



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

Dan Ryan, Commissioner
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Date: March 31, 2022
To: Interested Person
From: Hillary Adam, Land Use Services
503-823-8953 / Hillary.Adam@portlandoregon.gov

NOTICE OF A TYPE Ix 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 22-111891 HR - LOUVERS

GENERAL INFORMATION

Applicant: Thomas Shaw tg_shaw@hotmail.com
Thomas Shaw Architect
2810 SW West Point Ave
Portland, OR 97225

Applicant: Cindy Gunderson
Gunderson Designs
P.O. Box 80924
Portland, OR 97280

Tenant/Renter: Lynae Forbes
Hasson Company, Realtors
15400 Boones Ferry Rd
Lake Oswego, OR 97035

Interested Party: Jim Brunke
Inner City Properties
906 NW 23rd Ave
Portland, OR 97210

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

Site Address: 1302 NW HOYT ST

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 David Dysert and Reza Farhoodi at planning@pearldistrict.org . |
| Business District: | Pearl District Business Association, contact at info@explorethepearl.com |
| District Coalition: | Neighbors West/Northwest, contact Mark Sieber at 503-823-4212. |
| Plan District: | Central City - Pearl District |
| Other Designations: | Contributing Resource in the NW 13 th Avenue Historic District |
| Zoning: | EX d – Central Employment with Design and Historic Resource Protection overlay |
| Case Type: | HR – Historic Resource Review |
| Procedure: | Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA). |

Proposal:

The applicant proposes to make alterations to a small area of the north façade of the contributing resource in the NW 13th Avenue Historic District to include replacement of an existing original wood transom window with a new wood transom window, including two louvers at the center of the 4-lite transom.

The Notice of Proposal indicated that the extent of the changes was removal of glazing in a transom window above a pair of doors near the northeast corner and installation of louvers to accommodate ventilation requirement and noted four separate options for consideration with the applicant's preferred option being removal of the two center transom windows, leaving the two side transom windows in place. This is an increase in scope to replace the full transom window.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations to a contributing resource in a historic district.

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
- NW 13th Avenue Historic District Design Guidelines

ANALYSIS

Site and Vicinity: The subject property, known as the Gadsby Building, was built in 1906. It was commissioned by Captain William Gadsby and designed by an unidentified architect for furniture manufacturing and warehousing. The building is a simple 4-story brick warehouse that has been previously painted. It is oriented east with the main entrance accessed from the loading dock elevated sidewalk along NW 13th Avenue.

The NW 13th Avenue Historic District is a district comprised of twenty primarily brick warehouse buildings constructed between 1904 and 1945. The period of significance is 1900-1945. In 1904, the Portland City Council approved the construction of a railroad spur line along 13th to extend from Johnson Street to Glisan Street, which was completed in 1907. This spur, as well as one along 15th and the purchase of 40 blocks in the area by various railroad companies resulted in a significant increase in land values as well as the construction of what became a warehouse district for the shipping and receiving of goods. NW 13th Avenue was the first spur line used specifically for warehouse use and is consequently the most intact, easily distinguished from other streets in the Pearl District by its wealth of extant brick warehouse buildings and its unusual pedestrian character marked by the prevalence of loading docks converted to contemporary use as elevated sidewalks.

The building is located within the Central City Pedestrian District and the Pearl Bicycle District with NW 13th Avenue designated a Major City Walkway and NW Hoyt Street designated a Neighborhood Walkway and Neighborhood Main Street in the City's Transportation System Plan.

The Central City Plan District implements the Central City 2035 Plan. The regulations address the unique role the Central City plays as the region's premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river. The site is within the Pearl Subdistrict of this plan district.

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 development standards are intended to allow new development which is similar in character to existing development.

The Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people's daily experience; and
- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

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.

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

- LU 84-002178 CU (ref. file: CU 052-84) – Conditional Use approval to allow use of the basement for off-street parking;
- LU 84-004647 DZ (ref. file: DZ 31-84) – Design Review approval for conversion of the warehouse to residential use;
- LU 92-009427 DZ (ref. file: LUR 92-00308 DZ) – Design Review approval for replacement of doors and windows and reconstruction of a dock and canopy at the east façade;
- LU 06-150463 HDZ – Historic Design Review approval for new guardrail and mesh screen at loading dock;
- LU 16-115874 HR – Historic Resource Review approval for reduction of the canopy depth from 6' to 3'-6"; and
- LU 18-142390 HR – Historic Resource Review approval for new rooftop mechanical equipment.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **February 23, 2022**. The following Bureaus have responded with no issues or concerns about the proposal:

- Life Safety Division of BDS (see Exhibit E1)
- Site Development Section of BDS
- Fire Bureau

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **February 23, 2022**. 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.
- 3. Exterior Building Materials.** Most of the buildings within the NW 13th Avenue Historic District were constructed of bearing wall brick masonry (left exposed or covered with plaster), or stone. This feature gives the area much of its textural surface character. Surfaces should be treated, repaired, and maintained in a manner which respects this character.
 - a. Walls.** Wall materials within the District maintain a fairly uniform surface texture, but are articulated through columns, piers, and surface ornamentation. Bricks, stone and plaster are the predominant materials. Original building materials should be preserved wherever possible. Cleaning and/or repainting of masonry is preferred over replacement. If masonry has to be replaced, it should be done with original or new masonry of matching color, texture, size and coursing. Mortar color should match the color and joint configuration of the existing masonry wall.

Plastered surfaces should be cleaned, repaired with a similar plaster texture, and

repainted. Avoid exposing brick to the weather by removing finish plaster, as this will speed deterioration of the brick. Artificial and/or inappropriate coverings, such as metal, plastic, or wood sidings, should not be applied to masonry surfaces.

- b. Storefronts, Doors, and Windows.** The shape, size, placement and trim of storefront openings are a key element in establishing the character of a building. Where original storefronts remain, they should be preserved and repaired. Where covered with other materials, the latter materials should be removed to determine the condition of the original materials.

Storefronts requiring new materials may include a wide variety of replacement systems. Building Codes require non-combustible materials (steel, aluminum, etc.), but wood systems may be acceptable provided other means of fire protection are installed. Wood systems should be painted.

New window and door openings should maintain a similar horizontal and vertical relationship as the originals. Traditionally, ground floor window systems vary in the District — some buildings feature multi-paned wood or metal industrial casement windows. Other buildings feature large storefront panes with smaller transom panes above. Still others feature ground floor systems similar to upper floor systems, typically double-hung, one-over-one, wood sash windows.

Clear glass should be used instead of tinted glass. Original hardware should be maintained wherever possible. If not, new hardware should be in keeping with original designs.

- c. Loading Docks, Overhead Doors, and Canopies.** Many of the buildings along NW 13th Avenue have concrete or wood loading docks projecting into the street, with canopies above and roll-up doors adjacent to the loading space. These features are among the most distinctive features in the District, and should be retained even where loading operations have been discontinued. New docks are also encouraged, to a maximum projection of 11 feet.

Findings for 1, 2, and 3: The proposal is rather minor considering the scale of the building, and involves the replacement of two transom windows on the north façade with louver vents, amounting to a total visual change of 6 square feet. While the existing original transom window is in good shape, the act of removing two panes of glazing, inserting metal louvers, and attaching ductwork behind would have compromised the original materials due to the rather thin muntins in the existing window. Therefore, the applicant has elected to replace the transom windows with a new transom designed to accommodate this purpose and these new materials. The new transom will be constructed of wood with beveled muntins to replicate the original condition of four lites divided by three narrow vertical muntins.

While the scope increased since issuance of the Notice, this minor change retains all significant aspects of the building including proportional relationships and visual integrity. The original window is proposed to be stored in a crate in the basement of the building for safekeeping in the event that it may someday be reinstalled.

With the condition that the existing original transom window shall be stored in a crate in the basement for potential future reinstallation, per the applicant's statement, these guidelines are met.

Central City Fundamental Design Guidelines

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

Findings: The building is being modified to accommodate contemporary needs for additional ventilation. This minor modification allows the building to continue to meet the needs of its inhabitants and thus ensures its continued use. *This guideline is met.*

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.

Findings for C2, C3, and C5: The proposed replacement transom is designed to match the existing in material, pattern, and form, the exception being the two center openings will feature metal louvers rather than glazing. The design and construction are of good quality and respect the architectural integrity of the historic building, ensuring this minor alteration will not compromise the overall design coherency. *These 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 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. The proposed replacement transom is designed to match the historic transom, while the original will remain safely on site for potential future reinstallation. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of alterations to a small area of the north façade of the contributing resource in the NW 13th Avenue Historic District to include removal of glazing and installation of louvers to accommodate ventilation requirements in the two center transom windows above a pair of doors near the northeast corner. The two side transom windows above the door will remain in place. This approval is per the approved site plans, Exhibits C-1 through C-5, signed and dated March 28, 2022, 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 four 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 22-111891 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.
- D. The existing original transom window shall be stored in a crate in the basement for potential future reinstallation.

Staff Planner: Hillary Adam

Decision rendered by:  **on March 28, 2022**

By authority of the Director of the Bureau of Development Services

Decision mailed: March 31, 2022

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 February 9, 2022 and was determined to be complete on February 18, 2022.

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 February 9, 2022.

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: June 18, 2022.**

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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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.

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 on or after **April 1, 2022** 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. 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:

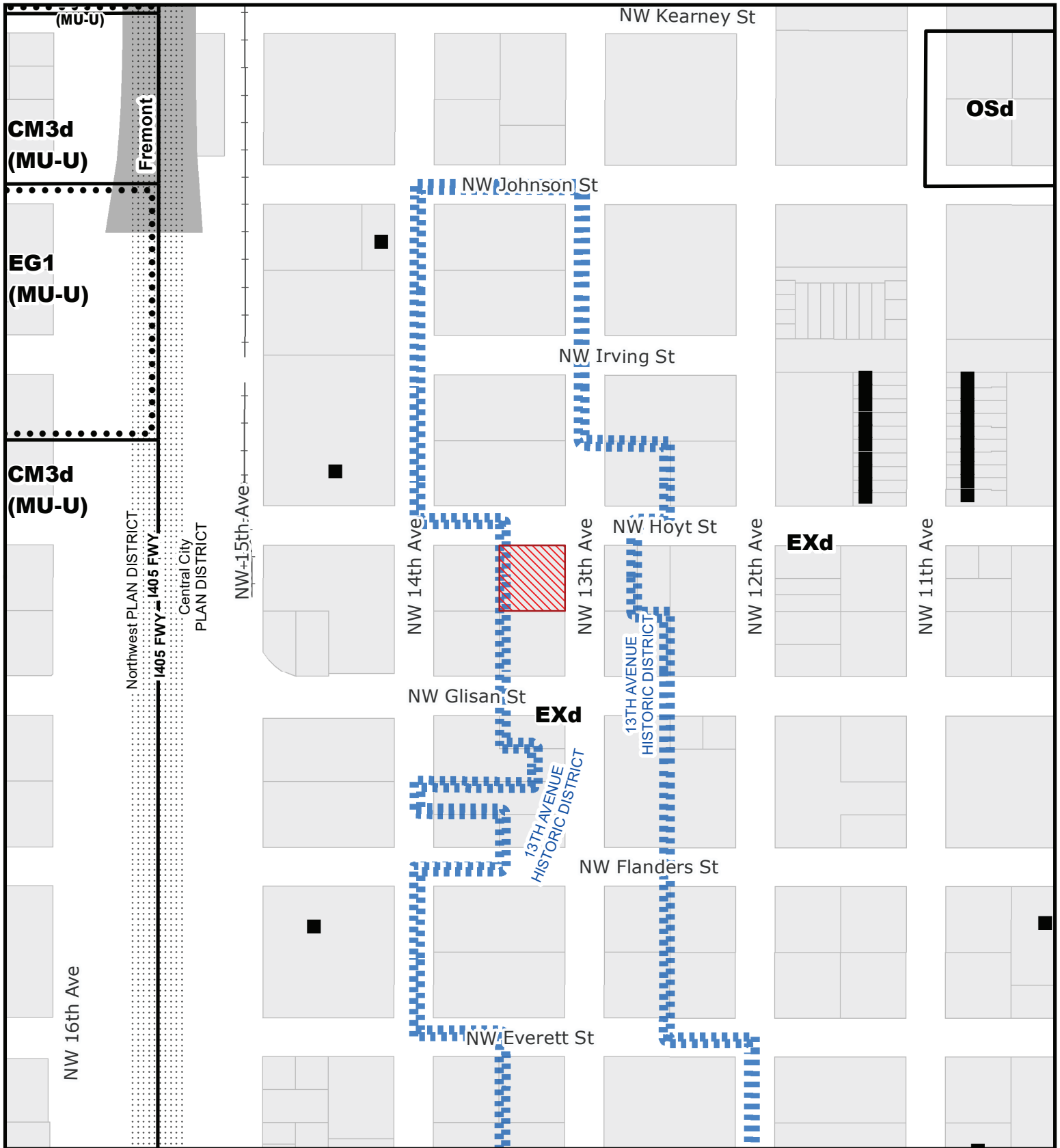
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Narrative
 2. Drawings
 3. Email from Applicant, dated March 25, 2022
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Rendering
 3. Elevation and Section (attached)
 4. Photo Simulation
 5. Enlarged Details (attached)
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Life Safety Division 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



For Zoning Code in effect Post August 1, 2021

CENTRAL CITY PLAN DISTRICT
 PEARL SUB DISTRICT
 13TH AVENUE HISTORIC DISTRICT



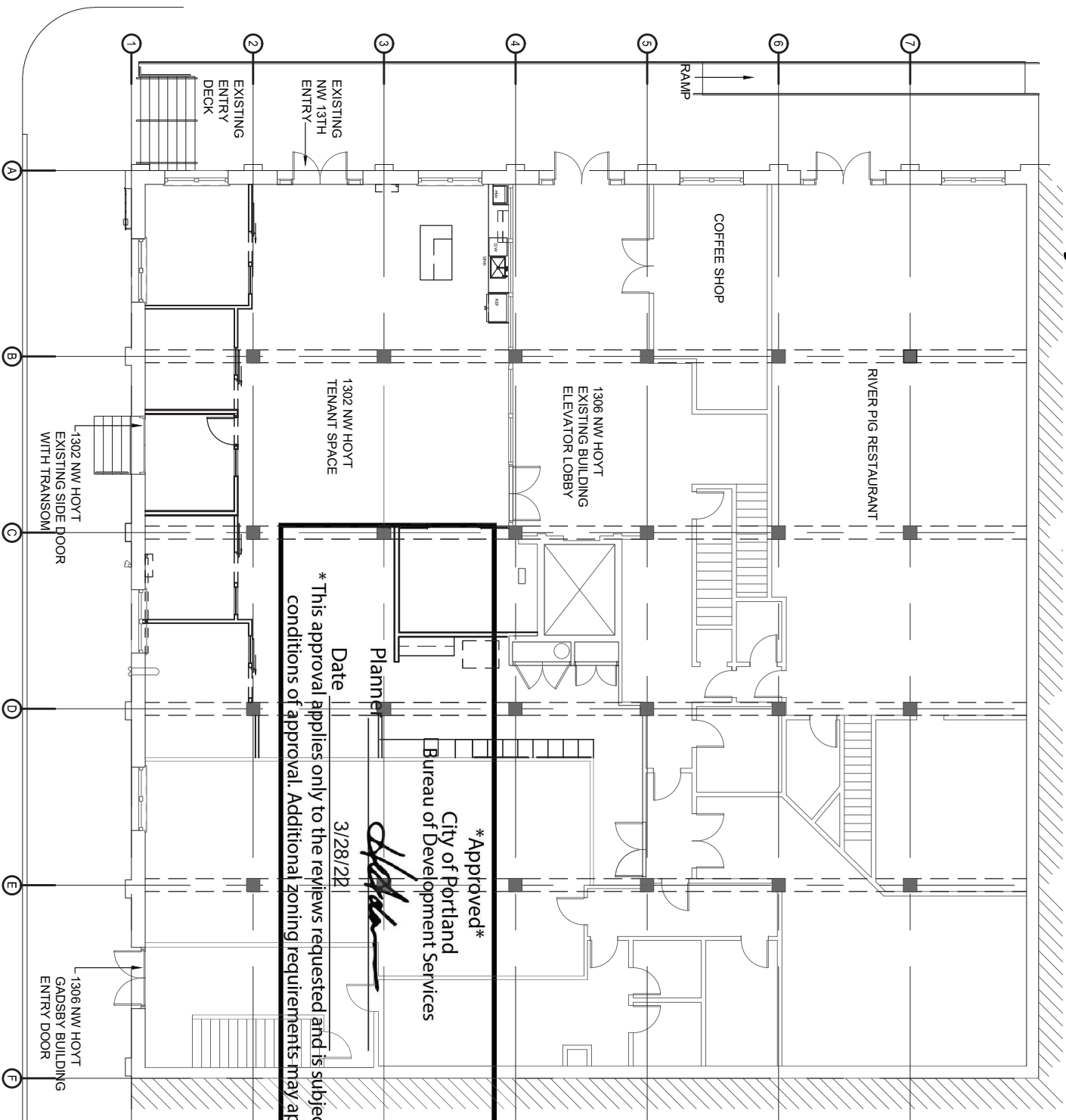
Site



Historic Landmark

| | |
|-------------|-------------------|
| File No. | LU 22 - 111891 HR |
| 1/4 Section | 2928 |
| Scale | 1 inch = 200 feet |
| State ID | 1N1E33AD 4300 |
| Exhibit | B Feb 10, 2022 |

1302 nw hoyt GADSBY BUILDING 1ST FLOOR PLAN



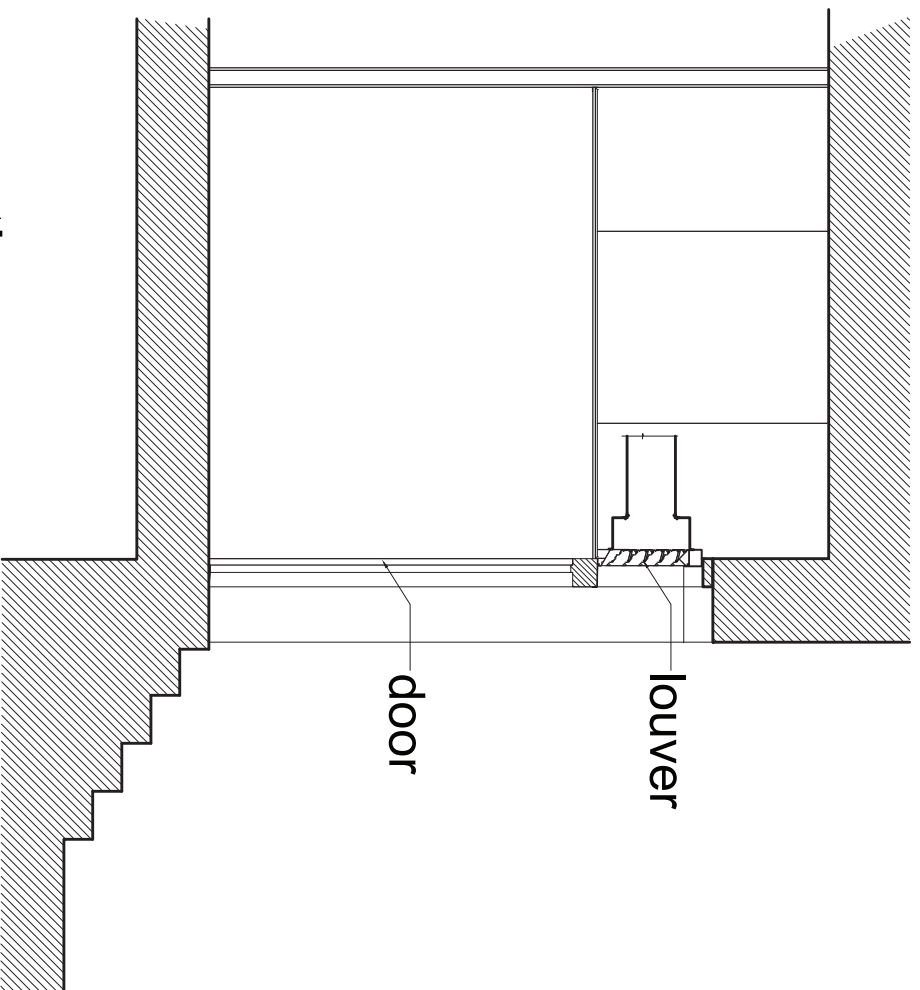
*** Approved***
 City of Portland
 Bureau of Development Services

Planner: *[Signature]*
 Date: 3/28/22

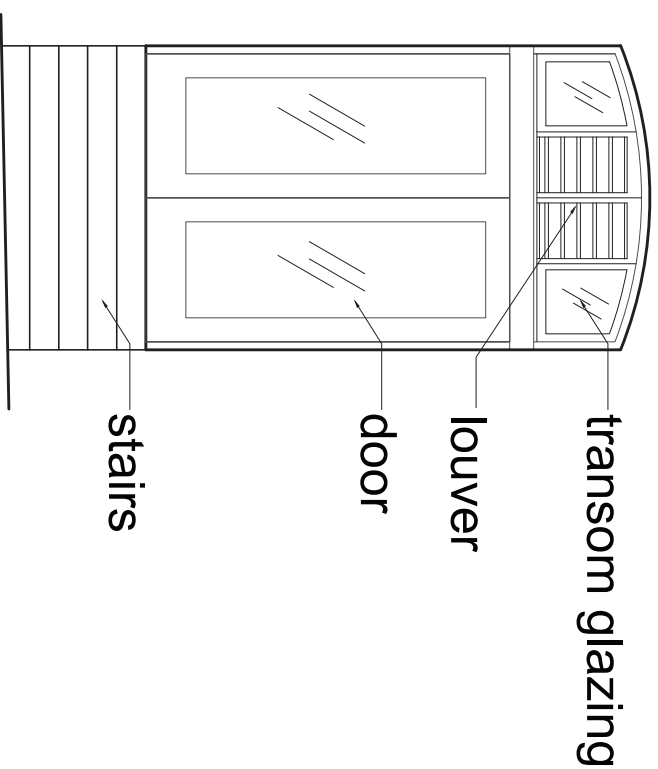
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

1302 nw hoyt louver plan, elevation, section

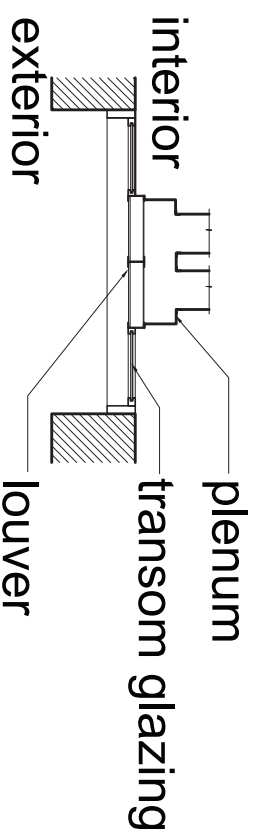
#3 preferred louver configuration



section



elevation



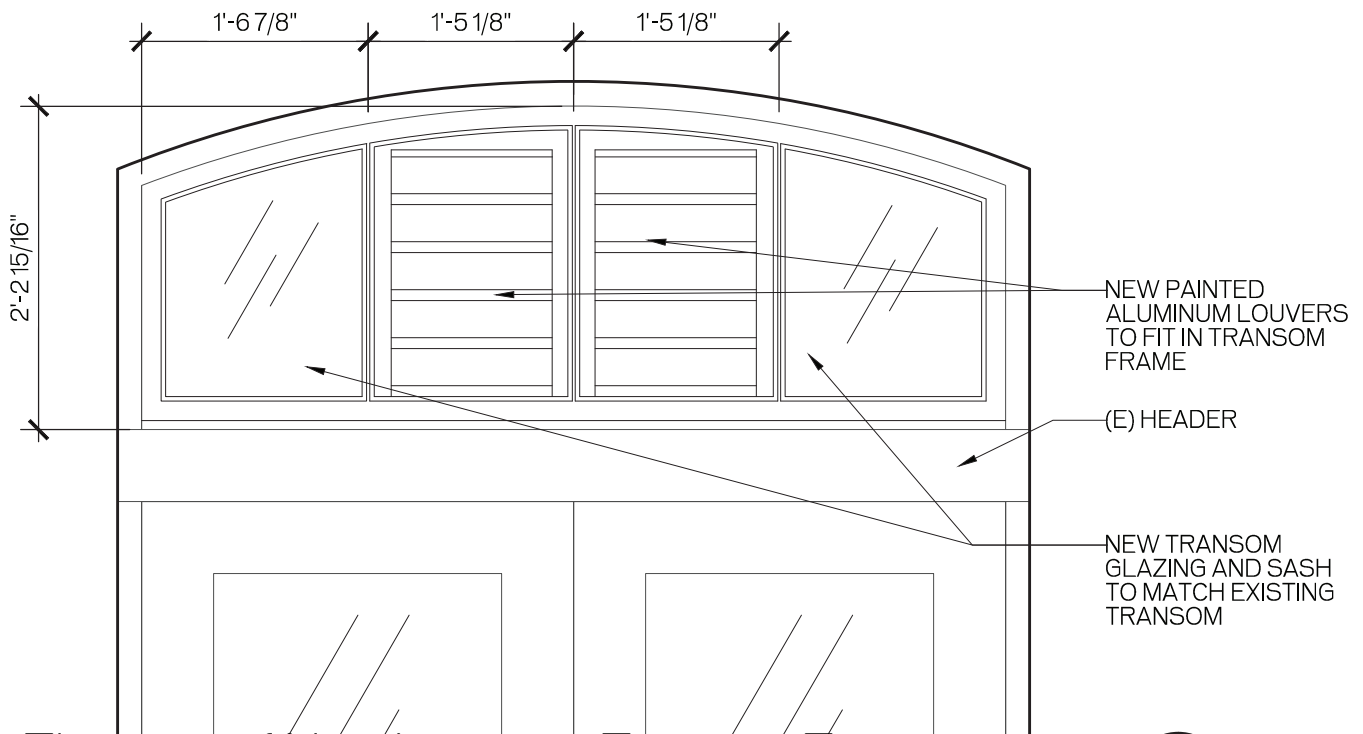
plan

Approved
City of Portland
Bureau of Development Services

Planner *[Signature]*

Date 3/28/22

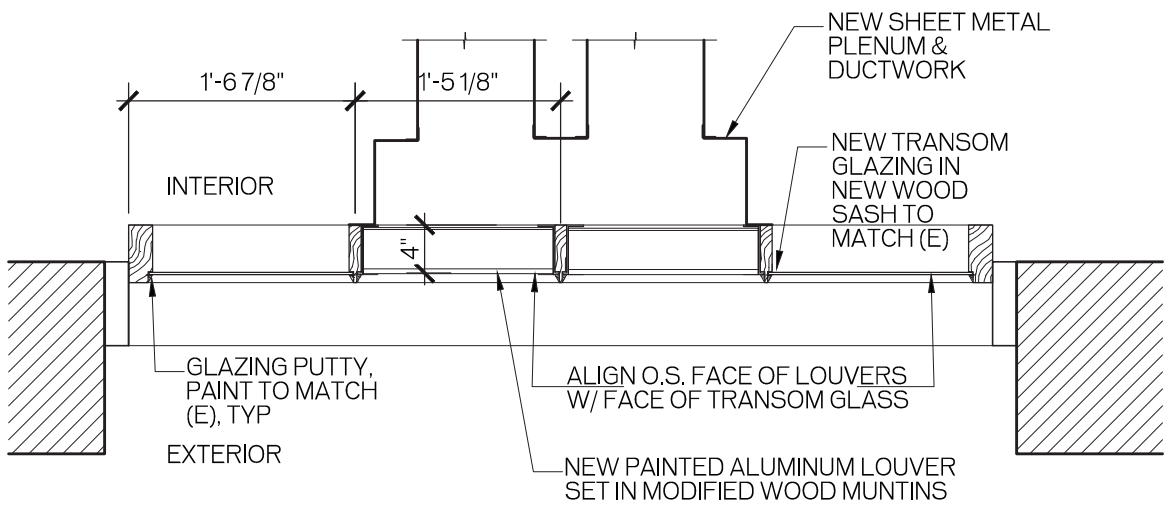
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



Elevation of New Louver in Transom Frame

3/4"=1'-0"

12



Plan of New Louver in Transom Frame

3/4"=1'-0"

3-25-2022
1306 NW Hoyt St.

11

Approved
 City of Portland
 Bureau of Development Services

Planner *[Signature]*

Date 3/28/22

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