



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

Dan Ryan, Commissioner  
Rebecca Esau, Director  
Phone: (503) 823-7300  
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TTY: (503) 823-6868  
[www.portland.gov/bds](http://www.portland.gov/bds)

**Date:** September 28, 2021  
**To:** Interested Person  
**From:** Tim Heron, Land Use Services  
503-823-7726 / [Tim.Heron@portlandoregon.gov](mailto:Tim.Heron@portlandoregon.gov)

## **NOTICE OF A TYPE Ix PROPOSAL IN YOUR NEIGHBORHOOD**

Development has been proposed in your neighborhood. The proposed development requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map is attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Because we must publish our decision within 45 days, **we need to receive your written comments by 5 p.m. on October 28, 2021. Your comments must be e-mailed to the assigned planner listed above**; please include the Case File Number, LU 21-083486 HR, in your e-mail. If you do not have access to e-mail, please telephone the planner listed above about submitting comments. Please note that all correspondence received will become part of the public record.

### **CASE FILE NUMBER: LU 21-083486 HR – NEW ROOFTOP MECHANICAL EQUIPMENT TO REPLACE EXISTING UNIT**

**Applicant:** Ben King, Stem Architecture Inc., [ben@stemarchitecture.com](mailto:ben@stemarchitecture.com)  
Po Box 17034  
Portland, OR 97217

**Party of Interest:** Brian Sofich, Columbia NW Heating & Air Conditioning  
52734 NE 1st St  
Scappoose, OR 97056

**Owner:** NBP New Market LLC  
9 SE 3rd Ave, Ste 100  
Portland, OR 97214

**Party of Interest:** Paul Jackson, Path PDX LLC  
1640 NW Irving Street  
Portland OR 97209

**Owners Agent:** Lauren Noecker, NBP New Market LLC  
1640 NW Irving Street  
Portland OR 97209

**Site Address:** 83 SW 1ST AVE  
**Legal Description:** BLOCK 33 S 20' OF LOT 3 LOT 4, PORTLAND  
**Tax Account No.:** R667704650

**State ID No.:** 1N1E34DC 01300  
**Quarter Section:** 3029 & 3030

**Neighborhood:** Old Town Community Association, contact Jonathan Cohen at [treasurer@pdxoldtown.org](mailto:treasurer@pdxoldtown.org) or Mary-Rain O'Meara at [secretary@pdxoldtown.org](mailto:secretary@pdxoldtown.org)

**Business District:** Downtown Retail Council, contact at [lfrisch@portlandalliance.com](mailto:lfrisch@portlandalliance.com)  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Plan District:** Central City - Old Town/Chinatown

**Other Designations:** National Historic Landmark in Skidmore/Old Town Historic District

**Zoning:** CXd – Central Commercial with Design Overlay

**Case Type:** HR – Historic Review

**Procedure:** Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

**Proposal:**

The applicant requests Historic Resource Review approval to remove one larger 120" tall rooftop mechanical unit and add six smaller 66.5" tall rooftop mechanical units on the existing curb on the six-story section of the New Market Theatre building. The subject roof is a sloped roof (3:12 slope) set back 48'-9 3/4" minimum from the building facade.

Because the proposal is for alternations to the rooftop of any existing Historic Resource in a Historic District, Historic Resource Review is required.

**Relevant Approval Criteria:**

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

- Historic Resource Review Approval Criteria, Chapter 33.846.060.G
- Skidmore/Old Town Historic District Design Guidelines
- Central City Fundamental Design Guidelines

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. This application was submitted on September 2, 2021 and determined to be complete on **September 23, 2021**.

**DECISION MAKING PROCESS**

The Bureau of Development Services will make a decision on this proposal.

After we consider your comments we will do one of the following:

- Approve the proposal;
- Approve the proposal with conditions; or
- Deny the proposal.

The neighborhood association listed on the first page of this notice may take a position on this application. They may also schedule an open meeting prior to making their recommendation to the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

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 extended at the request of the applicant.

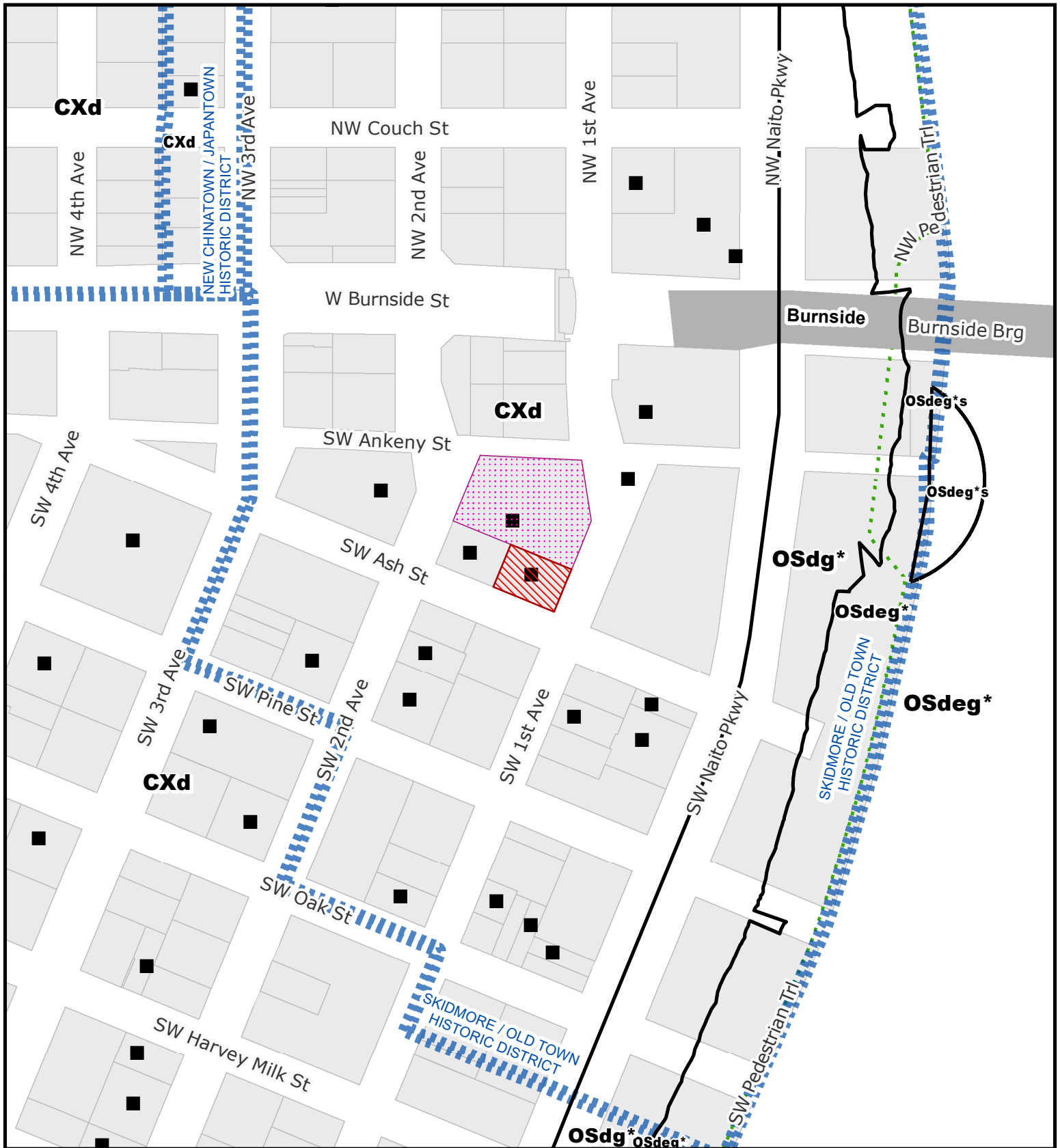
If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

**APPEAL PROCESS**

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem OR 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues which may provide the basis for an appeal to LUBA must be raised in writing before the deadline for comments, or you may not be able to raise that issue in an appeal. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**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).**

**Enclosures:** Zoning Map, Site Plan, Elevations



# ZONING



For Zoning Code in effect Post August 1, 2021

CENTRAL CITY PLAN DISTRICT  
 OLD TOWN / CHINATOWN SUB DISTRICT  
 SKIDMORE / OLD TOWN HISTORIC DISTRICT

-  Site
-  Also Owned Parcels
-  Historic Landmark
-  Recreational Trails

File No.	LU 21 - 083486 HR
1/4 Section	3029,3030
Scale	1 inch = 200 feet
State ID	1N1E34DC 1300
Exhibit	B Sep 02, 2021

**Commercial Tenant Improvement for New Market Theatre building**

783 SW 1st Ave, Portland, Oregon 97204

Shell work on third and fourth floors. Build walls to separate suites, install office counter, build new stage occupancy toilet rooms, repair & replace finishes in two existing toilet rooms. Build new stairs and lift occupancy loads, build new guard rails. No change to permit, separate permit required for finish occupancy.

**Permitting & Zoning Information**

Permitting: City of Portland, Oregon. At Account No. RB27704650 Map 2029.5  
 When Metro Urban Growth Boundary

Site Area 0.16 acres (7,000 s.f.)

No exterior work.

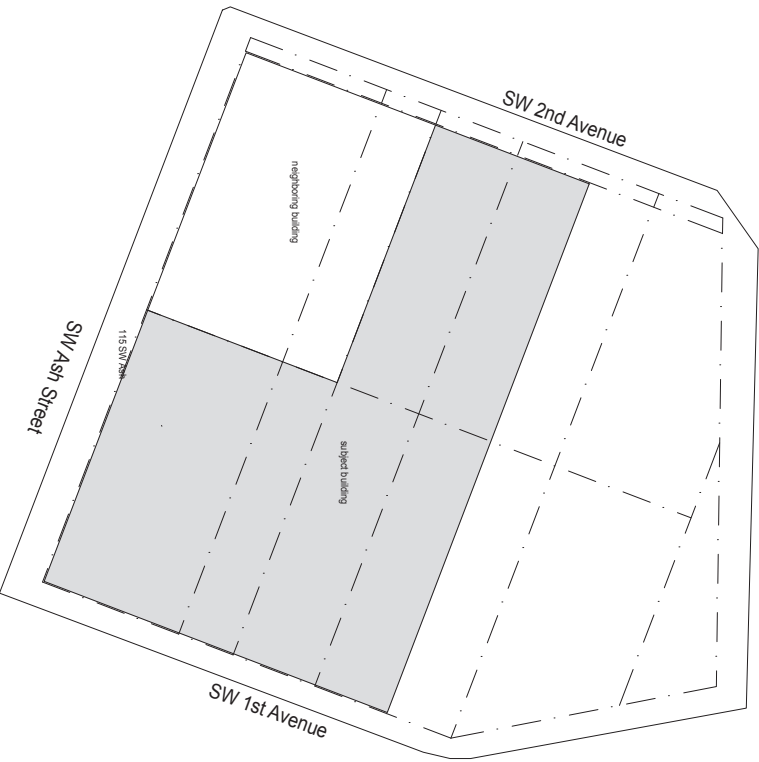
No site disturbance proposed. No new paving, building area, or impermeable surface proposed.

No vehicle parking, existing or proposed.

Zone: Central Commercial (CX), design overlay (D)

Historic District: SO - Steam/Redmond Town Historic District

Plan District: CC - Central City Plan District



North  
 NO.2

Site Plan 1  
 1" = 20'-0"

LU 21-083486 HR

**Stem**  
 Architecture, Inc. ©  
 PO Box 2124  
 Portland, Oregon 97208  
 V 503.317.4869



Project Contact  
 Ben King, Architect  
 tel: 503.317.4869  
 email: ben@stemarchitecture.com

New Market Theatre suites 300 & 400 shell work  
 83 SW 1st Avenue Portland, Oregon 97204

permit drawings  
 2 November 2020  
 drawing & zoning  
 information  
 site plan

**A0-2**

