



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

FROM CONCEPT TO CONSTRUCTION

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Date: August 1, 2016
To: Interested Person
From: Mike Gushard, 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 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 16-113969 DZ – NEW MECHANICAL UNIT AND SCREENS

GENERAL INFORMATION

Applicant: Peter A Nathan, Owner
2455 NW Marshall St #1
Portland, OR 97210

Art Andersen,
Andersen Heating Inc.
16285 SW 85th Ave
Suite 410
Tigard, OR 97224

Site Address: 409 SW 11TH AVE

Legal Description: BLOCK 255 LOT 1&2, PORTLAND
Tax Account No.: R667728250
State ID No.: 1N1E33DD 02000
Quarter Section: 3029

Neighborhood: Portland Downtown, contact Rani Boyle at 503-725-9979.
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - West End
Zoning: RXd – Central Residential with Design Review

Case Type: DZ – Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

This application proposes the installation of one new mechanical unit on the roof of the building. The unit is 4'5" wide, 1.75' long and 6'10" tall. A screen for the unit is also proposed in conformance with the development standards for the base zone (33.120.250). The unit will be located a minimum of 71' from street facing facades of the building and behind its 3' parapet. There are 7 existing and identical units that were approved, along with screening, in 2008 (LU 2008-129573). The screening was approved in 2008 but never installed.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The quarter-block site sits on the block bound by SW Stark and Washington Streets and SW 11th and 12th Avenues, and is within the Central City's West End neighborhood. The West End is viewed as having exceptional assets including important cultural and religious institutions, community services, unique retail and entertainment areas, and attractive residential areas. The site is developed with a 52,682 square-foot building that was constructed in 1908. The building was originally known as the Nortonia Hotel, but today the building houses the Mark Spencer Hotel. The block on which the building sits includes the Historic Landmark Telegram Building to the south, the Washington Plaza to the west and a small two-story quarter-block structure to the northwest. The building fronts SW 11th Street, a Community Main Street, Local Service Bikeway, and Central City Transit/ Pedestrian Street, and SW Stark Street, a Local Service Bikeway. The block is within the Downtown Pedestrian District.

Zoning: The Central Residential (RX) zone is a high-density, multi-dwelling zone that allows the highest density of dwelling units of the residential zones. The maximum size of buildings and intensity of use are regulated by floor area ratio limits and other site development standards. The major types of new housing development will be medium- and high-rise apartments and condominiums, often with allowed retail, institutional, or other service-oriented uses.

The design (d) overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area

Land Use History: City records indicate that prior land use reviews include the following:

- 02-103133 DZ: Design Review approval of a new main entrance canopy, railings and exterior uplighting for the Mark Spencer Hotel;
- 02-139206 HDZM AD: Historic Design Review approval for the renovation of the Telegram Building to provide retail/restaurant occupancy on the ground floor, office space on the second, third and new fourth floor penthouse and two levels of basement parking to accommodate the building employees as well as parking for the adjacent Mark Spencer Hotel.
- 02-139580 PR: Central City Parking Review approval for 51 parking stalls in a 2-level underground basement below the existing Telegram Building.
- 08-129573 DZ Installation of HVAC and screens. The screens were never installed for this project.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **May 24, 2016**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- The Bureau of Transportation Engineering
- The Bureau of Parks-Forestry Division

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on May 24, 2016. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site’s location, the applicable design guidelines are the Central City Fundamental Design Guidelines.

Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City.

The Central City Fundamental 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 City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within all of the 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.

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

A8. Contribute to a Vibrant Streetscape. Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

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 stormwater management tools.

Findings: The construction of the new mechanical unit is done in a manner to that is minimally visible from the public right of way. This respects the context of the buildings around and does not impact the vibrant streetscape below. The applicant also proposes the construction of screens this proposed unit and the existing units. This gesture knits the rooftop equipment into the overall architecture of the building and integrating its roof integrating it into a coherent and clean design. *Therefore these criteria 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

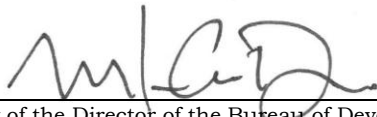
The proposed mechanical units are placed in the least visible corner of the building and the inclusion of architectural screens integrates their design into the building's rooftop. The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. *The proposal meets the applicable design guidelines and therefore warrants approval.*

ADMINISTRATIVE DECISION

Approval of the installation of a new roof top mechanical equipment and screening, per the approved site plans, Exhibits C-1 through C-6, signed and dated April 7, 2016, 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.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-113969 DZ . No field changes allowed."

Staff Planner: Mike Gushard

Decision rendered by:  **on July 27, 2016**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 1, 2016

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 1, 2016, and was determined to be complete on May 13, 2016.

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 1, 2016.

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: September 12, 2016.**

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 15, 2016** 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 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 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 **August 16, 2016**
- 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:

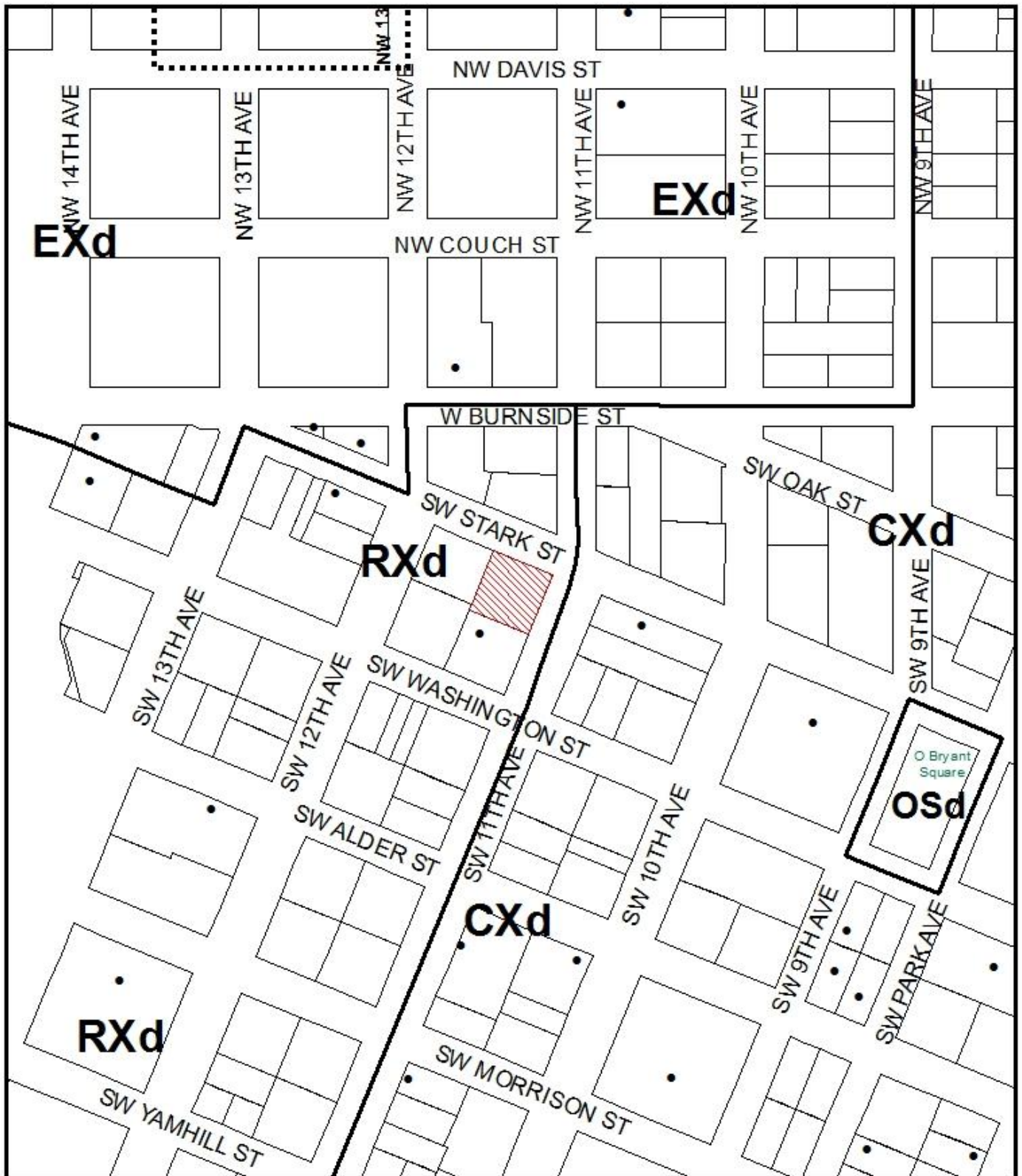
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Roof Plan/Site Plan (attached)
 - 2. Sections with site lines (attached)
 - 3. Screen details
 - 4. Screen framing
 - 5. Rendering of proposed condition
 - 6. Screen Elevation
- 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
- G. Other:
 - 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).



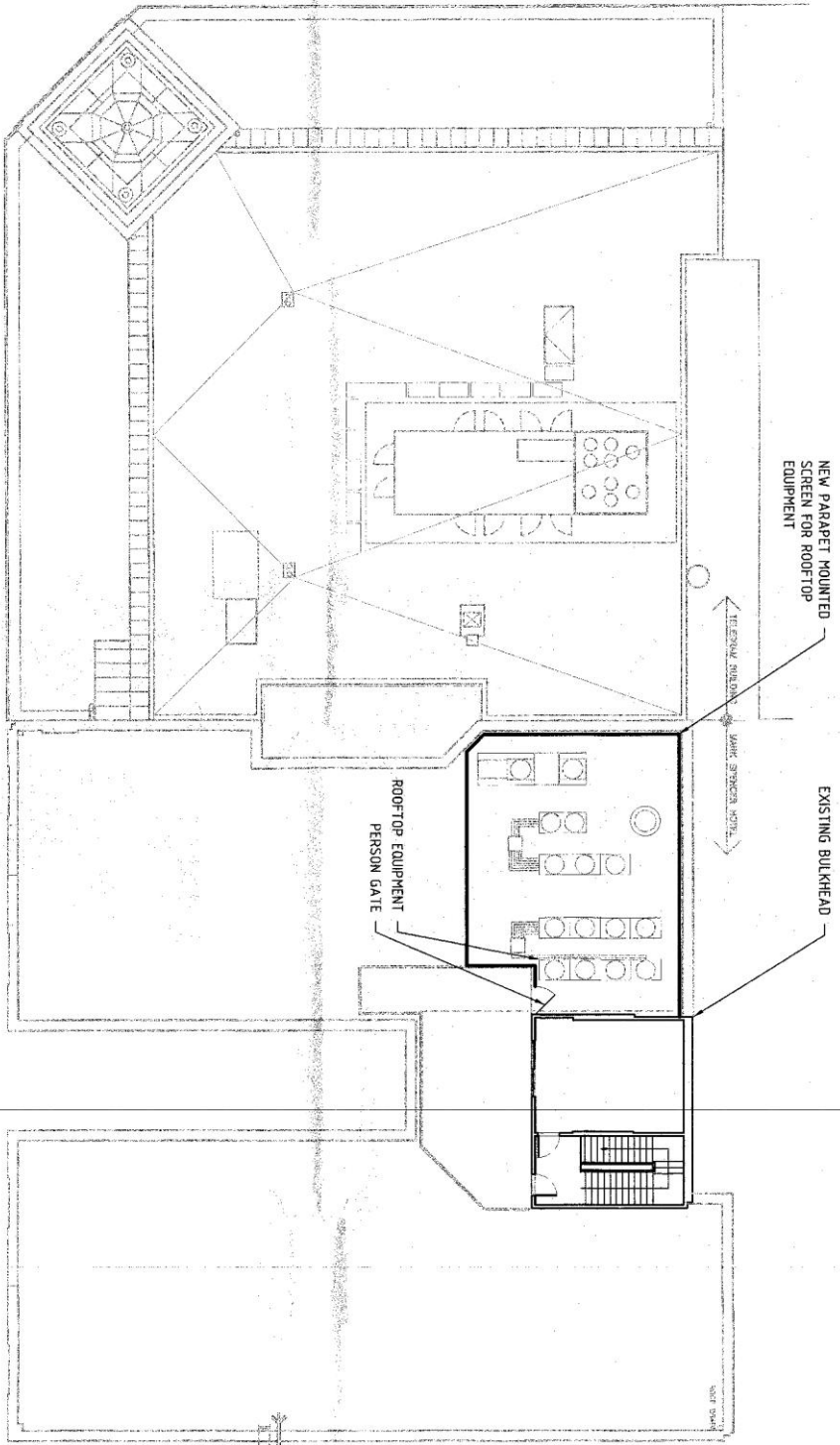
ZONING



This site lies within the:
 CENTRAL CITY PLAN DISTRICT
 DOWNTOWN SUBDISTRICT
 WEST END SUBAREA

- Site
- Historic Landmark

File No.	<u>LU 16-113969 DZ</u>
1/4 Section	<u>3028 3029</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E33DD 2000</u>
Exhibit	<u>B</u> (Feb 03, 2016)

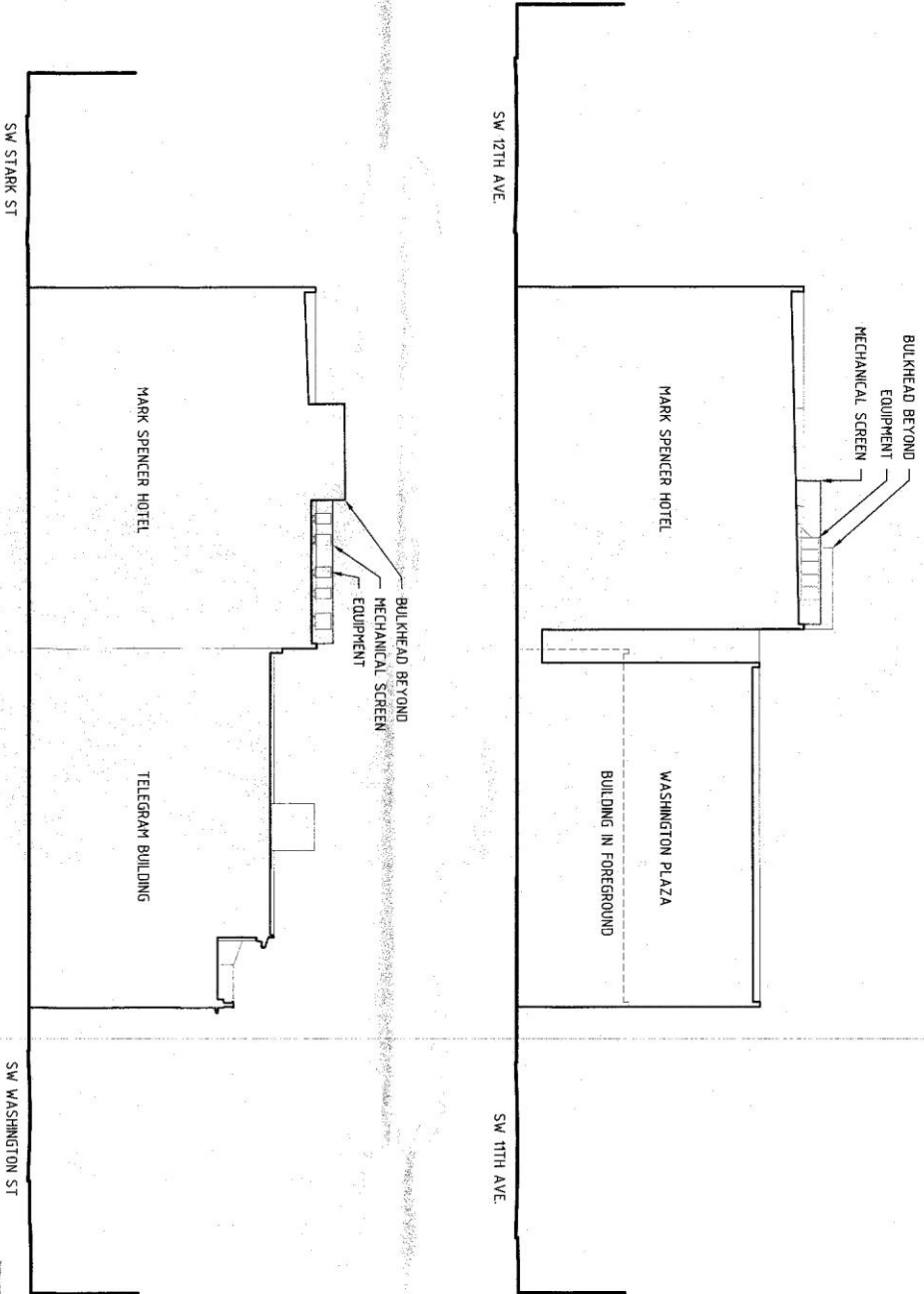


Approved
 Date: 7/21/16
 This approval is valid only for the project and site indicated and is subject to the provisions of the applicable building code and regulations in effect at the time of approval. Additional drawings and specifications may be required.

ROOF TOP EQUIPMENT SCREEN
 SK-002a
 ROOF PLAN

06.08.2016
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C1



**ROOF TOP EQUIPMENT SCREEN
 ELEVATION/SECTION OF SITE**

SK-002b
 06.08.2016
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