



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

FROM CONCEPT TO CONSTRUCTION

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Date: October 23, 2014
To: Interested Person
From: Chris Caruso, Land Use Services
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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 mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 14-207373 DZ: ROOFTOP MECHANICAL EQUIPMENT ON CAMPUS SERVICES BUILDING

GENERAL INFORMATION

Applicant: Jerome Keyes / OHSU
3181 SW Sam Jackson Park Rd. / Portland OR 97239

Site Address: 3181 SW SAM JACKSON PARK RD

Legal Description: TL 200 26.24 ACRES LAND & IMPS SEE R327745 (R991090552) FOR AIRSPACE & IMPS & R327746 (R991090555) FOR IMPS, SECTION 09 1S 1E

Tax Account No.: R991090550
State ID No.: 1S1E09 00200
Quarter Section: 3428
Neighborhood: Homestead, contact Anton Vetterlein at 503-866-1667.
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
Plan District: Marquam Hill
Zoning: EXdcp – Central Employment with design, environmental conservation, and environmental overlay zones

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 the addition of one new rooftop mechanical unit on top of an interior roof of the OHSU Campus Services Building in the Marquam Hill Plan District. Design Review is required for this proposal as there are more than 8 mechanical units on the roofs of this building. Environmental Review is not required for this proposal as there is no work proposed in an environmental zone. The work area is also not visible from SW Terwilliger Parkway.

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:

- 33.825 Design Review
- Marquam Hill Design Guidelines

ANALYSIS

Site and Vicinity: The OHSU campus accommodates more than 30 multi-storied buildings housing health care, research, administrative, and educational facilities. The existing Campus Services Building sits below SW Gibbs Street, behind one of the older Nursing School buildings and next to the newest Nursing School building, near the southern edge of the campus. The Campus Service Building is the original Tuberculosis Hospital Building from which the entire OHSU campus was founded. The building has been extensively remodeled over the years and has a number of existing pieces of mechanical equipment on the various roof levels around the building.

The subject properties at the OHSU campus are extensively built-up with large buildings and heavily traveled roads. Open space areas are both formally and informally landscaped. Much of the non-formal open space is densely vegetated with trees and shrubs which includes the areas directly west and north of the cooling tower complex.

Zoning: The Central Employment (EX) 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 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 “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. 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.

The Environmental Conservation Zone “c” overlay conserves important resources and functional values in areas where the resources and functional values can be protected while following environmentally sensitive urban development.

The Environmental Protection Zone “p” overlay provides the highest level of protection to the most important resources and functional values. These resources and functional values are identified and assigned value in the inventory and economic, social, environmental, and energy (ESEE) analysis for each specific study area. Development will be approved in the environmental protection zone only in rare and unusual circumstances.

The Marquam Hill Plan District implements elements of the Marquam Hill Plan by supporting the preservation and enhancement of natural open space areas, existing scenic views, and neighborhood livability, while encouraging an intense level of institutional development including a dynamic mix of medical research, education, and patient care facilities that contribute to Marquam Hill’s distinctive character. The plan district regulations enhance the character and features of the district through the implementation of development standards and design guidelines that preserve scenic resources and create a sense of place within the developed portions of the district through a network of plazas, courtyards, and formal open areas connected by a well-designed pedestrian circulation system. The regulations also encourage the development of additional patient care, medical research, and academic facilities and long-term traffic and parking management plans.

Land Use History: City records indicate prior many land use reviews for the site, none of which would directly impact this proposal.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **September 30, 2014**. The following Bureaus have responded with no issues or concerns:

- Life Safety Review Section of BDS (Exhibit E-1)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on September 30, 2014. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Thomas and Juanita Heinze – stated that the Notice mailing was crazy, 6 pages about it and staff forgot to tell us what a mechanical unit is. Is it a car? An electric motor? A robot arm?

Staff Reponse: The length of the Notice of Proposal mailings is determined by an internal Bureau of Development Services template that is designed to meet state-mandated notification requirements for development going through a land use process. A rooftop mechanical unit is typically a square or rectangular metal box that sits on top of a building roof and distributes temperature-controlled air to the building interior.

ZONING CODE APPROVAL CRITERIA

DESIGN REVIEW (33.825)

33.825.010 Purpose

Design Review ensures:

- That development conserves and enhances the recognized special design values of a site or area;
- The conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district;
- That certain types of infill development will be compatible with the neighborhood and enhance the area; and
- High design quality of public and private projects.

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) and requires Type II Design Review approval. Because the site is located within the Marquam Hill Plan District, the applicable design guidelines are the Marquam Hill Design Guidelines.

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

Marquam Hill Design Guidelines

2. Develop Integrated Building Rooftops. Size and place rooftop penthouses, mechanical equipment and related screening elements to mitigate their impacts on views of the buildings. Consider the incorporation of rooftop gardens and/or roof-level stormwater management systems to enhance views of and views onto the rooftops of buildings and parking structures.

3. Maintain and Enhance Views from Marquam Hill. Maintain and enhance views from existing designated viewpoints.

Findings for 2 and 3: The roof where the piece of mechanical equipment will be placed is an internal, lower roof that is not visible from any of the nearby streets or pathways. The new equipment will sit next to an identical existing piece of equipment. The two units will be aligned with each other in an orderly fashion so that the overall architectural composition of the building is not adversely affected. There are no designated viewpoints that go over the roof of the Campus Services Building. All existing views from other designated viewpoints will not be impacted by this piece of equipment being placed on a lower, interior roof. *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 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 new piece of rooftop equipment will blend into the overall building design and not be visible from the surrounding campus. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of Design Review for the addition of one new rooftop mechanical unit on top of an interior roof of the OHSU Campus Services Building in the Marquam Hill Plan District, per the approved site plans, Exhibits C-1 through C-4, signed and dated October 21, 2014, subject to the following conditions:

- 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 14-207373 DZ. No field changes allowed."

Staff Planner: Chris Caruso



Decision rendered by: _____ **on October 21, 2014**

By authority of the Director of the Bureau of Development Services

Decision mailed: October 23, 2014

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 3, 2014, and was determined to be complete on **September 25, 2014**.

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 3, 2014.

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: January 23, 2014.**

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 6, 2014** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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.

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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 7, 2014 – (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.

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:

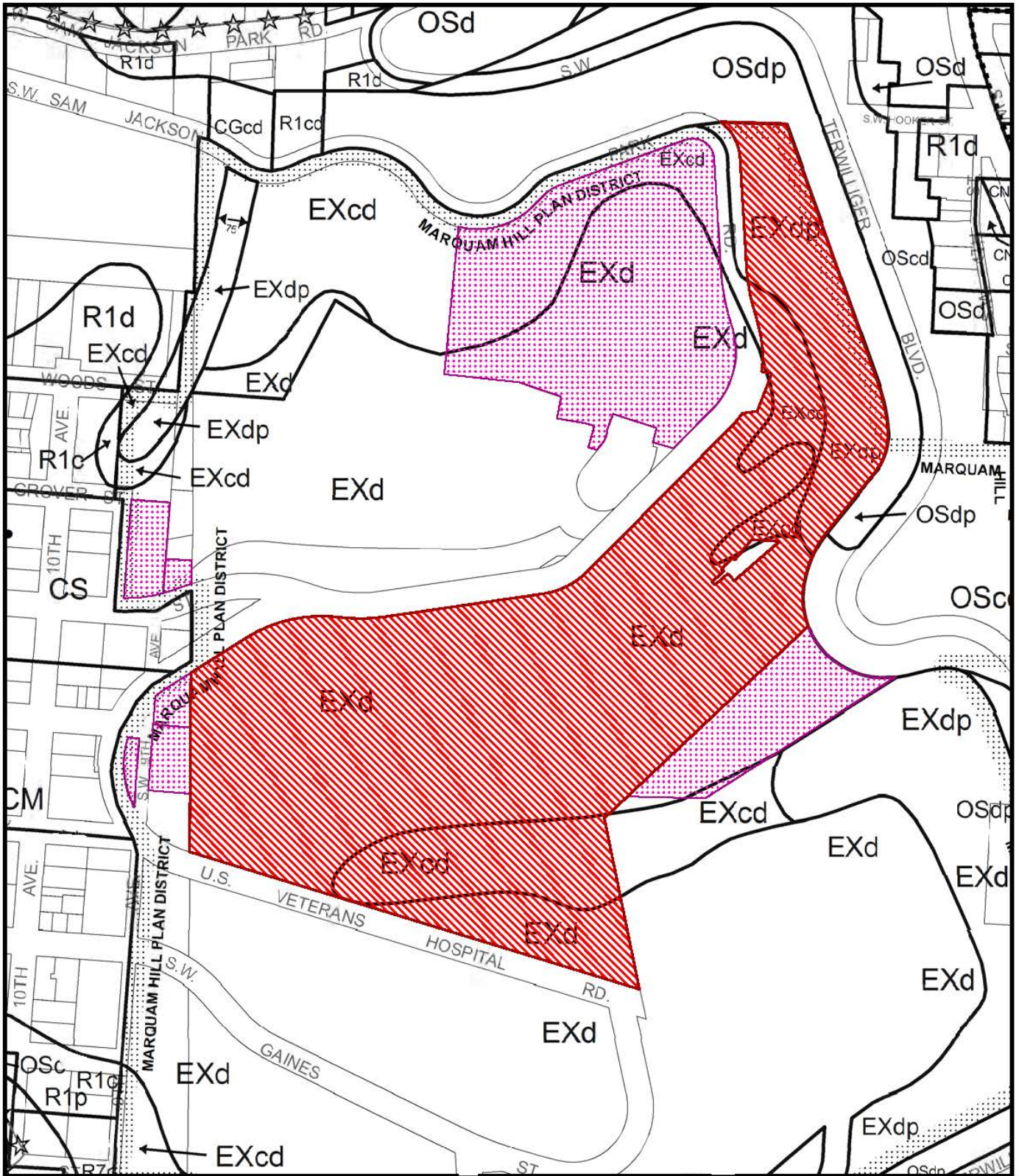
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- | | |
|-----------------------------------|--------------------------------------|
| A. Applicant's Statement | 1. Mailing list |
| B. Zoning Map (attached) | 2. Mailed notice |
| C. Plans/Drawings: | E. Agency Responses: |
| 1. Site Plan (attached) | 1. Life Safety Review Section of BDS |
| 2. Overall Roof Plan | F. Correspondence: |
| 3. Exterior Elevations (attached) | 1. Thomas and Juanita Heinze, |
| 4. Exterior Elevations | unrecorded date |
| 5. Equipment Specifications | G. Other: |
| D. Notification information: | 1. Original LU Application |

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).

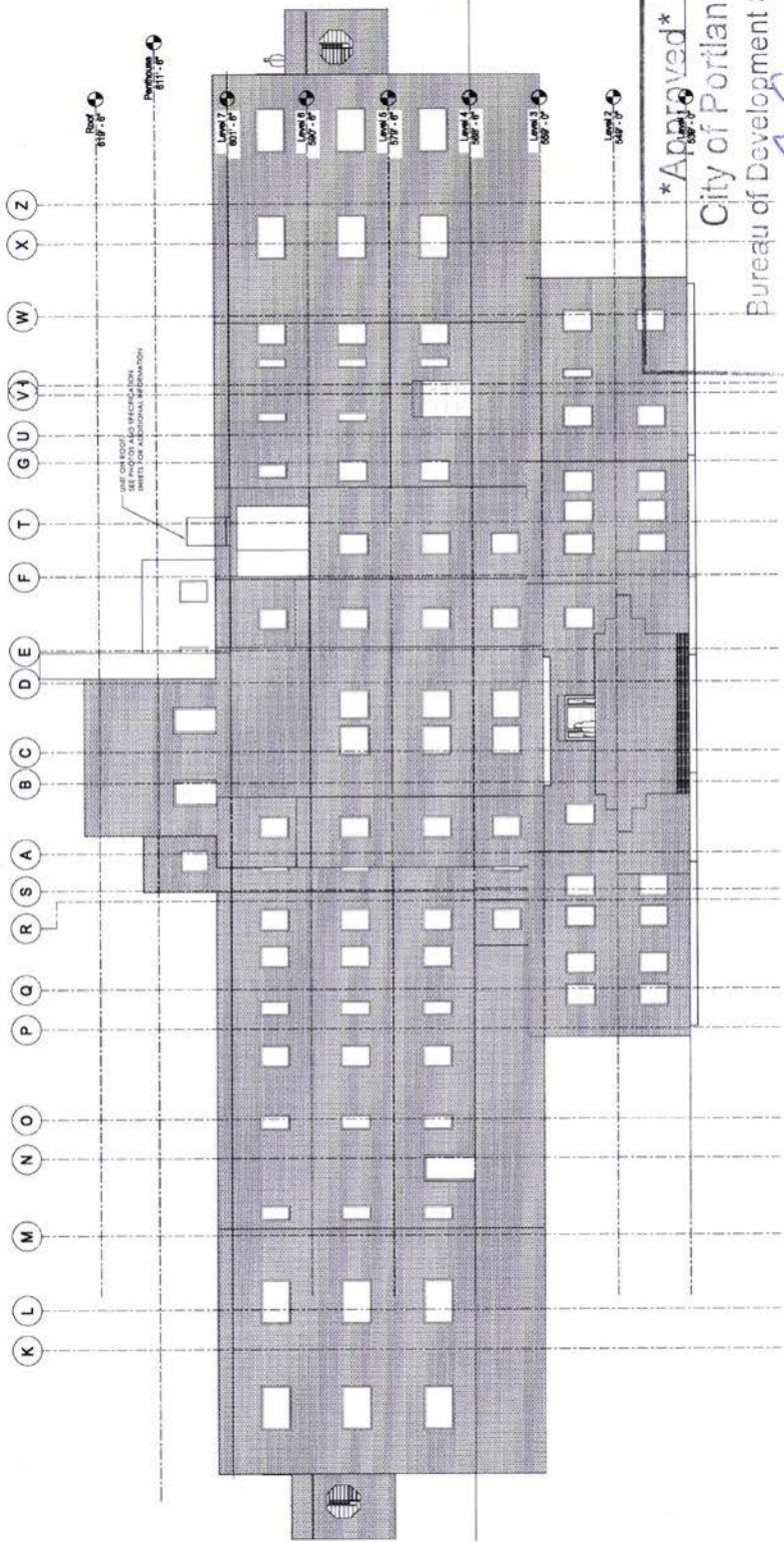


ZONING

-  Site
-  Also Owned



File No. LU 14-207373 DZ
 1/4 Section 3328.3428
 Scale 1 inch = 300 feet
 State_Id 1S1E09 200
 Exhibit B (Sep 04, 2014)



* Approved *
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 10/21/14

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

NORTH ELEVATION
 SCALE 1/8"=1'-0"