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CITY OF PORTLAND
Bureau of Development Services
1900 SW Fourth Avenue, Suite 5000
Portland, OR 97201 **P524**
Land Use Review Decision Enclosed
Case # LU 08-112793 DZ



City of Portland
Bureau of Development Services
Land Use Services Division

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Portland, Oregon 97201
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Date: April 14, 2008
To: Interested Person
From: Dave Skilton, Land Use Services
503-823-0660 / dave.skilton@ci.portland.or.us

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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-112793 DZ - ROOFTOP MECHANICAL EQUIPMENT

GENERAL INFORMATION

Applicant: D. W. Sivers Company, Owner
4730 SW Macadam Ave #101
Portland, OR 97239

Representative: Tom Mitchell, Contractor (971-246-3702)
Brawn Mechanical Corp
Po Box 1746
Clackamas OR 97015

Site Address: 0150 SW Montgomert Street

Legal Description: TL 1000 Block 104&105, Portland
Tax Account No.: R667709440
State ID No.: 1S1E03CA 01000
Quarter Section: 3229

Neighborhood: Downtown Cmty Association, contact Jennifer Geske at 503-750-9843.
Business District: Downtown Retail Council, contact Portland Business Alliance at 503-224-8684.

Plan District: Central City - Downtown

Zoning: CXdg, Central Commercial, with Design and Greenway Overlays

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

Proposal:

Applicant is seeking Design Review for new rooftop equipment. A 3'-0" x 3'-0" x 3'-0" condenser unit associated with an interior heat pump system is proposed on a flat roof, 35' above adjacent grade and 22'-6" from the east (nearest) parapet of the building. The metal-clad condenser unit is roughly cubic in shape, with rounded vertical corners, perforated sides, and a circular opening at the top. It will be painted gray to match nearby existing rooftop equipment and will be aligned with it.

Design Review is required because the proposal is an exterior alteration within the Central City Plan Area, Downtown Subdistrict.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The site is an irregular parcel, elongated in the north-south direction and occupied by the two story River Place Athletic Club. Building massing includes a central flat-roofed section flanked by three taller pitched roof elements covering parts of the facility that are rounded or ovoid in plan. The roofing on the flat section, where the subject mechanical unit is proposed, is light gray in color. The other roofs are brick red.

To the east and north there are three and four story condominium housing blocks. The nearest of these units is approximately 175' from the proposed location for the mechanical unit. To the west and south, the property is bounded by a broad swath of public right-of-way, about 400' wide at the narrowest point. This area includes SW Naito Parkway, the connector between SW Harrison Street and SW River Parkway, and SW Harbor Drive, as well as substantial plantings of mature trees and grass. Beyond the open right-of-way area, the west side of SW Naito is occupied by 2-6 story office buildings and surface parking.

Zoning: CXdg, Central Commercial, with Design and Greenway Overlays

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

LU 97-014100, approving enclosure of an existing deck.

LU 97-00763 DZ and LU 98-00274 DZ, approving removal of "tiffany" lights and installation of white neon tube lighting.

LU 05-129602 DZ, approving the addition of two pair of French doors, multi-sliding doors, and patio improvements.

Summary of Applicant's Statement: use at your discretion to further explain proposal and/or how they propose to mitigate for impacts or meet approval criteria.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **March 18, 2008**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 18, 2008. 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 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.

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 mechanical unit is small, 3'-0" x 3'-0" x 3'-0", relative to the

large expanse of flat roof where it will be placed, and it will align with a larger existing unit in the east-west direction, 22'-6" from the nearest (east) parapet. This configuration will give the installation an orderly character responsive to the building's structural system. *This guideline is therefore met.*

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: Placing the proposed mechanical unit on the roof in an orderly fashion, rather than at ground level, respects the pedestrian zone and puts available roof area to practical use without creating visual blight. The unit is relatively small and unobtrusive. And will recede visually within its surroundings. *This guideline is therefore met.*

DEVELOPMENT STANDARDS

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


CONCLUSIONS

This straightforward installation of a small condenser unit meets the guidelines because the equipment aligns with an existing unit and is not visible from the ground. Where distantly visible from other buildings, it presents an rationalized and orderly appearance.

ADMINISTRATIVE DECISION

Approval of installation of a 3'-0" x 3'-0" x 3'-0" rooftop condenser unit per the approved site plans, Exhibits C-1 through C-2, signed and dated April 9, 2008, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-112793 DZ. No field changes allowed."

Decision rendered by:  on April 14, 2008.

By authority of the Director of the Bureau of Development Services

Decision mailed: April 14, 2008

Staff Planner: Dave Skilton

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 3, 2008, and was determined to be complete on **March 17, 2008**.

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 3, 2008.

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.

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 April 28, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. Recognized neighborhood associations are not subject to the appeal fee. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **April 29, 2008 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

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:

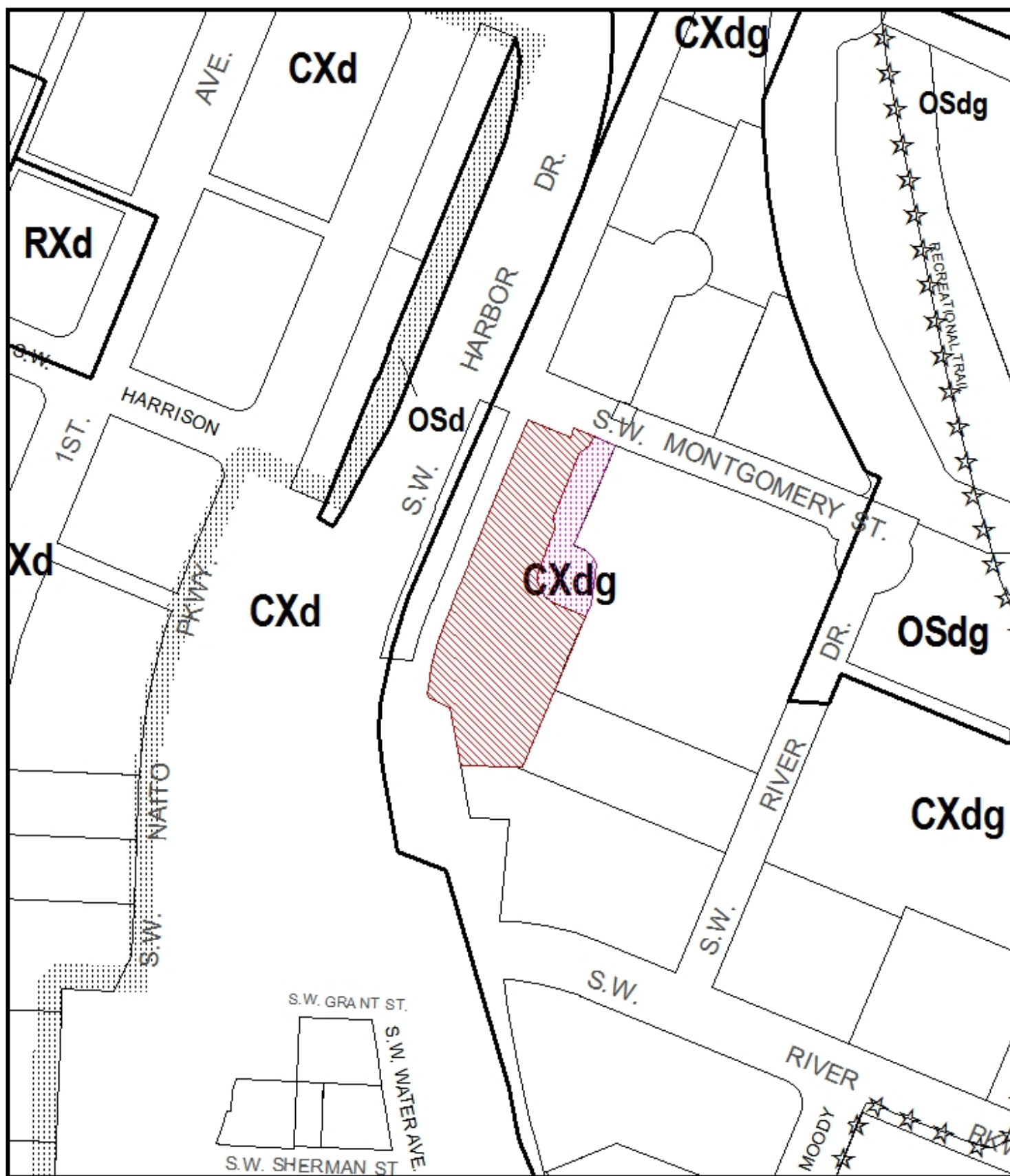
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Roof Plan (attached)
 - 2. Equipment Details (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: None
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING

 Site
 Also Owned



This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No. LU 08-112793 DZ
 1/4 Section 3229
 Scale 1 inch = 200 feet
 State_Id 1S1E03CA 1000
 Exhibit B (Mar 04, 2008)

WEEKEND COUNTRIGHT
TYPICAL - 90S
RESERVATION
PERS. LOCATION

NO. 1202-AL
- BACK TO

WALKWAY ROOF
ALTERNATE NO. 5

25HBR3
Base™ Series 13 Heat Pump
Sizes 18 To 60
1-1/2 to 5 Nominal Tons



Turn to the Experts.

Product Data



Shown with optional dense coil guard

INDUSTRY LEADING FEATURES / BENEFITS

Efficiency

- 13 SEER / 11 EER / Up to 8.6 HSPF (Nominal)
- Microtube Technology™ refrigeration system
- Indoor air quality accessories available

Sound

- Sound level as low as 75 dBA

Comfort

- System supports Thermidstat™ or standard thermostat controls

Reliability

- Front-seating service valves
- Scroll compressor
- Filter drier
- Loss of charge pressure switch
- Balanced refrigeration system for maximum reliability

Durability

WeatherArmor™ protection package:

- Solid, Durable sheet metal construction
- Wire coil guard
- Baked-on, complete coverage, powder paint

Applications

- Long-line - up to 250 feet total equivalent length, up to 200 feet condenser above evaporator, or up to 80 ft. evaporator above condenser (See Longline Guide for more information.)
- Low ambient (down to -20°F) with accessory kit

Warranty

Single Phase

- 5 year limited compressor warranty
- 5 year limited parts warranty

Three Phase

- 5 year limited compressor warranty
- 1 year limited parts warranty

Approved

City of Portland - Bureau of Development Services

Planner Dave Philton Date 4.9.8

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

EXHIBIT C-2

LU08-112793 D2