



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

Dan Ryan, Commissioner  
Rebecca Esau, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portland.gov/bds](http://www.portland.gov/bds)

**Date:** December 21, 2022  
**To:** Interested Person  
**From:** Hillary Adam, Land Use Services  
503-823-8953 / [Hillary.Adam@portlandoregon.gov](mailto:Hillary.Adam@portlandoregon.gov)

## **NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has a approved 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 22-199903 HRM – NEW COOLING TOWERS**

#### **GENERAL INFORMATION**

**Applicant:** Joshua Stein [jstein@henneberyeddy.com](mailto:jstein@henneberyeddy.com)  
Hennebery Eddy Architects  
921 SW Washington Street  
Portland, OR 97205

**Owner/  
Representative:** Mohammed Ali [mohammed.ali@pam.org](mailto:mohammed.ali@pam.org)  
Portland Art Museum  
1219 SW Park Ave  
Portland, OR 97205

**Site Address:** 1119 SW PARK AVE

**Legal Description:** BLOCK 222 LOT 1-3 INC PT VAC ST LOT 4&5, LOT 6-8, PORTLAND  
**Tax Account No.:** R667723710  
**State ID No.:** 1S1E04AA 06300  
**Quarter Section:** 3128

**Neighborhood:** Portland Downtown, contact Marian DeBardelaben at [debardelabenmarian@gmail.com](mailto:debardelabenmarian@gmail.com)

**Business District:** None  
**District Coalition:** Neighbors West/Northwest, contact Darlene Urban Garrett at [darlene@nwnw.org](mailto:darlene@nwnw.org)

**Plan District:** Central City - West End  
**Other Designations:** Historic Landmark, locally listed

**Zoning:** RXd – Central Residential with Design and Historic Resource overlays  
**Case Type:** HRM – Historic Resource with Modification Review

**Procedure:** Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

**Proposal:**

The applicant proposes to replace two existing cooling towers on the Mark Building of the Portland Art Museum, a historic landmark in the Central City Plan District. The new cooling towers will be about 2'-5" taller than the existing cooling towers and the parapet.

A Modification is requested to 33.120.250 to not fully screen the proposed mechanical equipment.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations on a Historic Landmark. A Modification is required to not meet a development standard.

**Relevant Approval Criteria:**

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

- 33.846.060.G (1-10) Other historic approval criteria
- Central City Fundamental Design Guidelines
- 33.846.070 Modifications Considered During Historic Resource Review

## ANALYSIS

**Site and Vicinity:** The Portland Art Museum is comprised of two separate buildings, each located on their own city block. The original 1931 Pietro Belluschi-designed Art Museum was constructed for that purpose and has expanded through several additions and alterations over the years. It is oriented east, facing the South Park Blocks. The first addition (Hirsch Wing) was also designed by Belluschi in 1938 and is located immediately west of the 1931 wings and fronts on SW Jefferson and 10<sup>th</sup>. In 1970 the Hoffman wing was added to this block and it was later remodeled in 2000. This portion of the museum occupies one city block between Park and 10<sup>th</sup> Avenues along Jefferson Street.

The north wing of the Portland Art Museum, the portion subject to this review, was originally constructed as the Portland Masonic Lodge in 1927 by Frederick Fritsch. It occupies one city block between Park and 10<sup>th</sup> Avenues along Main Street. It is also oriented east, facing the Park Blocks. Both buildings are approximately four stories tall, with basements, constructed of brick, and are separated by the Art Museum's Sculpture Court, located in the vacated Madison Street right-of-way.

The Portland Art Museum is one of Portland's premier cultural institutions. The site was recently approved for alterations to include a new pavilion connecting the two individual landmark buildings. Along with the Oregon Historical Society and several performing arts centers that make up the "Cultural District", these institutions ring the South Park Blocks, downtown's central greenspace. Nearby to the north is an edge of the retail district, while nearby to the south are apartments, and beyond, the Portland State University campus. Across 10<sup>th</sup> Avenue from the Museum is Portland's West End Neighborhood. Immediately west is the Eliot Tower, YWCA, a 5-story office and retail building, and a through pedestrian plaza, generally aligned with the Museum's sculpture court, connecting SW 10<sup>th</sup> and 11<sup>th</sup> Avenues.

**Zoning:** The RX zone is a high density multi-dwelling zone that allows the greatest intensity of development scale in the residential zones. The zone is applied within Portland's most intensely urban areas, specifically the Central City and the Gateway Regional Center. Allowed housing development is characterized by large buildings with a very high percentage of building coverage. The major types of new housing development will be mid-rise and high-rise multi-dwelling structures, often with allowed retail, institutional, or other service oriented uses. Development is intended to be pedestrian oriented, with buildings that

contribute to an urban environment with a strong street edge of buildings located close to sidewalks. The Design overlay zone is applied to this zone.

The Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people's daily experience; and
- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

The historic resource overlay zone protects historic resources that have been identified as significant to the history of the city and region. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting education and enjoyment for those living in and visiting the region. The regulations foster awareness, memory, and pride among the region's current and future residents in their city and its diverse architecture, culture, and history. Historic preservation recognizes social and cultural history, retains significant architecture, promotes economic and environmental health, and stewards important resources for the use, education, and enjoyment of future generations.

The Central City Plan District implements the Central City 2035 Plan. The regulations address the unique role the Central City plays as the region's premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river. The site is within the West End Subdistrict of this plan district.

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

1. **DZ 3-67:** Approval of Design Review for a new school addition.
2. **V 22-68:** Approval of a Street Vacation for SW Madison Street between SW Park and SW 10th Ave. A permanent 8-foot wide pedestrian easement must be provided and maintained. The easement may not be blocked in any manner and must be adequately illuminated for use in hours of darkness. The easement cannot be used for any purpose other than an open mall. This street vacation was instituted under Ordinance No. 127882 in October 1968. Ordinance No. 156895 in December 1984 amended the original 1968 Ordinance as follows, "That said easement not be blocked in any manner between the hours of 7:00 am and 11:00 pm and be adequately illuminated for use in darkness" and "The owners of the adjacent property may block or close the easement to the public between the hours of 11: pm and 7:00 am provided that any fence or barricade used for the purpose of blocking or closing such easement shall be approved as to design by the design review process."
3. **CU 92-68:** Approval of a Conditional Use request for an expansion of Portland Art Museum's Art School and a Variance to reduce the number of parking spaces from 12 spaces to 6.
4. **DZ 3-69:** Approval of Design Review for a Sculpture Mall.
5. **CU 71-70:** Approval of a Conditional Use to erect one special bronze non-illuminated announcement panel display at the east and north entranceways to the Portland Art Museum building.
6. **DZ 5-72:** Landmarks Commission and Design Committee meeting to discuss a high-rise apartment building for the elderly with parking and commercial facilities at the block to the north of the former Masonic Temple. The proposed building was to be tied into a rooftop addition to the former Masonic Temple via a skybridge over SW

- Main Street. Also proposed was a street vacation of SW Main Street between SW Park and 10th. This was a preliminary meeting to discuss design approach.
7. **DZ 11-72:** Design Review request for remodel of Sculpture Court. *No information regarding decision available.*
  8. **HL 8-89:** Approval of a Minor Landmark Design Review for replacement of existing glazing and window frames on two roof monitors above the 2nd floor galleries of the Hirsch Wing.
  9. **HL 61-90:** Approval of a Minor Landmark Design Review for a new awning at the former Masonic Temple.
  10. **LUR 92-00635 DZ:** Approval of Design Review for three new awnings and three replacement awnings for the former Masonic Temple.
  11. **LUR 93-00229 DZ:** Approval of Design Review for three new awnings for the former Masonic Temple.
  12. **LUR 93-00659 DZ:** Approval of Design Review for a new awning for the northwest corner of the former Masonic Temple.
  13. **LUR 95-00208 DZ:** Approval of Design Review to install a roof-mounted cooling unit to provide climate control in the exhibit spaces of the Portland Art Museum building. Also approval of a Modification to Ground Floor Windows in order to preserve the existing historic building walls.
  14. **PC 98-084:** Pre-application conference for Design Review, Landmarks Review and Design Review to replace an existing auditorium with two floors of exhibition gallery space, construct a 375-400 auditorium with improved exterior courtyard above, convert an art school to gallery and public areas, improvement of loading dock (Portland Art Museum). No parking will be provided.
  15. **LUR 98-00476 DZ, CU:** Approval of Historic Design Review for alterations to exterior facades, for improvements in the vacated Madison Street right-of-way, and for Modifications to Ground Floor Windows on the south, east, and west facades. Conditions of approval A. and B. are as follows: A. As proposed per Sculpture Garden Site Plan [Exhibit C.10], 8 “art chairs” must be installed to provide seating along SW 10th Avenue and 10 “art chairs” must be installed to provide seating along the pedestrian walkway connecting SW 10th and SW Park Avenues. The specific design of these specially commissioned “art chairs” has not yet been established. Since their position and number are included in this recommendation for approval, they are not subject to further design review. All of these chairs must be installed no later than January 1, 2002; and B. In conformance with condition [b] of Amended Ordinance No. 156895, “that said easement.....be adequately illuminated for use in hours of darkness”, therefore the glass wall forming the southern edge of the pedestrian walkway shall be illuminated whenever the walkway itself is also illuminated.
  16. **LUR 98-00484 CU:** Approval of a Conditional Use for the proposed expansion of the Portland Art Museum space into the Hoffman Wing of the building, as well as a new 375-seat auditorium located partially below grade under a new sculpture garden that will be constructed as part of the redesigned courtyard located in the vacated Madison Street ROW. Condition of approval B. required a revised Transportation Demand Management Plan that includes targeted goals for alternative modes of transportation trips to the Museum. The revised TDMP was to be submitted prior to the issuance of any certificate of occupancy.
  17. **LUR 00-00077 HDZ:** Approval of Design Review for already-installed site lighting, surface-mounted to the north wall pilasters of the Hoffman Wing, and three site signs [one placed on SW Park at the entrance to the plaza, one placed on SW 10th at the entrance to the north pedestrian walkway, and a 3rd sign placed internal to the site at the entrance to the Hoffman Wing.]
  18. **PC 01-140:** Pre-application conference for a Type III Historic Design Review and Type III Conditional Use Review for a \$12 million renovation and expansion of the north-wing of the Portland Art Museum (Masonic Temple building) to house the new Modern Art Galleries. This pre-application conference expired before a land use review was submitted for the project discussed.
  19. **PC 02-142837:** Follow-up pre-application conference for a project similar to what was discussed in PC 01-140.

20. **LUR 02-157059 HDZM:** Historic Design Review approval for exterior alterations and additions to the Historic Masonic Temple.
21. **LU 03-122475 CU AD:** Conditional Use approval for renovation and expansion of the Historic Masonic Temple and an Adjustment to landscaping.
22. **LU 03-172937 HDZ:** Historic Design Review approval for revisions to LU 02-157059 HDZM.
23. **LU 04-040731 HDZ:** Historic Design Review approval for revisions to LU 02-157059 HDZM.
24. **LU 05-129907 HDZ:** Historic Design Review approval for revisions to LU 02-157059 HDZM.
25. **LU 18-198009 HRMAD:** Historic Resource Review approval for the proposed Rothko Pavilion and other alterations.
26. **LU 18-197999 CU:** Conditional Use Review approval to allow the proposed expansion of the Portland Art Museum.
27. **LU 19-258115 HR:** Historic Resource Review approval for revisions to LU 19-198009 HRMAD.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **November 29, 2022**. One written response has been received from the Neighborhood Association in response to the proposal.

- Walter Weyler and Kate Dixon, representing the Downtown Neighborhood Association, wrote on December 7, 2022 with concerns about the shape and visibility of the proposed cooling towers, suggesting a greater effort be made to fully screen the equipment on this important cultural landmark.

**Applicant Response:** The applicant responded noting the immediate need to address the unforeseen failure of the existing equipment, citing climate control needs for the interior uses of the building, supply chain issues impacting availability of units, space and weight constraints on the rooftop, and the desire for a reliable replacement.

**Staff Response:** Staff has addressed the DNA's shape and visibility concerns, and has addressed the suggestion and Code standard for full screening in the findings below.

## **ZONING CODE APPROVAL CRITERIA**

### **(1) Chapter 33.846, Historic Reviews**

#### **Purpose of Historic Resource Review**

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

#### **Historic Resource Review Approval Criteria**

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

**Findings:** The site is a designated Historic Landmark; therefore, the proposal requires Historic Resource Review approval. The relevant approval criteria are those listed in *33.846.060 G – Other Historic Approval Criteria*. In addition, because the site is located within the Central City, the relevant approval criteria are the Central City Fundamental Design Guidelines.

*Staff has considered all of the approval criteria and addressed only those applicable to this proposal.*

### **33.846.060 G - Other Historic Approval Criteria**

**1. Historic character.** The historic character of the landmark or contributing resource will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the historic significance of the landmark or contributing resource will be avoided.

**Findings:** No removal of historic materials or alteration of significant features is proposed. The proposed replacement of the existing cooling towers with new cooling towers is a relatively minimal change that does not impact historic features. While the new towers will be minimally visible from the sidewalk, the overall historic character of the landmark will be retained and preserved as the building will not be otherwise impacted by the proposed change which is relatively minor in scope and visibility. *This criterion is met.*

**2. Record of its time.** The landmark or contributing resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.

**Findings:** The landmark will remain a physical record of its time, place, and use as the proposed cooling towers will allow the building to seamlessly continue operations, providing services to its visitors and protecting the valuable assets within. *This criterion is met.*

**7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a landmark or contributing resource. New work may be differentiated from the old if the differentiation does not diminish the character, features, materials, form, or integrity of the landmark or contributing resource and, if in a Historic District, the district as a whole.

**Findings:** The proposed equipment will not destroy historic materials, nor will it diminish the character, features, materials, form, or integrity of the landmark in that it is set upon the roof of the building and will be mostly screened from view by the substantial parapet of the historic building. *This criterion is met.*

**8. Architectural compatibility.** New additions, exterior alterations, or new construction will be compatible with the massing, size, scale, and architectural features of the landmark or contributing resource and, if in a district, the district as a whole. When retrofitting to improve accessibility for persons with disabilities or accommodate seismic improvements, design solutions will not compromise the architectural integrity of the landmark or contributing resource.

**10. Hierarchy of compatibility.** New additions, exterior alterations, or new construction will be designed to be compatible primarily with the landmark or contributing resource and, if located within a district, secondarily with contributing resources within 200 feet and, finally, with the rest of the district. Where practical, compatibility in districts will be pursued on all three levels.

**Findings:** The proposed equipment extends above the existing parapet of the historic building and, though set back from the parapet, is minimally visible from the sidewalk level due to its height. The proposed equipment features cone-shaped tops which differs from the existing flat-topped equipment which is hidden from view. While the massing of these units is different than what we have historically seen in mechanical units, including on this building specifically, the conical shape allows the new units to be less visible than they would be if they were the same height and rectangular in form as the top recedes from the edge of the unit, and therefore away from the edge of the parapet. Because of this minimization of their visibility, combined with the proposed compatible color of the units as well as the screening of the majority of the units with the existing parapet, staff finds that the new equipment is compatible with the landmark. The landmark is not located within a historic district, therefore the proposals compatibility with the landmark itself is paramount. Staff finds that the proposal is compatible with the landmark. *These criteria are met.*

**9. Preserve the form and integrity of historic resources.** New additions, exterior alterations, or new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the landmark or contributing resource and, if in a district, the district as a whole would be unimpaired.

**Findings:** The essential form and integrity of the landmark will be unimpacted by the replacement of the existing units with the new units which will sit on the same platform, in the same location as the existing. If removed in the future, the architectural integrity of the landmark will remain intact. *This criterion is met.*

### **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 and the River District 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 the River District as well as to the other seven 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.*

**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.

**Findings:** The proposed equipment is located at the rooftop, away from the pedestrian realm. While the equipment will be minimally visible to pedestrians, the views of the equipment are slight and will likely be overshadowed by the presence of the building itself, as well as the Belluschi building and the future Rothko Pavilion. *This guideline is met.*

**C2. Promote Quality and Permanence in Development.** Use design principles and building materials that promote quality and permanence.

**Findings:** The existing failing equipment will be replaced by newer, more reliable equipment, thus ensuring the overall longevity of the interior spaces and the works

within. While more reliable, the new equipment will likely be replaced at some point in the future, while the building beneath will remain. The requested Modification to not fully screen the equipment acknowledges that this equipment is secondary to the overall façade of the historic building and thus proposes to not provide additional material in a single location which would detract from the order of that façade. This design response is an approach that respects the permanence and quality of design of the existing landmark. *This guideline is met.*

- 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.

**Findings:** The proposed equipment will replace existing equipment in the same location on the roof. While not an addition to the building, the proposal respects the original character of the building by not adding additional screening that would complicate the order of the existing façade. Therefore, the proposal respects the architectural integrity of the existing landmark by imposing the least possible impact to the architecture. *This guideline is met.*

- 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.

**Findings:** As is noted elsewhere in these findings, the proposal does not include an additional screening element for the portions of the cooling towers that rise above the parapet. The equipment is set back from the parapet edge and the tops of the units slope backward in a conical shape; both of these aspects help to minimize views of the equipment from the public realm. The addition of additional screening as is required by Code and further addressed in the Modification findings below, would create a new taller element, closer to the parapet, at this single corner of the building, drawing more attention to such a rooftop addition through its increased visibility and irregularity. Therefore, the proposed design is coherent with the overall expression of the building.

- 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 proposed equipment replaces existing equipment in the same location. Due to the height of the existing parapet, the color of the proposed equipment, and the conical shape of the top of the equipment, the proposed units will be minimally visible and will recede from view. No screening is proposed as this would further detract from the aesthetic of the building below. *This guideline is met.*

**(2) 33.846.070 Modifications Considered During Historic Resource Review**

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 historic resource review process. These modifications are done as part of historic resource 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 historic resource 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 historic resource review approval criteria.** The resulting development will better meet the approval criteria for historic resource review than would a design that meets the standard being modified; and
- B. **Purpose of the standard.**
  1. The resulting development will meet the purpose of the standard being modified; or
  2. The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.

**Modification:** Screening, PZC 33.120.250 – to not fully screen the proposed mechanical equipment.

*Purpose Statement:* The screening standards address specific unsightly features which detract from the appearance of multi-dwelling residential areas.

*Standard:* 33.120.250.C.2 requires “a screen around the equipment that is as tall as the tallest part of the equipment”.

- A. **Better meets historic resource review approval criteria.** *The resulting development will better meet the approval criteria for historic resource review than would a design that meets the standard being modified; and*

**Findings:** The Modification to not fully screen the mechanical equipment by not providing a screen that is as tall as the proposed equipment better meets approval criteria related to architectural integrity and coherency. The proposed location of the new units is to be in the same location of the existing units, taking advantage of existing building infrastructure and an enclosure, thus minimizing physical impacts to the existing building. The new equipment is taller than the existing equipment and would therefore require either lowering the elevation of the equipment to below the roof line, thus impacting interior spaces, or providing a screen above the height of the parapet to hide the equipment. Lowering the roof line is neither practical nor in keeping with the approval criteria to preserve architectural integrity. Extending a screen above the line of the parapet also is not in keeping with the approval criteria to preserve architectural integrity as this would add an additional element on a building with an already tiered façade. The tiers of the building are primarily brick with terra cotta detailing. An additional tier, constructed in 2002, is represented in green glass which is not compatible with the historic architecture. Adding an additional screen around the two new cooling towers would create a new tier and exacerbate this incompatibility, resulting in a less than coherent design. By allowing the top portion of the equipment to remain unscreened, staff recognizes the relative impermanence of the new cooling towers, compared to the building as a whole. While the tops of the units will be minimally visible from the sidewalk level where most viewers will experience the building, they will be less visible than would an additional incompatible screen. *Therefore, this criterion is met.*

- B. **Purpose of the standard.** *The resulting development will meet the purpose of the standard being modified or the preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.*

**Findings:** As noted above, the purpose of the standard is to “address specific unsightly features which detract from the appearance of multi-dwelling residential areas”. The existing parapet of the historic building masks the majority of the new units, and the proposed color of the units is complementary to the light-colored brick building. While the units may not be as aesthetically pleasing as the building itself, the addition of a screen above the highest parapet of the building would result in an incompatible addition to the existing parapet. By necessity, a screen would have to be located outboard of the units themselves, making the screen more visible than the proposed units which are set four feet back from the backside of the parapet. A screen surrounding only the units and not continuing around the entirety

of the rest of the parapet would negatively impact the otherwise coherent expression and character of the historic building with its brick façade, articulated with terra cotta detailing. Preservation of the character of the historic resource is more important than meeting the purpose of the standard. *Therefore, this criterion is met.*

The proposal better meets the approval criteria and preservation of the historic resource is more important than meeting the purpose of the standard.  
*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 purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## **ADMINISTRATIVE DECISION**

Approval of replacement of two existing cooling towers on the Mark Building of the Portland Art Museum, a historic landmark in the Central City Plan District. The new cooling towers will be about 2'-5" taller than the existing cooling towers and the parapet.

Approval of a Modification to 33.120.250 to not fully screen the proposed mechanical equipment.

This approval is per the approved site plans, Exhibits C-1 through C-8, signed and dated December 14, 2022, 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 four 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 22-199903 HRM." 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 December 14, 2022**

By authority of the Director of the Bureau of Development Services

**Decision mailed: December 21, 2022**

**Procedural Information.** The application for this land use review was submitted on November 3, 2022 and was determined to be complete on November 14, 2022.

*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 November 3, 2022.

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: March 14, 2023.**

**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.

**This decision, and any conditions associated with it, is final.** It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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](http://www.portlandonline.com).

**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 **December 21, 2022** 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 for 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 Plan Submittal
  2. Letter dated December 13, 2022
- B. Zoning Map (attached)
  1. Original Zone Map
  2. Updated Zone Map
- C. Plans/Drawings:
  1. Aerial/Site Plan (attached)
  2. Bird's Eye Perspective (attached)
  3. Building Sections
  4. Enlarged Section
  5. Color
  6. Plan – Demo and Proposed
  7. Single Line Diagrams
  8. Cut Sheets
- D. Notification information:
  1. Mailing list
  2. Mailed notice
  3. Mailing list for Revised Notice
  4. Revised Notice
- E. Agency Responses: No responses were received.
- F. Correspondence:
  1. Walter Weyler and Kate Dixon, representing the Downtown Neighborhood Association, wrote on December 7, 2002 with concerns about the shape and visibility of the proposed cooling towers, suggesting a greater effort be made to fully screen the equipment on this important cultural landmark.
- 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).**