



City of Portland  
**Bureau of Development Services**  
Land Use Services Division

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**Date:** Monday, August 4, 2008  
**To:** Interested Person  
**From:** Kate Marcello, Land Use Services  
503-823-9162 / [kate.marcello@ci.portland.or.us](mailto:kate.marcello@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 08-142441 DZ  
NEW MECHANICAL UNIT ON ROOFTOP**

**GENERAL INFORMATION**

**Applicant:** Suzanne Blair, Sera Architects  
338 NW 5th Ave / Portland, OR 97209  
(503) 445-7306

**Owner:** Nu p:ear LLC  
4465 SW Greenleaf Dr / Portland, OR 97221-3229

**Tenant:** p:ear (Beth Burns, Executive Director)  
338 NW 6th Avenue / Portland, OR 97209  
(503) 228-6677

**Site Address:** 338 NW 6TH AVE

**Legal Description:** LOT 7 BLOCK 38, COUCHS ADD  
**Tax Account No.:** R180203140  
**State ID No.:** 1N1E34CA 02700  
**Quarter Section:** 3029  
**Neighborhood:** Old Town-China Town, contact Carol McCreary at 503-984-4081.  
**Business District:** Old Town Chinatown Business Association, contact Dorian Yee at 503-224-7066.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Plan District:** Central City - River District  
**Other Designations:** Listed on Portland's Historic Resources Inventory (HRI)  
**Zoning:** Central Commercial with design overlay (CXd)  
**Case Type:** Design Review (DZ)  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

**Proposal:** The applicant requests Design Review approval for a new gas heat/electric cooling unit to be placed on the rooftop of an existing one-story building. The building is being renovated to become the new space for p:ear, a non-profit organization that serves Portland's homeless youth. The rooftop unit will be approximately 6 feet long x 3 feet wide x 3.5 feet tall.

The unit will be mounted on a curb approximately 1 foot 1 inch tall. The existing parapet on the building is 7 inches tall, which means that the height of the unit and the curb together above the parapet will be 4 feet. The unit will be located approximately 33 feet 4 inches from the north roof edge, which is the nearest street-facing roof edge.

Because the proposal is for a rooftop mechanical unit in the design overlay zone of the Central City Plan District, and the 33.420.045.M exemption in the Portland Zoning Code cannot be met, 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:

- 33.825 Design Review
- *River District Design Guidelines*
- *Central City Fundamental Design Guidelines*

## ANALYSIS

**Site and Vicinity:** The site is at the southeast corner of NW 6<sup>th</sup> Avenue and NW Flanders Street in the Union Station Special Design Area of the River District. Two blocks to the west of the site are the North Park Blocks. The boundary of the New Chinatown/Japantown Historic District is a half block east of the site. The one-story brick building on the site was constructed in 1928 in the Spanish Colonial style and is listed on the City of Portland's Historic Resource Inventory (HRI). The HRI listing for the building makes note of the building's special architectural features: the arched stone molding, four decorative tiles, and tiled roof at the corner entrance; the stone coping along the cornice; the reticulated brick string course; the blind brick bull's eye with four keystones; and the decorative stone cartouche at the top of each pilaster.

The building was recently renovated under LU 07-176220 DZ. It now houses the local non-profit organization *pear*, which provides education, art, and recreation services to homeless and transitional youth ages 15 to 23.

With regard to transportation, Portland's Transportation System Plan classifies NW Flanders Street as a Local Service Bikeway. NW 6<sup>th</sup> Avenue is designated as a Regional Transitway/Major Transit Priority Street, Local Service Bikeway, Central City Transit/Pedestrian Street, and Community Main Street. The site is located in the North-of-Burnside Pedestrian District.

**Zoning:** The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together.

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 two prior land use reviews for the site:

1. LUR 98-016002 DZ (reference file #98-00696): Design review approval for a storefront remodel.
2. LU 07-176220 DZ: Design review approval for the following exterior alterations: the replacement of an existing garage door on the building's north façade with a new glazed

wall system, an egress door, and fixed transoms; three new operable windows added to the existing window systems; and a new entry door.

**Agency Review:** A *Notice of Proposal in Your Neighborhood* was mailed on July 9, 2008. The following bureaus have responded with no issues or concerns:

- Portland Fire & Rescue;
- Portland Water Bureau;
- Bureau of Environmental Services;
- Urban Forestry Division of Portland Parks & Recreation;
- Bureau of Transportation Engineering & Development Review;
- Site Development Section of the Bureau of Development Services;
- Life Safety (Building Code) Section of the Bureau of Development Services.

**Neighborhood Review:** A *Notice of Proposal in Your Neighborhood* was mailed on July 9, 2008. No written comments in response to the proposal have been received from the neighborhood association (Old Town-Chinatown Neighborhood Association) or notified property owners.

## ZONING CODE APPROVAL CRITERIA

### Chapter 33.825 Design Review

#### 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 Central City Fundamental Design Guidelines and River District Guidelines.

### River District Design Guidelines and Central City Fundamental Design Guidelines

The River District is planned to become a place that is remarkable within the region. The area is intended to grow rich with special and diverse qualities that are, or will become characteristic of Portland. Further, the River District will accommodate a significant portion of the region's population growth. The plan calls for the creation of a new community of dense neighborhoods, housing a resident population of over 15,000 people, and providing jobs, services, and recreation to this population and others. This area is intended to emphasize the joy of the river, connections to it, and create a sense of community. The goals frame the urban design direction for Central City and River District development.

The Central City Fundamental Design Guidelines and the River District Guidelines focus on four general categories. **(A) Portland Personality** addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis** addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design** addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas** provides design guidelines for the four special areas of the Central City.

### River District Design Goals

1. Extend the river into the community to develop a functional and symbolic relationship with

the Willamette River.

2. Create a community of distinct neighborhoods that accommodates a significant part of the region's residential growth.
3. Enhance the District's character and livability by fostering attractive design and activities that give comfort, convenience, safety and pleasure to all its residents and visitors.
4. Strengthen connections within River District, and to adjacent areas.

#### **Central City Plan Design Goals**

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City that is safe, humane and prosperous; and
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

#### **B2. Protect the Pedestrian.**

Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

**Findings for B2:** The proposal will not detract from the pedestrian environment. The proposed mechanical unit will be located on the building's roof and will be set back 33'-4" from the north roof edge, which is the nearest street-facing roof edge. The proposed unit is approximately 6' long x 3' wide x 3.5' tall, and will be mounted on a 1'-1"-tall curb. The building's parapet is 0'-7" tall, so total height above the parapet will be 4'-0". However, because of the unit will be set back substantially from both street-facing roof edges, the unit will not impact the street-level environment. *Therefore, this guideline is met.*

#### **C2. Promote Quality and Permanence in Development.**

Use design principles and building materials that promote quality and permanence.

**Findings for C2:** The proposed mechanical unit will be set back 33'-4", 12'-6", 21'-3.5", and 70'-0" from the north, south, east, and west roof edges, respectively. It will be painted to match the color of the existing rooftop. These design strategies – sufficient setback and matching paint color – ensure that the proposed unit is a low-profile, modest addition to the existing building, thus conveying quality and permanence in development. *Therefore, this guideline is met.*

#### **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.

#### **C11. Integrate Roofs and Use Rooftops.**

Integrate roof function, shape, surface materials, and colors with the building's overall

design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

**Findings for C3, C5, C11:** The addition of one mechanical unit to the rooftop of the existing building will not impact its character or overall architectural integrity. The proposed unit will be set back 33'-4" from the north roof edge, the nearest street-facing roof edge. When viewed from the west side of the building, the unit will be largely concealed from view by an existing rooftop mechanical unit. When viewed from the north side of the building (the other street-facing façade), the unit will be centered above an existing storefront bay, thus appearing as an orderly addition to the building's north elevation. Additionally, the unit will be painted to match the color of the existing rooftop. The proposed unit's substantial setback from all roof edges, its location behind an existing mechanical unit and centered above an existing storefront bay on the north elevation, and its matching paint color ensure that it will not detract from the design coherency of the existing building. *Therefore, 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 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 proposed unit's location behind an existing mechanical unit and centered above an existing storefront bay on the north elevation, its setback from all roof edges, and its matching paint color ensure that it will not detract from the surrounding pedestrian environment or affect the design coherency of the existing building. The proposal meets the applicable design guidelines and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of one rooftop mechanical unit approximately 6' long x 3' wide x 3.5' tall, per the approved site plans, Exhibits C-1 through C-3, signed and dated 07/31/08, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition 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 08-142441 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The rooftop mechanical unit shall be painted to match the color of the rooftop.

Decision rendered by: \_\_\_\_\_ on July 31, 2008

By authority of the Director of the Bureau of Development Services

Decision mailed: August 4, 2008

**Staff Planner: Kate Marcello**

**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 July 2, 2008, and was determined to be complete on **July 7, 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 July 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 Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 18, 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. 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. 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](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 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 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 **August 19, 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;

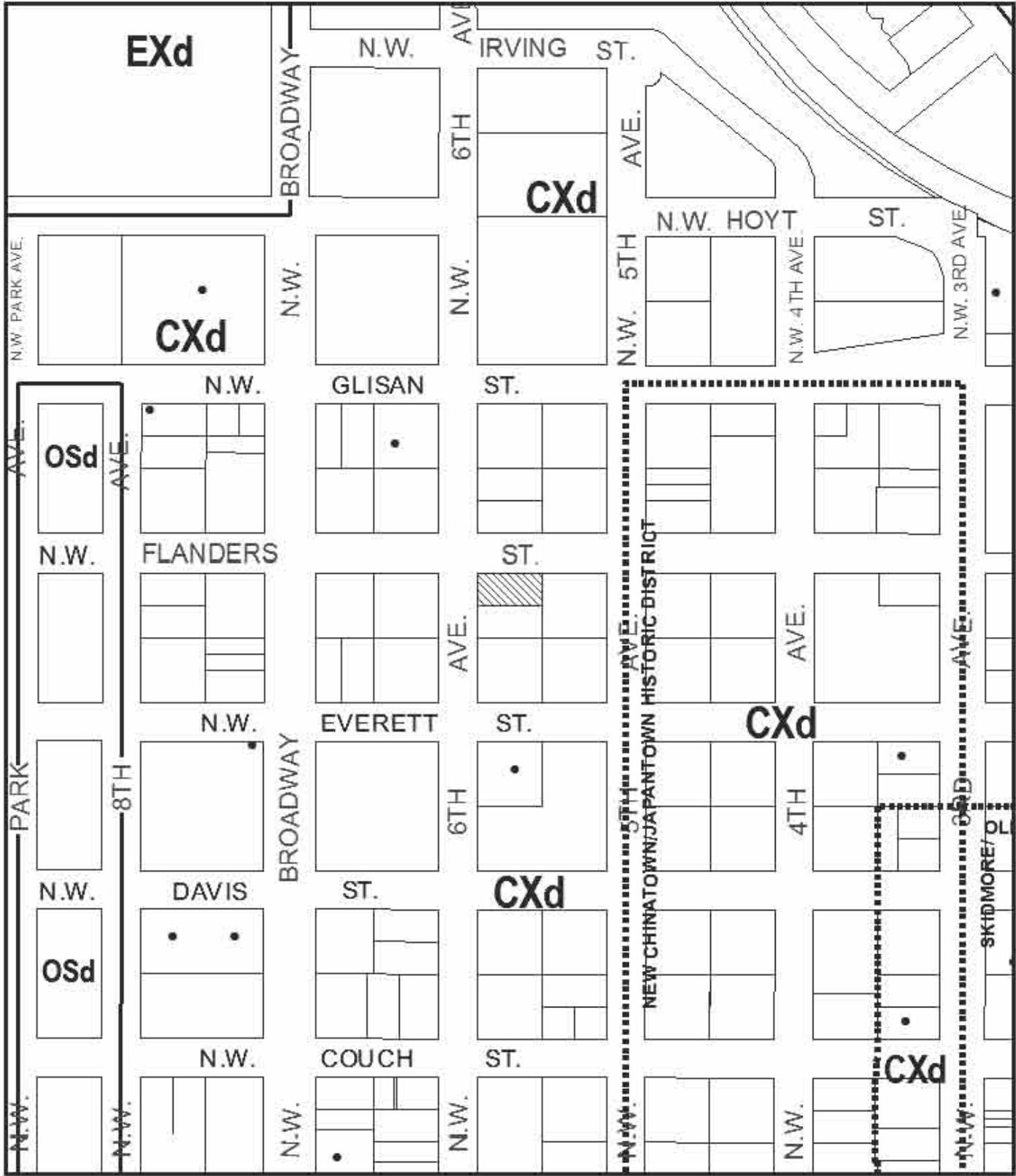
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement: None received.
- B. Zoning Map (*attached*)
- C. Plans & Drawings:
  - 1. Site/Roof Plan (*attached*)
  - 2. Building Elevation Drawings (*attached*)
  - 3. Mechanical Unit Cutsheet
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: None received.
- F. Correspondence: None received.
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research

**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



NORTH

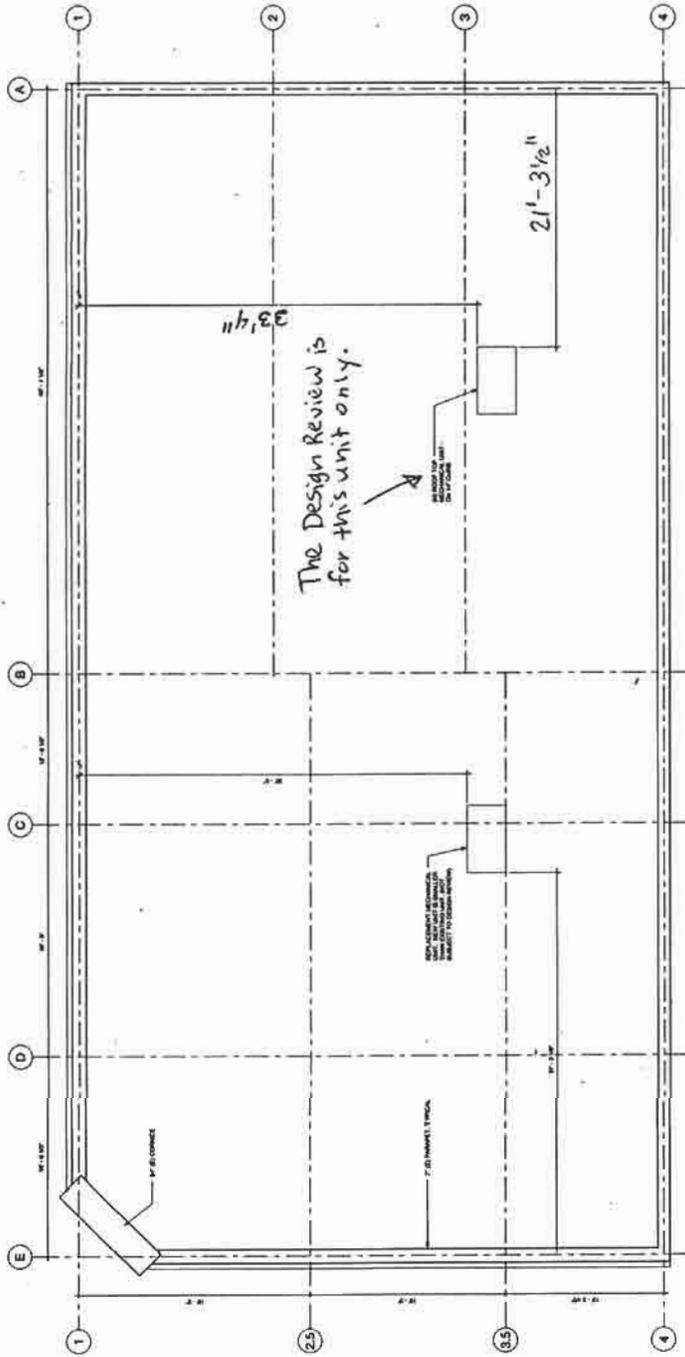
This site lies within the:  
CENTRAL CITY PLAN DISTRICT

File No.	LU 08-142441 DZ
1/4 Section	3029
Scale	1 inch = 200 feet
State_Id	1N1E34CA 2700
Exhibit	B (Jul 07, 2008)

ROOF PLAN/SITE PLAN

Exhibit C-1

NW Flanders St



NW 6th Ave

\* The new unit will be painted to match the color of the existing rooftop.

\*Approved\*

City of Portland - Bureau of Development Services

Planner *Kate Neale* Date 07/31/08

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

(reduced sheet size)

ROOF PLAN 1 OF 1  
SCALE: 1/4" = 1'-0"

GENERAL NOTES

1. ALL ROOF TRUSS AND RAFTER MEMBERS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AIA/ACI JOINT SPECIFICATION FOR WOOD ROOF TRUSS AND RAFTER CONNECTIONS.
2. ALL ROOF TRUSS AND RAFTER MEMBERS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AIA/ACI JOINT SPECIFICATION FOR WOOD ROOF TRUSS AND RAFTER CONNECTIONS.
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LEGEND

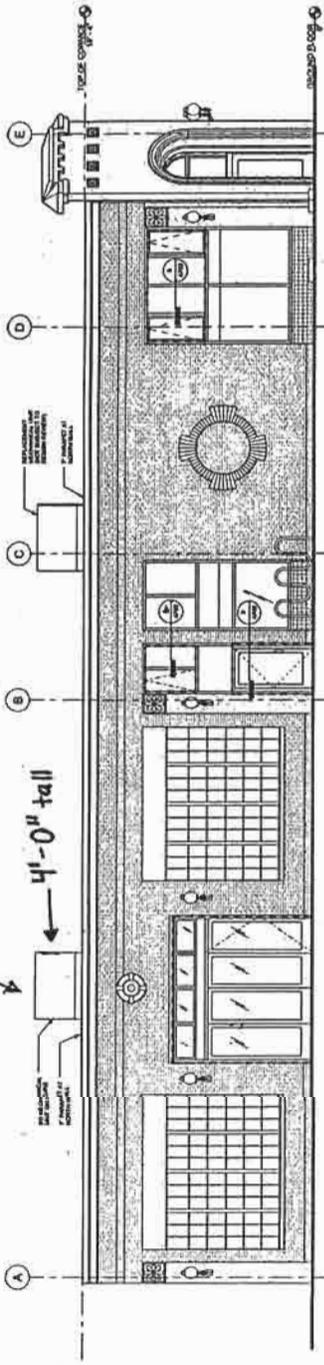
- 1. ROOF TRUSS
- 2. RAFTER
- 3. ROOF TRUSS AND RAFTER CONNECTION
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- 10. ROOF TRUSS AND RAFTER CONNECTION

**SERA**  
ARCHITECTURAL  
SERVICES  
1000 NE 10th Ave  
Portland, OR 97232  
503.241.1111  
www.seraarch.com

CONSTRUCTION SET  
1/8" = 1'-0"  
1/4" = 1'-0"  
1/2" = 1'-0"  
1" = 1'-0"  
2" = 1'-0"  
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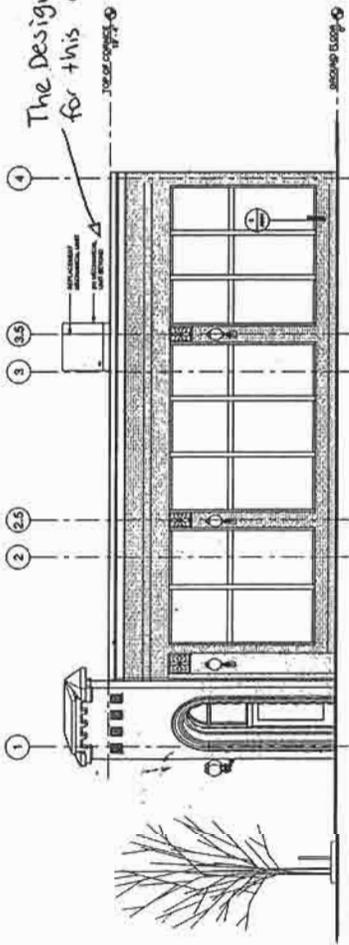
Exhibit C-2

The Design Review is for this only.



NORTH ELEVATION 1

\*The new unit will be painted to match the color of the existing rooftop.



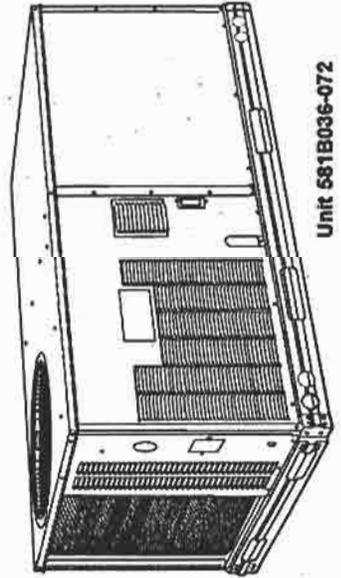
WEST ELEVATION 2

The Design Review is for this only.

LEGEND

[Pattern]	EXISTING MATERIAL
[Pattern]	NEW MATERIAL
[Pattern]	CONCRETE
[Pattern]	GLASS
[Pattern]	WOOD
[Pattern]	ROOFING
[Pattern]	PAINT

Drawing of Proposed Unit



Unit 581B036-072

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DATE: 07/31/08

EXTERIOR ELEVATIONS  
A901

\*Approved\*  
City of Portland - Bureau of Development Services  
Planner *Katernalle* Date 07/31/08  
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

L108-142441DZ