



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
 FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner  
 Paul L. Scarlett, Director  
 Phone: (503) 823-7300  
 Fax: (503) 823-5630  
 TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** August 19, 2011  
**To:** Interested Person  
**From:** Mark Bello, Land Use Services  
 503-823-7810 / [Mark.Bello@portlandoregon.gov](mailto:Mark.Bello@portlandoregon.gov)

**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 11-158405 DZ**  
**ROOFTOP MECHANICAL UNITS AT 535 SE 12TH AVENUE**

**GENERAL INFORMATION**

<b>Applicant</b>		
General Services State of Oregon 1225 Ferry St SE Salem, OR 97310-0001	Robert Lundin Lundin Cole Architects, PC 208 SW Stark St, Ste 200 Portland, OR 97204	Brandon Schneider MKE & Associates, Inc 6915 SW Macadam Ave Suite 200 Portland, OR 97219

**Site Address:** 535 SE 12TH AVE

**Legal Description:** BLOCK 242 LOT 4-7 S 10' OF LOT 8, EAST PORTLAND  
**Tax Account No.:** R226516210  
**State ID No.:** 1S1E02BA 08600  
**Quarter Section:** 3131  
**Neighborhood:** Buckman, contact Susan Lindsay at 503-725-8257.  
**Business District:** Central Eastside Industrial Council, contact Juliana Lukasik at 503-287-5886.  
**District Coalition:** Southeast Uplift, contact Leah Hyman at 503-232-0010.  
**Plan District:** Central City - Central Eastside  
**Zoning:** EXd Central Employment  
**Case Type:** DZ Design Review  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission

**Proposal:** The applicant has proposed the addition of rooftop equipment required on the Oregon Commission for the Blind Building at 535 SE 12<sup>th</sup> Ave. The associated mechanical permit application is 11-148916-MT.

The applicant proposes to add a new makeup air rooftop unit and a new exhaust fan rooftop unit to serve a wood shop.

- The makeup air unit is 3' tall, 9' long and 4' wide with a roof curb of 2'. The makeup air unit is to be located 77'-5" from the east wall of the building.
- The exhaust fan is 2' tall and 2' round with a roof curb of 2'. The exhaust fan is to be located approximately 33' from the north wall.

## ANALYSIS

**Site and Vicinity:** The site includes four adjacent parcels on the southern majority of the block surrounded by SE 11<sup>th</sup> and 12<sup>th</sup> Avenues, and SE Stark and Washington Streets. The property is developed with a series of 1- and 2-story office and industrial buildings of varying heights, with the main office entrance at the corner of SE 12<sup>th</sup> and Washington. The eastern portion of the building is pulled back from SE 11<sup>th</sup> Avenue, where a large fenced loading, exterior storage, and parking area is located. The topography of the site slopes downwards from east to west, with SE 12<sup>th</sup> Avenue several feet above the elevation of SE 11<sup>th</sup> Avenue.

The surrounding area includes a variety of uses and development types, all of which are generally one or two stories. On the remainder of the block north of the site, facing SE Stark Street, a streetcar-era apartment building for the blind and a single-story hardware store immediately abut the building. Other nearby development includes several small industrial and commercial buildings, two-story apartment buildings, and the open spaces of (private) St. Francis Park and the athletic fields of the old Washington-Monroe High School. With the exception of the (vacant) high school building, and given the topography of the surrounding area, the only nearby structure with views onto the roof being considered in this review is the apartment building for the blind, directly north of the property.

**Zoning:** The Central Employment (EX) base zone allows a variety of mixed-uses, and is intended for areas in or near the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial 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 Design overlay zone seeks to preserve and enhance areas of the City with special scenic, cultural, and/or architectural value. Design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. At this site, because of a location within the Central City plan district, use of the Community Design Standards is not an option and all exterior alterations must be evaluated during the Design Review procedure.

The Central City plan district implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, and the Central City Transportation Management Plan, among others. The Central City plan district implements portions of these plans by adding code provisions that address special circumstances existing in the Central City area.

**Land Use History:** City records indicate two prior land use reviews at the site. These include the following:

- ❑ *LUR 94-00496 DZ* - Approval of design review for exterior building alterations, with conditions of approval regarding parking area circulation signage and provision of bike parking; and
- ❑ *LU 06-116241 DZ* - Approval of design review for fencing and gates around the perimeter of the parking and loading area at the east edge of the site.
- ❑ *LU 07161095 DZ* - Approval of design review for two new rooftop ladders and a single grab rail.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **July 26, 2011**. 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
7. Bureau of Development Services, Life Safety

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on July 26, 2011. 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 the site is located within the Central City Plan District, the applicable design guidelines are the Central City Plan Fundamental Design Guidelines. As the site is also specifically located within the Design Zone of the Central Eastside District, the Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan also apply.

#### **Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan and Central City Fundamental Design Guidelines**

*The Central Eastside is a unique neighborhood. The property and business owners are proud of the district's heritage and service to the community and region. Light industry, distribution/warehousing, and transportation are important components of the district's personality. To the general public, retail stores and commercial businesses provide the central focus within the district.*

The underlying urban design objective for the Central Eastside is to capitalize on and emphasize its unique assets in a manner that is respectful, supportive, creative and compatible with each area as a whole. Part of the charm and character of the Central Eastside District, which should be celebrated, is its eclectic mixture of building types and uses. An additional strength, which should be built on, is the pattern of pedestrian friendly retail uses on Grand Avenue, East Burnside and Morrison Streets, as well as portions of 11<sup>th</sup> and 12<sup>th</sup> Avenues.

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.

### **Central Eastside Design Goals**

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

- Encourage the special distinction and identity of the design review areas of the Central Eastside District.
- Provide continuity between the Central Eastside and the Lloyd District.
- Provide continuity between the Central Eastside and the river, downtown, and adjacent residential neighborhoods.
- Enhance the safety, convenience, pleasure, and comfort of pedestrians.

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

This set of goals is 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.

**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 C5 and C11:** The proposed work includes a new makeup air unit and a new exhaust fan rooftop unit to serve the wood shop and concurrent improvements within that space. The units are small and are located away from exterior walls: 1) the makeup unit is 3' tall and at least 61' from the nearest building edge, 2) the exhaust fan is 2' tall and located at least 33' from the nearest building wall. They are also grouped near other existing units.

*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 proposes to add two small mechanical units to be grouped with other units toward the center of the building. There are multiple units on the roof and the proposed size and location of these new units does not warrant screening.

## ADMINISTRATIVE DECISION

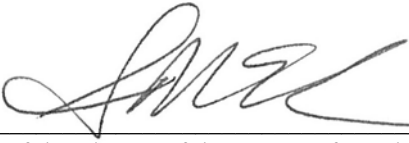
Approval of rooftop exterior alterations, specifically

- A makeup air unit 3' tall, 9' long and 4' wide with a roof curb of 2'. The makeup air unit is to be located 77'-5" from the east wall of the building.
- An exhaust fan 2' tall and 2' round with a roof curb of 2'. The exhaust fan is to be located approximately 33" from the north wall.

per the approved site plans, Exhibits C-1 and C-2, signed and dated August 22, 2011, 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 11-158405 DZ . No field changes allowed."

**Staff Planner: Mark Bello**

**Decision rendered by:**  **on August 17, 2011**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: August 19, 2011**

**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 15, 2011, and was determined to be complete on **July 22, 2011**.

*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 15, 2011.

*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: December 1, 2011.**

**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 September 2, 2011** 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. 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 **September 6, 2011.**
- 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 and Rooftop Plan, existing and proposed units (attached)
  - 2. Elevations, new units (attached)
- 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
  - 7. Bureau of Development Services, Life Safety
- 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. 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).**





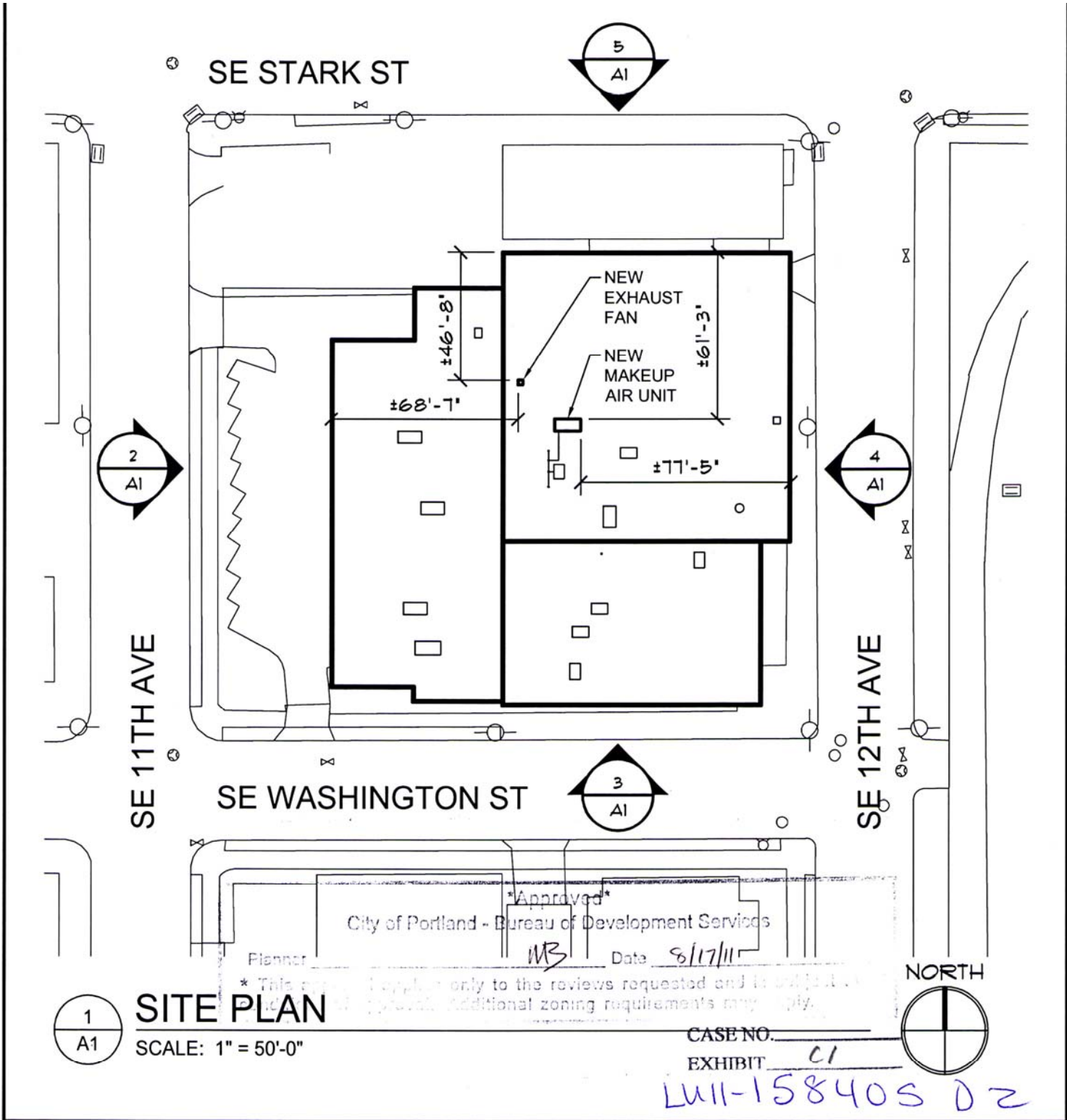
# ZONING

-  Site
-  Also Owned
-  Historic Landmark



This site lies within the:  
CENTRAL CITY PLAN DISTRICT

File No.	LU 11-158405 DZ
1/4 Section	3131
Scale	1 inch = 200 feet
State_Id	1S1E02BA 8600
Exhibit	B (Jul 21, 2011)



**SITE PLAN**

SCALE: 1" = 50'-0"

CASE NO. \_\_\_\_\_

EXHIBIT   C1  

*L11-15840S D2*

**M&E**  
 MECHANICAL AND ELECTRICAL SYSTEMS  
 505 SW MADISON AVE.  
 PORTLAND, OREGON 97204  
 PHONE: 503.832.1188  
 FAX: 503.832.1189  
 WWW.MANDMECHANICAL.COM

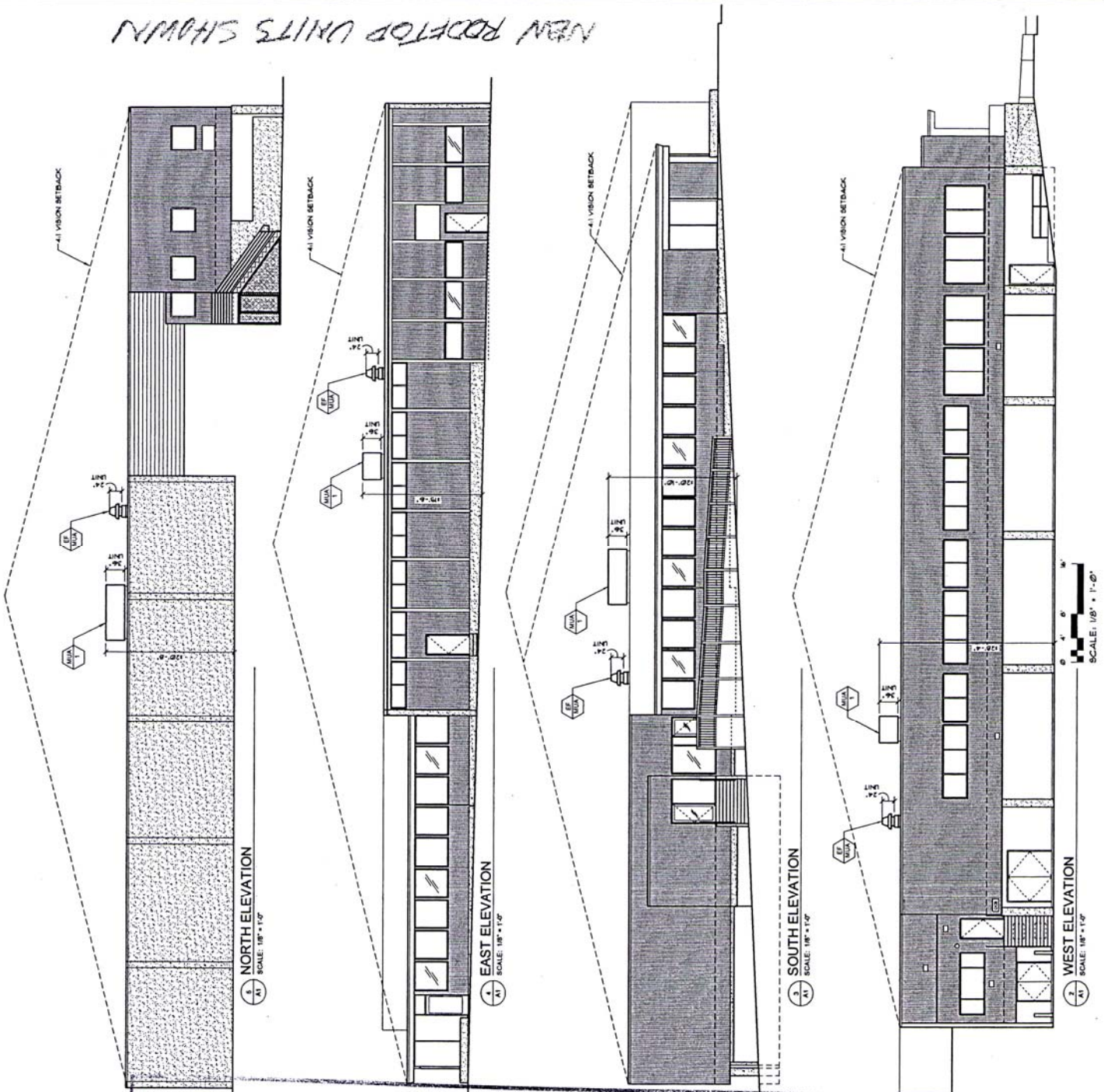
**LUNION COLE ARCHITECTS, PC**  
 505 SW 3RD AVE., SUITE 200  
 PORTLAND, OR 97204  
 P: 503.224.2188  
 F: 503.224.2189  
 WWW.LUNIONCOLE.COM



**OREGON COMMISSION FOR THE BLIND**  
 WOOD SHOP  
 STATE OF OREGON  
 535 SE 12TH AVENUE  
 PORTLAND, OR 97214

ISSUE DATE: 07/14/2011	DESIGNED BY: BJS
SET TYPE: DESIGN REVIEW	CHECKED BY: TL
REVISIONS:	LCA JOB #: 111101
<b>SITE PLAN &amp; EXTERIOR ELEVATIONS</b>	
<b>A1</b>	

*NEW ROOFTOP UNITS SHOWN*



*\*Approved\**  
 City of Portland - Bureau of Development Services

Planner  
 \* This

*MB* Date 8/17/11

*LU1-158405 D2*

*C-2*