



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

FROM CONCEPT TO CONSTRUCTION

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Date: September 24, 2013
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 the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 13-192403 HR – ADDITION TO THE CHOWN PELLA BUILDING ROOFTOP TRELLIS

GENERAL INFORMATION

Applicant: Dave Spitzer (architect)
2325 NE 19th Avenue / Portland, OR 97212

Owners: Kursteen S. Price
416 NW 13th Ave #501 / Portland, OR 97209

Paul and Julie Adelman
416 NW 13th Ave #314 / Portland, OR 97209

Contractor: Chris Jaeger / Jaeger & Erwert General Contractors LLC
601 S McLoughlin Blvd. / ORegon City, OR 97045

Site Address: 416 NW 13th Avenue

Legal Description: LOT 314, CHOWN PELLA CONDOMINIUMS; LOT 501, CHOWN PELLA CONDOMINIUMS

Tax Account No.: R157001260, R157001800

State ID No.: 1N1E33DA 70072, 1N1E33DA 70102

Quarter Section: 3028

Neighborhood: Pearl District, contact Patricia Gardner at 503-243-2628.

Business District: Pearl District Business Association, 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: 13th Avenue Historic District

Zoning: EXd – Central Employment Zzone with a Design overlay

Case Type: HR – Historic Resource Review

Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant seeks Historic Resource approval to add a metal corrugated roof to an existing wood trellis atop the Chown Pella building in the NW 13th Avenue Historic District. The

existing roof deck has a metal railing and wood trellis structure. The new metal roof atop the trellis would provide a permanent shelter within the roof deck structure that is approximately 7'x11' and centrally located on the roof.

Exterior alterations to structures within a historic district requires a Historic Resource review per Section 33.445.320.A.1.

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:

- NW 13th Avenue Historic District Design Guidelines
- Central City Fundamental Design Guidelines
- River District Design Guidelines

ANALYSIS

Site and Vicinity: This two-building subject property, historically known as the Oregon Transfer Buildings, is commonly known today as the Chown-Pella Lofts. Designed by Edward Root and constructed in 1909 and 1911, these two brick warehouse structures exhibit the utilitarian character that defines the NW 13th Avenue Historic District. The building was converted to condominium use in the mid 1990s (LUR 94-00184 DZ).

The NW 13th Avenue Historic District is significant as a concentration of early-to-mid twentieth century warehouse and manufacturing buildings that developed along a railroad spur occupying the district's namesake right-of-way. The spur was installed in stages between 1906 and 1908 and the contributing buildings in the district date from then to the early post World War II era. NW 13th Avenue, the spine of the district, serves the utilitarian rear and side facades of the district and it includes prominent loading doors and docks. The buildings are generally plain and highly regular in architectural composition. Since the late 1980s the area has undergone a steady transformation to an upscale shopping and condominium district.

Zoning: The employment and industrial zones are for areas of the City that are reserved for industrial uses and for areas that have a mix of uses with a strong industrial orientation. The zones reflect the diversity of industrial and business areas in the City. The zones differ in the mix of allowed uses, the allowed intensity of development, and the development standards. The regulations promote areas which consist of uses and developments which will support the economic viability of the specific zoning district and of the City. The regulations protect the health, safety and welfare of the public, address area character, and address environmental concerns. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

The Central Employment (EX) Zone implements the Central Employment map designation of the Comprehensive Plan. The 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 development standards are intended to allow new development which is similar in character to existing development.

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 Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. 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 or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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

- HLDZ 63-86 approved the NW 13th Avenue Historic District designation.
- HL 14-89 approved a ground floor remodel.
- HL 46-90 approved a renovation with the condition that final plans for new east entry and landscaping be submitted.
- LUR 94-00184 DZ approved, with conditions, the remodel of the Chown Pella building for condominiums and ground level retail space. The modifications approved included ground floor window modifications at each street façade, surface parking setbacks and perimeter landscaping for modifications, and parking lot interior landscaping modifications. The condition of approval required the following: protective curbs around landscaping; all perimeter and interior landscaped areas must have protective curbs along the edges. Trees must have adequate protection from car doors as well as car bumpers.
- LUR 94-00185 CU approved, with conditions, an 84-space parking facility providing accessory parking for the building [40 structured spaces, 44 surface lot spaces, 72 spaces accessory to residential uses, 12 spaces accessory to retail uses]. Conditions of approval required that an inventory of the parking be filed with the Parking Manager, the number of spaces cannot exceed 84 spaces, and access to the parking will be from NW 12th Avenue.
- LU 04-012020 HDZ approved a project sign to be attached to the north elevation of the building.
- LU 04-026747 HDZ approved a new rooftop deck with overhead trellis and fence enclosure, and to install new metal clad wood doors leading to the proposed deck.
- LU 08-115923 HDZ approved mounting cellular communications equipment to the penthouse.
- LU 09-149949 HDZ approved a skylight and chimney for Unit #608.
- LU 11-122551 HDZ approved glazing replacement for the building.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **August 29, 2013**. The following Bureau has responded with no issues or concerns:

- Life-Safety Plans Examiner of BDS (Exhibit E-1)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **August 29, 2013**. 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 33.846.060 - Historic Resource Review

Purpose of Historic Resource Review

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

Historic Resource Review Approval Criteria

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is located within the NW 13th Avenue Historic District and the proposal is for a non-exempt treatment. Therefore Historic Resource Review approval is required.

The approval criteria are the *NW 13th Avenue Historic District Design Guidelines* and the *Central City Fundamental Design Guidelines*.

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

NW 13th Avenue Historic District Design Guidelines

Guidelines for Exterior Remodeling Historic NW 13th Avenue District

- 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.
- 2. Scale and Proportion.** The scale and proportion of altered or added building elements, and the relationship of voids to solids (that is, the relationship of doors and windows to walls and column elements) should be visually compatible with the traditional architectural character of the historic district. Avoid blank walls on street elevations, especially on ground floors, unless there is a historic precedent for the blank wall.
- 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.
- 8. Horizontal Additions.** Horizontal additions may be added to historic buildings provided that:
 - a.** The addition maintains the traditional scale and proportion of the building style.
 - b.** The addition is visually compatible with adjacent historic buildings.

Findings for Guidelines 1, 2, 4, and 8: The proposed addition of a corrugated metal roof to the existing rooftop trellis will have minimal visual impact on this contributing building, and thus does not detract from the building's architectural cohesion. The new metal roof exhibits a negligible profile, and thus maintains the building's existing scale and proportion. The metal roof material is compatible with historic rooftop elements within the District such as water towers and other industrial elements, and should complement the architecture of the Historic District. In addition, the existing trellis and roof deck is set-back from the building edge which limits its visibility from the street, helping further minimize the visibility of the new roof material from the street and adjacent buildings. The new trellis roof allows building residents to enjoy outdoor space in a way that does not overwhelm or detract from the massing of this historically contributing building, and is integrated with the building's overall design concept. The building's visual character will be retained.

For these reasons, the applicable guidelines are met.

Central City Fundamental Design Guidelines

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

B6. Develop Weather Protection. Develop integrated weather protection systems at the sidewalk-level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection, and sunlight on the pedestrian environment.

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

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 Guidelines A6, B6, C2, C3, C5 and C11: The new metal roof proposed for the existing rooftop trellis of the Chown Pella Building increases the usability of the existing rooftop environment while maintaining the architectural consistency and material permanence of the historic building and District. The visual character of the building is maintained by the minimal profile and thoughtful placement of the rooftop addition. The metal material implies its long-lasting contribution to the building. The weather protection afforded the trellis with the addition of a metal roof improves the usability and livability of the building by enhancing the rooftop environment and its success throughout the year. The proposed rooftop addition preserves historic building fabric and retains the architectural character of the building, while supporting the livability goals of the Central City.

For these reasons, the applicable 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 proposal maintains the building's architectural coherency and historic integrity by having a minimal impact on the visual presence and physical structure of this contributing building. Simultaneously, the new roof addition complements the context of existing buildings within the Historic District and the Central City by utilizing a common design element through the durable material of metal. The proposal supports the usability of the existing rooftop deck which is oriented to surrounding points of interest and activity – east toward the Pearl District and beyond toward the River. Increasing rooftop activity by providing a covered, year-round outdoor space for residents will create an environment that enhances views of this rooftop from surrounding, taller buildings. The proposal maintains the architectural character and building permanence of this contributing historic building, while enhancing the building's livability.

The applicable guidelines are therefore met.

ADMINISTRATIVE DECISION

Approval of Historic Resource Review for a metal corrugated roof added to an existing wood trellis atop the Chown Pella building in the NW 13th Avenue Historic District. The new metal roof measures approximately 7'x11' and is centrally located on the roof.

Approval per the approved plans, Exhibits C-1 through C-3, signed and dated 9/20/13, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-192403 HR. No field changes allowed."

Staff Planner: Staci Monroe



Decision rendered by: _____ **on September 20, 2013**
By authority of the Director of the Bureau of Development Services

Decision mailed: September 24, 2013

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 13, 2013, and was determined to be complete on **August 26, 2013**.

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 13, 2013.

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 8, 2013** 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.

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 9, 2013.**
- 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.

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:

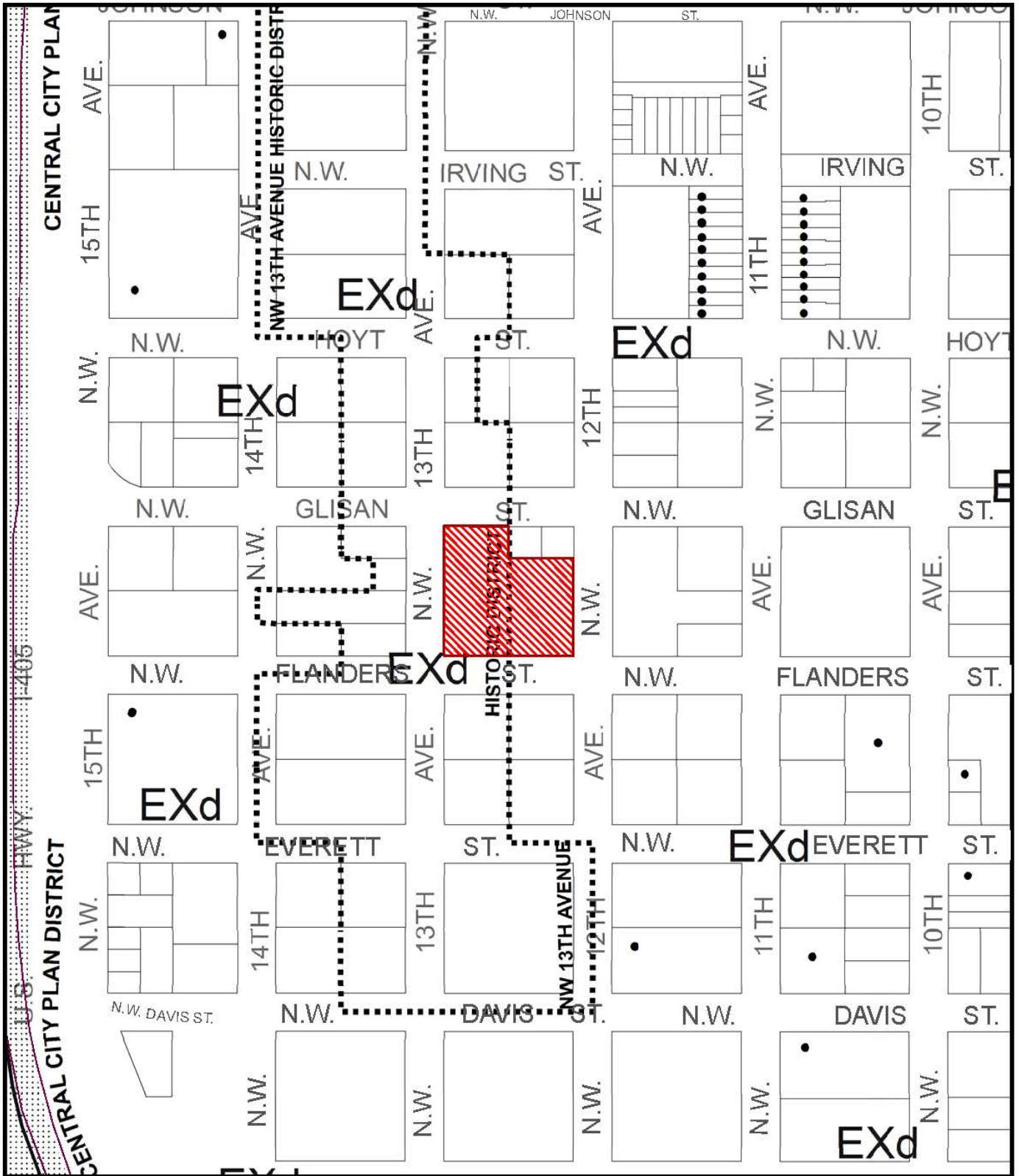
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Response to Approval Criteria
 - 2. Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. South Elevation of Trellis (attached)
 - 3. East Elevation of Trellis (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Plan Review Section of BDS
- F. Correspondence: none.
- G. Other:
 - 1. Original LU Application

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING



Site



Historic Landmark

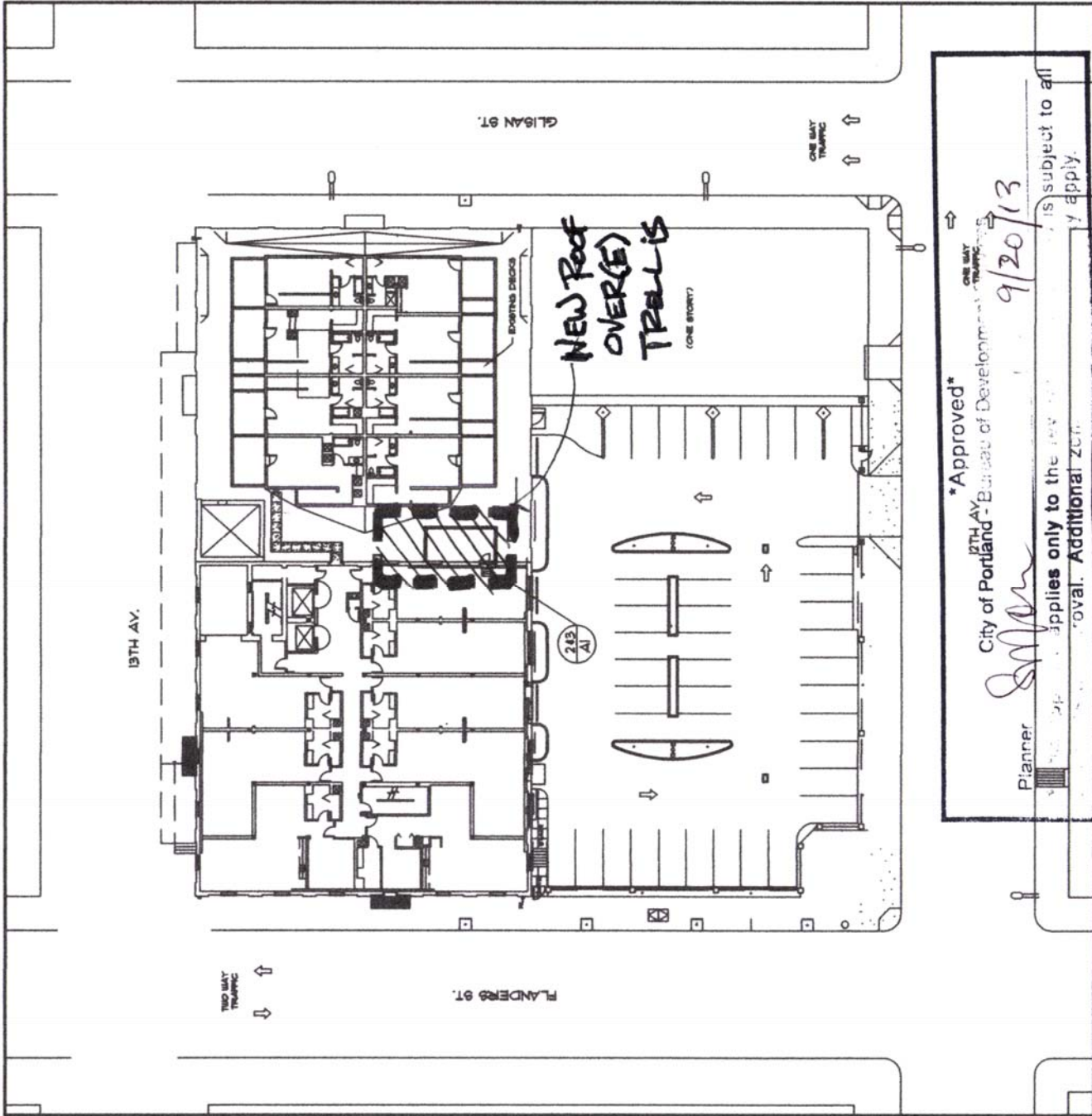


NORTH

This site lies within the:
CENTRAL CITY PLAN DISTRICT
RIVER DISTRICT
13TH AVENUE HISTORICAL DISTRICT

File No. LU 13-192403 HR
 1/4 Section 3028
 Scale 1 inch = 200 feet
 State_Id 1N1E33DA 70000
 Exhibit B (Aug 16, 2013)

EXIST. HEAVY TIM
TRELLIS W/ E/W 2x
MEMBERS BETWEEN
NEW N/S 2x FRAM'G
ABOVE EXIST. TRE
(TYP. X4)
NEW CORRUGATEC
METAL ROOFING
SHOWN HATCHED



* Approved*
City of Portland - Bureau of Development Services
9/20/13
Planner: [Signature]
is subject to all
y apply.

LV 13-192403HR
EX.C-1

OVERALL FIFTH FLOOR AND SITE PLAN

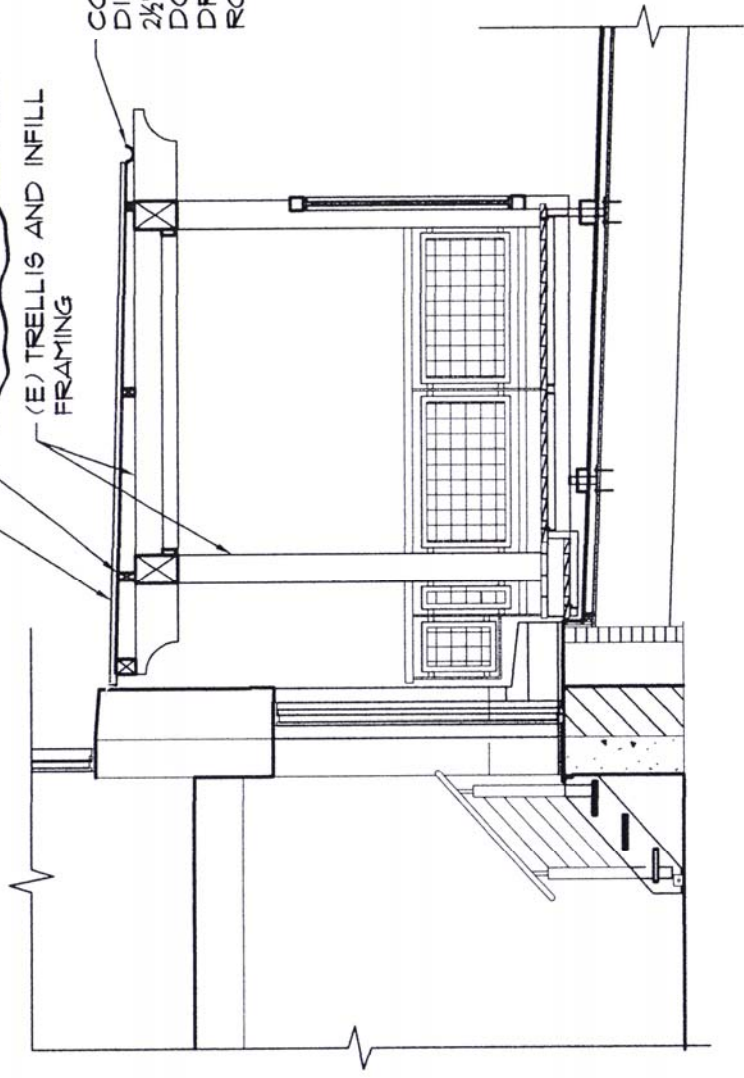
1" = 30'-0"



Approved
 City of Portland - Bureau of Development Services
 Date 9/20/13
 applies only to the reviews requested and is subject to all approval. Additional zoning requirements may apply.

NEW GALV., CORRUGATED METAL ROOFING
 NEW 2x AND 4x MEMBERS ATOP (E) TRELLIS

(E) TRELLIS AND INFILL FRAMING
 CONT 1/2 ROUND 4'-1/2" DIA. GUTTER TO NEW 2'-1/2" CORRUGATED DOWNSPOUT - TO DRAIN TO EXISTING ROOF DECK



LU 13-192403+12
 EX. C-2

5 AI

SOUTH/SIDE VIEW OF (E) TRELLIS W/ NEW ROOF
 1/4" = 1'-0"

6 AI

JOB	C
DRAY	DM
DATE	
REVS	
SHEE	

Approved

City of Portland - Bureau of Development Services

Date 9/20/13

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

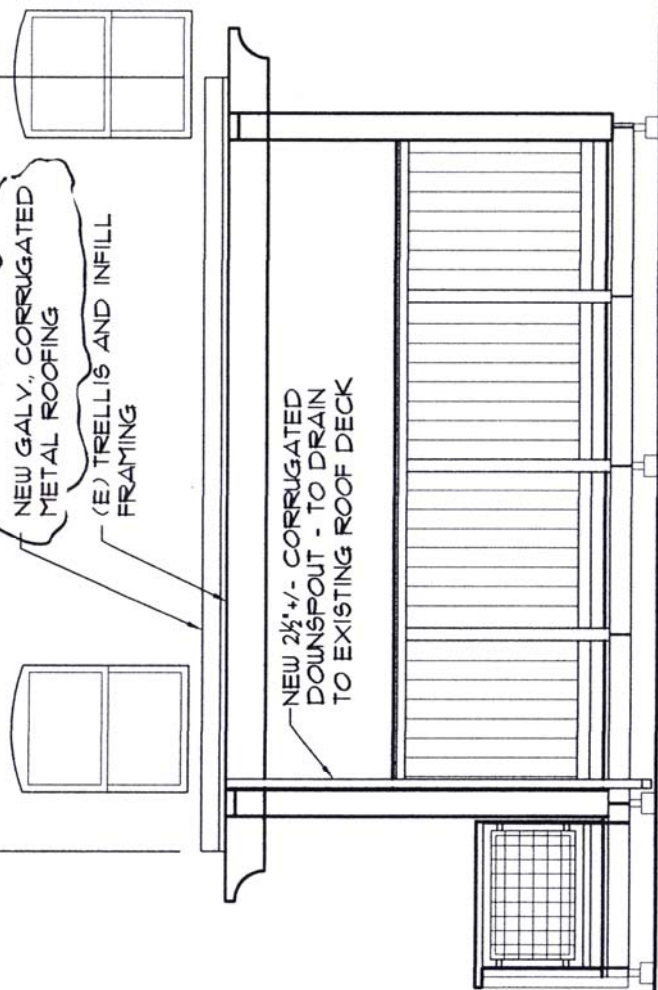
NEW CORRUGATED METAL ROOF

ED

RS

L

CONT 1/2" ROUND 4"x4" DIA. GUTTER TO NEW 2 1/2"x4" CORRUGATED DOWNSPOUT - TO DRAIN TO EXISTING ROOF DECK



NEW GALV. CORRUGATED METAL ROOFING (E) TRELLIS AND INFILL FRAMING

NEW 2 1/2"x4" CORRUGATED DOWNSPOUT - TO DRAIN TO EXISTING ROOF DECK

NEW ROOF EAST FRONT VIEW OF (E) TRELLIS W/ NEW ROOF

1/4" = 1'-0"

6 A1

L013-192403 HR.

EX. C-3

NEW ROOF

1/4" = 1'-0"