



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 5, 2008
To: Interested Person
From: Dave Skilton, Land Use Services
503-823-0660 / dave.skilton@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 08-116328 HDZ – ROOFTOP
EQUIPMENT**

GENERAL INFORMATION

Applicant: Garry J. Vallaster, Owner
711 SW Alder Street
Portland, OR 97205

Representative: David Scullion, Tenant (503-802-2413)
Nau Inc
1624 NW Lovejoy Street
Portland, OR 97209

Site Address: 733 NW 23rd Avenue

Legal Description: Lot 1 Block 7, Kings 2nd Addition
Tax Account No.: R452301100
State ID No.: 1N1E33BC 07200
Quarter Section: 2927

Neighborhood: Northwest District, contact John Bradley at 503-227-7484.
Business District: Nob Hill, contact Peggy Anderson at 503-417-8960.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Northwest
Other Designations: Alphabet Historic District, noncontributing property

Zoning: CS, Storefront Commercial

Case Type: HDZ, Historic Design Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

Applicant is seeking Historic Design Review for replacement of two heating/cooling units on the roof of a noncontributing building in the Alphabet Historic District. The new units are larger than the old ones, but will occupy less overall footprint on the roof because existing exposed ducting will be rerouted inside the building. The heights of the proposed and existing equipment are similar, and the units will be set back a minimum of 8 feet from the nearest parapet.

Historic Design Review is required because the proposal is for exterior alterations to a building within the Alphabet Historic District.

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:

- 33.846 Historic Review
- Historic Alphabet District Community Design Guidelines Addendum
- Community Design Guidelines

ANALYSIS

Site and Vicinity: The subject property is the Morris Glicksman Building, completed in 1972. It occupies a 50' x 100' lot facing NW 23rd Avenue on the southwestern corner of the intersection with NW Johnson Street. It is counted as a non-contributing resource in the Alphabet Historic District. NW 23rd is commercial in use and character, but the rear of the subject property abuts a residentially zoned (R1) area.

Zoning: The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas that are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

The Historic Resource Overlay Zone protects certain historic resources in the region and preserves significant parts of the region's heritage. 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 07-171023 HDZ final on January 22, 2008, approved storefront remodeling, signage, bicycle parking, and landscaping.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **April 4, 2008**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **April 4, 2008**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

On April 26, 2008, Leland Stapleton, 2445 NW Westover Road Unit 204, Portland, OR 97210 responded by e-mail as follows:

“My only concern is that the units meet sound standards of the City. Paul Van Orden should review the specifications for the units to determine whether the adjacent residential properties are protected from unreasonable sound levels.”

Staff Response: Staff was unable to reach Mr. Van Orden prior to the deadline for this decision. However, plugging information from the site plan and the equipment manufacturer into a formula that takes both the inverse square law for distance and exponential damping of sound over large distances into account, with a rate of $10^{-0.0003 r}$, where r is the distance to the source, produces a result of <40db at the property line abutting residential zoning. This is a conservative calculation which does not take into account other dampening factors such as barriers, reflection, absorptive masses, and atmospheric conditions. Hence, because the most stringent circumstance for commercial to residential zone transmission described in Title 18.10.010, Figure 1, allows a maximum of 50db (for a continuous sound at night), staff is reasonably confident that the equipment will comply.

Noise is not specifically addressed in the applicable approval criteria for this case, and it is regulated through a complaint-driven process. The Noise Complaint Hotline telephone number is 503-823-7350.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846, Historic Reviews

Purpose of Historic Design Review

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

Historic Design Review Approval Criteria

Requests for historic design 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 Alphabet Historic District. Therefore the proposal requires Historic Design Review approval. The applicable design guidelines are the Community Design Guidelines and the Historic Alphabet District Community Design Guidelines Addendum [33.846.060 E.1.c]

Historic Alphabet District - Community Design Guidelines Addendum

These guidelines were adopted on September 5, 2000 and were developed to work with the Community Design Guidelines to provide a set of guidelines specific to the district.

Community Design Guidelines

These guidelines provide the constitutional framework for all design review areas outside the Central City that are not covered by their own specific area design guidelines. 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 transportation 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 considered applicable to this proposal. Historic Alphabet District Guidelines and Community Design Guidelines are

addressed concurrently.

Historic Alphabet District Approval Criteria

3. Hierarchy of Compatibility. Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a historic or conservation district, with the rest of the District. Where practical, compatibility will be pursued on all three levels. New development will seek to incorporate design themes characteristic of similar buildings in the Historic Alphabet District.

Findings: While slightly larger than the units being replaced, the heating/cooling units proposed for installation on the roof will have less visual impact than the existing ones because they will be further from street frontages (15' rather than 10' at the closest) and all external ducting will be rerouted inside the building. *This Criterion is therefore met.*

Community Design Guidelines

P2. Historic and Conservation Districts. Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area's historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.

Findings: The proposed new mechanical equipment is roughly similar to the old in size and location. Significant amounts of external ducting will be rerouted inside the building. It is not readily visible from the street level and hence has no adverse effect on the historic character of the area. *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

This decision is for approval of the straightforward replacement of existing rooftop mechanical units with similar equipment. In addition to improved visual character based on the rerouting of ductwork, the new units will be quieter and more energy efficient. The character of the Alphabet Historic District, in which the property is located, will not be effected by the work.

ADMINISTRATIVE DECISION

Approval of replacement of rooftop equipment and ducting per the approved site plans, Exhibits C-1 through C-4, signed and dated May 2, 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 through C-4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-116328 HDZ. No field changes allowed."

Decision rendered by:  on May 2, 2008.

By authority of the Director of the Bureau of Development Services

Decision mailed: May 5, 2008

Staff Planner: Dave Skilton

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 18, 2008, and was determined to be complete on **April 1, 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 March 18, 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 May 19, 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 **May 20, 2008 – (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.

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:

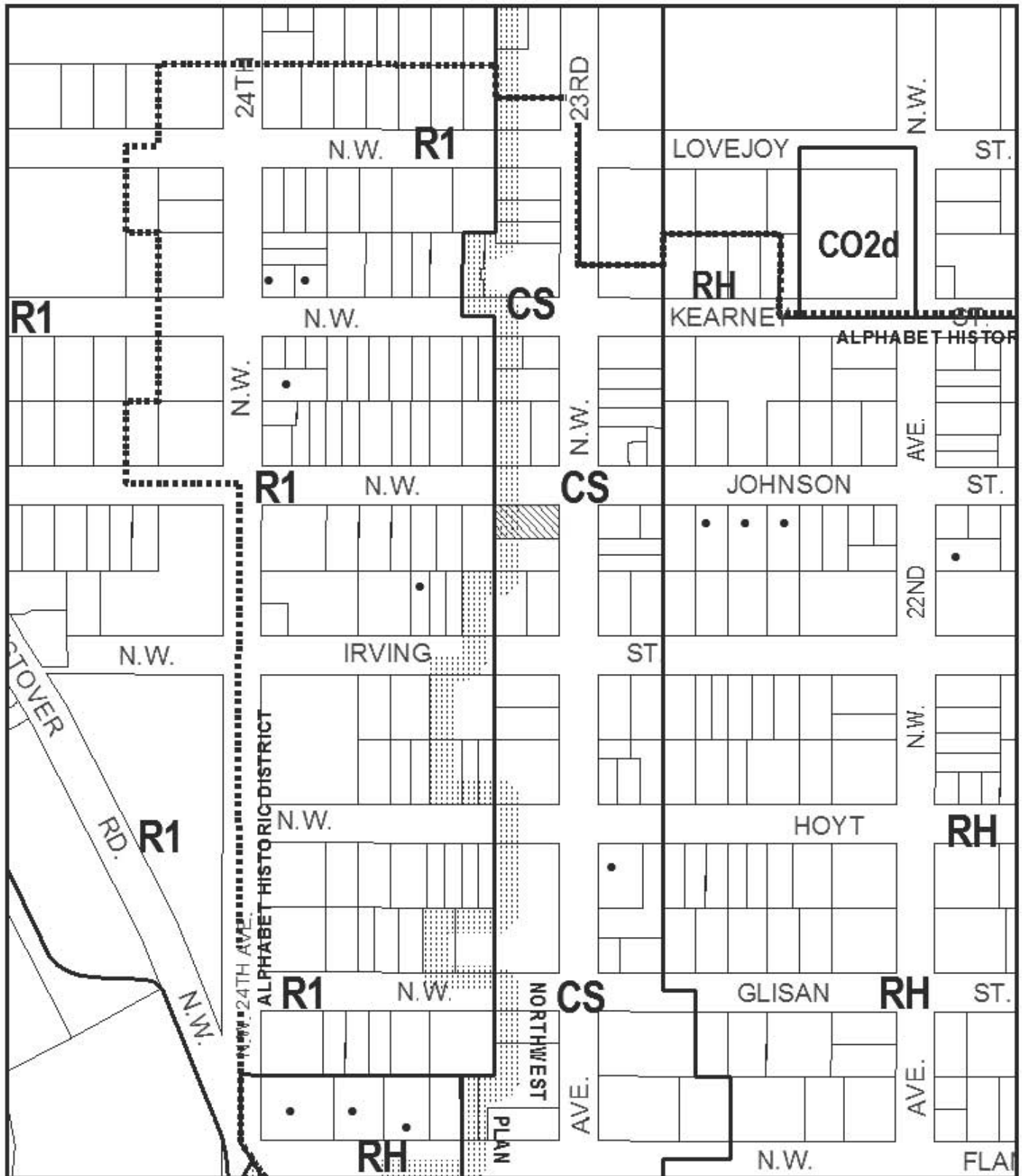
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED


- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Demolition Elevations (attached)
 - 3. Proposed Elevations (attached)
 - 4. Product Specifications (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: None received
- F. Correspondence:
 - 1. Leland Stapleton, April 26, 2008 (e-mail), concern that sound transmission standards be met at neighboring residential zone boundary.
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Case Contact Log

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).



ZONING

 Site

 Historic Landmark



This site lies within the:
 ALPHABET HISTORIC DISTRICT
 NORTHWEST PLAN DISTRICT

File No.	LU 08-116328 HDZ
1/4 Section	2927
Scale	1 inch = 200 feet
State_Id	1N1E33BC 7200
Exhibit	B (Mar 21, 2008)



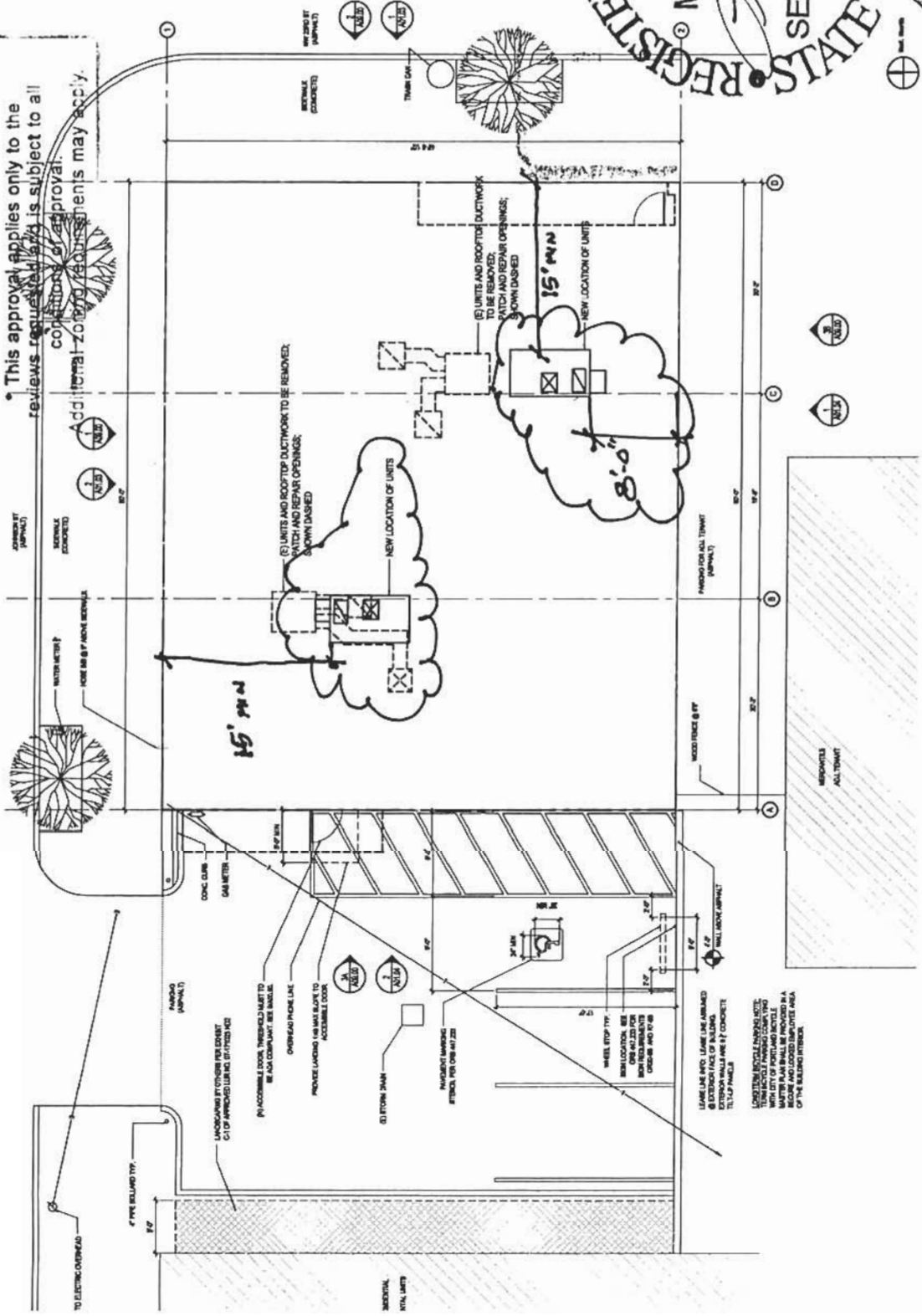
136 NEWBURY STREET
 BOSTON, MA 02115
 735 NW 23RD AVE
 PORTLAND, OR 97210

2 Hudson Street
 Suite 400
 San Francisco, CA 94103
 Telephone 415.433.7700
 Facsimile 415.433.4399

Gensler

Approved
 City of Portland
 Bureau of Development Services
 Planner Dave J. Jilton
 Date 5.2.8

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



No.	Date	Issue & Action Description	By	Checked
1	1/10/07	ISSUE CHECKSET	A.	BT
2	01/20/08	ISSUE FOR PERMIT AND BID	A.	AS
3	02/14/08	PLAN CHECK CORRECTIONS	AS	
4	03/20/08	ISSUE FOR DEMO PERMIT	SS	BT
5	03/20/08	ISSUE FOR LAND USE REVIEW	SS	BT

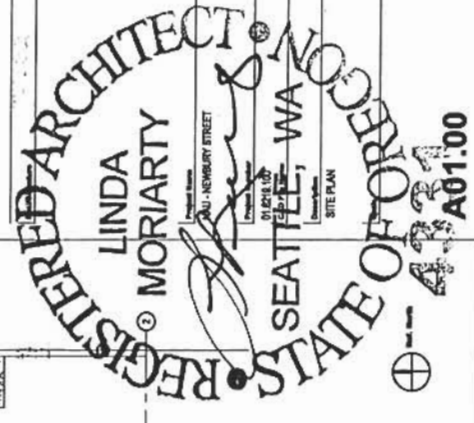
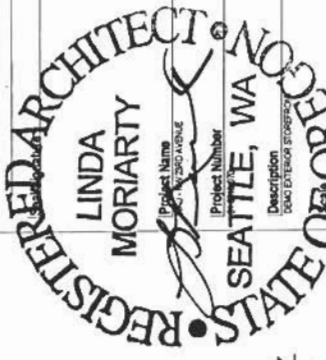


EXHIBIT C-1 L008-116328 HDZ

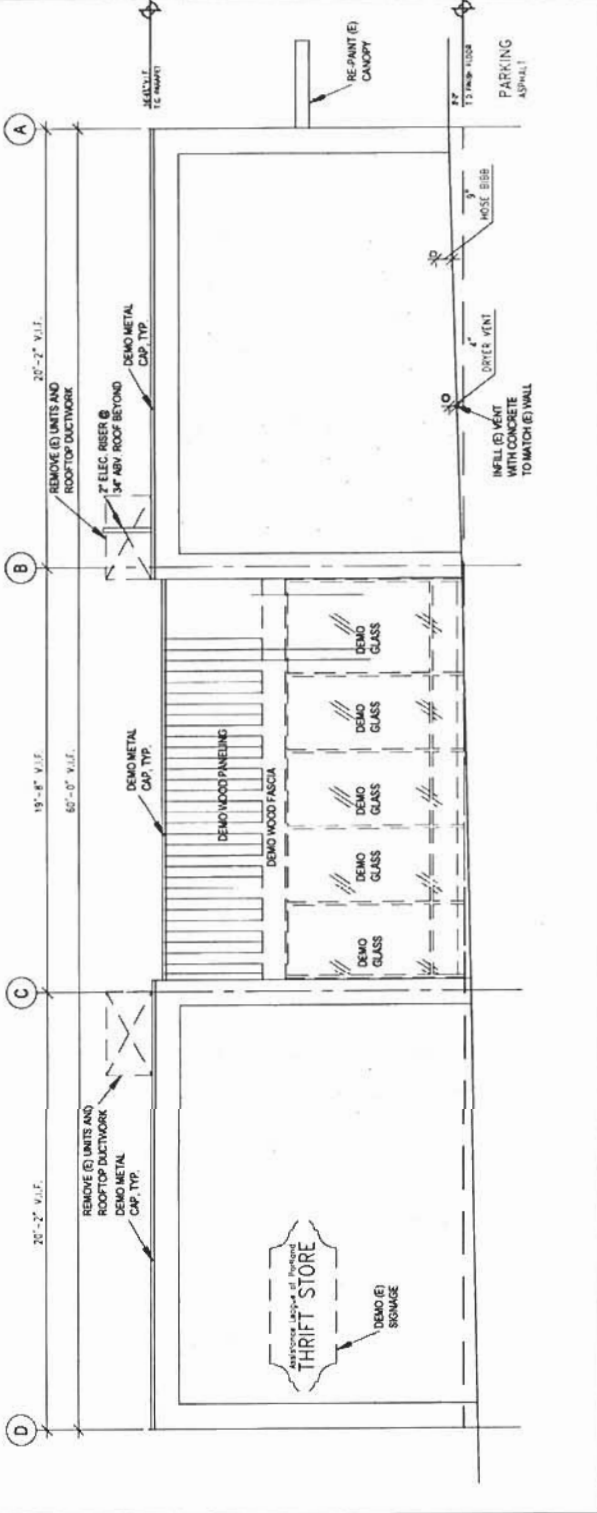
SEE D

Issue Date & Issue Description By Check

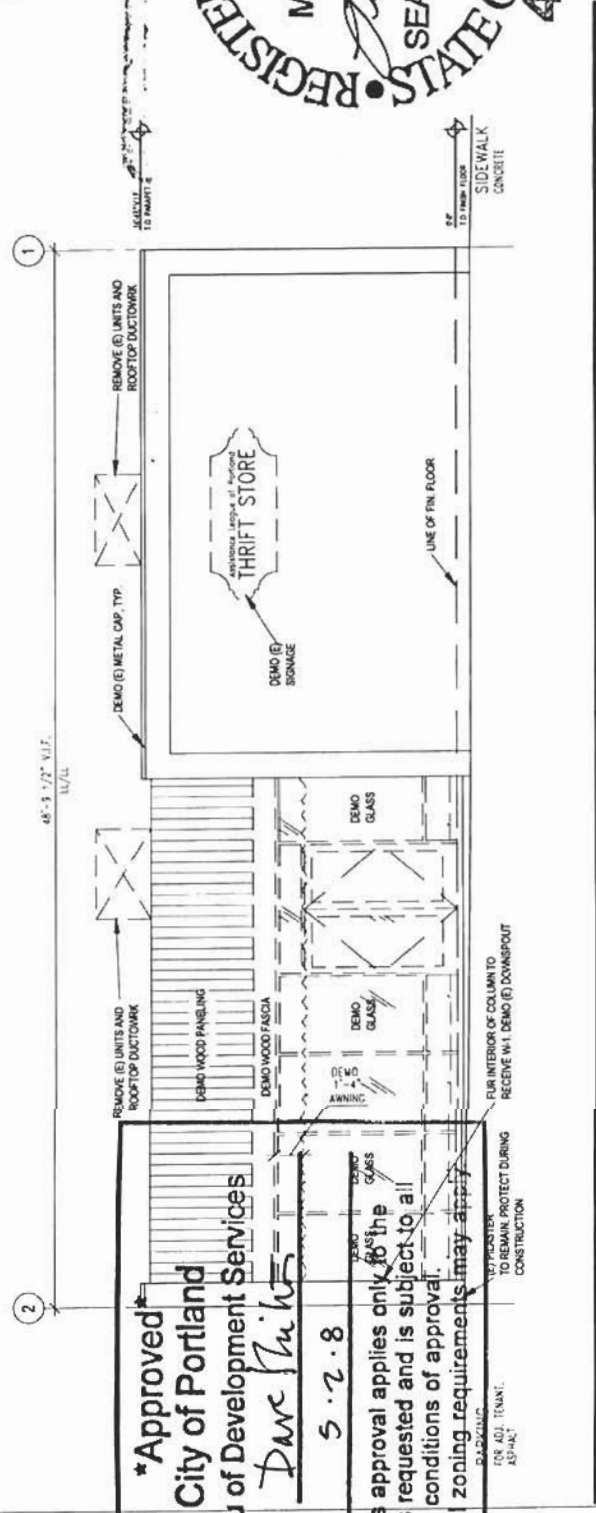
1	10/20/07	JL	BT
2	01/25/08	JL	AS
3	02/27/08	BT	BT
4	09/12/08	SS	BT



Project Name: 4331
Description: 401.03



EXISTING EXTERIOR STOREFRONT ELEVATION, NORTH
SCALE: 3/8" = 1'-0"

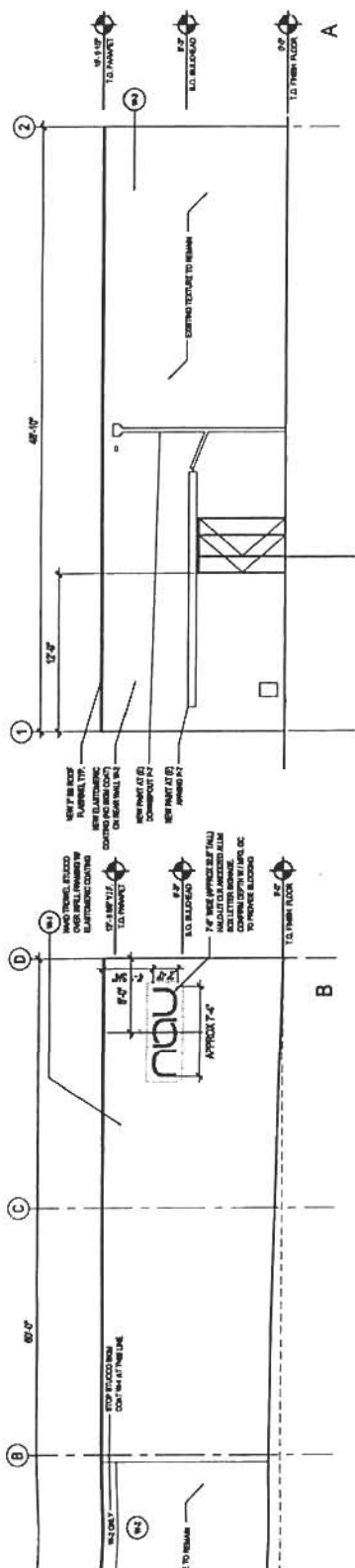


EXISTING EXTERIOR STOREFRONT ELEVATION, EAST
SCALE: 3/8" = 1'-0"

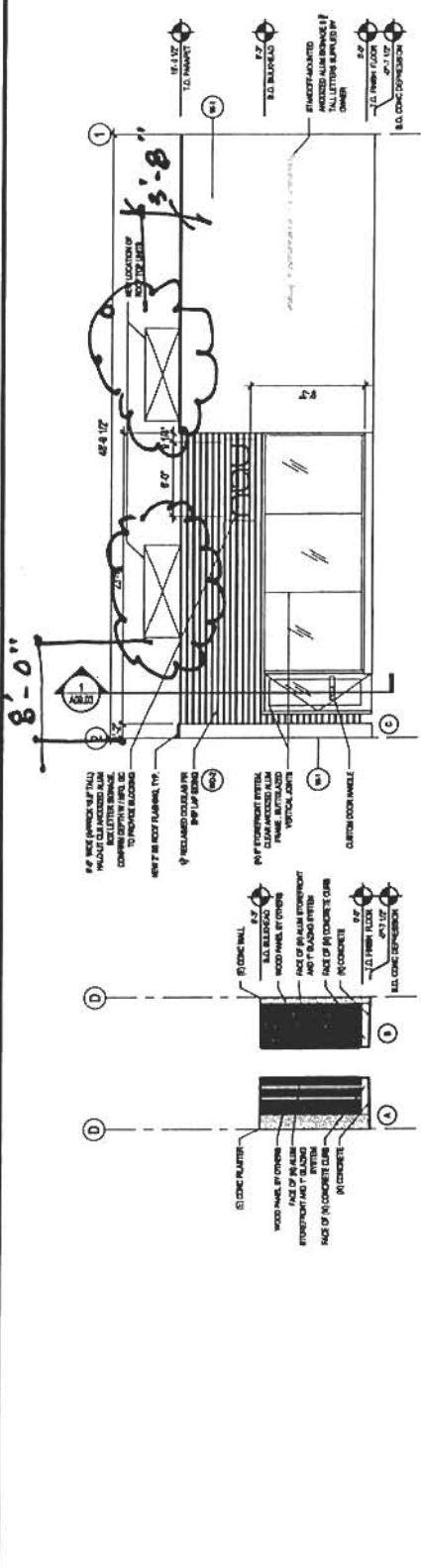
Approved
City of Portland
Bureau of Development Services
Planner Dave Finkbeiner
Date 5.2.8

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

EXHIBIT C-2 LV 08-116328 HDZ



ELEVATION-SOUTH AND WEST
 XE_00



ELEVATION-EAST AND RECESSES
 XE_00

Approved
 City of Portland
 Bureau of Development Services
 Planner Dave Schultz
 Date 5.2.8

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

ELEVATION-NORTH
 XE_00

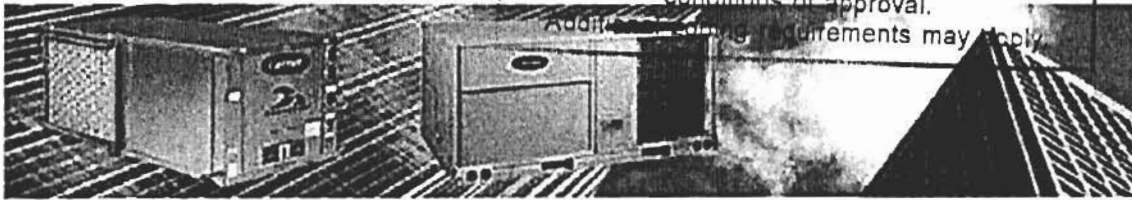
△	Rev	Date & Issue Description	By	Checked
1	1/19/07	65% CHECKSET	A	BT
2	01/24/08	ISSUE FOR PERMIT AND BID	A	AS
3	03/17/08	ISSUE FOR LAND USE REVIEW	SS	BT

REGISTERED ARCHITECT
 LINDA MORIARTY
 1141 NW 23RD AVENUE
 PORTLAND, OR 97210
 STATE OF OREGON
 EXTERIOR ELEVATIONS
 4334
 A09.00

EXHIBIT C-3 LU 08-116328-HDZ

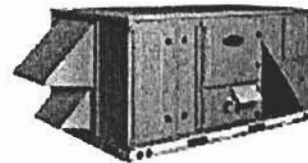
LU 08-116328 HDZ
EXHIBIT C-4

Approved
City of Portland
 Bureau of Development Services
 Planner Dave Stalick *Carrier* "Turn to the Experts"
 Date 5.2.8
 * This approval applies only to the Back to Product Physical Data reviews requested and is subject to all conditions of approval.
 Additional zoning requirements may apply.



48PG CENTURION™

Single-Package Rooftop
 Ultra-High Efficiency
 Gas Heating/Electric Cooling Units
 2 to 25 Nominal Tons.



ARI Capacity Ratings* / Physical Data

Size	Nominal Capacity (Tons)	Net Cooling Capacity (Btuh)	Total Power (kW)	SEER	EER†	Sound Rating (dB)	IPLV**	Weight (lbs)	Dimensions (ft-in)		
									Length	Width	Height
03	2.0	24,000	2.1	14.0	11.4	75	-	774	7'-6"	4' 5-5/16"	3' 8-1/2"
04	3.0	35,800	3.1	14.0	11.7	73	-	786	7'-6"	4' 5-5/16"	3' 8-1/2"
05	4.0	47,500	4.0	14.1	12.0	72	-	901	7'-6"	4' 5-5/16"	3' 8-1/2"
06	5.0	58,500	4.9	14.0	12.0	78	-	921	7'-6"	4' 5-5/16"	3' 8-1/2"
07	6.0	69,000	5.8	-	12.0	78	-	961	7'-6"	4' 5-5/16"	3' 8-1/2"
08	7.5	88,000	7.0	-	12.5	80	13.3	1,217	8' 6-9/16"	5' 3-3/16"	4' 4-1/16"
09	8.5	102,000	8.4	-	12.2	80	13.3	1,224	8' 6-9/16"	5' 3-3/16"	4' 4-1/16"
12	10.0	119,000	9.9	-	12.0	80	13.1	1,324	8' 6-9/16"	5' 3-3/16"	4' 4-1/16"
14	12.5	150,000	13.2	-	11.4	83	12.1	1,400	8' 6-9/16"	5' 3-3/16"	4' 4-1/16"
16	15.0	180,000	15.8	-	11.4	84	12.1	2,100	9' 4-9/16"	7' 9-1/4"	4' 2-15/16"
20	18.0	202,000	17.4	-	11.6	81.7	12.9	2,480	16' 4-7/16"	7' 2-5/8"	4' 9-3/4"
24	20.0	238,000	20.5	-	11.6	84.6	12.0	2,588	16' 4-7/16"	7' 2-5/8"	4' 9-3/4"
28††	25.0	297,000	27.1	-	11.0	84.6	12.0	2,773	14' 1-1/4"	7' 2-5/8"	5-9-3/4"

NEW UNIT #2
 ←
 NEW UNIT #1
 ←