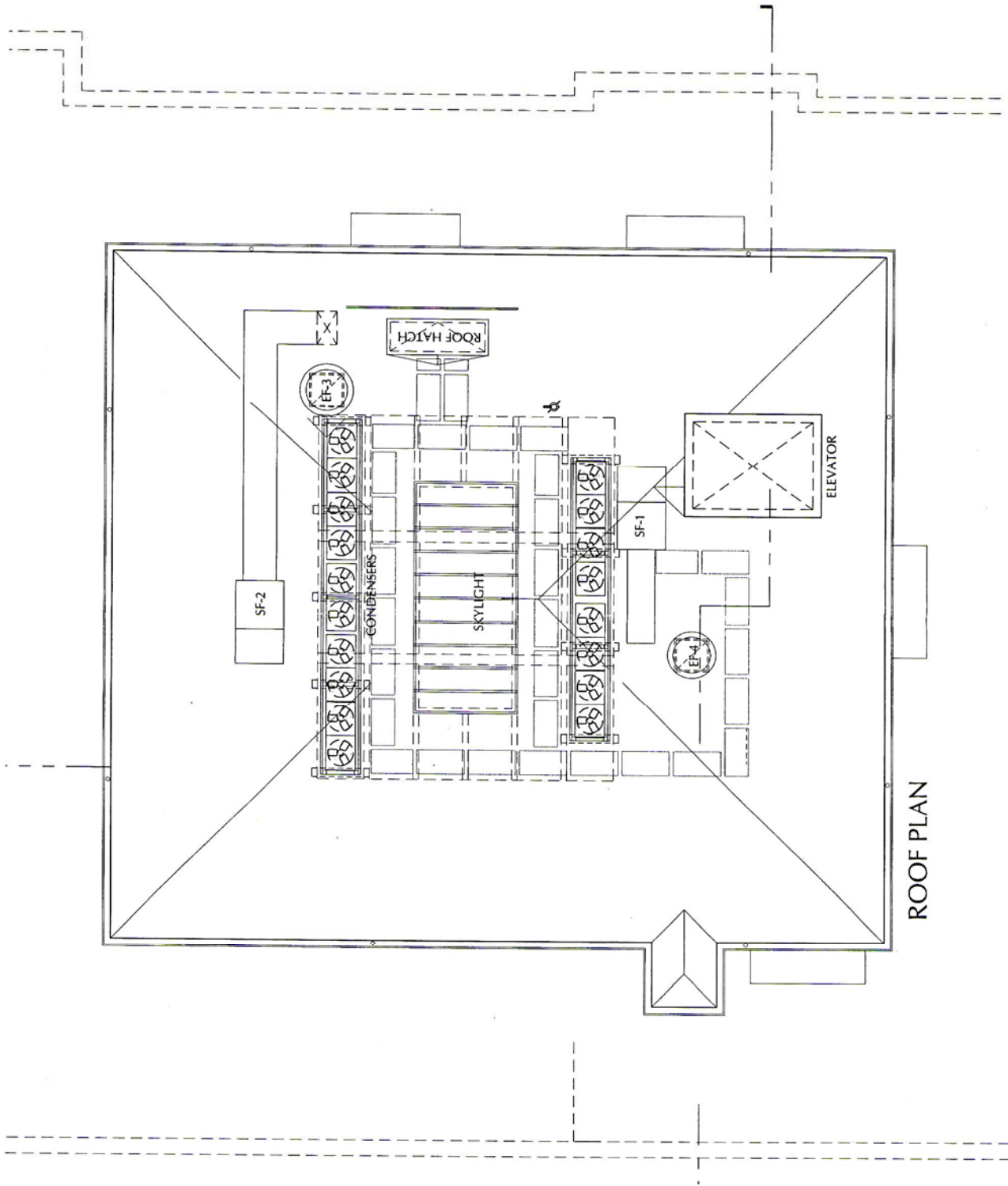
DATE: 08/18/2009  
JOB: 070432  
FILE: A1.000P5  
DRAWN:  
CHECKED:  
COPYRIGHT ANKROM MOISAN  
ASSOCIATED ARCHITECTS 200

DATE: 08/18/2009  
JOB: 070432  
FILE: A1.000P5  
DRAWN:  
CHECKED:

SITE  
PLAN

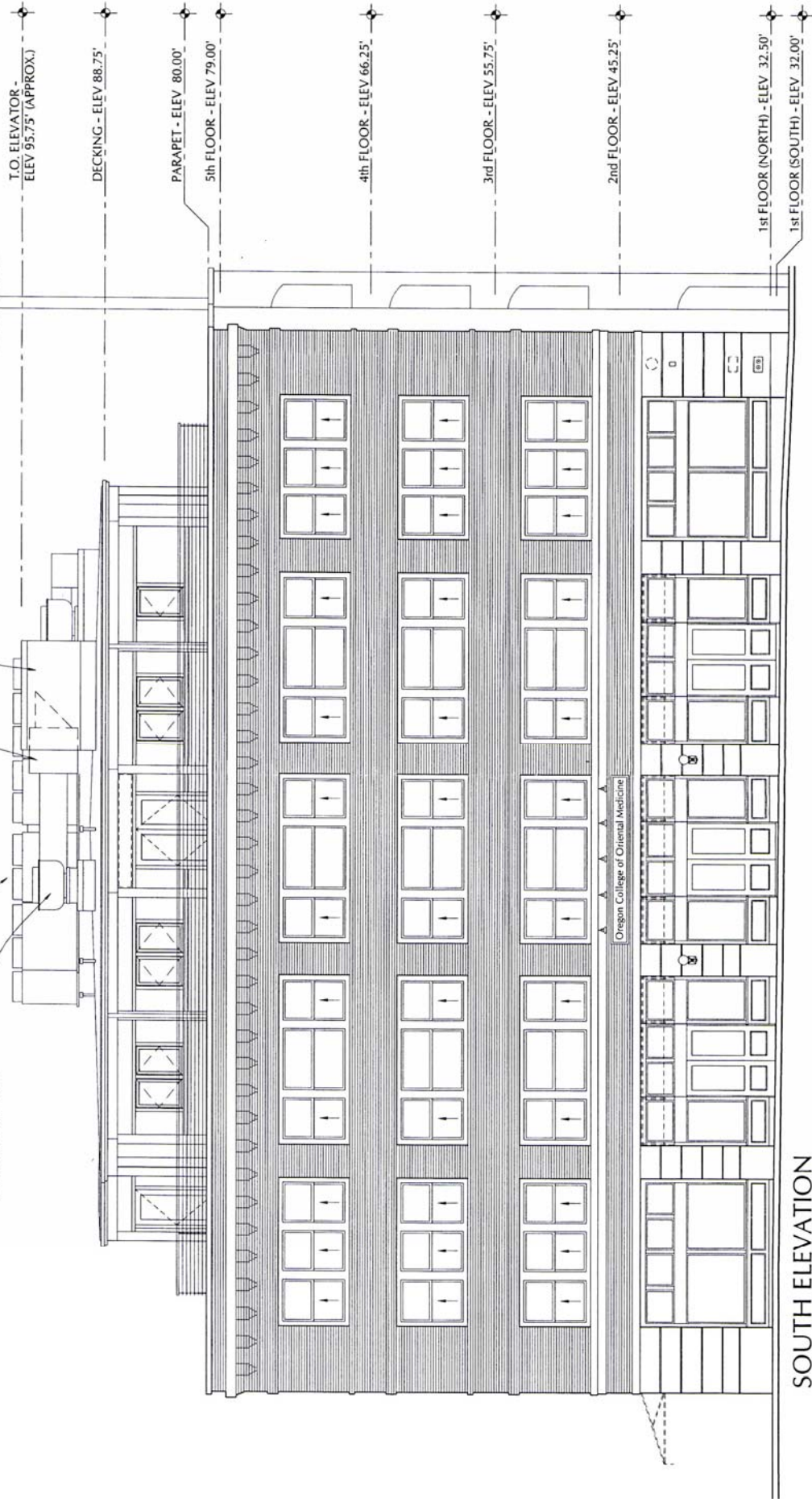
1110-201454 HD2

A1.00  
PRICING SET - SEPTEMBER 25, 2009 - NOT FOR CONSTRUCTION



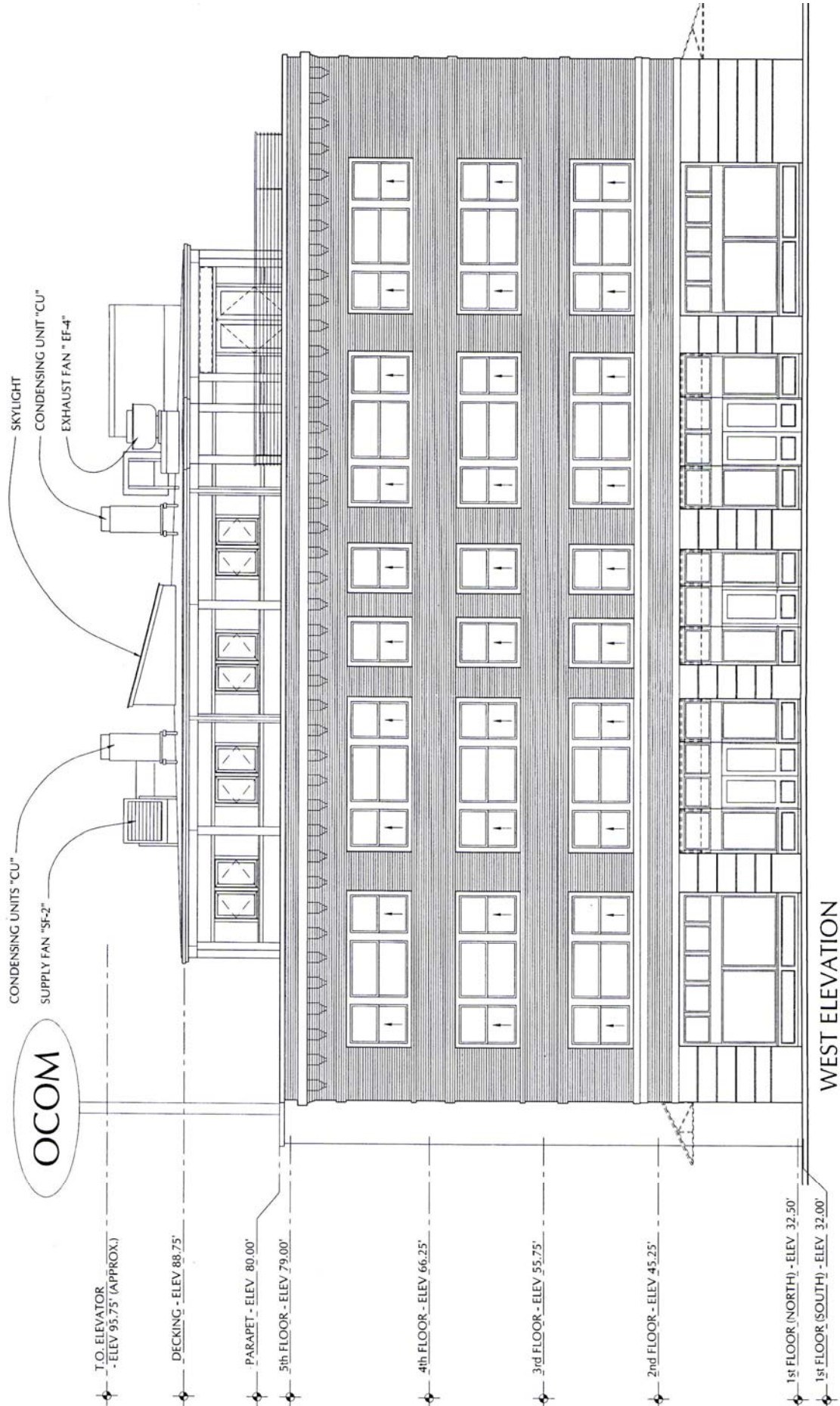
RACK MOUNTED PAIRED  
 CONDENSING UNITS "CU"  
 EXHAUST FAN "EF-4"  
 SUPPLY FAN "SF-1"  
 ELEVATOR OVERRUN

OCOM



SOUTH ELEVATION



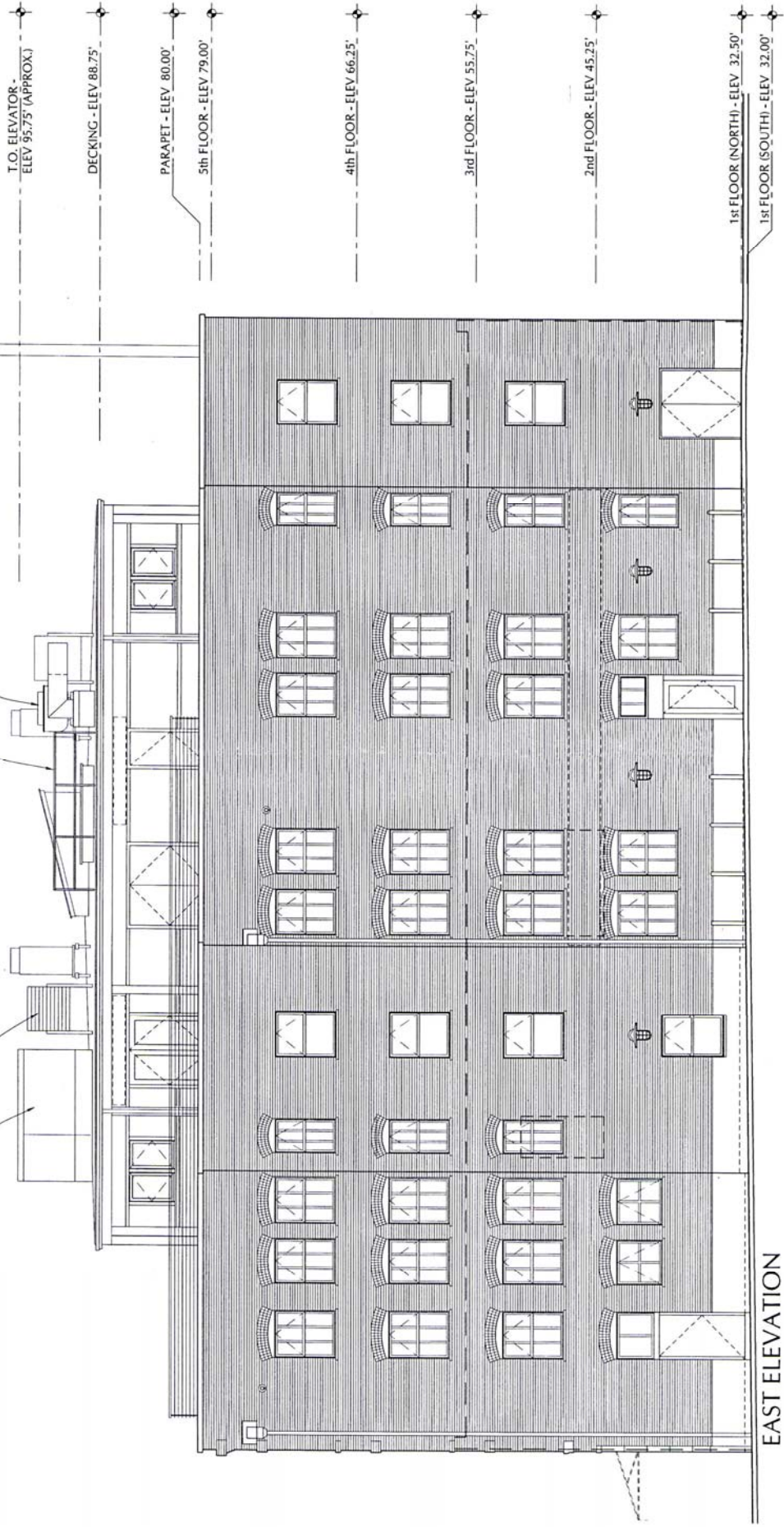


SUPPLY FAN "SF-1"  
ELEVATOR OVERRUN

FALL PROTECTION AT  
ROOF ACCESS HATCH

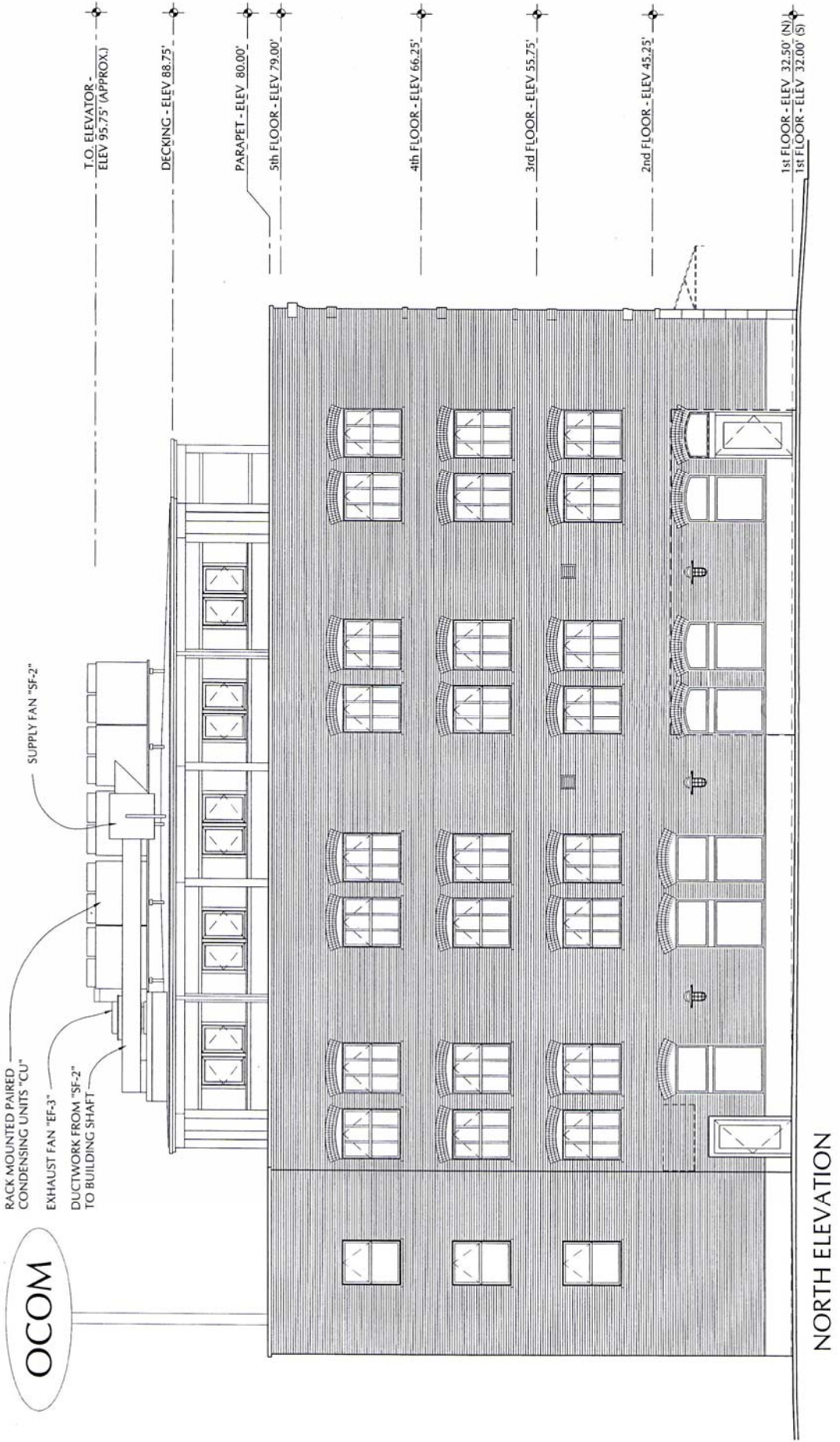
EXHAUST FAN "EF-3"

OCOM



EAST ELEVATION





OCOM

T.O. ELEVATOR - ELEV 95.75' (APPROX.)  
DECKING - ELEV 88.75'  
PARAPET - ELEV 80.00'  
5th FLOOR - ELEV 79.00'  
4th FLOOR - ELEV 66.25'  
3rd FLOOR - ELEV 55.75'  
2nd FLOOR - ELEV 45.25'  
1st FLOOR - ELEV 32.50' (N) 1st FLOOR - ELEV 32.00' (S)

RACK MOUNTED PAIRED  
CONDENSING UNITS "CU"  
EXHAUST FAN "EF-3"  
DUCTWORK FROM "SF-2"  
TO BUILDING SHAFT

SUPPLY FAN "SF-2"

NORTH ELEVATION