



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

Ted Wheeler, Mayor
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Date: May 5, 2020
To: Interested Person
From: Tim Heron, Land Use Services
503-823-7726 / Tim.Heron@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The 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 20-124559 DZ – GARAGE VENT

GENERAL INFORMATION

Owner/Agent: Grant Morehead, Portland Bureau Of Transportation
1120 SW 5th Ave #1204
Portland, OR 97204

Applicant: Christine Rumi, FFA Architecture & Interiors, 503-327-0328
520 SW Yamhill St #900
Portland OR 97204

Site Address: 730 SW 10TH AVE

Legal Description: BLOCK 218 LOT 1-8 SEE ALSO SUB-ACCT -3301, PORTLAND; BLOCK 218 LOT 1-8 SEE ALSO ACCT -3300, PORTLAND

Tax Account No.: R667723300, R667723301

State ID No.: 1N1E34CC 09500, 1N1E34CC 09500A1

Quarter Section: 3029, 3129

Neighborhood: Portland Downtown, contact Wendy Rahm at wvrahm@aol.com
Business District: Downtown Retail Council, contact at lfrisch@portlandalliance.com
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - West End
Zoning: CXd, Central Commercial with design overlay
Case Type: DZ, Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:
The applicant requests Design Review Approval for exhaust fans located on the top level of the SW 10th and Yamhill parking garage above the SW elevator hoist way. The vent will provide air intake for the roof level above the elevator shaft.

Because the proposal is for an exterior alteration to an existing building in a Design Overlay zone, Design Review is required.

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

ANALYSIS

Site and Vicinity: The property is a seven-story parking garage occupying a full city block (40,000 sf) in the Central City Plan District. The site is bordered by SW Morrison Street, SW 9th Avenue, SW Yamhill Street and SW 10th Avenue. Supporting TriMet MAX platforms, both SW Morrison St. and SW Yamhill St. are classified as Regional Transitways and Central City Transit/Pedestrian Streets. Supporting the Portland Streetcar alignment (stop one block north), SW 10th Ave is classified as a Transit Access Street and a Central City Transit/Pedestrian Street. Designated as part of the Green Loop, SW 9th Ave is classified as a City Walkway. The site lies within the Downtown Pedestrian District.

Part of the city's SmartPark Garage system operated by the Portland Bureau of Transportation (PBOT), the building was constructed in 1978 with two additional parking levels added in 1984. The garage has been approved as a Visitor Parking facility with 795 parking stalls primarily available for first-come-first-served short-term visitor parking to support downtown's retail, office, cultural and tourist uses. The ground floor currently contains 26,100 net square feet (nsf) of retail space with five existing tenants.

Zoning: The Central Commercial Zone (CX) 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 Design Overlay Zone [d] 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

- LU 05-121872 DZ. Approval of storefront improvements.
- LU 06-165357 DZ. Approval of light pole and wireless antenna.
- LU 17-222650 DZM. Design Commission approval Major Remodel of the full block SmartPark garage bounded by SW 9th Ave, SW 10th Ave, SW Yamhill St and SW Morrison St. including the following key components:
 - Stairs & Elevators. Consolidation of stairs and elevators from the current configuration of one at each corner to one stair and two elevators at the SW and NE corners.
 - Retail Expansion. Approximately 800 sf of additional retail floor area on the corners of the garage where stairs and elevators will be removed.
 - Mechanical. Upgrades to mechanical and lighting to improve energy efficiency.
 - Accessibility. ADA improvements including retail access and re-striping of some parking stalls.
 - Building Infrastructure. Solar panels integrated into roof-top canopies, new signage, new canopies on corner and mid-block retail entrances.

- Bicycle Parking. The 21,315 sf of retail requires 2 long-term and 5 short-term spaces. 781 parking auto parking spaces requires 40 long-term bike parking spaces.

Agency Review: A Notice of proposal in Your Neighborhood was mailed **March 19, 2020**. The following Bureaus have responded with no issue or concerns:

- Site Development (Exhibit E.1)
- Life-Safety (Exhibit E.2)
- Fire Bureau (Exhibit E.3)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **March 19, 2020**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

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.

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.

It is important to emphasize that design review goes beyond minimal design standards and is viewed as an opportunity for applicants to propose new and innovative designs. The design guidelines are not intended to be inflexible requirements. Their mission is to aid project designers in understanding the principal expectations of the city concerning urban design.

The review body conducting design review may waive individual guidelines for specific projects should they find that one or more fundamental design guidelines is not applicable to the circumstances of the particular project being reviewed.

The review body may also address aspects of a project design which are not covered in the guidelines where the review body finds that such action is necessary to better achieve the goals and objectives of design review in the Central City.

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.

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

C2. Promote Quality and Permanence in Development.

Use design principles and building materials that promote quality and permanence.

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 C2, C3, C5 and C11:

The exhaust fan unit enclosure and the curb flashings will be constructed of coated sheet steel which is durable and long-lived in both function and appearance.

The ventilator unit is proposed to be installed so it is as low as possible, limiting the height above the parapet while providing a curb/base condition which prevents water intrusion. The exhaust fan unit is proposed to be mounted behind a louver which will replace the louver which is currently installed. This unit will be painted to match the tones of the adjacent pre-cast panels so that it visually blends into the wall as much as possible and not detract from the simplicity of the elevator tower mass. From above, coherence is promoted by painting the roof unit curb the same color white as the roof.

In an effort to keep the building design intact from street level views in particular, the top of fan units are designed to sit as low as possible, so that they are unseen from the street and from surrounding building floor levels at or below the elevator hoist way roof level. *These guidelines are met.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The 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 for exhaust fans located on the top level of the SW 10th and Yamhill parking garage above the SW elevator hoist way per Exhibits C-1 through C4, 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 20-124559 DZ." 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: Tim Heron



Decision rendered by: _____ **on April 30, 2020**

By authority of the Director of the Bureau of Development Services

Decision mailed: May 5, 2020

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 28, 2020, and was determined to be complete on **March 13, 2020**.

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 28, 2020.

However please note: The decision adopting the July 9, 2018 code (CC2035 Plan) was appealed to the Land Use Board of Appeals (LUBA). LUBA's decision was appealed to the Oregon Court of Appeals by multiple parties. While the particular code provisions this project relies on are not at issue in the appeal, the Oregon Court of Appeals remanded CC2035 on 3-16-2020 and on that date the City reverted back to the version of PCC 33.510 that was in existence before July 9, 2018 until Council is able to readopt CC2035.

Please be aware of the following. Because this land use review is approved during the remand, this land use review was reviewed under the current version of the Code, the 3-16-3020 Code.

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 11, 2020.**

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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received by 4:30 PM on May 19, 2020. **Towards promoting social distancing during the COVID-19 pandemic, the completed appeal application form must be e-mailed to BDSLUSTeamTech@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations for the appeal of Type II and IIX decisions on property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

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 on or after **May 20, 2020** 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.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

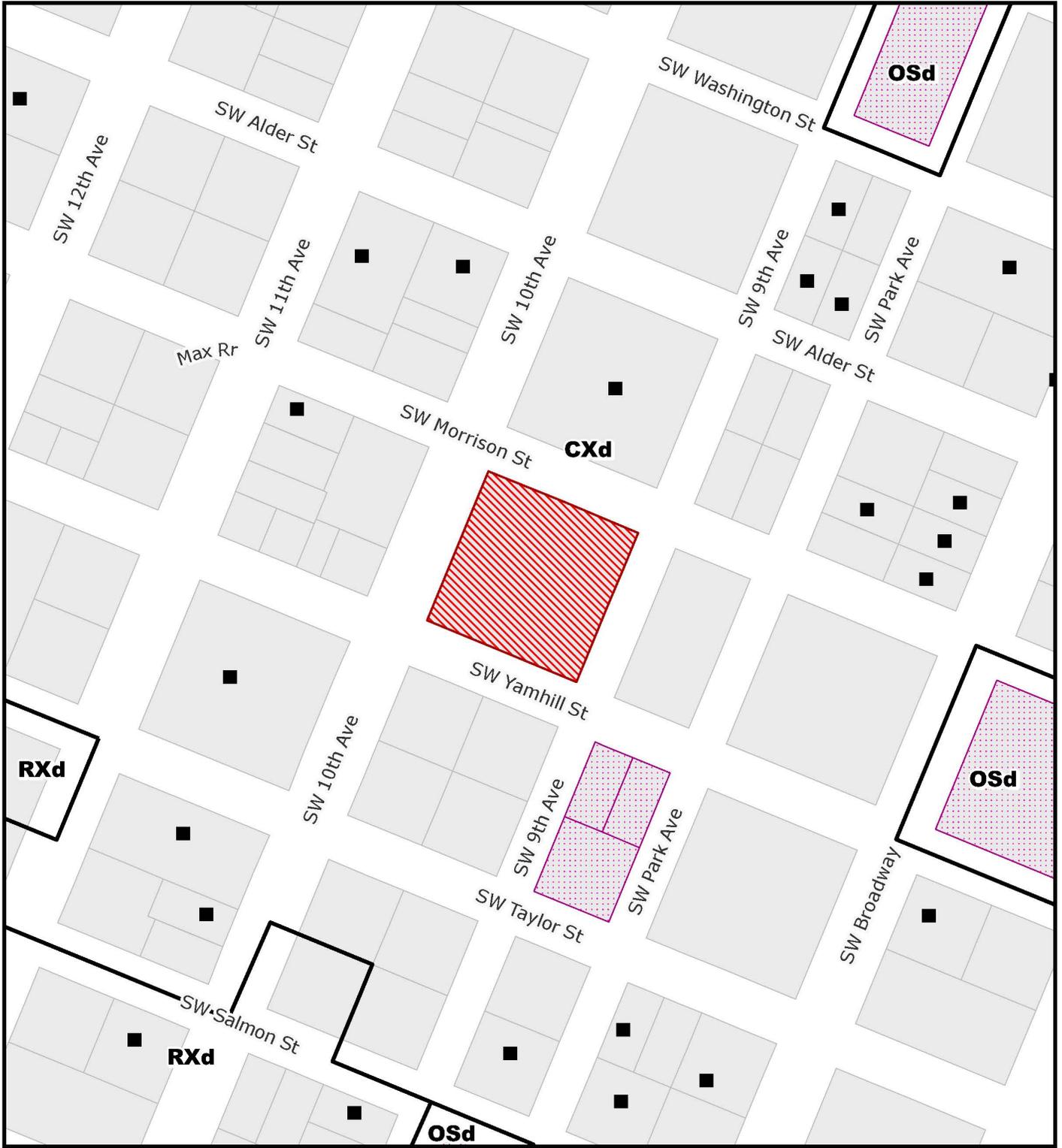
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Plan and Sections (attached)
 - 3. Elevations (attached)
 - 4. Mechanical Equipment Cut Sheets (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Site Development
 - 2. Life-Safety
 - 3. Fire Bureau
- F. Correspondence: No response.
- G. Other:
 - 1. Original LU Application

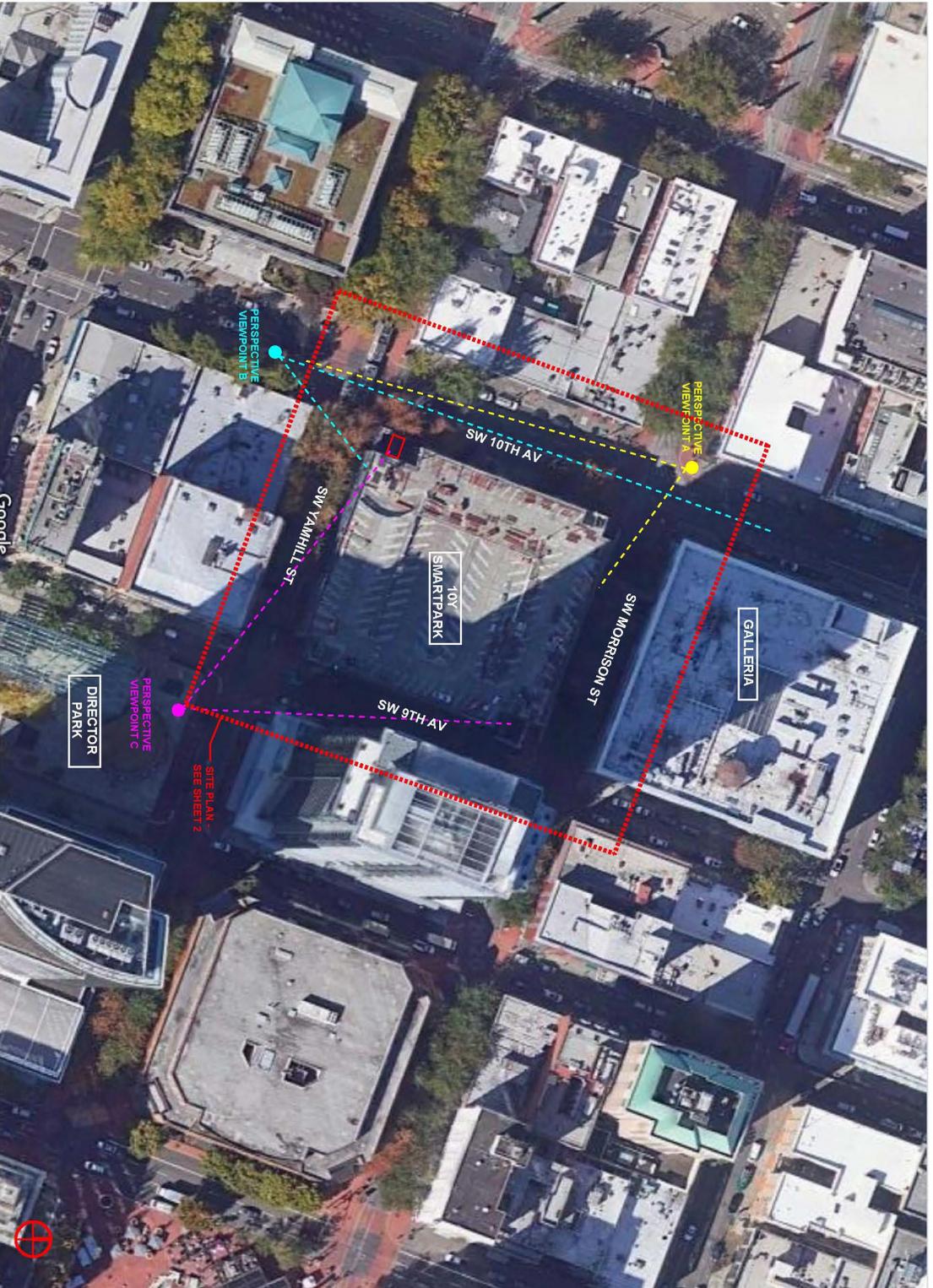
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING 
 CENTRAL CITY PLAN DISTRICT
 WEST END SUB DISTRICT

-  Site
-  Also Owned Parcels
-  Historic Landmark

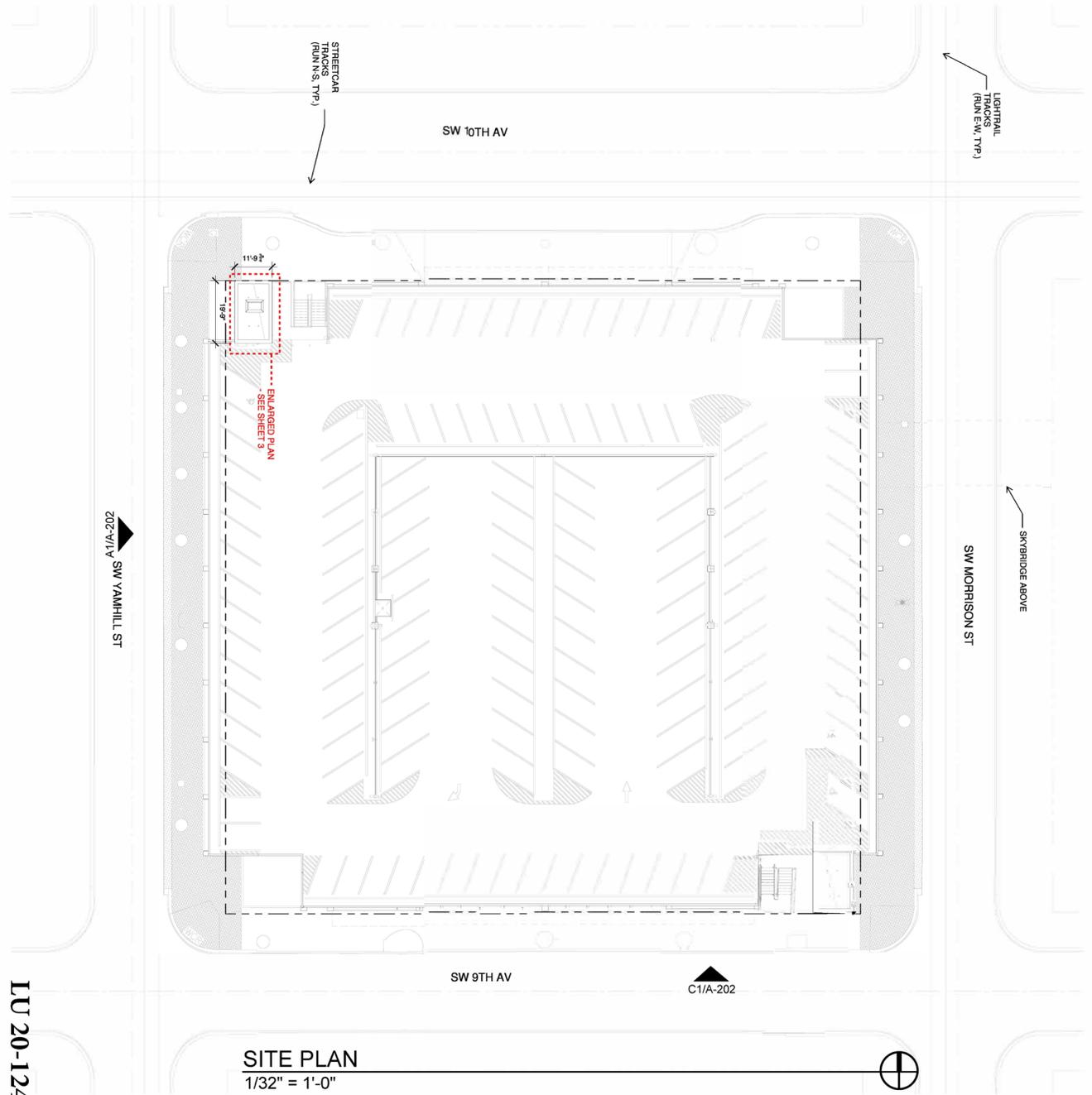
File No.	LU 20 - 124559 DZ
1/4 Section	3129,3029
Scale	1 inch = 200 feet
State ID	1N1E34CC 9500
Exhibit	B Mar 05, 2020



AERIAL VIEW - PERSPECTIVE VIEWPOINTS
NTS



LU 20-124559 DZ Exh. C-1



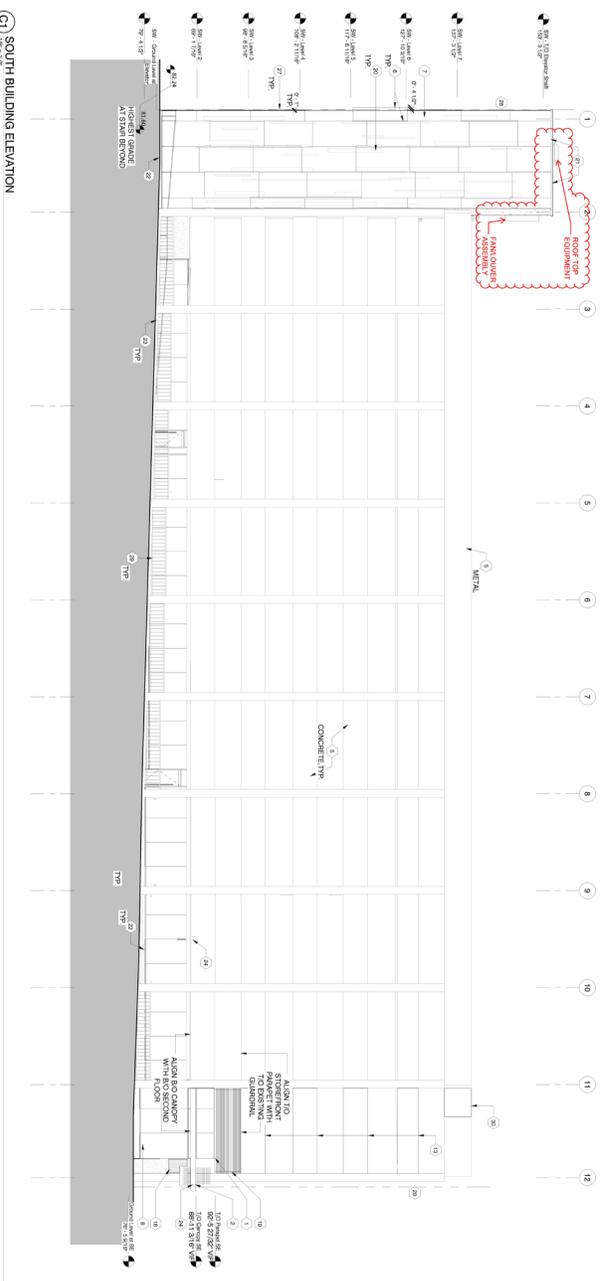
LU 20-124559 DZ Exh. C-2

SHEET NOTES

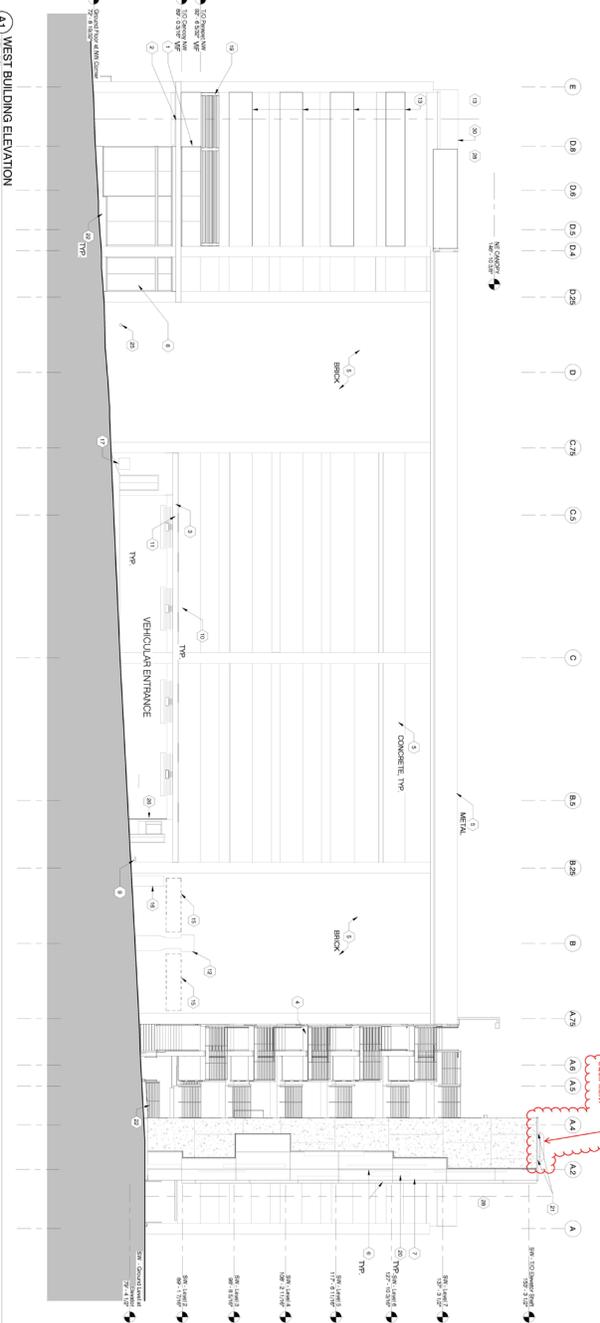
- 1. ELEVATIONS ARE INDICATED AT SEA LEVEL, FLOOR LEVEL ELEVATIONS ARE INDICATED AT THE ELEVATION
- 2. FOR STAIRWELL ELEVATIONS, SEE SHEET A-203

SHEET KEYNOTES

- 1. ELEVATION MARKER
- 2. BRICK
- 3. CONCRETE
- 4. METAL
- 5. GLASS
- 6. ALUMINUM CLADDING WITH RED SECOND FLOOR
- 7. ALUMINUM CLADDING TO EXTERIOR
- 8. ALUMINUM CLADDING TO EXTERIOR
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©1 SOUTH BUILDING ELEVATION
02-20-17



©1 WEST BUILDING ELEVATION
02-20-17

IU 20-12459-DZ Bk. C-3

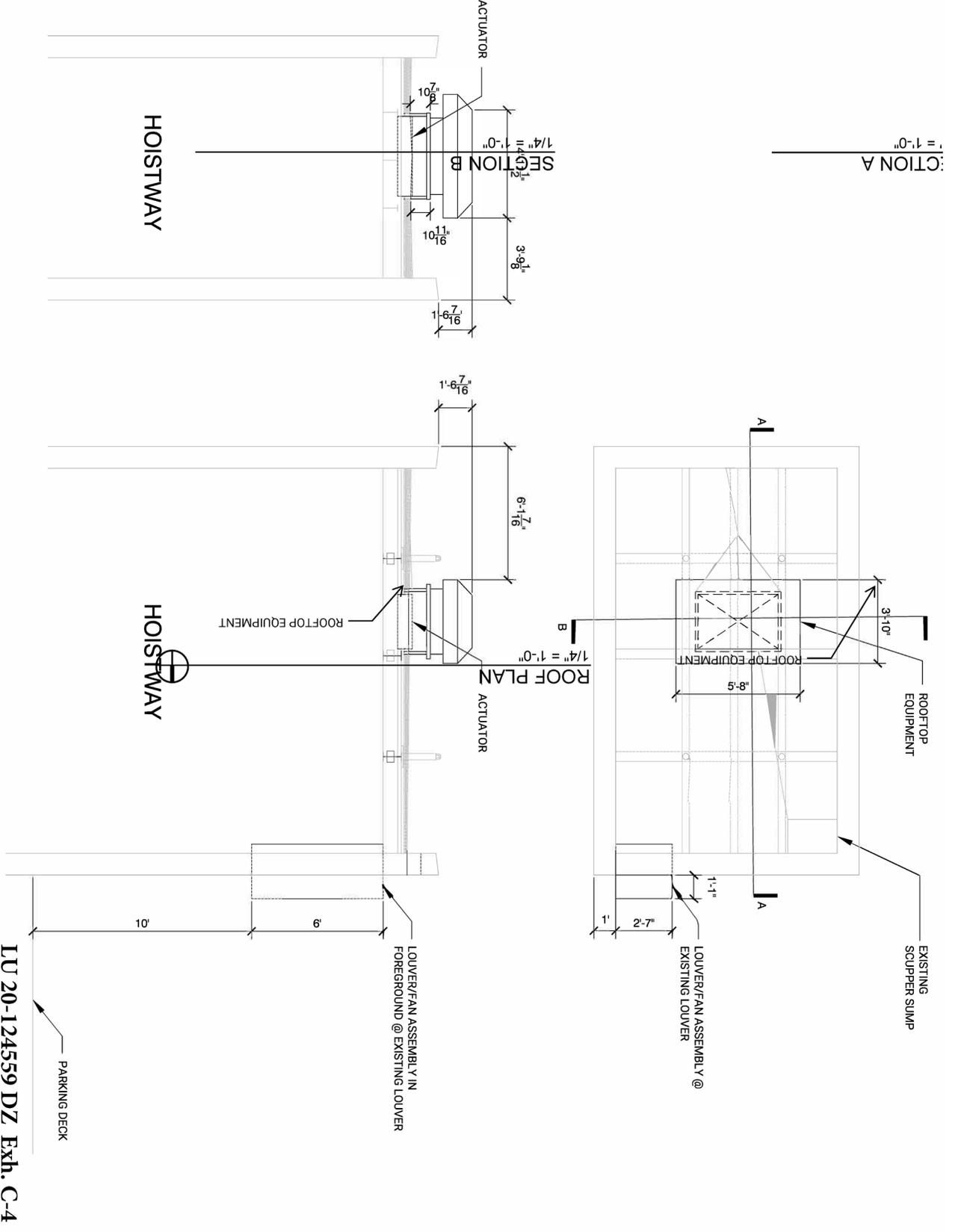


DESCRIPTION	DATE
1. PLAN REVIEW	02-05-18
2. PLAN REVIEW	02-05-18
3. PLAN REVIEW	02-05-18
4. REVISION 4	04-02-18

10th and Yamhill
Smart Park
Renovation
City of Portland - PBOT
Project ID: 12020

APPROVED	NAME
DESIGN	Adam
DATE	04-02-17
PROJECT NUMBER	10018

A-202
BUILDING ELEVATIONS
CONFORM SET



SECTION A
1/4" = 1'-0"

SECTION B
1/4" = 1'-0"

ROOF PLAN
1/4" = 1'-0"

LU 20-124559 DZ Exh. C-4