



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

FROM CONCEPT TO CONSTRUCTION

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Date: September 27, 2016
To: Interested Person
From: Meriam Rahali, 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 16-215276 DZ – INSTALLATION OF ONE ROOFTOP CONDENSING UNIT

GENERAL INFORMATION

Applicant: Dale Calnek, Arctic Sheetmetal Inc.
2310 NE Columbia Blvd
Portland, OR 97211

Representative: Will Coons, Capital Projects Coordinator
Research & Academic Mission
3310 SW Veterans Hospital Rd

Owner: State Of Oregon - Board of Higher Education
3181 SW Sam Jackson Park Rd
Portland, OR 97239

Site Address: 3910-3930 SW Macadam Avenue

Legal Description: BLOCK 175, CARUTHERS ADD
Tax Account No.: R140916340, R140916340
State ID No.: 1S1E10CA 00500, 1S1E10CA 00500
Quarter Section: 3429

Neighborhood: South Portland NA., contact Jim Gardner at 503-227-2096.
Business District: South Portland Business Association, contact Kevin Countryman at 503-750-2984.
District Coalition: Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.

Plan District: Central City - South Waterfront
Zoning: CXd – Central Commercial with Design Overlay Zone
Case Type: DZ – Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant seeks Design Review approval to add a new condensing unit on the rooftop of an existing building in the South Waterfront Subdistrict of the Central City. The proposal includes the following:

- Adding one (1) new condensing unit (#6901 on Roof Plan) with following dimensions: 4'-11" length, 3'-9" width, 4'-2" height, color Grey. This unit is located 121'-8" from the east parapet and 66'-6" from the south parapet.

The project also includes removing three (3) existing HVAC units and replacing them with three (3) new HVAC units of similar or smaller size.

Replacement of mechanical equipment with comparable equipment in a Design Overlay Zone is exempt from Design Review. See Title 33, Portland Zoning Code, Chapter 33.420.045 item B. The replacement of the three HVAC Units is therefore exempt from the Design Review.

If the total number of mechanical units on a roof exceeds eight (8), including both proposed and existing units, Design Review is required. See Title 33, Portland Zoning Code, Chapter 33.420.045 item M. In this proposal, the total number of units including the new condensing unit exceeds eight (8). Therefore, the addition of the New Condensing Unit requires Design Review.

Relevant Approval Criteria:

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

- 33.825 Design Review
- South Waterfront Design Guidelines
- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The rooftop condensing unit is proposed on an existing building located within the South Waterfront Subdistrict. South Waterfront Subdistrict is in an area along the Willamette River and south of downtown that has been undergoing large-scale redevelopment. Several apartment buildings and condominiums have been built in the last 10 years. The addition of the Portland Aerial Tram, and a Streetcar line to the area has helped connect the District with the surrounding neighborhoods.

This building occupies an entire block bounded by SW Moody Avenue to the east, SW Thomas Street to the South, SW Macadam Avenue to the west, and SW Abernethy Street to the north. Between SW Gibbs and SW Hamilton, SW Moody Avenue is part of the Moody-Bond couplet, providing the primary north-south access. According to the Transportation Element of the City of Portland's Transportation Plan (TSP), the street designations for SW Moody Avenue are: Traffic Access Street, Major Transit Priority Street, City Bikeway, Central City Transit/Pedestrian Street, and a Local Service Truck Street. It also is a Major Emergency Response Street. It is a one-way southbound for vehicular traffic, a one-way southbound for the streetcar, and a southbound Bus Route. There is a bus stop at the corner of SW Moody Avenue and SW Thomas Street. SW Moody also includes a one-way bike path along the west side and parking on both sides.

The street designations for SW Abernethy and SW Thomas Streets are: Local Service Traffic/Transit/Bikeway/Walkway/ and Truck Streets with parking on both sides. They are also a Minor Emergency Response Streets. The street designations at this location for SW Macadam

Avenue are: Local Service Bikeway, Local Service Walkway, Regional Corridor, Major City Traffic Street, and Major Transit Priority Street.

Also according to the Transportation Element of the TSP, the subject site is located in the North Macadam Pedestrian District. According to the TSP, "Pedestrian Districts are intended to give priority to pedestrian access in areas where high levels of pedestrian activity exist or are planned, including the Central City, Gateway regional center, town centers, and station communities."

Zoning:

Base Zone: The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

Overlay Zone: The Design Overlay "d" 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.

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 August 26, 2016.

The following eight Bureaus, Divisions and/or Sections responded with no concerns and five of these included comments found in Exhibits E1-E4:

- Source Control Section and Development Services Section of the Bureau of Environmental Services (Exhibit E-1)
- Life Safety Division of the Bureau of Development Services (Exhibit E-2)
- The Fire Bureau (Exhibit E-3)
- Bureau of Transportation Engineering and Development (Exhibit 4)
- Site Development Review Section of the Bureau of Development Services
- Water Bureau
- Watershed Section of the Bureau of Environmental Services

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **August 26, 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 a design (d) overlay zone; therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Central City Fundamental Design Guidelines and South Waterfront District Guidelines.

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.

South Waterfront Design Goals

The South Waterfront Design Guidelines and the Greenway Design Guidelines for the South Waterfront supplement the Central City Fundamental Design Guidelines. These two sets of guidelines add layers of specificity to the fundamentals, addressing design issues unique to South Waterfront and its greenway.

The South Waterfront Design Guidelines apply to all development proposals in South Waterfront within the design overlay zone, identified on zoning maps with the lowercase letter "d". These guidelines primarily focus on the design characteristics of buildings in the area, including those along Macadam Avenue, at the western edge, to those facing the greenway and river.

The Greenway Design Guidelines for the South Waterfront apply to development within the greenway overlay zone, identified on zoning maps with a lowercase "g". These design guidelines focus on the area roughly between the facades of buildings facing the river and the water's edge.

South Waterfront Design Guidelines and Central City Fundamental Design Guidelines:

The Central City Fundamental Design and the South Waterfront Design Guidelines and the Greenway Design Guidelines for South Waterfront focus on four general categories.

- **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.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project. The Central City and South Waterfront design guidelines are addressed concurrently.

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.

C1. Enhance View Opportunities. Orient windows, entrances, balconies and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building façades that create visual connections to adjacent public spaces.

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.

C4. Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.

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 B2, C1, C3, C4, C5, and C11:

- The proposed Condensing Unit is well integrated on the roof of this existing building. It is 121’-8” from SW Moody Avenue, and 66’-6” from SW Thomas Street. It’s location on the roof away from all parapets will also ensure it does not negatively impact the pedestrian environment around this existing building with noise, offensive odor, and/or air movement.
- The small size of the unit; 4’-11” in length, 3’-9” in width, and 4’-2” in height will not impinge on the skyline of South Waterfront District. It’s location along SW Macadam Avenue, will also not obstruct views to surrounding buildings.
- The proposed unit will be painted grey to blend in with the color of the rooftop elements and Portland sky.
- The location of the unit on the rooftop away from the parapets will also respect the original character of the existing building.

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 purpose of the design review process is 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 approval criteria and therefore warrants approval.

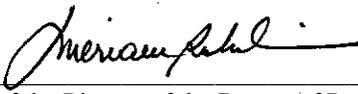
Overall, the new condensing unit will be well integrated and will not obstruct views to surrounding buildings. The proposed unit will be painted grey to blend in with the color of the rooftop elements. It's location on the rooftop will not negatively impact the pedestrian environment around this building with noise, offensive odor, and/or air movement.

ADMINISTRATIVE DECISION

Design Review approval to install one condensing unit on the roof of an existing building in the South Waterfront Subdistrict of the Central City Plan District, per the approved roof plan, Exhibits C-1 through C-2, signed and dated 09/23/2016, 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.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-215276 DZ. No field changes allowed."

Staff Planner: Meriam Rahali

Decision rendered by:  on **September 23, 2016**
By authority of the Director of the Bureau of Development Services

Decision mailed: September 27, 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 August 2, 2016, and was determined to be complete on August 16, 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 August 2, 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: November 30, 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 October 11, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 **October 12, 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.

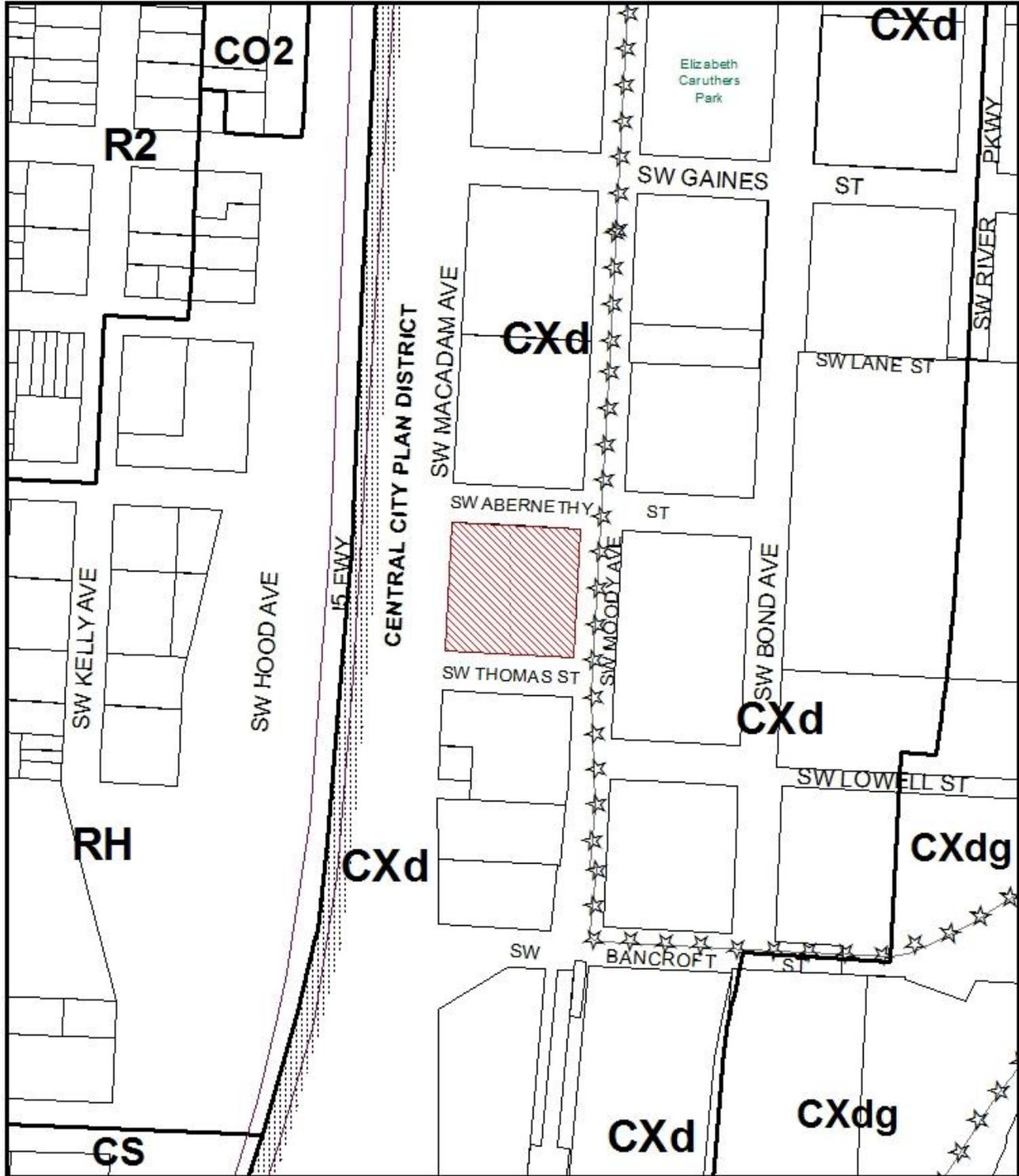
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's
 - A.1 Description and Narrative
 - A.2 Mechanical Units Specifications (exempt from Design Review)
 - A.3 Building Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site/Roof Plan (attached)
 - 2. Condensing Unit Specifications
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:

1. Source Control Section and Development Services Section of the Bureau of Environmental Services
 2. Life Safety Division of Bureau of Development Services
 3. The Fire Bureau
 4. Bureau of Transportation Engineering and Development
- F. Correspondence: None received
- G. Other:
1. Original Land Use 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

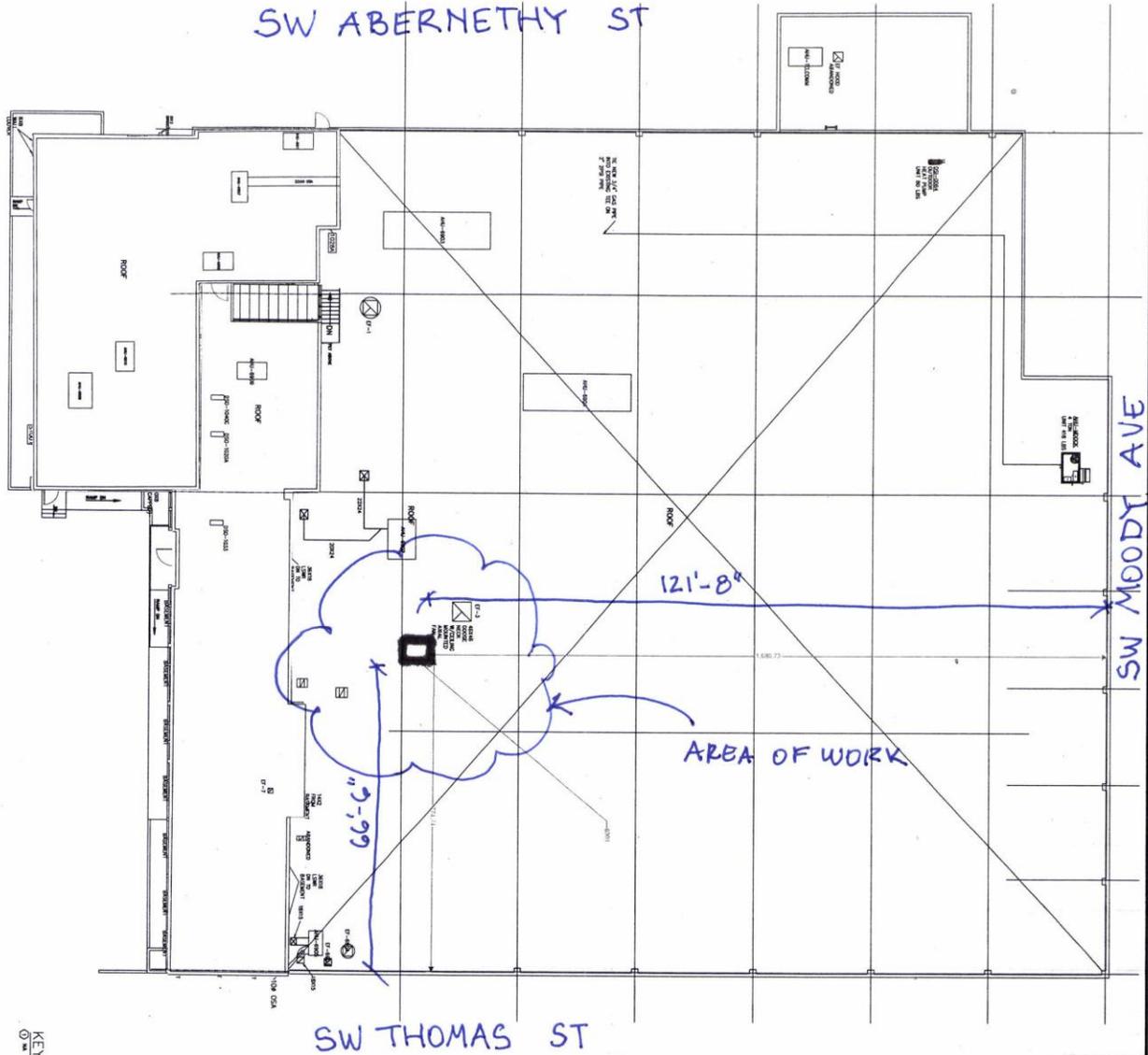


This site lies within the:
 CENTRAL CITY PLAN DISTRICT
 SOUTH WATERFRONT SUBDISTRICT

- Site
- Recreational Trails

File No.	<u>LU 16-215276 DZ</u>
1/4 Section	<u>3429</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E10CA 500</u>
Exhibit	<u>B (Aug 04, 2016)</u>

1 MECHANICAL LEVEL 1 PLAN
SW MACADAM AVE



KEY NOTES
SHEET NOTES
1. NOT USED
2. NOT USED
3. NOT USED

SITE/ROOF PLAN
NTS



TAG	MANUF.	MODEL	DESCRIPTION
NEW DS1-0054	MITSUBISHI	SUZ-KA15NA	DUCTLESS SYSTEMS - OUTDOOR
NEW DS1-0054	MITSUBISHI	SUZ-KA15NA	ELEC PANEL/CIRCUIT

TAG	MANUF.	MODEL	DESCRIPTION
AHU-6902	YORK	D4G0150KZ004BCC	AIR HANDLERS
AHU-6903	CARRIER	AD781837	ELEC PANEL/CIRCUIT
AHU-6904	MOULAY	WFS0007C4P1D1V4	0050N1-1 M
AHU-6905	TRANE	4XC0042A1096A	0050N1-4 M
AHU-6906	TRANE	W3004R3096	0050N1-5 M
AHU-6907	TRANE	4XC0042A1096A	0050N1-6 M
AHU-6908	TRANE	W3004R3096	0050N1-7 M
AHU-6909	TRANE	4XC0042A1096A	0050N1-8 M
AHU-6910	TRANE	W3004R3096	0050N1-9 M
AHU-6911	TRANE	4XC0042A1096A	0050N1-10 M
AHU-6912	TRANE	W3004R3096	0050N1-11 M
AHU-6913	TRANE	4XC0042A1096A	0050N1-12 M
AHU-6914	TRANE	W3004R3096	0050N1-13 M
AHU-6915	TRANE	4XC0042A1096A	0050N1-14 M
AHU-6916	TRANE	W3004R3096	0050N1-15 M
AHU-6917	TRANE	4XC0042A1096A	0050N1-16 M
AHU-6918	TRANE	W3004R3096	0050N1-17 M
AHU-6919	TRANE	4XC0042A1096A	0050N1-18 M
AHU-6920	TRANE	W3004R3096	0050N1-19 M
AHU-6921	TRANE	4XC0042A1096A	0050N1-20 M
AHU-6922	TRANE	W3004R3096	0050N1-21 M
AHU-6923	TRANE	4XC0042A1096A	0050N1-22 M
AHU-6924	TRANE	W3004R3096	0050N1-23 M
AHU-6925	TRANE	4XC0042A1096A	0050N1-24 M
AHU-6926	TRANE	W3004R3096	0050N1-25 M
AHU-6927	TRANE	4XC0042A1096A	0050N1-26 M
AHU-6928	TRANE	W3004R3096	0050N1-27 M
AHU-6929	TRANE	4XC0042A1096A	0050N1-28 M
AHU-6930	TRANE	W3004R3096	0050N1-29 M
AHU-6931	TRANE	4XC0042A1096A	0050N1-30 M
AHU-6932	TRANE	W3004R3096	0050N1-31 M
AHU-6933	TRANE	4XC0042A1096A	0050N1-32 M
AHU-6934	TRANE	W3004R3096	0050N1-33 M
AHU-6935	TRANE	4XC0042A1096A	0050N1-34 M
AHU-6936	TRANE	W3004R3096	0050N1-35 M
AHU-6937	TRANE	4XC0042A1096A	0050N1-36 M
AHU-6938	TRANE	W3004R3096	0050N1-37 M
AHU-6939	TRANE	4XC0042A1096A	0050N1-38 M
AHU-6940	TRANE	W3004R3096	0050N1-39 M
AHU-6941	TRANE	4XC0042A1096A	0050N1-40 M
AHU-6942	TRANE	W3004R3096	0050N1-41 M
AHU-6943	TRANE	4XC0042A1096A	0050N1-42 M
AHU-6944	TRANE	W3004R3096	0050N1-43 M
AHU-6945	TRANE	4XC0042A1096A	0050N1-44 M
AHU-6946	TRANE	W3004R3096	0050N1-45 M
AHU-6947	TRANE	4XC0042A1096A	0050N1-46 M
AHU-6948	TRANE	W3004R3096	0050N1-47 M
AHU-6949	TRANE	4XC0042A1096A	0050N1-48 M
AHU-6950	TRANE	W3004R3096	0050N1-49 M
AHU-6951	TRANE	4XC0042A1096A	0050N1-50 M

Approved
City of Portland - Bureau of Development Services
Planner Meriam Paul Date 9/23/2016
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.