



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

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**Date:** November 3, 2008  
**To:** Interested Person  
**From:** Chris Beaney, Land Use Services  
503-823-7983 / [chris.beaney@ci.portland.or.us](mailto:chris.beaney@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 08-163809 DZ, ROOFTOP MECHANICAL**

#### **GENERAL INFORMATION**

**Applicant:** Rick Riehl, 503-969-3802  
McDonald-Miller Facility Solutions  
12801 NE Airport Way  
Portland, OR 97230

**Owner:** Arnold Wheeler  
510 NW 15th Ave  
Portland, OR 97209-2204

**Site Address:** 510 NW 15TH AVE  
**Legal Description:** LOT 6&7 BLOCK 99, COUCHS ADD  
**Tax Account No.:** R180209220  
**State ID No.:** 1N1E33AD 05200  
**Quarter Section:** 2928  
**Neighborhood:** Pearl District, contact Patricia Gardner at 503-228-3273.  
**Business District:** Pearl District Business Association, contact Adele Nofield at 503-223-0070.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Plan District:** Central City - River District  
**Zoning:** EXd, Central Employment with design overlay  
**Case Type:** DZ, Design Review  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

#### **Proposal:**

The applicant proposes adding 2 rooftop mechanical units, measuring approximately 30" tall by 30" long by 12" wide. The proposed location would be approximately 50 feet from NW 15<sup>th</sup> Street and approximately 100 feet from NW Hoyt Street. The two story building includes a 42" high parapet along the perimeter of the building.

Because the proposal includes exterior alterations to an existing building within a design overlay zone, 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 criteria are:

- Central City Fundamental Design Guidelines
- River District Design Guidelines

**ANALYSIS**

**Site and Vicinity:** The site is located in the Pearl District Neighborhood Special Design Area within the River District. The 10,000 square-foot corner lot is located at NW 15<sup>th</sup> Avenue and NW Hoyt Street. The site is on the westernmost edge of the River District and I-405 Freeway is a dominant presence west of NW 15<sup>th</sup> Avenue. The 30,000 square-foot two-story poured concrete warehouse on the site was built in 1914, and shares an industrial architectural nature of materials and massing apparent along the NW 15<sup>th</sup> Avenue corridor. Portland's *Transportation System Plan* classifies the adjacent streets, NW 15<sup>th</sup> Avenue and NW Hoyt Street, as Local Service Bikeways and the site is within the Northwest Triangle Pedestrian District.

**Zoning:** EXd, This zone implements the Central Employment map designation of the Comprehensive Plan. The 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, business, and service uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.

The Design Overlay Zone [d] 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 93-010132 DZ (reference file #93-00133): Design Review approval for awnings and signage with a modification to increase signage area on the south facade from the allowed 75 square feet to the proposed 84 1/2 square feet.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **October 1, 2008**.

The following Bureaus have responded with no issues or concerns:

- Portland Fire & Rescue;
- Portland Water Bureau;
- Urban Forestry Division of Portland Parks & Recreation;
- Bureau of Transportation Engineering & Development Review; and
- Site Development Section of the Bureau of Development Services.
- The Life Safety (Building Code) Section of the Bureau of Development Services responded with the following comments:

"A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances... A separate Mechanical Permit is required for the work proposed."

*Please see Exhibit E.1 for additional details.*

- The Bureau of Environmental Services responded with the following comment:

“BES has no objections to the proposed exterior alterations. Further development of the property would be subject to the Bureau of Environmental Services’ standards and requirements during the building plan review process. The following comments have been provided for informational purposes and mainly relate to the building permit process.

#### **Sanitary Services**

1. There is an existing 12” public combination sewer located in NW Hoyt Street.

#### **Stormwater Management & Water Resources**

The 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. For all projects, the Stormwater Destination/Disposal Hierarchy must be addressed. *The current 2004 Stormwater Management Manual has been revised and a new (2008) version of the Stormwater Management Manual was adopted August 1, 2008. As of October 1, 2008 the 2008 manual is required to be used for all development projects.* The applicant may contact BES with any questions or for additional information. The current Stormwater Management Manual can be found at: <http://www.portlandonline.com/bes/> under Publications and then go to Manuals.

#### **Conditions of Approval**

BES has no recommended conditions of approval. Please see Building Permit Information section for information that may affect building permit reviews.

#### **Building Permit Information**

Cooling towers with a recirculating system and industrial boilers require occasional or regular water discharges (blowdown). Therefore, if this type of equipment will be installed or upgraded as part of the site improvements at the time of building permit application, the building plans will need to show the blowdown water discharging to a sanitary waste line.”

*Please see Exhibit E.2 for additional details.*

**Neighborhood Review:** A “Notice of Proposal in Your Neighborhood” was mailed on October 1, 2008. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## **ZONING CODE APPROVAL CRITERIA**

### **Chapter 33.825 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 Design 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 which is safe, humane and prosperous;
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:** The size and central location of the proposed roof-mounted condensing units will limit any potential negative impacts on the adjacent pedestrian network. The proposal includes the addition of two new units, measuring 30" tall, 30" long, and 12" wide to the roof of the existing two-story building. The units will be significantly pulled back from the building's street-facing roof edges: approximately 50' from NW 15<sup>th</sup> Avenue and 100' from NW Hoyt Street. Additionally, the existing 42"-tall parapet will

further obscure the condensing units. By placing the proposed units on the building's roof, away from the sidewalk environment, the building's internal needs are met without compromising the adjacent pedestrian paths. *Therefore, this guideline is met.*

**C2. Promote Quality and Permanence in Development.** Use design principles and building materials that promote quality and permanence.

**C3. Respect Architectural Integrity.** Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

**Findings for C2 and C3:** The proposed condensing units are constructed of durable materials and their size and placement on the roof of the existing building ensure that the structure's integrity and character will be retained. The proposed units are relatively small, 30" tall, 30" long, and 12" wide, and therefore, will have little impact on the existing roof system and views onto the building. Furthermore, the units will not rise above the existing parapet, which measures 42" tall. The units are also significantly pulled back from the street-facing roof edges, approximately 50' from NW 15<sup>th</sup> Avenue and 100' from NW Hoyt Street, which reduces their impact on the overall character of the building. *Therefore, these guidelines are met.*

**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 C5 and C11:** The proposal is consistent with the existing rooftop system. Moreover, due to their modest size and pulled-back location, the units will have little impact on views from other buildings. In addition, the units will be aligned with one another, maintaining an orderly and rational rooftop system. *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 proposal meets the applicable design guidelines and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of 2 rooftop mechanical units, measuring approximately 30" tall by 30" long by 12" wide. The location would be approximately 50 feet from NW 15<sup>th</sup> Street and approximately 100 feet from NW Hoyt Street per the approved plans, Exhibits C-1 through C-2, signed and dated October 30, 2008, subject to the following condition:

- 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.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-163809 DZ. No field changes allowed."



**Decision rendered by:** \_\_\_\_\_ **on October 30, 2008**

By authority of the Director of the Bureau of Development Services

**Decision mailed: November 3, 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 September 18, 2008, and was determined to be complete on **September 26, 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 September 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 Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on November 17, 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 **November 18, 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.

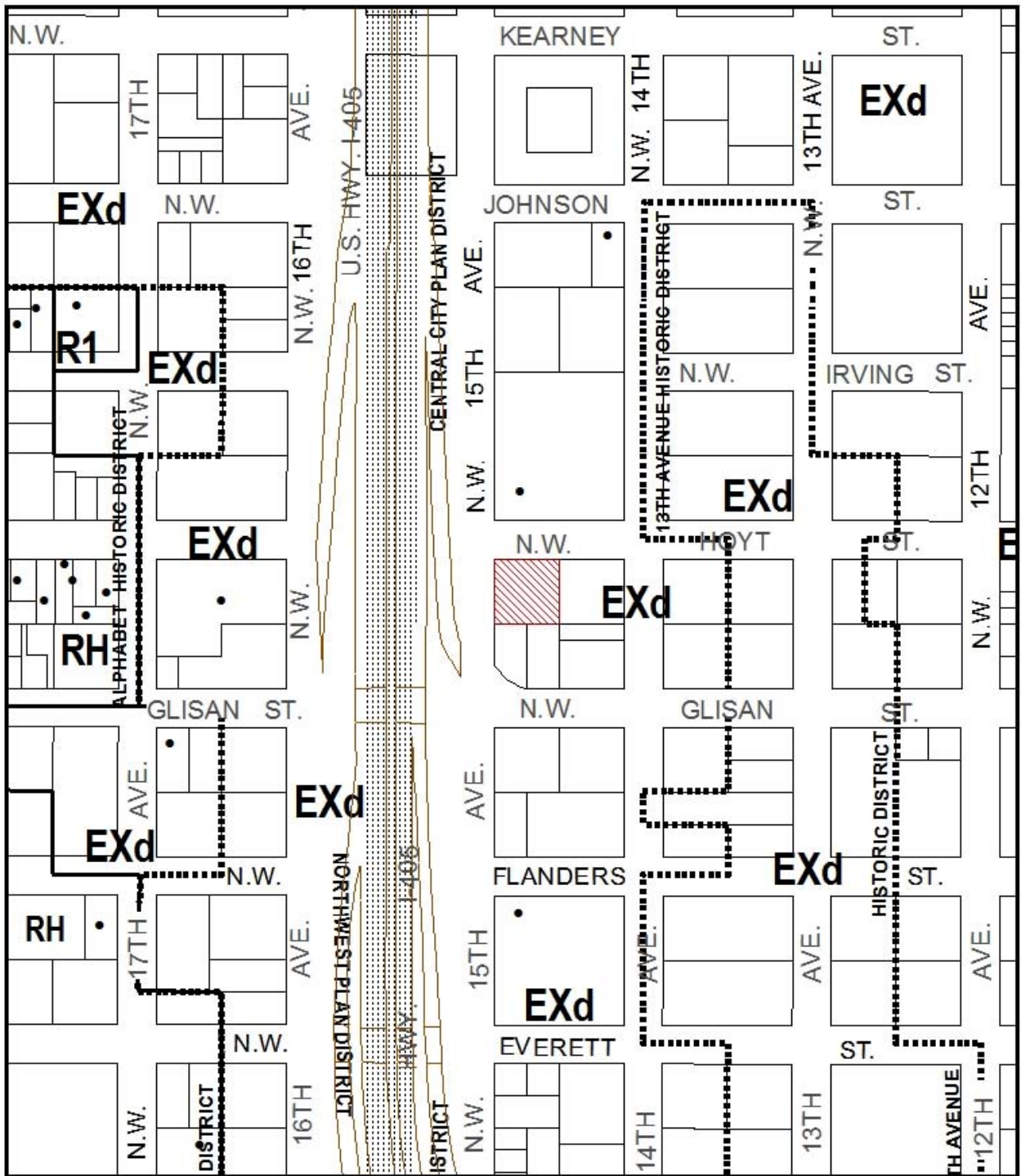
#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. East Elevation (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Site Development Review Section of BDS
- F. Correspondence: none
- 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

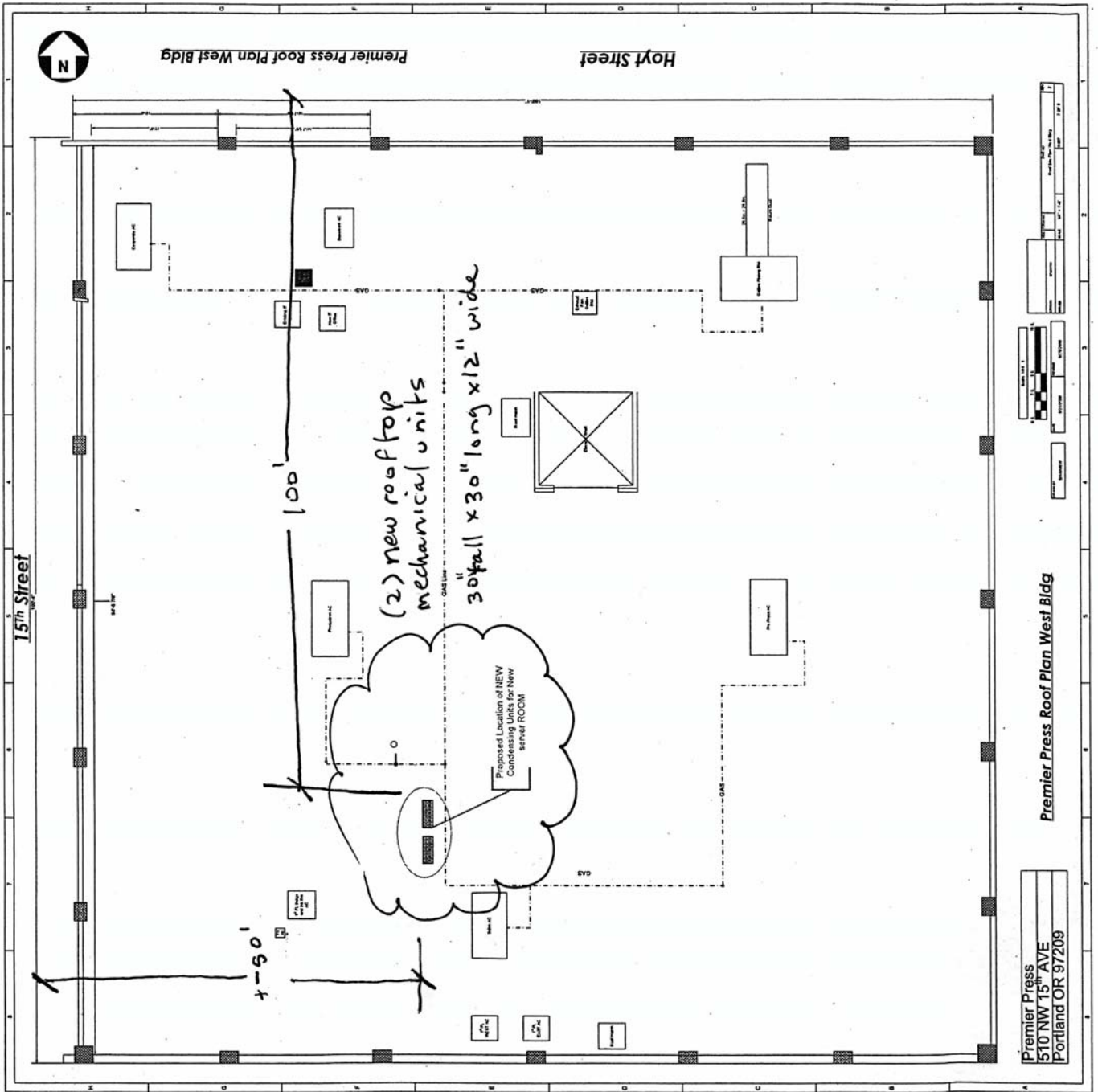
Historic Landmark



This site lies within the:  
CENTRAL CITY PLAN DISTRICT

File No.	LU 08-163809 DZ
1/4 Section	2928
Scale	1 inch = 200 feet
State_Id	1N1E33AD 5200
Exhibit	B (Sep 23, 2008)

**\*Approved\***  
City of Portland - Bureau of Development Services  
\_\_\_\_\_  
Date 10/20/08  
This approval applies only to the reviews requested and is subject to the conditions of approval. Additional zoning requirements may apply.



LU08-163809 DZ  
Exhibit C.1



