



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Chloe Eudaly, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: March 7, 2017
To: Interested Person
From: Mike Gushard, Land Use Services
503-823-5091 / Mike.Gushard@portlandoregon.gov

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 mailed copy of this document is only a summary of the decision. 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 16-288886 HR – HVAC PLATFORM AT CHOWN PELLA

GENERAL INFORMATION

Applicant: Robin Best, Professional Roof Consultants
1108 SE Grand Avenue #300
Portland, OR 97214

Owner: Chown Pella Condominiums
2105 SE 9th Avenue
Portland, OR 97214

Site Address: 416 NW 13th Avenue

Legal Description: GENERAL COMMON ELEMENTS, CHOWN PELLA CONDOMINIUMS
Tax Account No.: R157000010, R157000010
State ID No.: 1N1E33DA 70000, 1N1E33DA 70000
Quarter Section: 3028

Neighborhood: Pearl District, contact Reza Farhoodi at planning@pearldistrict.org
Business District: Pearl District Business Association, contact Carolyn Ciolkosz at 503-227-8519.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - River District
Zoning: EXd, Central Employment with Design Overlay
Case Type: HR, Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The proposal is to provide new mechanical platform and screen wall for new mechanical units, which will replace existing mechanical units. Landscape upgrades and bike parking are also included in this proposal to bring the site into conformance with Portland Zoning Code 33.258. Because the Chown Warehouse is a historic Landmark this project requires historic resource review.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines
- Historic Resource Review – Portland Zoning Code 33.946.060G
- River District Design Guidelines
- 13th Avenue Historic District Guidelines

ANALYSIS

Site and Vicinity: The subject property, historically 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 buildings exhibit the utilitarian character that defines the NW 13th Avenue Historic District. The building was converted to condominium use in the mid-1990s.

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 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 that prior land use reviews include the following:

- LU 08-115923 HDZ, approving mounting cellular communications equipment on the penthouse.
- LU 09-149949 HDZ, approving a skylight and chimney for Unit #608.
- LU 11-22551 HDZ, approving replacement of the single pane glazing in the historic sashes of 142 window openings.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **January 20, 2017**. The following Bureaus have responded with no issues or concerns:

- The Bureau of Transportation Engineering
- Water Bureau
- Site Development Section of BDS

BDS Life Safety responded with the following comment: Guardrails 42 inches high shall be installed where roof mounted equipment requiring service is located with 10feet of the building edge. Please see Exhibit E-1

Bureau of Environmental Services responded with the following comment: BES does not object to approval of the historic resource review application. Please See Exhibit E2

Fire Bureau responded with the following comment: A separate building permit is required for this proposal. Please see Exhibit E-3

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on January 20, 2017. No written responses were 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.
- 3. 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.
- 7. Vertical Additions.** Buildings in the NW 13th Avenue Historic District are typically two to six stories in height. Additional stories may be added provided that:
 - a.** The added height complies with the height and density maximums in the Zoning Code. At the time of the adoption of these guidelines, the following regulations apply: North of Hoyt St., maximum height is 75 feet and maximum FAR is 4:1 South of Hoyt St., maximum height is 100 feet and maximum FAR is 6:1. Additional FAR and height are allowed when certain amenities are provided, as set forth in the Central City Plan District regulations.
 - b.** The added height does not exceed that which was traditional for the style of building. The tallest loft warehouse structures are approximately 8 to 10 stories.
 - c.** The added height does not alter the traditional scale and proportions of the building style. A frequent means of achieving this aim is to set the addition back from street facade planes, so that the addition is minimally perceived from the street.
 - d.** The added height is visually compatible with adjacent historic buildings.

Findings: The added height of the mechanical platform does not bring the building out of conformance with the zoning code. The platform is setback from the parapet and largely not visible from the right-of-way and so it does not impact the visual integrity of the Chown Pella building or disrupt its scale or proportion. *Therefore these criteria are met.*

Central City Fundamental Design Guidelines

A2. Emphasize Portland Themes. When provided, integrate Portland-related themes with the development's overall design concept.

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

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

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.

C4. Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.

C5. Design for Coherency. Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and

lighting systems, to achieve a coherent composition.

C11. Integrate Roofs and Use Rooftops. Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

Findings: The project renovates an existing jumble of mechanical units into an organized system housed in high-quality metal screen panel with concealed fasteners in a color that compliments the rest of the building. The coloring of the housing creates a coherent design that integrates and unifies the roof mechanical housing with the rest of the building. Its location, set back from the parapet, makes it minimally visible from the right-of-way and ensures the character defining features of this historic Portland building keep visual prominence. This project also pulls mechanical units off of the deck of the building, reducing maintenance and extending the life of the historic Chown building. *Therefore these criteria 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 Resource 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 Historic Resource Review criteria because the exterior changes are largely invisible and or are outside the historic district and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of mechanical platform atop Chown warehouse and non-conforming upgrades in the form of bike racks and L2 screening per the approved site plans, Exhibits C-1 through C-20, signed and dated 2/28/2017, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) 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 16-288886 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field Changes
- D. New landscaping detailed in site plan must meet the L2 standard required for non-conforming upgrades.

Staff Planner: Mike Gushard



Decision rendered by: _____ **on 2/28/2017.**
By authority of the Director of the Bureau of Development Services

Decision mailed: 3/7/2017

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 20, 2016, and was determined to be complete on January 10, 2017.

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 20, 2016.

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. Unless further extended by the applicant, **the 120 days will expire on: May 10, 2017.**

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 3/21/2017** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 **3/22/2017**.
- 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:

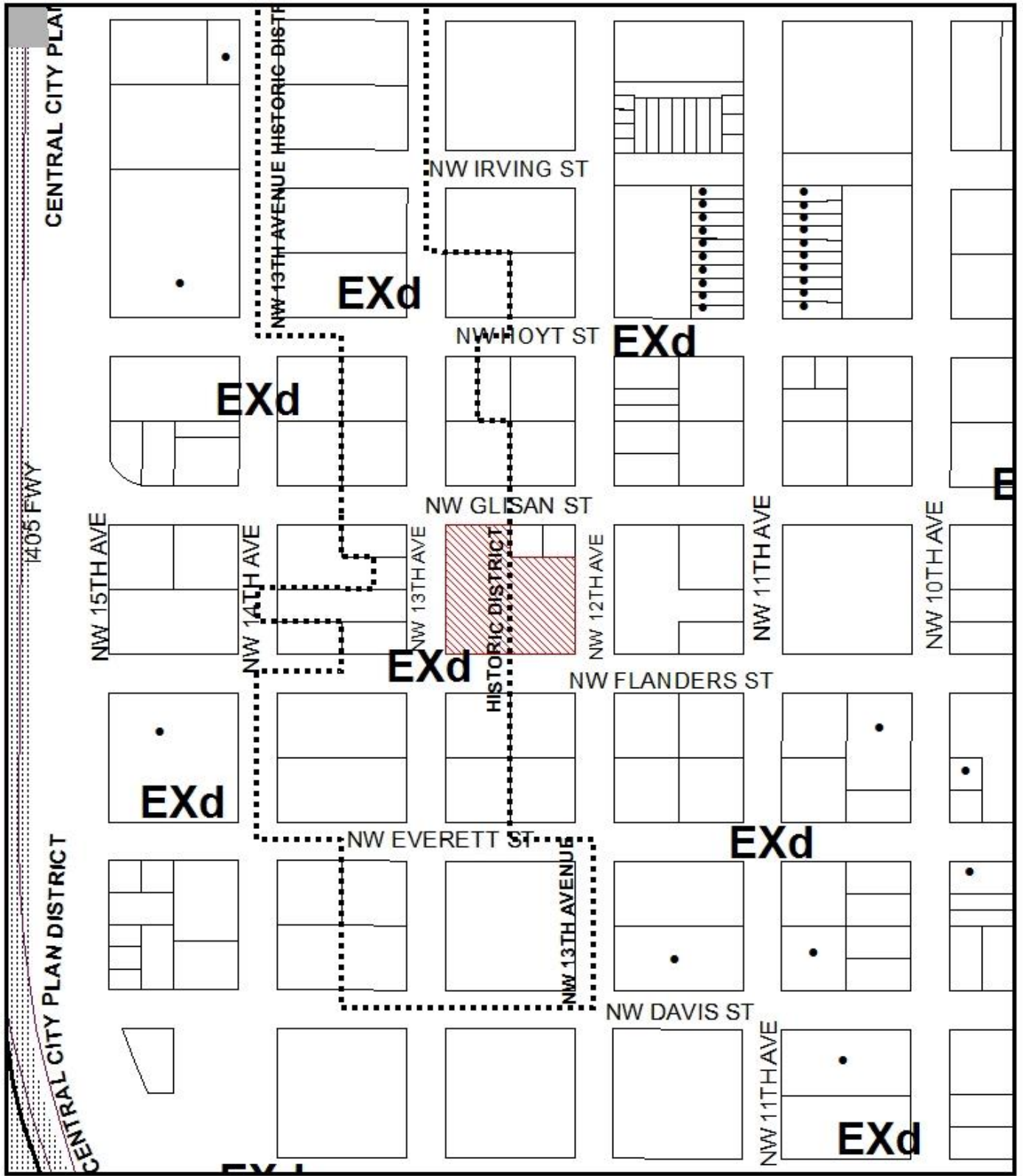
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Historic Resource Review Narrative
 - 2. Building photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Existing Roof Plan
 - 3. Proposed Roof Plan
 - 4. West Elevation
 - 5. North Elevation
 - 6. East Elevation
 - 7. South Elevation
 - 8. Proposed West Elevation
 - 9. Proposed East Elevation
 - 10. Proposed South Elevation
 - 11. West Elevation of Mechanical Housing
 - 12. North Elevation of Housing
 - 13. East Elevation of Housing
 - 14. South Elevation of Housing
 - 15. Section of Mechanical Housing
 - 16. Section of Mechanical Housing
 - 17. Typical Screen Wall and Noise Barrier
 - 18. Renderings
 - 19. Basis of Design – Product Selections
 - 20. Spec Information Packet
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Development Services Life Safety
 - 2. Bureau of Environmental Services
 - 3. Fire Bureau
 - 4. TRACS Printout
- F. Correspondence: (None Received)
- 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



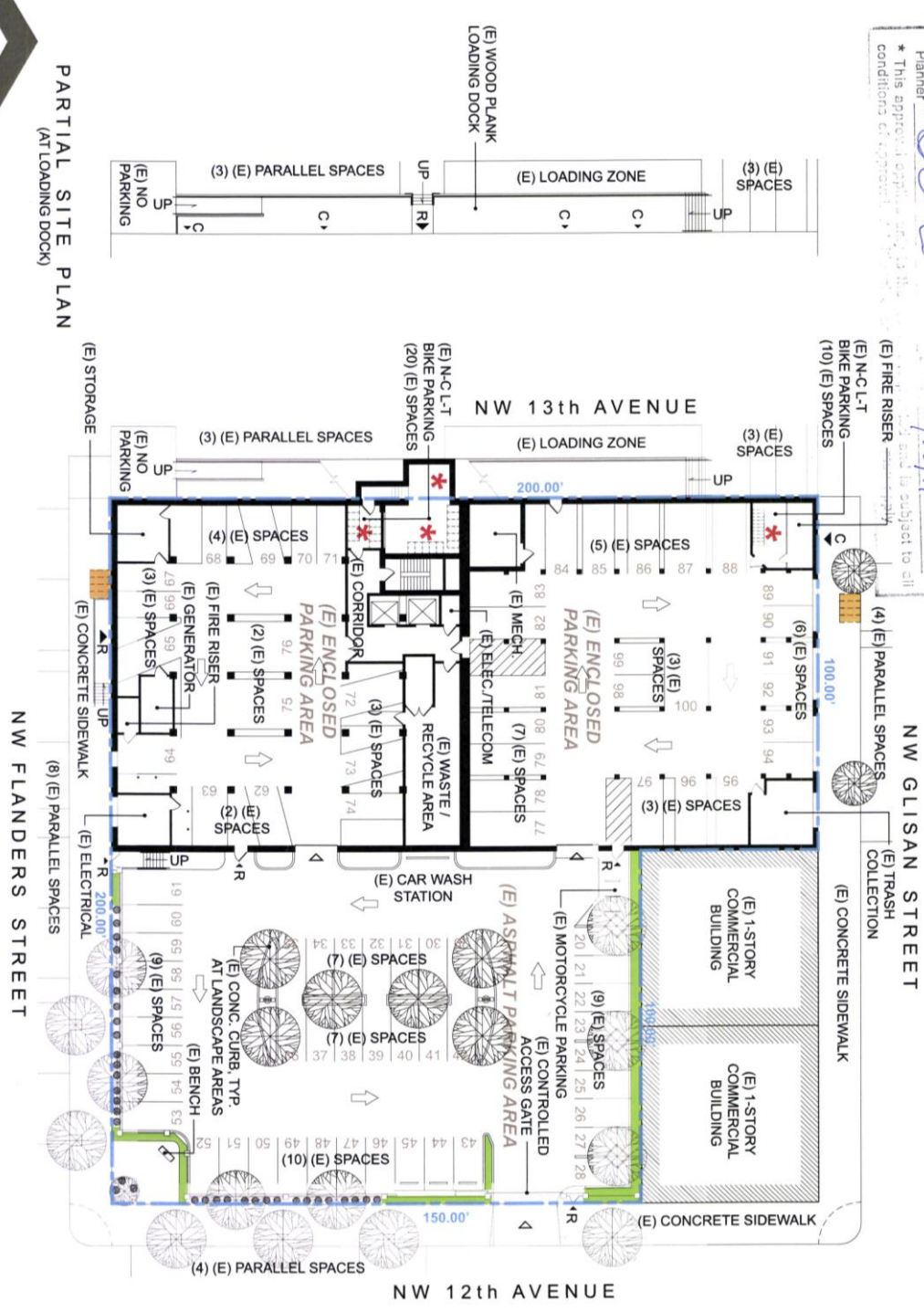
This site lies within the:
 CENTRAL CITY PLAN DISTRICT
 RIVER DISTRICT SUBDISTRICT
 13TH AVENUE HISTORIC DISTRICT

File No.	LU 16-288886 HR
1/4 Section	3028
Scale	1 inch = 200 feet
State_Id	1N1E33DA 70000
Exhibit	B (Dec 28, 2016)

Planner
 * This approval is subject to all conditions of approval.
 2/28/17

NOTE

ITEMS INDICATED WITH RED DASHED OUTLINE (-----) ARE PROPOSED PROVISIONS FOR NON-CONFORMING SITUATION RECONCILIATION UP TO 10% OF THE ESTIMATED COST OF WORK (\$27,000 = 10% OF \$270,000)



PROFESSIONAL ROOF CONSULTANTS, INC.
 CHOWN BELLA MECHANICAL PLATFORM
 416 NW 13TH AVENUE, PORTLAND, OREGON 97209



BICYCLE PARKING

EXISTING 30 LONG-TERM, ZERO SHORT-TERM REQUIRED
 100 LONG-TERM, 6 SHORT-TERM
 REQUIRED SPACES ACCESSORY TO:
 RESIDENTIAL 98 LONG-TERM, 4 SHORT-TERM
 COMMERCIAL 2 LONG-TERM, 2 SHORT-TERM
 PROPOSED 8 SHORT-TERM, REFER TO NARRATIVE

VEHICLE PARKING

EXISTING 81 SPACES ALLOWED
 84 SPACES
 EXISTING SPACES ACCESSORY TO:
 RESIDENTIAL 71 SPACES
 COMMERCIAL 10 SPACES

LEGEND

- (E) EXISTING
- (#) QUANTITY
- L-T LONG-TERM
- N-C NON-CONFORMING
- # EXISTING VEHICLE SPACE DESIGNATION
- EXISTING LARGE TREE IN PLANTER
- EXISTING SMALL TREE IN PLANTER
- EXISTING SHRUB
- ↑ DIRECTION OF VEHICULAR TRAVEL
- EXISTING DECORATIVE FENCE
- ⊙ EXISTING SITE LIGHTING FIXTURE
- R▶ EXISTING MAIN RESIDENTIAL ENTRY
- R+▶ EXISTING SECONDARY RESIDENTIAL ENTRY
- C▶ EXISTING MAIN RETAIL ENTRY
- C+▶ EXISTING SECONDARY RETAIL ENTRY
- ▷ EXISTING VEHICLE ACCESS
- PROPERTY LINE
- PROPOSED SHORT-TERM BIKE SPACE
- W/INVERTED "U" RACK (STAINLESS STEEL, HOT-DIPPED GALVANIZED, OR POWDER COATED - OWNER SELECTED)
- PROPOSED L2 LANDSCAPE SCREENING SHRUBS & GROUND COVER W/ IRRIGATION SYSTEM, DESIGN-BUILD, BY OTHERS. REFER TO NARRATIVE FOR ALTERNATE TO LANDSCAPE UPGRADES
- * REFER TO NARRATIVE FOR ALTERNATE TO LANDSCAPE UPGRADES

SITE PLAN
 DECEMBER 7, 2016

04