



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

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FINAL FINDINGS AND DECISION BY THE LANDMARKS
COMMISSION RENDERED ON June 13, 2011

CASE FILE NUMBER: LU 11-129019 HDZ
(PC # 09-105169)

ROOFTOP MECHANICAL SCREENING

BUREAU OF DEVELOPMENT SERVICES STAFF: Dave Skilton 503-823-0660
dave.skilton@portlandoregon.gov

GENERAL INFORMATION

Applicant:

Pete Eggspuehler
Beam Development
1001 SE Water Avenue Suite 120
Portland, OR 97214

Kevin Brake
Portland Development Commission
222 NW 5th Avenue
Portland, OR 97209

Globe Hotel LLC
1001 SE Water Avenue Suite 120
Portland, OR 97214

Representative:

Robert Mawson
Heritage Consulting Group
1120 NW Northrup Street
Portland, OR 97209

503-228-0272

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.

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 III, with a public hearing before the Historic Landmarks Commission. The decision of the Historic Landmarks Commission can be appealed to City Council.

Proposal:

The applicant is seeking Historic Design Review approval for a proposal to amend a previous approval by the Historic Landmarks Commission (LU 09-105169 HDZM) as follows:

- eliminate previously approved screening around rooftop mechanical equipment on the top of a revised rooftop addition;
- reduce the footprint of the approved new rooftop addition;
- eliminate awnings on the new rooftop addition;
- reduce the number of windows on the new rooftop addition;
- change a light fixture type; and
- adjust the configuration of ground floor entries, awnings, and window panes on the south and west sides of the building.

Historic Design Review is required because the proposal is for revision of a previous Historic Design Review approval.

Relevant Approval Criteria:

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

- Skidmore/Old Town Historic District Design Guidelines
- Central City Fundamental Design Guidelines and River District 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 related land use reviews include:

- LU 09-105169 HDZ, approving alterations including a new rooftop addition with screened mechanical equipment on top.

Public Notice: A "Notice of proposal in Your Neighborhood" was mailed **May 2, 2011**.

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

Neighborhood Review: Two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- March 15, 2011, Patrick Gortmaker for Old Town Chinatown Neighborhood Association, in support of the proposal.
- May 18, 2011, Sandra McDonough for Portland Business Alliance, in support of 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 revision of an earlier approved proposal. 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. All relevant guidelines are addressed in a single combined finding at the end of this section

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 style.
- The added height is visually compatible with adjacent historic buildings.

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 Historic Skidmore/Old Town Design Guideline C, and Central City Fundamental Design Guidelines C5, and C-11: The proposal is for a revised rooftop addition with fewer windows and no awnings, that is also generally set back further from the parapets, 18 feet on the west and south sides, and 13'-6" feet on the east and north sides. The addition roof will rise 9' above the top of the parapet, and be occupied by 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 somewhat atypical of the deployment of rooftop mechanical equipment during the period of historic significance, and the tops of the tallest units would be approximately 16' above the parapet. While neither the proposed rooftop addition nor the mechanical equipment will be visible from ground level on the two street frontages, both will be visible across an undeveloped lot from nearby public vantage points such as NW Naito Parkway and Waterfront Park.

The previous Historic Landmark Commission approval relied on a screening system to unify the varied rooftop objects, mask their miscellaneous appearance, and reduce their visual impact. However, the weakness of this alternative is that it creates a larger overall mass reminiscent of an additional floor. This appearance is objectionable to the National Park Service, which has reviewed the proposal independently with regard to an application for the Historic Rehabilitation Tax Credit. Upon review the Historic Landmarks Commission has determined that screening is unnecessary to meet the approval criteria because of:

- the increased setbacks;
- the painting of the equipment to match the fifth floor addition walls; and
- the fact that the ground level views of the mechanical equipment would be across lots that are developable in the future.

These guidelines are therefore met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all 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 main element of the proposal, elimination of mechanical equipment screening that was approved by the Historic Landmarks Commission in LU 09-105169 HDZM is justified by increased setbacks, matching paint color, and the presence of intervening developable lots.

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 meets the applicable approval criteria and it therefore warrants approval.

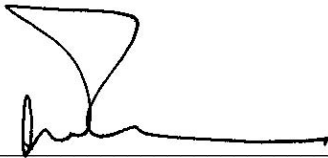
HISTORIC LANDMARKS COMMISSION DECISION

It is the decision of the Landmarks Commission to approve Historic Design Review for revisions of its previous decision in LU 09-105169 HDZM, for the Globe Hotel building, a contributing resource in the Skidmore/Old Town Historic District;

Approval per Exhibits C-1 through C-10, signed, stamped, and dated June 15, 2011, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions must be noted on each of the 4 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 11-129019 HDZ . All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. No field changes allowed.

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By: _____
Art DeMuro, Landmarks Commission Chair

Application Filed: April 11, 2011
Decision Rendered: June 13, 2011

Decision Filed: June 14, 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 April 11, 2011, and was determined to be complete on **April 20, 2011**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time of application submittal, provided the application is complete at submittal, or complete within 180 days. Therefore this application was reviewed under the Zoning Code in effect on April 11, 2011. *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. This report is the final decision of the Landmarks Commission with input from other City and public agencies.

Conditions of Approval. This approval 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.

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. **Appeals must be filed by 4:30 pm on July 5, 2011** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center Tuesday through Friday until 3 p.m. After 3 p.m. and on Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case at our office, 1900 SW Fourth Avenue, Suite 5000, Portland Oregon, 97201.

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 City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

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 City Council on that issue. Also, if you do not raise an issue with enough specificity to give City Council an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$3,175.00 will be charged (one-half of the application fee for this case).**

Neighborhood associations may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

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 **July 6, 2011 – (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 must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

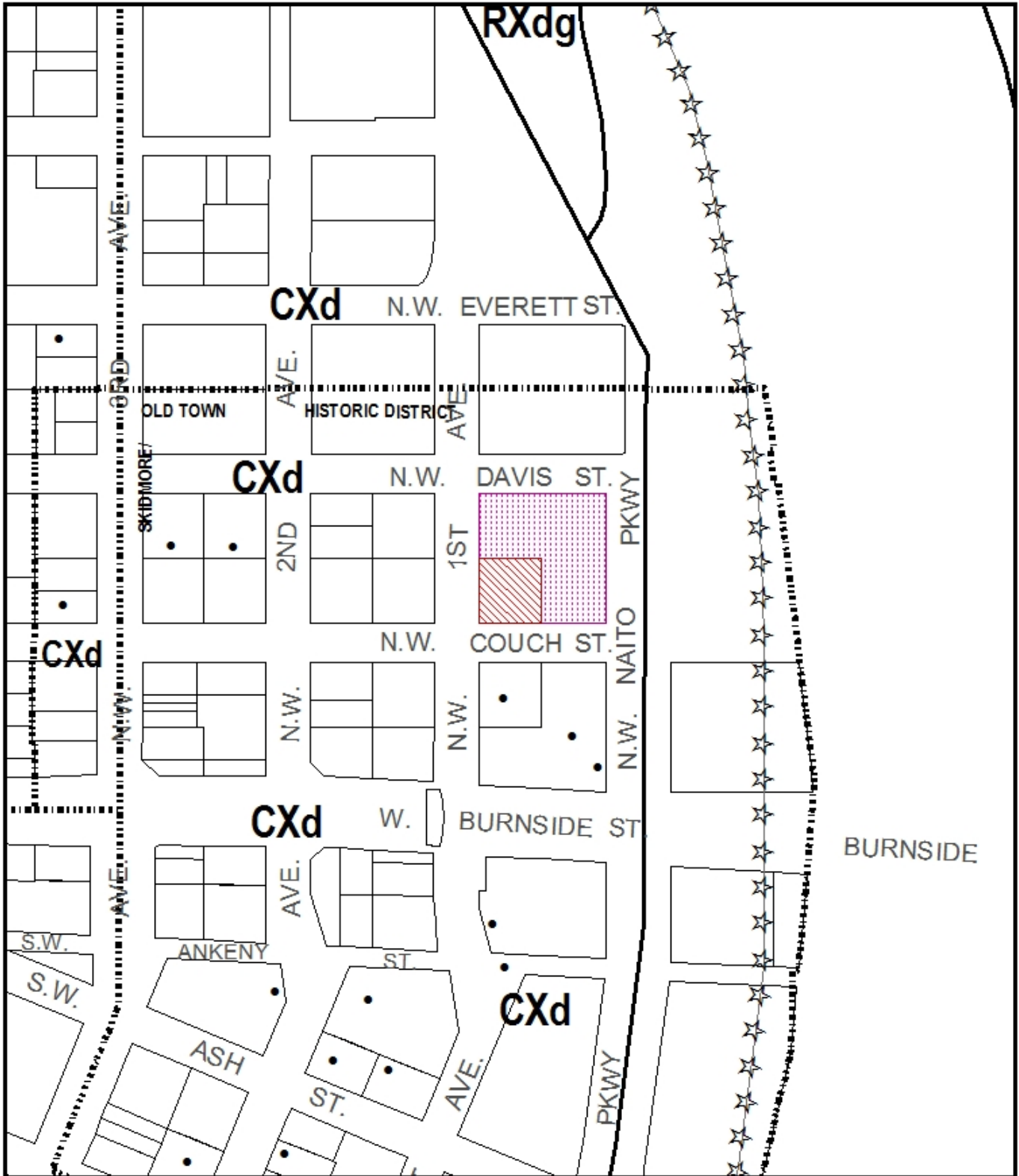
Dave Skilton
June 15, 2011

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant Materials
 - 1. Statement addressing approval criteria
 - B. Zoning Map (attached)
 - C. Drawings
 - 1. Site Plan (attached)
 - 2. Approved and Proposed Roof Plans
 - 3. Approved and Proposed First Floor Plans
 - 4. Approved and Proposed Sightlines from NW Couch Street
 - 5. Approved and Proposed South Rooftop Elevations (attached)
 - 6. South Elevation
 - 7. Approved and Proposed West Rooftop Elevations (attached)
 - 8. West Elevation
 - 9. Equipment Details
 - 10. Light Fixture Details
 - D. Notification information:
 - 1. Posting letter sent to applicant
 - 2. Notice to be posted
 - 3. Applicant's statement certifying posting
 - 4. Mailed notice
 - 5. Mailing list
 - E. Agency Responses: none
 - F. Letters:
 - 1. March 15, 2011, Patrick Gortmaker for Old Town Chinatown Neighborhood Association, in support of the proposal.
 - 2. May 18, 2011, Sandra McDonough for Portland Business Alliance, in support of the proposal.
 - G. Other
 - 1. Original LUR Application
 - 2. Site History Research
 - H. Hearing
 - 1. Staff Report
 - 2. Staff Presentation
 - 3. Undated letter from Joy Sears, State Historic Preservation Office (submitted by applicant), in support of application.
 - 4. Applicant's Presentation
 - 5. June 7, 2011 letter from Joy Sears, State Historic Preservation Office, in support of application.
 - 6. Revised Staff Report
 - 7. June 10, 2011 letter from Brian Shea, American Heating Inc., explaining limitations for placing mechanical equipment on the main roof.
 - 8. Applicant's chronology of contacts with State Historic Preservation Office and National Park Service.
- cc: Applicants and Representatives
Neighborhood Associations
Those who testified, orally or in writing
City Auditor's Office
Development Services Center
BDS Staff for Bureau of Buildings

BDS Staff for Commission Book

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

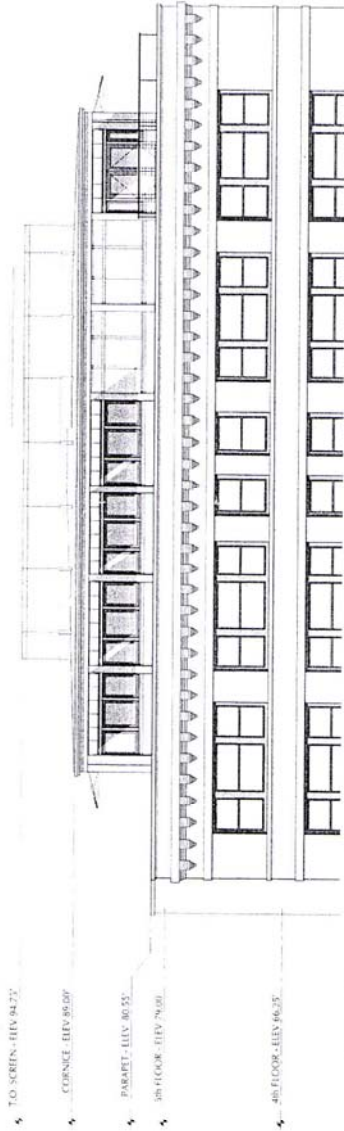
-  Site
-  Also Owned
-  Historic Landmark

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



File No.	LU 11-129019 HDZ
1/4 Section	3030
Scale	1 inch = 200 feet
State_Id	1N1E34DB 300
Exhibit	B (Apr 19,2011)

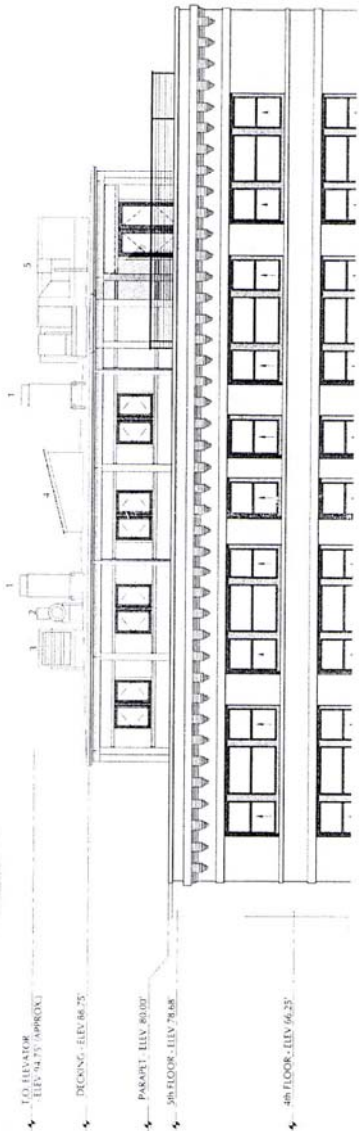
OCOM



Approved West Elevation (April 30, 2009)

- TO SCREEN - ELEV 94.77'
- CORNER - ELEV 95.09'
- PARAPET - ELEV 80.55'
- 3RD FLOOR - ELEV 79.00'
- 4th FLOOR - ELEV 66.25'

OCOM

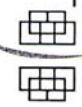


Proposed West Elevation

- 1st FLOOR - ELEV 79.00'
- 2nd FLOOR - ELEV 77.50'
- 3rd FLOOR - ELEV 76.00'
- 4th FLOOR - ELEV 66.25'

- KEY
1. CONDENSING UNITS 12"
 2. EXHAUST FAN 12"
 3. SUPPLY FAN 36"
 4. SLOUGHT
 5. EXHAUST FAN 14"

C-7

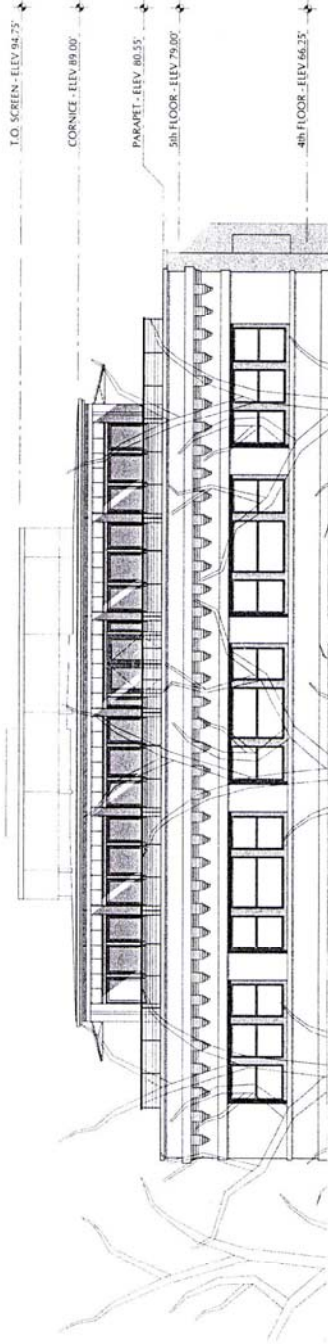


OREGON COLLEGE of ORIENTAL MEDICINE
 Ankrum Moisan Architects

April 11, 2011
 Case File Number LU 09-105169 HDZM

Approved
 City of Portland - Bureau of Development Services
 Date: 6.15.11
 Additional zoning requirements apply to the reviews requested in this application.
 Approved by: Dave Fuller

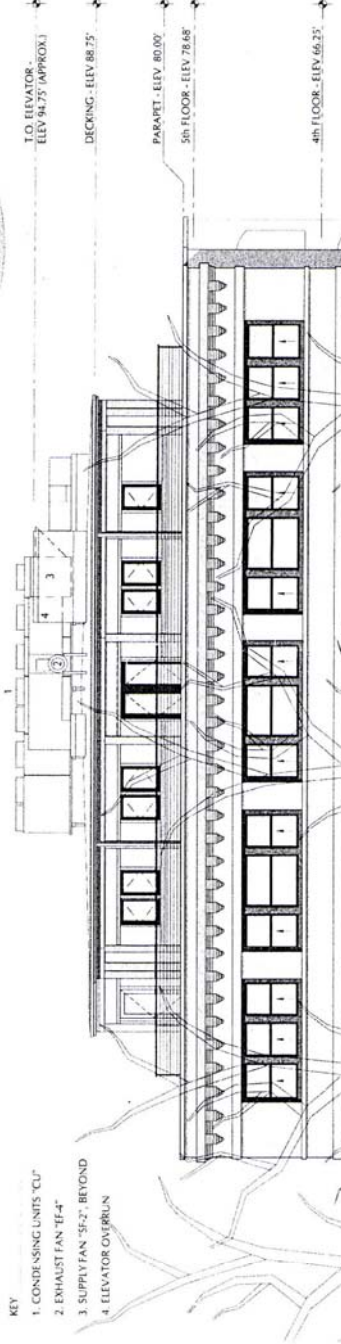
OCOM



Approved South Elevation (April 30, 2009)

Approved
 City of Portland - Bureau of Development Services
 Date: 6.15.11
 Planner: Dave Shultz
 * This original applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

OCOM



Proposed South Elevation

OREGON COLLEGE of ORIENTAL MEDICINE

Ankrom Moisan Architects

April 11, 2011

Case File Number LU 09-105169 HDZM