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

1900 SW 4th Avenue, Suite 5000 Portland, Oregon 97201 503-823-7300 Fax 503-823-5630 TTY 503-823-6868 www.portlandonline.com/bds

Date: April 15, 2009

To: Interested Person

From: Mark Walhood, City Planner 503-823-7806

mwalhood@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 09-109514 DZ

- ROOFTOP MECHANICAL AT 505 NE GRAND AVE.

GENERAL INFORMATION

Applicant: Lorraine Guthrie, Architect 503-804-5725

2748 SW Patton Court Portland, OR 97201

Property Owner: Convention Center LLC

Attn.: Robert Sacks

1532 SW Morrison St #1000

Portland, OR 97205

Site Address: 505 NE GRAND AVE

Legal Description: LOT 5 BLOCK 6, HEIPLE ADD

Tax Account No.: R373600050 **State ID No.:** 1N1E35BC 03600

Quarter Section: 2931

Neighborhood: Lloyd District Community, contact William Ruff at 503-221-1121. **Business District:** Lloyd District Community Association, contact Nancy Chapin at 503-

774-2832.

District Coalition: None

Zoning: CXd (Central Commercial base zone with "d" or Design overlay zone),

Central City Plan District

Case Type: DZ (Design Review)

Procedure: Type II, an administrative decision with appeal to the Design

Commission.

PROPOSAL: The applicant seeks design review approval for a new rooftop mechanical unit atop an existing single-story building at the corner of NE Grand Avenue and Lloyd Boulevard. The

proposed HVAC unit would be placed on the eastern portion of the building, 15'-0" from the east building parapet along NE Grand, and 11'-0" from the north/interior building parapet. The HVAC unit itself measures approximately 41 inches tall, and has a footprint of approximately 53 by 89 inches. Because the project involves new exterior mechanical equipment on a single-story building in the Central City Plan District, a Type II 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:

- The Central City Fundamental Design Guidelines; and
- The Special Design Guidelines for the Design Zone of the Lloyd District of the Central City Plan.

ANALYSIS

Site and Vicinity: The site is occupied by a single-story structure, originally constructed in 1937. The building sits on a 4,500 square-foot parcel, at the northwest corner of the intersection of NE Grand Avenue and Glisan Street. The simple concrete structure includes storefront windows and a main entry door facing east, towards Grand Avenue, and wrapping the corner facing south. The westernmost portion of the property includes a small surface parking area for approximately three cars, directly adjacent to the sidewalk.

Surrounding streets are all paved and includ curbing and concrete public sidewalks. Adjacent buildings on the same block are similar in scale, and include a nightclub directly to the west, a coffee shop directly to the north, and another small retail structure. Directly east of the site, across NE Grand Avenue, is the Metro Regional Government headquarters and parking lot, and the superblock directly to the west contains the Oregon Convention Center. Just south of the site are bridges for both NE Grand Avenue and NE Martin Luther King, Jr. Boulevard as they cross the Banfield (I-84) Freeway Cut.

Zoning: The Central Commercial (CX) base zone is intended to provide for commercial development within Portland's most intense and urban areas. A large range of uses is allowed to reflect Portland's role as a commercial, government, and cultural center. This proposal does not conflict with or trigger any of the development standards of the CX zone.

The Central City plan district contains use regulations and development standards that address special circumstances existing in the Central City. The Design overlay zone seeks to preserve and enhance the special scenic, architectural, and cultural values of various districts throughout the City. For this case, because the building is under 45 feet tall, the proposed rooftop equipment triggers a Type II Design Review.

Land Use History: City records indicate one prior land use review at the site. A Variance record was created for the site in 1961 (VZ 416-61), but no substantial information, including proposal or description, was found in City records for the case.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **March 10, 2009**. The following Bureaus have responded with no issues or concerns:

- Development Review Section of the Portland Bureau of Transportation;
- Fire Bureau;
- Site Development Section of the Bureau of Development Services; and
- Urban Forestry Division of Portland Parks and Recreation.

The *Bureau of Environmental Services* (BES) reviewed the proposal and responded with information regarding the availability of sanitary services in adjacent streets, and citation of applicable stormwater regulations. Although BES has no objections to the proposed rooftop equipment, further and future development at the site must comply with applicable sewer connection policies and City of Portland Stormwater Management Manual regulations. Exhibit

E.1 contains staff contact and additional information.

The *Water Bureau* has reviewed the proposal and provided information regarding available water services. As there are no proposed new water services, nor changes to existing ones, the Water Bureau has no concerns about the proposed action at this time. Exhibit E.2 contains staff contact and additional information.

The Life Safety (Building Code) Section of the Bureau of Development Services has provided standard preliminary comments, but no objections to the proposal. The proposal must comply with all applicable building codes and ordinances, and a separate Mechanical Permit is required for the work proposed. Exhibit E.3 contains staff contact and additional information.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 10, 2009. 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

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 district guidelines.

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 and Lloyd District Special Design Guidelines.

<u>Special Design Guidelines for the Design Zone of the Lloyd District of the Central City Plan and Central City Fundamental Design Guidelines</u>

The Lloyd District is a unique, multi-dimensional neighborhood in the Central City, with special features and assets found nowhere else in Oregon.

With the recent completion of the Oregon Convention Center, the District now serves as the "front door for Oregon and our city." The District as a whole is emerging as a special area in the state and the region, and the way it is developed will determine its comfort and continued use.

The purpose of design review is to carry out the urban design vision for the District by emphasizing unique district assets in a manner that is respectful, creative, supportive, and compatible with all its areas. Although the District is a complex urban environment, it can become a cohesive whole with the use of these design principles.

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.

Lloyd District Design Goals

The following goals and objectives define the urban design vision for new development and other improvements in the Lloyd District

- Encourage the special distinction and identity of the Lloyd District;
- Integrate the sub-areas of the District for a visual and functional coherence of the whole; and
- Improve the safety, convenience, pleasure, and comfort of pedestrians.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven Central City policy areas. The nine goals for design review within the Central City are as follows:

- 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. Central City and Lloyd District Guidelines are addressed concurrently.

- **B1.** Reinforce and Enhance the Pedestrian System. Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.
- **B1-1. Protect Pedestrian Areas from Mechanical Exhaust.** Incorporate mechanical exhausting systems in a manner that does not detract from the quality of the pedestrian environment.
- **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 B1, B1-1 and B2:** The project involves new equipment on the building rooftop, without impact to the adjacent pedestrian environment. No direct exhaust or intake impacts associated with the new rooftop equipment will impact pedestrians. *Therefore, these guidelines are 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 storm water management tools.

Findings for C3, C5 and C11: The existing single-story structure has a simple, unadorned rendered concrete façade, trimless storefront windows and doors facing NE Grand and at the corner with NE Glisan, and an undifferentiated parapet capped with metal flashing. The original street-facing 1937 architecture will remain, and is not impacted by this proposal. The new rooftop mechanical unit is placed at the north interior of the roof, over 30 feet from the south parapet, and 15 feet from the east parapet. Because the building parapet is 1 foot tall, and the unit itself is 41 inches high, the proposed rooftop unit will only be visible from several hundred feet away on the ground. The existing rooftop was recently cleared of a network of original ducting and other mechanical elements, and the proposed and (2) existing rooftop units are clustered towards the center of the roof. The units will be provided with a dull, matte, light gray finish.

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 applicant has proposed a single new rooftop unit on a building which is currently undergoing interior renovations. The new unit is placed at the interior of the roof, will not have negative impacts on the pedestrian environment, and is compatible with the functional 1937 commercial architecture of the building. The units will be provided with a dull, matte, light gray finish. The request is able to meet the relevant guidelines and should be approved.

ADMINISTRATIVE DECISION

Approval of **Design Review** (33.420.041.B) for the installation of a single new rooftop HVAC unit atop the building at 505 NE Grand Avenue. The unit is placed 15'-0" from the east parapet, 11'-0" from the north parapet, has a height of approximately 3'-5", and a footprint of 4'-5" by 7'-5". The unit will be provided with a dull, matte, light gray finish.

This approval is granted per the approved site plans, Exhibits C-1 through C-4, signed and dated **April 9, 2009**, and 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.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 09-109514 DZ. No field changes allowed."

Staff Planner: Mark Walhood	
Decision rendered by:	on April 9, 2009
By authority of the Dire	ector of the Bureau of Development Services

Decision mailed: April 15, 2009.

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 February 19, 2009, and was determined to be complete on **March 5, 2009**.

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 February 19, 2009.

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. Unless further extended by the applicant, **the 120 days will expire on July 3, 2009.**

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 April 29, 2009** 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.

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 April 30, 2009 (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; OR
- 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:

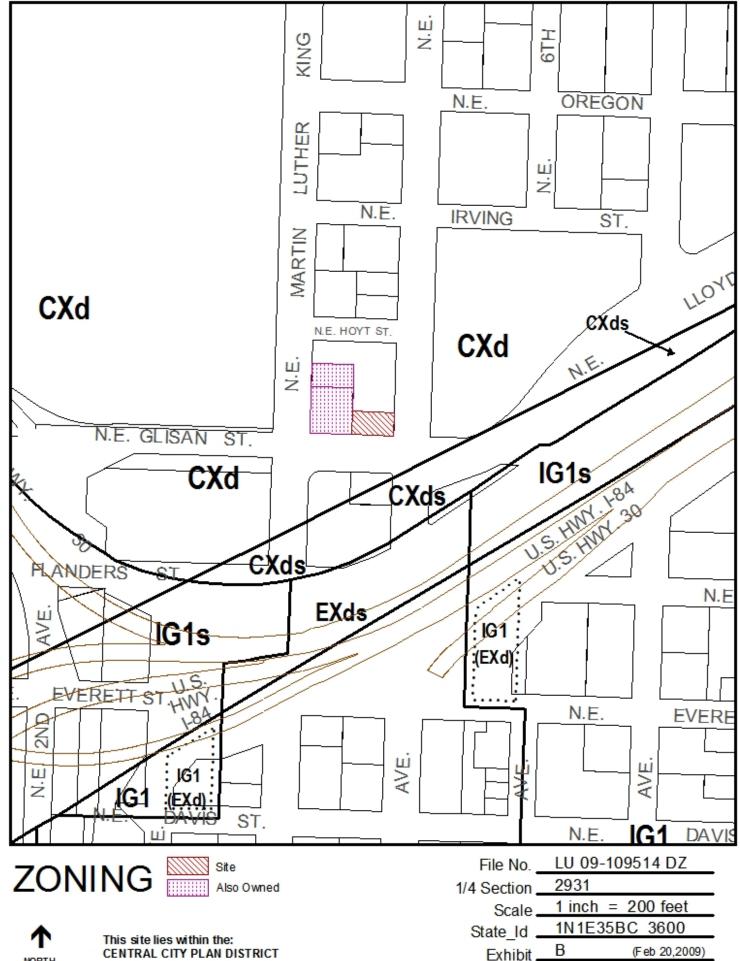
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

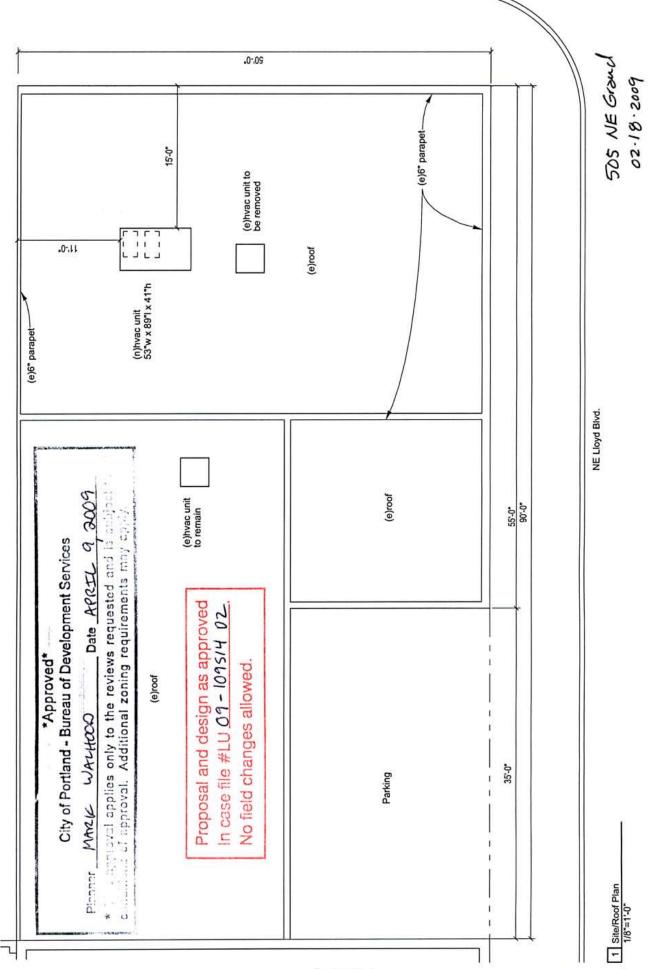
- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site/Roof Plan (attached)
 - 2. Building Elevations (attached)
 - 3. Rooftop Equipment Details (attached)
 - 4. Large/Scalable Plan Sheet
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Water Bureau
 - 3. Life Safety (Building Code) Section of the Bureau of Development Services
- F. Correspondence:
 - 1. (none submitted at time of decision mailing)
- G. Other:
 - 1. Original LU Application Form, Tax Account Information and Receipt
 - 2. Site History Research
 - 3. Roof and Site Photos

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).

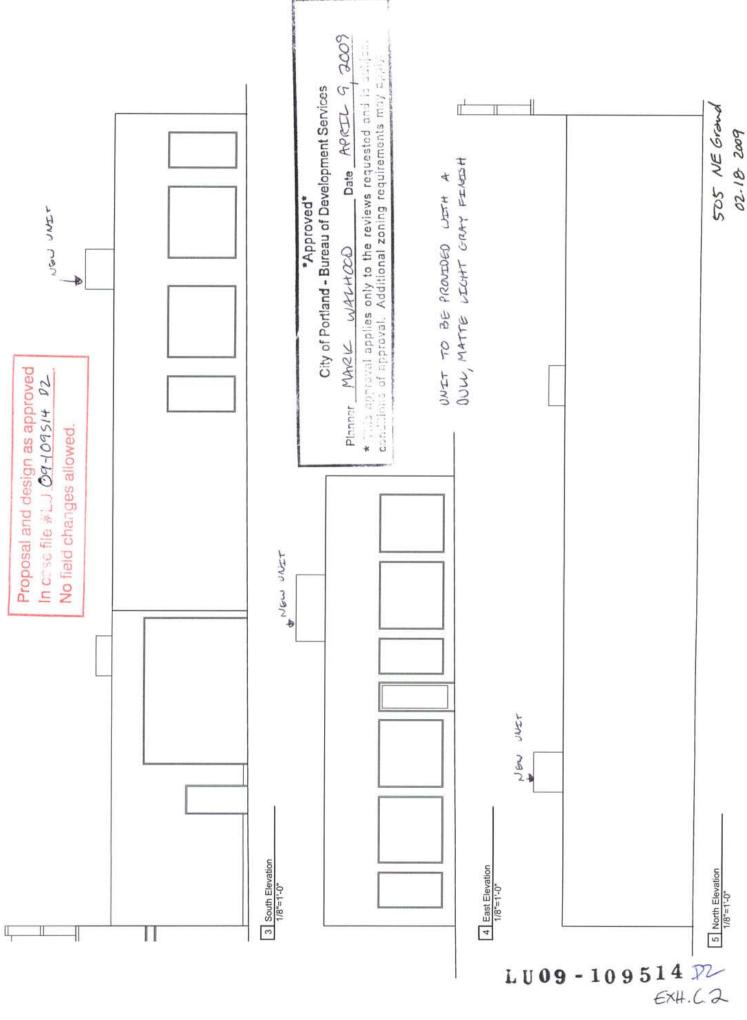


NORTH

CENTRAL CITY PLAN DISTRICT



LU09-109514 DZ EXH C.1



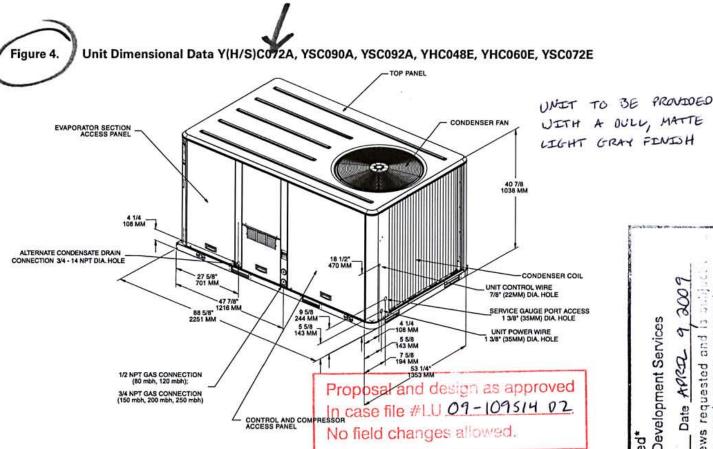
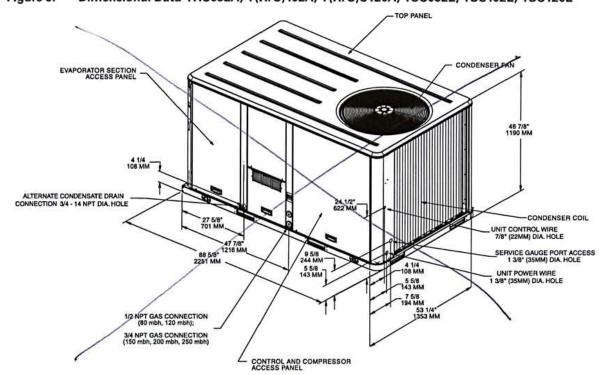


Figure 5. Dimensional Data YHC092A, Y(H/S)102A, Y(H/S)C120A, YSC092E, YSC102E, YSC120E



Approved

City of Portland - Bureau of Development Services

Plannar MARIE WALHOOD

* The approval applies only to the reviews requested and is authoritions of approval. Additional zoning requirements may applies.

LU09-109514 DZ EXH.C.3