



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

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**Date:** March 17, 2015  
**To:** Interested Person  
**From:** Staci Monroe, Land Use Services  
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## **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, including the written response to the approval criteria and to public comments received on this application, 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 14-251751 DZ** *RADIATOR BUILDING NORTH FACADE*

#### **GENERAL INFORMATION**

**Applicant:** Jeff Vincent / PATH Architecture  
5229 NE MLK Jr Blvd, Suite 101 / Portland, OR 97211

**Owner:** Deco Diner LLC  
Benjamin Kaiser, PATH Architecture  
5229 NE M LK Jr. Blvd, Suite 101 / Portland, OR 97211

**Site Address:** 3522-3540 N VANCOUVER AVENUE

**Legal Description:** BLOCK 30 LOT 11&12, ALBINA HMSTD  
**Tax Account No.:** R010506240  
**State ID No.:** 1N1E22DC 14300  
**Quarter Section:** 2630  
**Neighborhood:** Boise, contact Stephen Gomez at 503-819-8268.  
**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032.  
**District Coalition:** Northeast Coalition of Neighborhoods, contact [info@necoalition.org](mailto:info@necoalition.org)  
**Plan District:** None  
**Zoning:** EXd – Central Employment zone with a Design overlay  
**Case Type:** DZ – Design Review  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

#### **Proposal:**

The applicant seeks Design Review approval to change a condition of approval to a prior design review (LUR 13-123068 DZ) for the Radiator Building. Condition B of this approval states that “five unique shades of gray must used for the metal panel cladding located on the north façade of the building”. This condition was a graphic solution to add visual interest to the large exposed wall. The applicant originally proposed to change to the metal panels to a single color and add a large art installation north wall through the Regional Arts and Culture Council’s

(RACC) Public Arts Program. The proposal has since been revised to retain the single color metal panels but adds the installation of 13 vertical stainless steel cables attached at the western portion of the north wall, which will support 8”x36” musical “notes” placed in a lyrical pattern along the cable runs. The “notes” will be fabricated using bent, perforated, stainless steel with aluminum sequins attached.

Per Section 33.730.140 of the Portland Zoning Code, changes to conditions of approval of a land use review are subject to the same process and approval criteria as the original land use review, hence this follow-up Type II Design Review.

**Relevant Approval Criteria:**

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

- Community Design Guidelines

## ANALYSIS

**Site and Vicinity:** The subject site is 12,000 square feet in area and located on the block bounded by N Vancouver Avenue, N Beech Street, N Williams Avenue, and N Fremont Street. The site has street frontage on only one street – N Vancouver Avenue. The site also has frontage on an unimproved alley, which runs north-south through the block. To the north, the alley terminates at roughly the mid-point of the block. To the south, the alley terminates at N Fremont Street, where there is a curb-cut providing access. Most of the alley is comprised of loose gravel.

The Eliot Pedestrian District is located immediately south of the site (N Fremont Street is the northern border of the pedestrian district). The Eliot Conservation District is also located nearby. The Conservation District is comprised primarily of single-family homes with historic character.

Portland’s Transportation System Plan classifies N Vancouver Avenue as a Neighborhood Collector Street, Transit Access Street, Community Corridor, City Walkway, and City Bikeway. The unimproved alley located on the subject block is classified as a Local Service Walkway and Local Service Bikeway.

**Zoning:** The Central Employment (EX) base 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 that 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 Design (d) overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. 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.

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

- LU 13-123068 DZM – A 2013 Design Review and Modification approval for the Radiator Building, an office building with ground floor retail and parking.
- LU 13-240623 DZM AD – A 2013 Design Review, Modification and Adjustment approval for two new commercial buildings with a central outdoor courtyard that includes the southeast corner of the Radiator Building site.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **January 21, 2015**. Given the scope of the proposal only a response from the Life Safety Plans Examiner was provided (see Exhibit E.1)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on January 21, 2015. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Boise Neighborhood Association, February 7, 2015, requesting a condition of approval for a public review process if the Regional Arts and Culture Council (RACC) program is the solution approved to the north wall treatment.

**Staff’s Response:** Since the applicant is no longer pursuing an art installation through RACC’s Public Arts Program, this request is no longer relevant. However, in addition to the public notice requirements of this Type 2 Land Use Review, per Zoning Code Section 33.730.020, the applicant has informed Staff that they have recently met with the neighborhood and discussed this revised proposal.

## ZONING CODE APPROVAL CRITERIA

### Design Review - Chapter 33.825

#### Section 33.825.010: Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

#### Section 33.825.055: Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

**Findings:** The site is designated with design overlay zoning (d); therefore the proposal requires Design Review approval. Because of the site’s location, the applicable design guidelines are the *Community Design Guidelines*.

### 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 only the guideline considered applicable to the proposal.*

**D8. Interest, Quality, and Composition.** All parts of a building should be interesting to view, of long-lasting quality, and designed to form a cohesive composition.

**Findings:** The original design review approval (LUR 13-123068 DZ) included a condition of approval to ensure visual interest on the north façade, which is a side elevation directly facing a parking lot on the northerly abutting property. The condition of approval stipulated that five unique shades of gray were to be used for the metal panel cladding. This was intended to prevent the appearance of a monolithic, blank wall often associated with side façades.

Due to challenges with the prefabricated colored metal in five shades, alternatives were explored that would achieve the same objective as the condition to add interest to, and break down the scale of, the north wall. The pursued option includes the installation of 13 vertical stainless steel cables attached at the top to brackets placed beneath the parapet flashing and at the bottom to brackets mounted on the foundation wall. These cables will match the cable dimensions of the cable rails that are at other locations on the building. These cables will also support musical “notes”, a minimum of 25, that will be placed in a lyrical pattern along the cable runs. The “notes” will be fabricated using bent, perforated, stainless steel with aluminum sequins attached. The result of these “notes” will be shimmering 8”x36” shapes that seem to slide up and down along the cables. The density of the “notes” will build along the cable lengths to eventually meet up with the west facing, white solar shades (which will also be moving throughout the day driven by 4 motors).

The cable rows and “notes” together with the vertical window opening and horizontal parking opening result in a façade of changing light patterns from within the building and on the exterior adding texture and interest to this exposed wall. In addition, the steel cables and notes complement the materials and forms of other building elements for a cohesive composition. A condition of approval for this treatment to be installed prior to the final Certificate of Occupancy is issued for the building is required. *With the condition, 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 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 design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The change in the condition and treatment of the exposed north wall continues to meet the condition’s objective to add interest and break down the mass of the north wall in a manner that also complements materials and forms on the building for a cohesive composition. The proposal meets the applicable design guidelines and therefore warrants approval.

## **ADMINISTRATIVE DECISION**

Approval of a change to Condition B of the previous Design Review (13-123068 DZ) for the Radiator Building to install a minimum of 25 (8”x36”) musical “notes” (stainless steel with aluminum sequins) attached to 13 vertical stainless steel cables in place of the five unique shades of gray for the metal panel cladding on the north façade.

Per the approved site plans, Exhibits C-1 through C-3, signed and dated 3/12/15, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B) 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 14-251751 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. Prior to the issuance of the final Certificate of Occupancy, the 13 vertical stainless steel cables and minimum of 25 “notes” shall be installed as depicted in the details of exhibit C2 and C3.

**Staff Planner: Staci Monroe**



**Decision rendered by:** \_\_\_\_\_ **on March 12, 2015**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: March 17, 2015**

**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 19, 2014, and was determined to be complete on **January 16, 2015**.

*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 19, 2014.

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 requested that the 120-day review period be extended by 20 days, as stated with Exhibit G.2. Unless further extended by the applicant, **the 120 days will expire on: June 5, 2015**.

**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 Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on March 31, 2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5<sup>th</sup> floor. **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 Design 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 Design 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 **April 1, 2015 – (the day following the last day to appeal)**.
- 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. Previously Approved North Elevation
  - 2. Previously Approved West Elevation
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Revised North Elevation
  - 3. Cable & “Note” Details
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Plan Review Section of BDS
- F. Correspondence:
  - 1. Boise Neighborhood Association, February 7, 2015, requesting a condition of approval for a public review process if the Regional Arts and Culture Council (RACC) program is the solution approved to the north wall treatment.
- G. Other:
  - 1. Original LU Application
  - 2. Signed 120-day Extension Form

**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).**



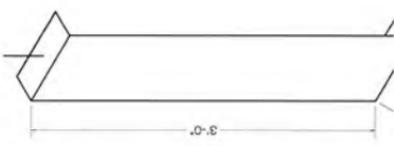






\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner: *Solomon*  
 Title: *3/14/23*

\* This approval applies only to the project as shown and is subject to all applicable codes and regulations. Comments may apply.



- 2X 6W TYPE A LAMB
- 100% WOOD
- 2X FRAMING
- 2X FRAMING
- 2X 6W TYPE A EXTERIOR DOOR
- TELESEEN V.D.
- BLUESPAN UP
- 2" REGULAR CHAIR ROD
- TO C SIDING

SEE 2. SECTION OF NOTE

W14-251757 02 EX. C-3