



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

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Date: April 19, 2018
To: Interested Person
From: Hillary Adam, 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 18-129780 DZM – ROOFTOP MECHANICAL

GENERAL INFORMATION

Applicant: Brad Bane, Architect 503-952-1529
Ankrom Moisan Architects
38 NW Davis St, Suite 300 | Portland OR 97209

Owner: Jack Onder 503-973-5661
Third & Taylor Office LLC
1100 NW Glisan, Suite 2a | Portland, OR 97209

Site Address: 902-912 SW 3RD AVE

Legal Description: BLOCK 23 E 75' OF LOT 1&2 EXC PT IN ST, PORTLAND; BLOCK 23 W 20' OF LOT 1&2 LOT 7&8 LAND & IMPS SEE R245995 (R667703601) FOR BILLBOARD, PORTLAND

Tax Account No.: R667703520, R667703600
State ID No.: 1S1E03BA 04100, 1S1E03BA 06200
Quarter Section: 3129

Neighborhood: Portland Downtown, contact Rani Boyle at 503-725-9979.
Business District: Downtown Retail Council, contact Sandra McDonough at 503-552-6762.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - Downtown
Zoning: CXd – Central Commercial with Design overlay
Case Type: DZM – Design Review with Modification
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant proposes changes to the previously-approved layout of rooftop mechanical equipment and associated screening to account for increased demand on the required system. The previously-approved proposal included a Modification to 33.130.210 to increase the amount of roof area dedicated to mechanical equipment and stair enclosures from 10% to 30% and to increase the height of mechanical equipment and associated enclosures from 10'-0" to 11'-4" and 14'-4". The revised layout increases the total area of rooftop dedicated to mechanical equipment and expands the footprint of the mechanical equipment to the east.

A Modification is requested to:

1. 33.130.210 – to increase the amount of roof area dedicated to mechanical equipment and stair enclosures from 10% to 31.41% and to increase the height of the proposed generator from 10'-0" to 14'-9".

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines
- 33.825.040 Modifications That Will Better Meet Design Review Requirements

ANALYSIS

Site and Vicinity: The subject property is the north half block bound by SW 3rd Avenue to the west, SW Taylor Street to the north, and SW 2nd Avenue to the east. The site is currently developed with a one-story building on the west end

The subject property is located on the north half of the block bound by SW 3rd Avenue, SW Salmon Street, SW 2nd Avenue, and SW Taylor Street in the Downtown subdistrict of Central City. Both SW Salmon and SW 2nd are designated Transit Access Streets. The site is currently occupied with a six-story brick and masonry building and two one-story buildings. The six-story building was constructed in 1892, is known as the Ancient Order of United Workmen Temple, and was originally designed by Justus Krumbein. The building has been more or less vacant for several years while the one-story buildings, built in 1919, have served as a parking garage and retail. Immediately south of the subject property and fronting on SW 3rd Avenue is the landmarked Auditorium Building, designed by F. Manson White and constructed in 1894. Adjacent to the Auditorium is the Albion Hotel (Lotus Cardroom and Café), and to its east, a ¼-block surface parking lot. The Albion Hotel and parking lot were recently approved for redevelopment into a hotel.

Across SW 3rd Avenue is a half-block 9-story parking garage with ground floor retail; directly to its north is a 1/8-block gated courtyard and 1-story retail buildings. Across 2nd to the east is the World Trade Center office tower. Across SW Taylor is the western and southern boundary of the Yamhill Historic District, the closest buildings being a three-story brick commercial building and a two-story commercial building. To their west is a new 13-story hotel building under construction, just outside the boundary of the Yamhill Historic District. Across SW 3rd and Taylor to the northwest is the four-story brick Gilbert Building, designed by Whidden & Lewis in 1893. Across SW 2nd and Taylor is the recently redeveloped two-story brick 2 and Taylor building. The site is located two blocks west of Waterfront Park, two blocks northeast of the Portland Building and two blocks northwest of the Morrison Bridge ramps. To the south and southwest are Lownsdale Square and the United States Federal Courthouse.

Zoning: 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.

The “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 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, the University District Plan, and the Central City Transportation management Plan. The Central City plan district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area. The site is within the Downtown Subdistrict of this plan district.

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

- EA 15-221480 PC – Pre-Application Conference for the current proposal;
- EA 15-229299 DA – Design Advice Request for the current proposal; and
- LU 16-163126 DZM AD – Design Review Approval for a new 10-story office building.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **March 22, 2018**. The following Bureaus have responded with no issues or concerns:

- Life Safety Division of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 22, 2018. 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.

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.

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 for C1, C3, C5, and C11: The proposed revision affects only the layout of the rooftop mechanical equipment and enclosure of the approved building. During the original review (LU 16-163126 DZM AD) the primary concerns regarding the area dedicated to rooftop mechanical needs, was to ensure that the proposed enclosure did not expand significantly to the north, thus impacting views from the proposed rooftop terrace. The revised layout maintains views toward the east from the rooftop terrace while also maintaining a cohesive volume of rooftop attachments. While the proposed equipment and enclosure may be more visible from nearby streets than the previously approved layout, the design is more cohesive than the previous in that the unenclosed generator fits within a notch formed by the enclosure whereas the previous version featured a generator that was not as coherently included in the layout. The proposal also refines the eastern edge of the rooftop terrace by closing a pathway not intended for general use. *These guidelines are met.*

33.825.040 Modifications That Will Better Meet Design Review Requirements:

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design

review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. **Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. **Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

Modification #1: 33.130.210 – to increase the amount of roof area dedicated to mechanical equipment and stair enclosures from 10% to 31.41% and to increase the height of the proposed generator from 10'-0" to 14'-9".

Purpose Statement: “The height limits are intended to control the overall scale of buildings. The height limits in the CN1, CN2, and CO1 discourage buildings which visually dominate adjacent residential areas. The height limits in the CO2, CM, CS, and CG zones allow for a greater building height at a scale that generally reflects Portland's commercial areas. Light, air, and the potential for privacy are intended to be preserved in adjacent residential zones. The CX zone allows the tallest buildings, consistent with its desired character.”

Standard: 33.130.210.B Height standard #2: Rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades:

- a. Elevator mechanical equipment may extend up to 16 feet above the height limit; and
- b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limit.

- A. **Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines; and*

Findings: The revised layout better meets Guideline C5 Design for Coherency in that the generator is now located in a space that seemingly designed for it, effectively serving to close the corner of the notched mechanical enclosure while the previous design featured a generator that was not accounted for in a cohesive manner, but rather located outside and disconnected from the mechanical enclosure. The proposed increased height matches that of other rooftop enclosures forming a more cohesive design.

- B. **Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Findings: The purpose of the height standard is to control the overall scale of buildings while allowing the tallest buildings in this zone, the CX zone. The proposal meets this standard in that the overall height of the building is still controlled while the height and total area dedicated to mechanical uses is relatively minimal and allows the user of the building to meet their mechanical needs.

The purpose of the design standard is met and Guideline C5 is better met.
Therefore, this Modification merits approval.

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 requirements of Title 11 can be met, and 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 design is relatively similar to the previously proposed Modification request and not a significantly greater request than was previously approved and will maintain views as considered during the prior land use review. 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 Modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of changes to the previously-approved layout of rooftop mechanical equipment and associated screening to account for increased demand on the required system. The previously-approved proposal included a Modification to 33.130.210 to increase the amount of roof area dedicated to mechanical equipment and stair enclosures from 10% to 30% and to increase the height of mechanical equipment and associated enclosures from 10'-0" to 11'-4" and 14'-4". The revised layout increases the total area of rooftop dedicated to mechanical equipment and expands the footprint of the mechanical equipment to the east.

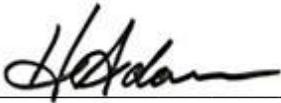
Approval of a Modification to:

1. 33.130.210 – to increase the amount of roof area dedicated to mechanical equipment and stair enclosures from 10% to 31.41% and to increase the height of the proposed generator from 10'-0" to 14'-9".

This approval is per the approved site plans, Exhibits C-1 through C-22, signed and dated April 16, 2018, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 18-129780 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Hillary Adam

Decision rendered by:  **on April 16, 2018**
By authority of the Director of the Bureau of Development Services

Decision mailed: April 19, 2018

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 March 2, 2018, and was determined to be complete on March 16, 2018.

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 March 2, 2018.

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: July 14, 2018.**

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 May 3, 2018** 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **May 4, 2018** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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.

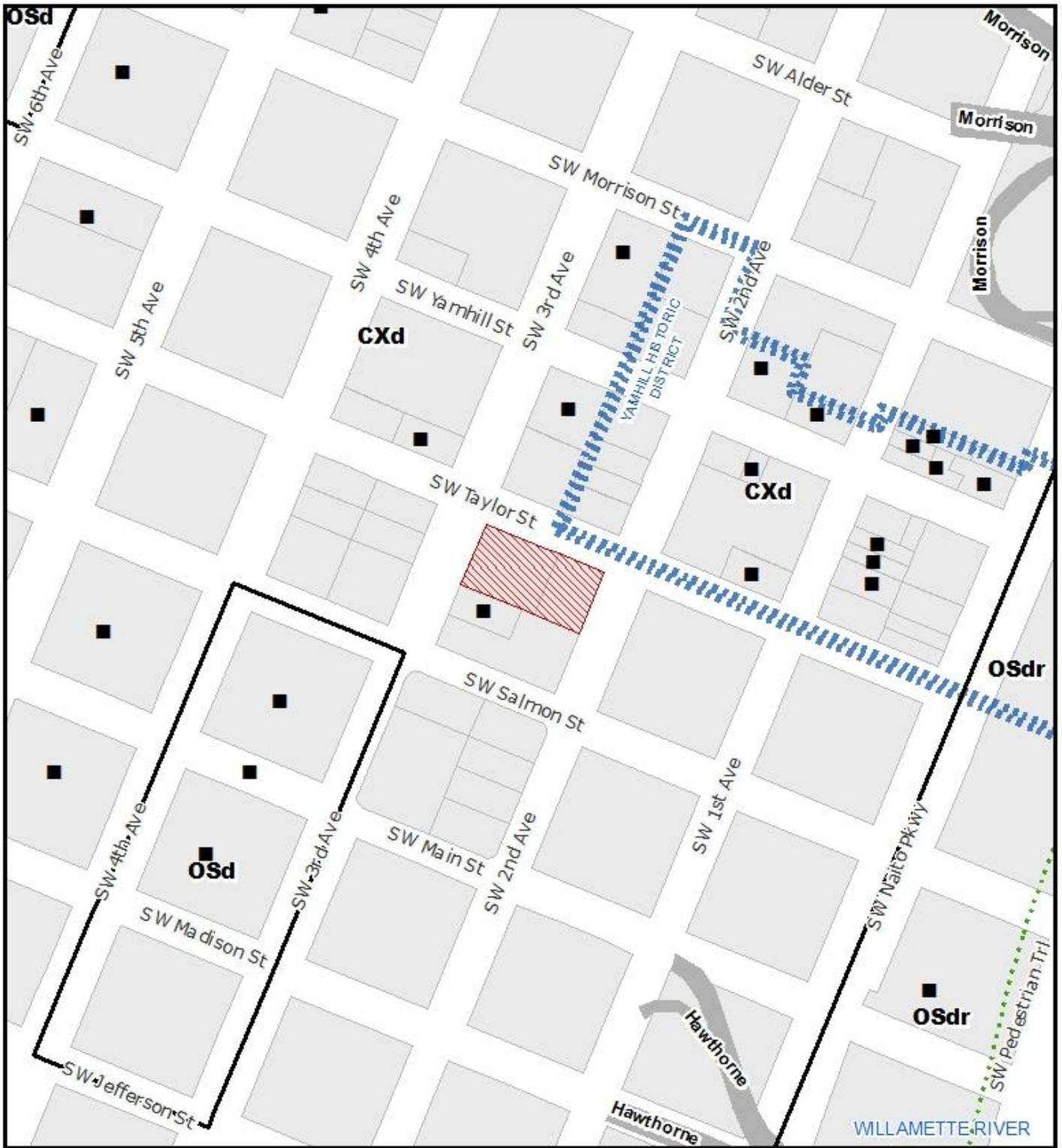
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Original Submittal
 2. Supplemental Sheets
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Modification Request
 2. Aerial View, previous
 3. Aerial View, revised (attached)
 4. Roof Plan, previous
 5. Roof Plan, revised (attached)
 6. Building Sections, previous
 7. Building Sections, revised
 8. North Elevation, previous
 9. North elevation, revised
 10. East and West Elevations, previous
 11. East and West Elevations, revised
 12. Roof Perspective, previous
 13. Roof Perspective, revised
 14. Generator Cutsheet, previous
 15. Generator Cutsheet, previous

16. Generator Cutsheet, revised
 17. Rooftop Mechanical, previous
 18. Rooftop Mechanical, previous
 19. Rooftop Mechanical, revised
 20. Rooftop Mechanical, revised
 21. Rooftop Mechanical, revised
 22. Rooftop Mechanical, revised
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Life Safety Division of BDS
- F. Correspondence: none
- 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



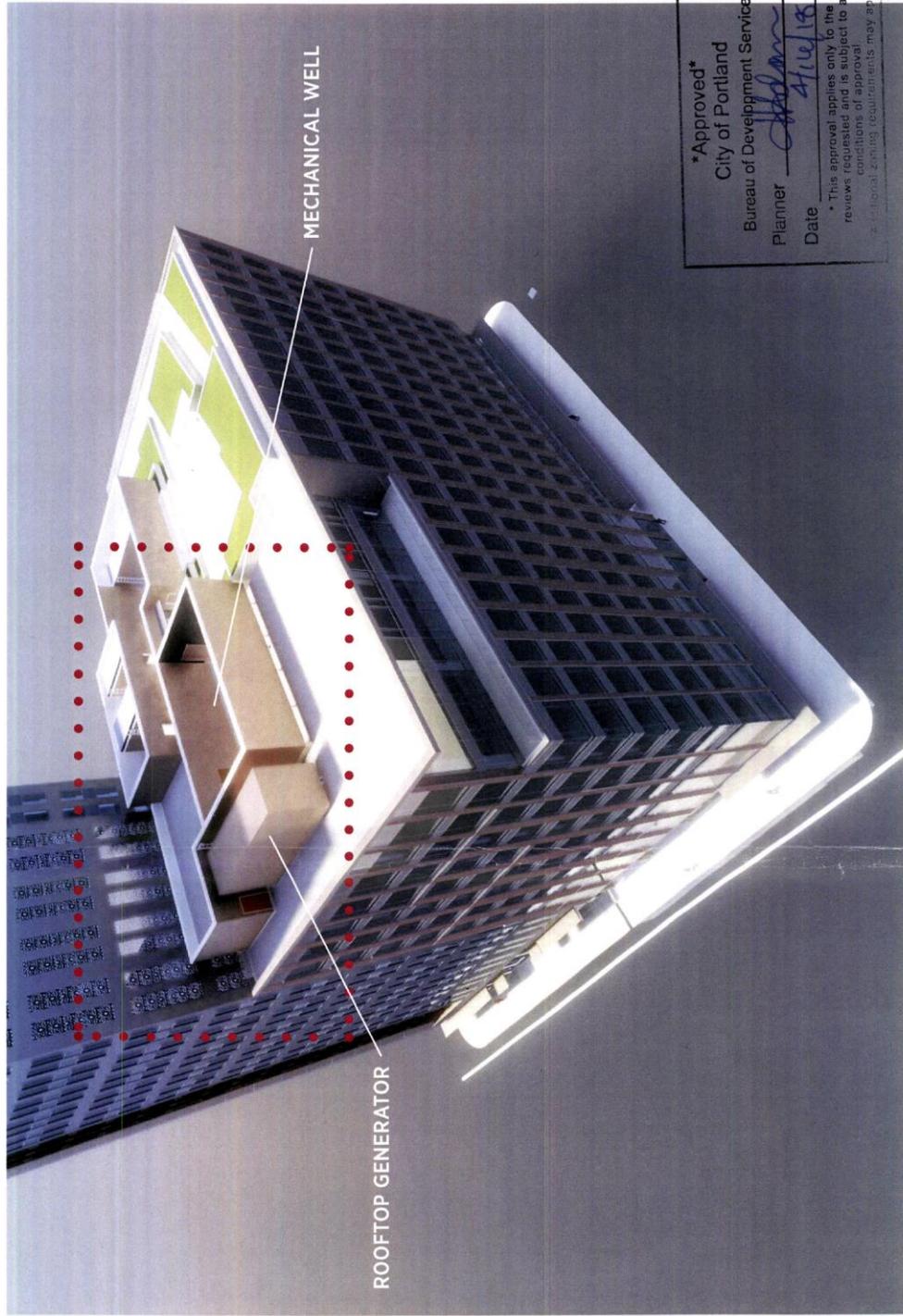
THIS SITE LIES WITHIN THE:
CENTRAL CITY PLAN DISTRICT
DOWNTOWN SUBDISTRICT

-  Site
-  Historic Landmark
-  Bridge
-  Recreational Trails

File No.	LU 18-129780 DZM
1/4 Section	3129
Scale	1 inch = 200 feet
State ID	1S1E03BA 6200
Exhibit	B Mar 08, 2018

REVISED

3RD & TAYLOR / PORTLAND, OR
AERIAL VIEW C.4



Approved
City of Portland
Bureau of Development Services
Planner *[Signature]*
Date *4/16/18*

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

ANKROM MOISAN ARCHITECTS AND THIRD & TAYLOR DEVELOPMENT LLC.
MARCH 02, 2018 / LU-16-163126 DZM AD *C-3*

