

City of Portland

Bureau of Development Services

Land Use Services Division

1900 SW Fourth Ave. Suite 5000 Portland, Oregon 97201 Telephone: 503-823-7300 TDD: 503-823-6868 FAX: 503-823-5630

www.portlandonline.com/bds

Date: May 27, 2008

To: Interested Person

From: Chris Beanes, Land Use Services

503-823-7983 / chris.beanes@ci.portland.or.us

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 this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-119604 HDZ, ROOFTOP MECHANICAL

GENERAL INFORMATION

Applicant: Nicholaus Marandu, Pastor

Immaculate Heart Church 2926 N. Williams Ave. Portland, OR 97227

Roman Catholic Archbishop Of Portland In Oregon

2838 E Burnside St Portland, OR 97214-1830

Representative: Frances McBride, Architect 503-288-0089

6019 N. Willamette Blvd Portland, OR 97203

Site Address: 26 NE MORRIS ST

Legal Description: LOT 33 BLOCK 29, ALBINA; LOT 34-38 BLOCK 29, ALBINA

Tax Account No.: R009611340, R009611350

State ID No.: 1N1E27AD 02100, 1N1E27AD 02000

Quarter Section: 2730

Neighborhood: Eliot, contact Mike Warwick at 503-284-7010.

Business District: North-Northeast Business Assoc, contact Joyce Taylor at 503-445-

1321.

District Coalition: Northeast Coalition of Neighborhoods, contact Robin Denburg at 503-

823-4135.

Plan District: Albina Community

Other Designations: Eliot Conservation District

Zoning: R1, Residential 1,000

Case Type: HDZ, Historic Design Review

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

Proposal:

Proposed are placement of 5 mechanical units on the roof of the single story classroom building of the Immaculate Heart Church campus. The classroom building is located on the corner of NE Morris Street and Williams Avenue. The units measure 4'-0" tall, with dimensions of 4'-0" long by 3'-0" wide. The applicant proposed placing the units 22'-24' away from the outermost building parapet edge and will be arranged in linear fashion along an east-west axis. It should be noted that the campus includes the Historic Landmark-designated Immaculate Heart Church.

Because the proposal is for an exterior alteration within a Historic Conservation District, Historic Design Review is required.

Relevant Approval Criteria:

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

■ Community Design Guidelines

ANALYSIS

Site and Vicinity: The 20,000 square foot through lot is bordered by NE Morris, Williams, and Stanton Streets. A number of buildings occupy the site, including a parish hall, rectory, and the historic landmark designated Immaculate Heart Church, which is prominently located at the southeast corner of the site. The subject one story school building, constructed in 1950, primarily faces NE Morris Street and the long building wall is located close to the sidewalk. Mature trees line NE Morris and Dawson Park is located due west of the site. The primary transportation street, North Williams, is classified as a neighborhood collector street and a City Bikeway.

Zoning: The R1 zone is a medium density multi-dwelling zone. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than the R3 zone. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.

The Eliot Historic Design Zone/Neighborhood Conservation District is the eastern portion of the original town of Albina. The area is predominately residential and contains a large number of turn of the century houses, some dating from the 1880s. After consolidation with Portland and East Portland, the area developed into the city's foremost rail oriented industrial community. Housing for the industrial workers was more modest construction on smaller lots. The houses were built without a standard setback and the setbacks are not uniform.

Land Use History: City records indicate previous land use reviews for this site.

- CU 33-89: A Conditional Use review and approval to construct a church kitchen and various site improvements;
- HL 49-89: Historic landmark designation for Immaculate Church.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **April 16, 2008**. The following Bureaus have responded with no issues or concerns:

The <u>Site Development Section of BDS</u> responded with the following comment: "Guardrails 42 inches high shall be installed where roof-mounted equipment requiring service is located within 10 feet of the roof edge". Please see Exhibit E-1 for additional details.

The <u>Bureau of Environmental Services</u> has responded with the following comment: "Stormwater runoff generated from the proposed development must meet the requirements of the City of Portland's Stormwater Management Manual current at the time of building plan review". Please see Exhibit E-2 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **April 16**, **2008.** No written responses have been received from the Neighborhood Association. A notified property owner responded positively to the proposal, see Exhibit F.1 for further information.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846, Historic Reviews 33.846.060.A, Purpose of Historic Design Review

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

Section 33.846.060.E.2. Conservation Districts without District-Specific Guidelines. Conservation Districts without district-specific guidelines. Where there are no guidelines that are specific to the Conservation District, the *Community Design Guidelines* are the approval criteria;

Findings: Because the site is located in a Conservation District outside of the Central City Plan District without specific guidelines, the *Community Design Guidelines* are the applicable approval criteria.

Community Design Guidelines

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories: **(P) Portland Personality,** which establishes Portland's urban design framework; **(E) Pedestrian Emphasis,** which states that Portland is a city for people as well as cars and other movement systems; and **(D) Project Design,** which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

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

D6. Architectural Integrity. Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

Findings: The applicant proposes locating the rooftop mechanical units approximately 23 feet from the edge of the building façade, centrally aligned on the roof. Placement of the units will be along an east-west orientation. Sightlines from the adjacent streets indicate that the units will not be visible due to the placement of the units towards the middle of the roof. In addition, an eave projection on the roof further obscures sight of the units. Further, since the units, which are painted gray will match the existing gray roof color. *This guideline is therefore 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 applicant has placed the rooftop units in a sensitive manner, cognizant of their appearance and potential impact to the visual environment. The proposal merits approval.

ADMINISTRATIVE DECISION

Approval of 5 mechanical units measuring 4'-0" tall (which includes unit supports), with dimensions of 4'-0" long by 3'-0" wide on the roof of the single story classroom building of the Immaculate Heart Church campus. The units will be placed 22'-24' away from the outermost building parapet edge and will be arranged in linear fashion along an east-west axis per the approved site plans, Exhibits C-1 through C-3, signed and dated May 22, 2008, subject to the following conditions:

A. As part of the building permit application submittal, each of the 4 required site 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 08-119604 HDZ. No field changes allowed."

Decision rendered by: ______ on May 22, 2008

By authority of the Director of the Bureau of Development Services

Decision mailed: May 19, 2008

Staff Planner: Chris Beanes

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 April 2, 2008, and was determined to be complete on **April 11, 2008**.

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 April 2, 2008.

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 June 10, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., 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. Recognized neighborhood associations are not subject to the appeal fee. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 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 **June 11, 2008.**
- 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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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.

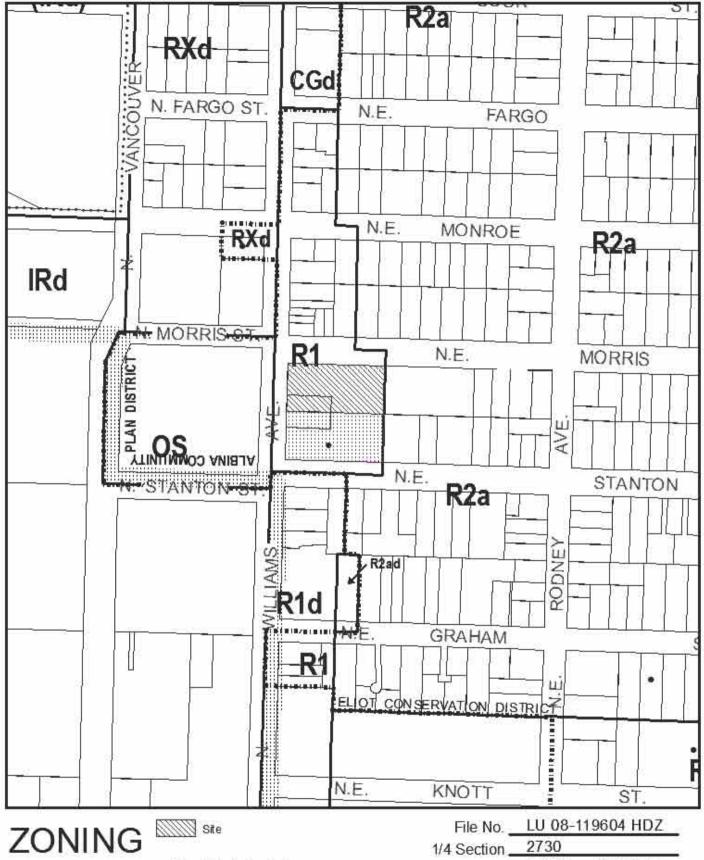
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevations
 - 3. Mechanical Unit cutsheet
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Site Development Review Section of BDS
 - 2. Bureau of Environmental Services Section, BDS
- F. Correspondence:
 - 1. Beth Russell, 4/21/08, support for proposal
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Sound Advice, Stewart Acoustical Consultants

The Bureau of Development Services is committed to providing equal access to information and hearings. If

you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



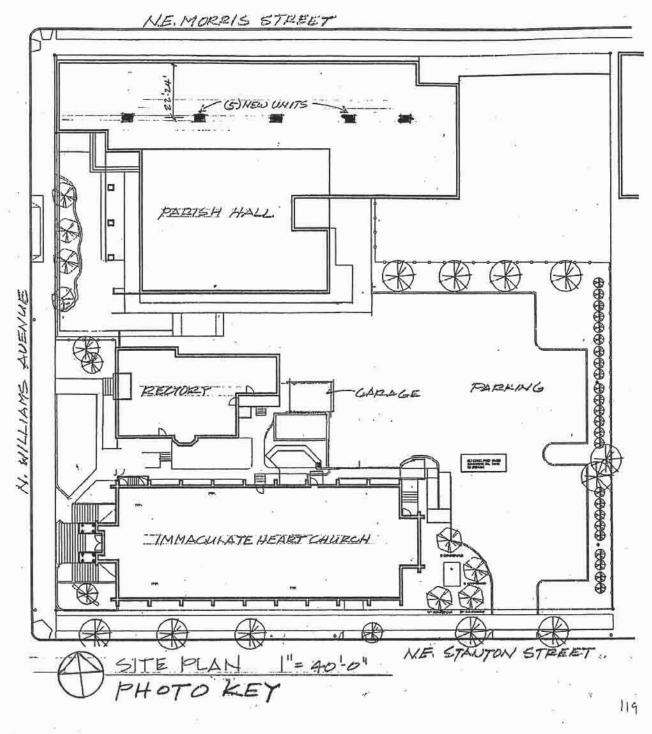
Historic Landmark



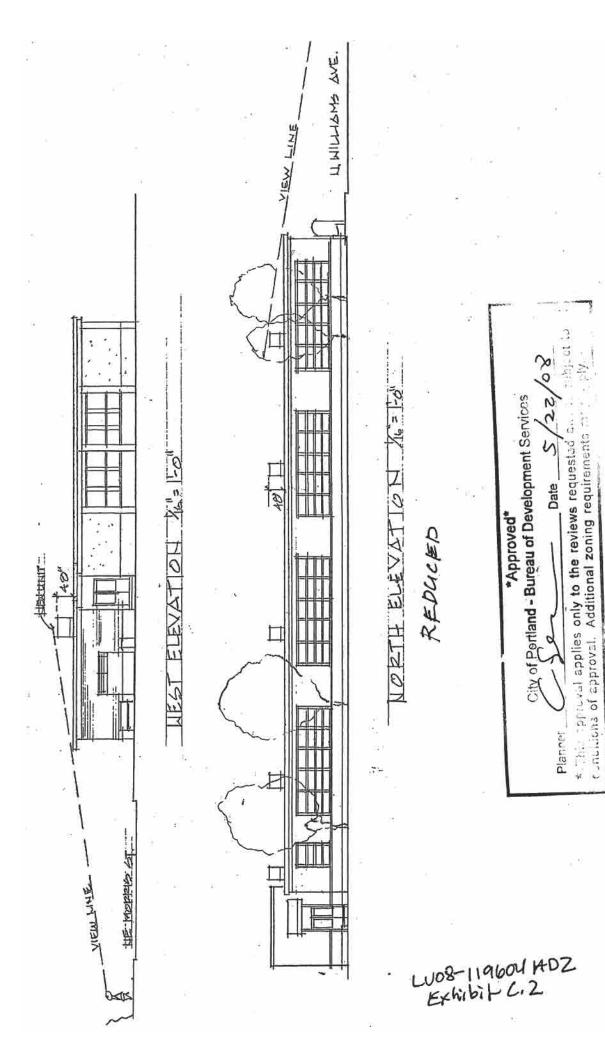
This site lies within the: ALBINA COMMUNITY PLAN DISTRICT **ELIOT CONSERVATION DISTRICT**

2730 1/4 Section. 1 inch = 200 feet Scale. 1N1E27AD 2000 State Id В (Apr 03,2008) Exhibit.





		App	roved		-
	City of Po	rtland - Bureau	of Developm	ent Services	
Planner_	ch	2	Date	5/20/08	
* This appointment	oroval applie of approval	es only to the . Additional z	reviews require	ested and is ambjact ments may ply	1



Unit Parameters	
Unit Model:	48ES-0300603
Unit Size:	030 (2.5 Tons)
Volts-Phase-Hertz:	208-1-60
Heating Type:	Gas
Duct Cfg:Vertical	Supply / Vertical Return
Heating Capacity:	***
60,000 Btuh	

Unit Length: 4' 0"
Unit Width: 2' 9"
Unit Height: 3' 3"
Base Unit Weight: 313 lb

Weights and Dimensions are approximate, Weight does not include roccurbs, unit packaging, field inabilied accessories or factory

Weights and Dimensions are approximate, Weight does not include roof curbs, unit packaging, field habited accessories or factory installed options. Approximate dimensions are provided primarily for shipping purposes. For exact dimensions and weights, refer to appropriate product data catalog.

73 db

Warranty Information First Year - Parts Only (Standard)

No optional warrantles were selected.

NOTE: Please see Warranty Catalog 500-089 for explanation of policies and ordering methods.

Ordering Information

