



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

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[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** August 3, 2010  
**To:** Interested Person  
**From:** Mark Bello, Land Use Services  
503-823-7810 / [mark.bello@ci.portland.or.us](mailto:mark.bello@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 10-145802 DZ  
(ROOFTOP MECHANICAL AT 1515 NE HALSEY STREET)**

**GENERAL INFORMATION**

**Applicant:** Henry Chung & Co  
PO Box 4900  
Scottsdale, Az 85261-4900

Diane Parke  
Mckinstry Co  
16790 NE Mason St #100  
Portland OR 97230

**Site Address:** 1515 NE 112TH AVE

**Legal Description:** LOT 13 TL 12300 LAND & IMPS SEE R178003 (R370304321),  
HAZELWOOD

**Tax Account No.:** R370304320

**State ID No.:** 1N2E27DC 12300

**Quarter Section:** 2842

**Neighborhood:** EPNO, Parkrose Heights, contact Eric Worley at 503-254-1181.

**Business District:** Gateway Area Business Association, contact Fred Sanchez at 503-256-3910.

**District Coalition:** East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

**Plan District:** Gateway

**Zoning:** CSd Commercial Storefront with "d" design review overlay

**Case Type:** DZ Design Review

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

**Proposal:**

JP Morgan Chase Bank is conducting tenant improvements as part of the transition from Washington Mutual to Chase. As part of tenant improvements the applicant proposes to install a two-ton ductless split system heat pump on the roof where mechanical equipment is

currently sited. The proposed unit location is approximately 8 feet from the parapet wall near the southwest corner of the building. The unit is 32<sup>11/16</sup> inch high plus “sleepers” (rails to rest on); the parapet wall is 43 inches tall.

**Relevant Approval Criteria:**

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

- Gateway Regional Center Design Guidelines

## ANALYSIS

**Site and Vicinity:** The site is situated within the Gateway Regional Center facing NE Halsey Street, which is considered by the Gateway Regional Center Design Guidelines to be a “Storefront Retail-Oriented Main Street.” The guidelines consider such streets “real possibilities for the creation of sidewalk-oriented buildings that contribute to a pedestrian environment.”

NE Halsey Street is additionally designated by the City of Portland, a Regional Main Street, a City Walkway, a City Bikeway, a Transit Access Street, and Major City Traffic Street. NE Halsey is provided with regular bus service, as is NE 112<sup>th</sup> Avenue. NE 112<sup>th</sup> Avenue is designated a Neighborhood Collector Street, a Community Transit Street, a Local Service Bikeway, and a City Walkway. The less frequented NE 108<sup>th</sup> Avenue is designated a Local Service Walkway and Local Service Bikeway.

The site is located within the Gateway Plan District. The site is located within the NE Weidler, NE Halsey couplet at NE 112<sup>th</sup> Avenue. To the west, within the couplet are commercial uses. To the north, apartments are developed within the R1 zone; to the south is a mix of commercial uses along Halsey and the residential neighborhood platted at the R7 density (7,000 sq. ft.).

**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 which are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-

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 there are no prior land use reviews for this site.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **June 22, 2010**. The following Bureaus have responded with no issues or concerns:

1. Bureau of Environmental Services
2. Bureau of Transportation Engineering and Development Review
3. Water Bureau
4. Fire Bureau
5. Site Development Review Section of BDS
6. Bureau of Parks, Forestry Division

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on June 22, 2010. 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 Gateway Regional Center Design Guidelines.

#### **Gateway Regional Center Design Guidelines**

The Gateway Regional Center is the City of Portland's only designated regional center. The area is envisioned to redevelop into a highly urbanized, pedestrian-oriented center, with an overall built size and scale second only to Portland's Central City.

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.

#### **Gateway Regional Center Design Goals**

Ten goals for design review in the Gateway Regional Center have been established to enhance the area's design quality, support its livability, and guide its transition to a pedestrian-oriented, active, urban regional center. They are:

1. Encourage urban design excellence.
2. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Gateway Regional Center as a whole.
3. Provide for a pleasant, rich, and diverse experience for pedestrians.
4. Assist in creating a regional center that emphasizes a mix of active uses and experiences and is safe, lively, and prosperous.
5. Provide for the humanization of the Gateway Regional Center through the promotion of parks, plazas, open spaces, public art, and trees.
6. Integrate and honor the diversity and history of Gateway.
7. Integrate sustainable principles into the development process.
8. Encourage the development of a distinctive character for subdistricts within the regional center, and link them.
9. Encourage and incorporate transit orientation and usage.
10. Enhance the physical and visual linkages between the Gateway Regional Center and adjacent neighborhoods.

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

**A3. Integrate Building Mechanical Equipment and Service Areas.** Incorporate building mechanical equipment and/or service areas in a manner that does not detract from the pedestrian environment.

**Findings:** The proposed mechanical units are approximately 36” tall. This building has an unusual design that incorporates a parapet wall 42 inches high. These rooftop units are not visible from the sidewalk.

This guideline is therefore met.

**B3. Design for Coherency.** Integrate the different parts of a building to achieve a coherent design.

**B5. Integrate Roofs, Rooftop Lighting, and Signs.** Integrate rooftop components, functions and related screening elements with the building’s architecture. Integrate exterior lighting, signs and any related structural equipment at or near the roof with the building’s architecture. Orient lighting to highlight the building’s architecture.

**Findings for B3 and B5:** The design of this building incorporates the roof as the prominent design feature of the bank. The building features an exaggerated mansard roof that culminates in a 42” parapet. Behind the parapet is a flat roof with several mechanical units already installed. This new unit will be set back from the east parapet the same distance as other units. These units are not visible from the sidewalk and there are no tall buildings nearby.

*These guidelines are 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

The only exterior alteration proposed is installation of a heat pump on the roof. So, there are three guidelines that apply. Due to the unusual design of the building, with the high parapet, the equipment can be installed without violating these guidelines that call for integration of new equipment and design coherency.

## ADMINISTRATIVE DECISION

Approval of **Design Review** for rooftop alterations in the Gateway Plan district, per the approved roof plan, Exhibit C-1, signed and dated July 29, 2010, 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 Exhibit C.1. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-145802 DZ. No field changes allowed."

**Staff Planner: Mark Bello**



**Decision rendered by:** \_\_\_\_\_ **on August 2, 2010**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: August 3, 2010**

**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 June 15, 2010, and was determined to be complete on June 18, 2010.

*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 June 15, 2010.

*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. Unless further extended by the applicant, **the 120 days will expire on: October 16, 2010.**

**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 17, 2010** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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 call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 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 18, 2010** –
- 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:

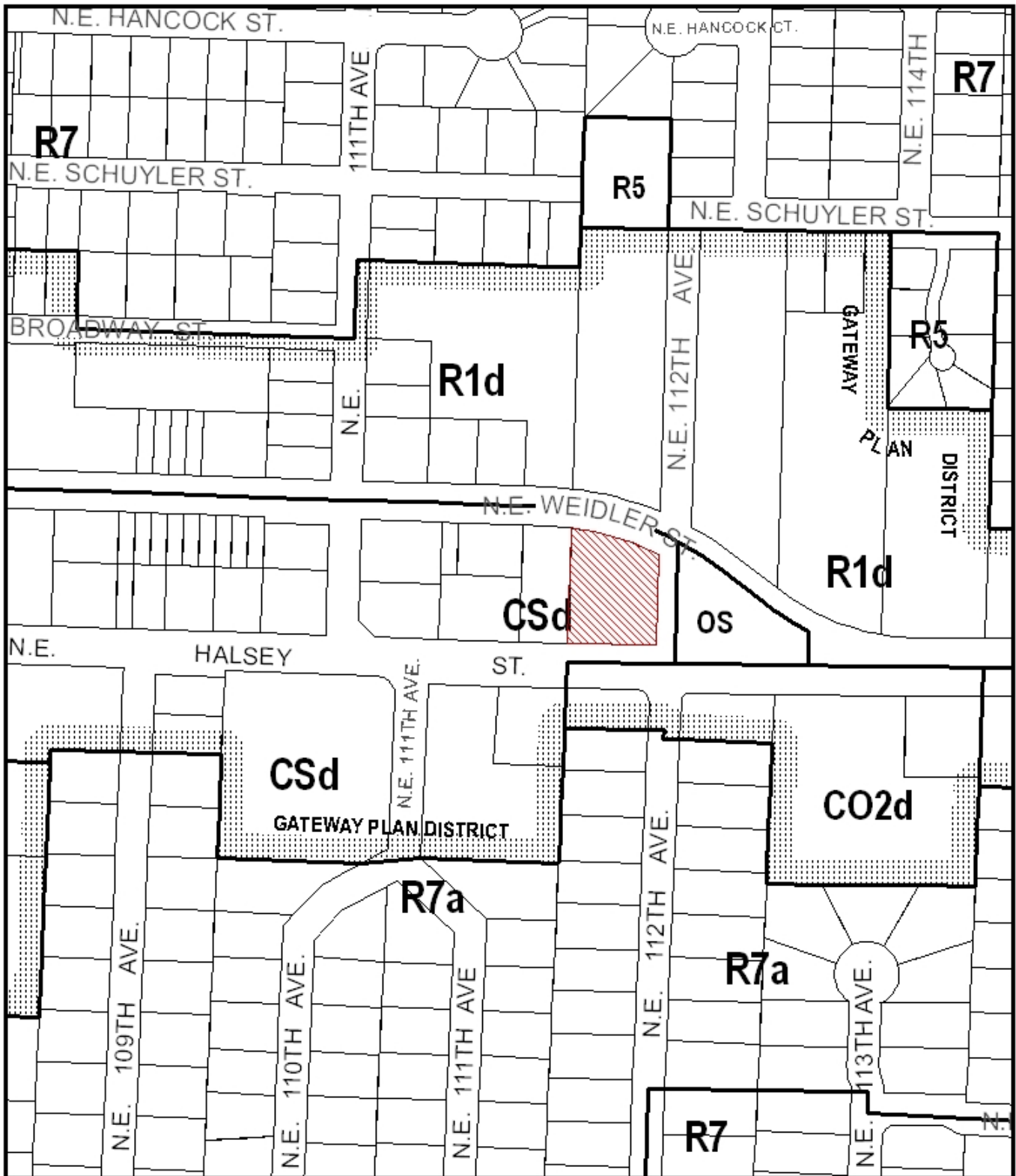
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Roof Plan (attached)
  - 2. Unit Location View from Street
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Bureau of Parks, Forestry Division
- 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. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



# ZONING

 Site



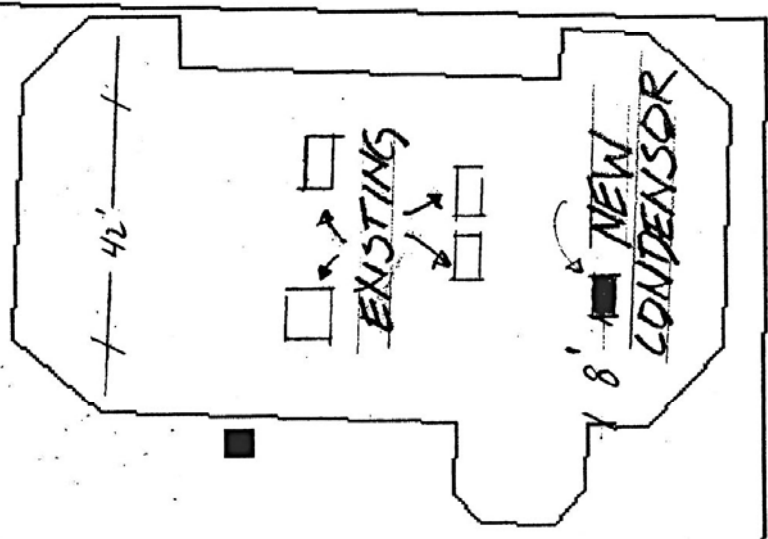
This site lies within the:  
GATEWAY PLAN DISTRICT

File No.	LU 10-145802 DZ
1/4 Section	2842, 2942
Scale	1 inch = 200 feet
State_Id	1N2E27DC 12300
Exhibit	B (Jun 17, 2010)



ST.  
NE WENDLER ST

NE 112th AVENUE



Planner  
\* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.  
Date 7/29/10  
Approved \*  
City of Portland - Bureau of Development Services  
M. B. W.

NE HALSEY ST.

CASE NO. 10-145802  
EXHIBIT C