



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

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**Date:** May 9, 2018  
**To:** Interested Person  
**From:** Jill DeCoursey, Land Use Services  
503-823-7314 / [Jill.DeCoursey@portlandoregon.gov](mailto:Jill.DeCoursey@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 18-142390 HR – ROOFTOP MECHANICAL**

#### **GENERAL INFORMATION**

**Applicant:** Rick Michealson  
906 NW 23rd Ave  
Portland, OR 97210  
[rick@icppdx.com](mailto:rick@icppdx.com)

**Owner:** 1306 LLC  
906 NW 23rd Ave  
Portland, OR 97210-3006

**Site Address:** **1306 NW Hoyt Street**

**Legal Description:** BLOCK 88 LOT 5&8, COUCHS ADD  
**Tax Account No.:** R180208030  
**State ID No.:** 1N1E33AD 04300  
**Quarter Section:** 2928

**Neighborhood:** Pearl District, contact [planning@pearldistrict.org](mailto:planning@pearldistrict.org).  
**Business District:** Pearl District Business Association, contact Julie Gustafson at 503-227-8519.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Plan District:** Central City - River District  
**Other Designations:** Contributing Resource in the NW 13<sup>th</sup> Avenue Historic District  
**Zoning:** EX d – Central Employment with Design and Historic Resource Protection Overlays

**Case Type:** HR – Historic Resource Review  
**Procedure:** Type II, an administrative decision with appeal to the Landmarks Commission.

**Proposal:**

The applicant is seeking Historic Resource Review approval for alterations to a historic landmark in the NW 13<sup>th</sup> Avenue Historic District. The proposal includes the removal of 16 existing rooftop HVAC units and the installation of 48 new smaller rooftop HVAC units. The replacement work will be completed in phases as the existing units fail and need to be replaced. The new HVAC units will be located in approximately the same locations as the existing units. The new units will not be visible from the street. Because the applicant would like to install units over time as existing ones fail, the applicant's request is to install units over a 5-year period as necessary.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations of a contributing resource in the NW 13<sup>th</sup> Avenue Historic District.

**Relevant Approval Criteria:**

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

- Central City Fundamental Design Guidelines
- NW 13<sup>th</sup> Avenue Historic District Design Guidelines

**ANALYSIS**

**Site and Vicinity:** The site is a 10,000 square-foot property on the southwest corner of NW Hoyt St and 13<sup>th</sup> Ave. NW Glisan St forms the southern edge of the block, and NW 14<sup>th</sup> Ave lies to the west. The four-story-plus-basement wood-framed masonry building was constructed in 1907 and occupies a 100-foot by 100-foot parcel. The site lies within the Central City Plan District, the NW 13<sup>th</sup> Avenue Historic District, and the Northwest Triangle Pedestrian District. A mixture of converted warehouses, high-rise condominium buildings, restaurants, galleries, and shops characterize the neighborhood. The Portland Streetcar runs along NW 11<sup>th</sup> Ave two blocks from the site, and NW Glisan St has regular bus service. NW 13<sup>th</sup> Ave, NW Hoyt St and NW Glisan St are designated Enhanced Pedestrian Streets, and NW 14<sup>th</sup> Ave, which runs one-way north, is classified as a Community Corridor. NW Hoyt St and NW 13<sup>th</sup> Ave are designated local service bikeways by the City of Portland Transportation System Plan, and NW 14<sup>th</sup> Ave and NW Glisan St are classified as City Bikeways. NW 14<sup>th</sup> Ave is further classified as a Major City Traffic Street, and NW Glisan St as a Transit Access St.

The historic Gadsby Building was built as a warehouse and furniture manufacturing facility by the Gadsby family, and is a contributing structure to the NW 13<sup>th</sup> Avenue Historic District. The building is oriented to the north, facing NW Hoyt Street. Both the NW Hoyt St and NW 13<sup>th</sup> Ave facades incorporate a simple pattern of square proportioned window openings, with window bays divided by brick columns with corbelled tops. Fenestration includes pairs of four-over-one wood sash windows within brick arched openings. The east façade facing NW 13<sup>th</sup> Ave includes three glazed entrances at the ground floor, which are accessed by the wooden loading dock.

**Zoning:** The Central Employment (EX) zone allows mixed uses and is intended for areas in the center of the City that have predominantly industrial-type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

The “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. 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.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and 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 Central City Plan District implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation Management Plan. The Central City plan district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area. The site is within the River District Subdistrict of this plan district.

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

- **LU 84-002178 (CU 052-84):** Approval of a conditional use to use the basement of the building for off-street parking.
- **LU 84-004647 (DZ 31-84):** Approval to convert the warehouse to lofts.
- **LU 92-00308 DZ/HL (92-009427):** Approval of storefront remodel, including new entry doors.
- **LU 06-150463 HDZ:** Approval of new guardrail on the loading dock fronting NW 13<sup>th</sup> Ave.
- **LU 15-115874 HR:** Approval of reduced canopy depth per Fire Bureau requirement.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed April 13, 2018. The following Bureaus have responded with no issues or concerns:

- Fire Bureau (Exhibit E-1)
- Life Safety Section of BDS (Exhibit E-2)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on April 13, 2018. 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 13<sup>th</sup> 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 13<sup>th</sup> Avenue Historic District Design Guidelines**

### **Guidelines for New Construction Historic NW 13<sup>th</sup> Avenue District**

- 6. Rear and Side Walls, and Roofs.** Non-street elevations of a building are less significant than street elevations. Rear and side walls of buildings should therefore be fairly simple, masonry-clad, with or without windows. Effort should be made to obscure views of roof top mechanical and electrical equipment.

**Findings:** The proposed new rooftop mechanical equipment is smaller than the existing rooftop mechanical equipment and will be clustered in roughly the same locations as the existing equipment to be removed. The new equipment will be roughly 34” tall (inclusive of a 6” curb). The existing parapet is 25” at the roof ridge, and 46” at the lowest point of the roof. All new equipment will be set back at least 10 feet from the roof edge. Therefore, the new equipment will not be visible from the street.

*Therefore, this guideline is met.*

### **Central City Fundamental Design Guidelines**

- 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.

**Findings for guidelines A6, C2:** Replacing the existing rooftop mechanical equipment with new, more efficient mechanical equipment will support the continued occupancy of this existing building, which in turn, will support the continued maintenance and preservation of this historic resource.

*Therefore, these guidelines are met.*

- C3. Respect Architectural Integrity.** Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal’s architectural integrity.

- 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.

**Findings for guidelines C3, C4, C5:** Because the new rooftop equipment will not be visible from the street, it will not have an impact on the building’s integrity, coherency, or relationship to surrounding buildings.

*Therefore, these guidelines are met.*

- 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 proposed new rooftop mechanical equipment is smaller than the existing rooftop mechanical equipment and will be clustered in roughly the same locations as the existing equipment to be removed. The new equipment will be roughly 34” tall (inclusive of a 6” curb). The existing parapet is 25” at the roof ridge, and 46” at the lowest point of the roof. All new equipment will be set back at least 10 feet from the roof edge. Therefore, the new equipment will not be visible from the street.

*Therefore, this guideline is 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 requirements of Title 11 can be met, and 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 and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of the new rooftop mechanical equipment, all set back at least 10 feet from roof edges and all to be no taller than 35 inches (inclusive of a 6-inch curb). The work will be completed between May 24, 2018 and May 24, 2023, per the approved site plans, Exhibits C-1 through C-2, signed and dated 05/07/18, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) 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 18-142390 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 allowed.

**Staff Planner: Jill DeCoursey**

**Decision rendered by:**  **on (May 7, 2018)**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: May 9, 2018**

**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 March 28, 2018, and was determined to be complete on April 10, 2018.

*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 March 28, 2018.

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: August 8, 2018.**

**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 May 23, 2018** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> 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](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 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **May 23, 2018** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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.** This approval allows the proposed work to occur over a 5-year period from May 24, 2018 and May 24, 2023.

If a building permit is not issued for all of the approved development within five 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:

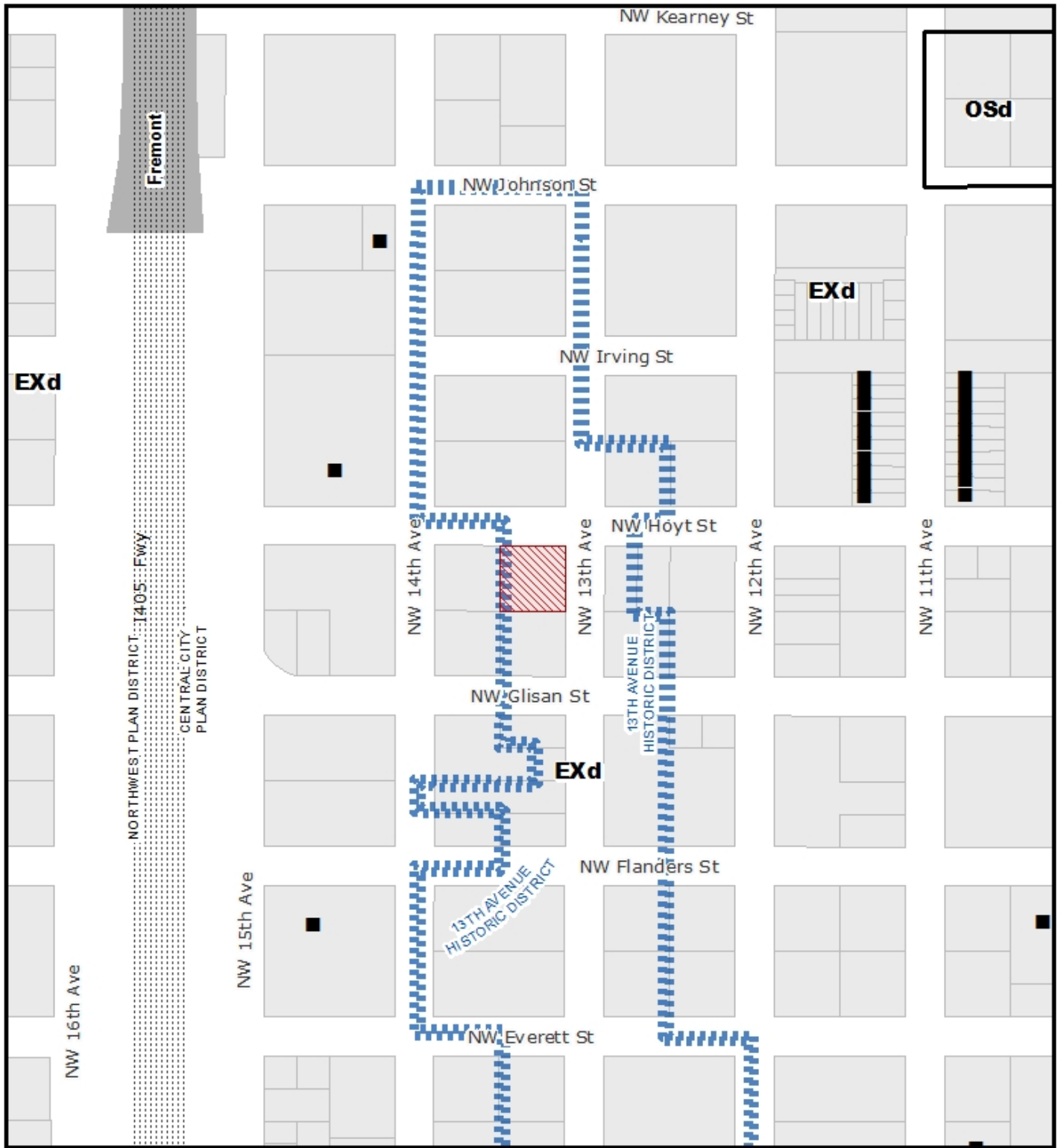
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  1. Project Narrative
  2. Project Drawings
  3. Mechanical Equipment Cutsheets
  4. Revised Roof Plan (received 5/4/2018)
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Roof Plan (attached)
  2. Mechanical Equipment Cutsheets
- D. Notification information:
  1. Mailing list
  2. Mailed notice
- E. Agency Responses:
  1. Fire Bureau
  2. Site Development Review Section of BDS
- F. Correspondence: None
- G. Other:
  1. Original LU Application
  2. Email correspondence

**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



THIS SITE LIES WITHIN THE:  
 CENTRAL CITY PLAN DISTRICT  
 RIVER DISTRICT SUBDISTRICT  
 13TH AVENUE HISTORIC DISTRICT



Site



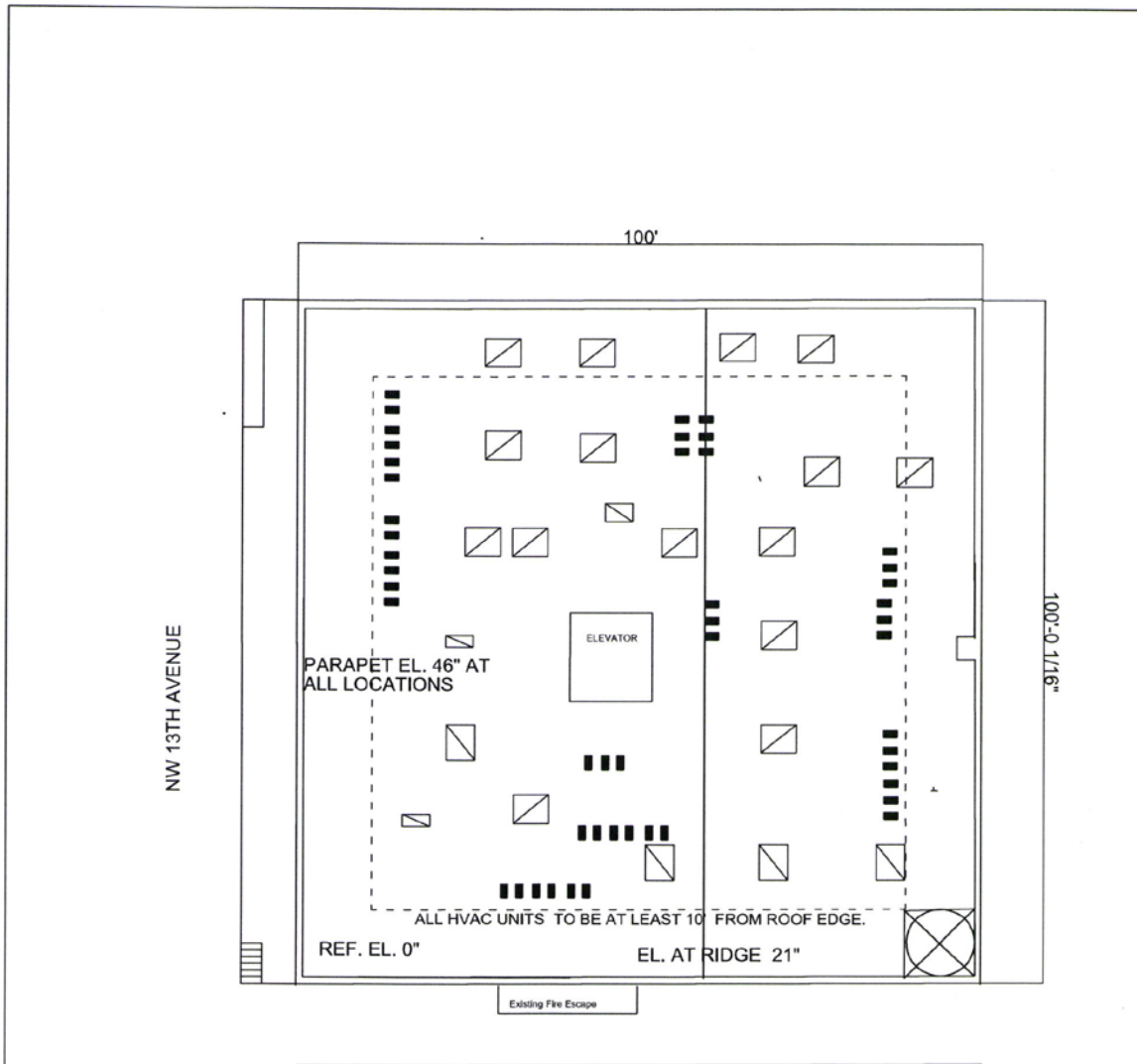
Historic Landmark



Bridge

File No.	LU 18-142390 HR
1/4 Section	2928
Scale	1 inch = 200 feet
State ID	1N1E33AD 4300
Exhibit	B Mar 30, 2018





NW HOYT STREET

**\*Approved\***  
**City of Portland - Bureau of Development Services**

Planner *[Signature]* Date 5/7/18

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

- NEW HVAC UNITS MAX SIZE 34"x12" 28" HIGH ON 6" BASE  
EXACT LOCATIONS MAY VARY

**SITE AND ROOF PLAN  
WITH NEW HVAC**

1306 NW HOYT ST  
NORTH 1"=16'

**EXHIBIT C-1**

LU 18-142390 HR