



City of Portland, Oregon

Bureau of Development Services

Land Use Services

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

Date: March 12, 2015

To: Interested Person

From: Benjamin Nielsen, Land Use Services

503-823-7812 / Benjamin.Nielsen@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, including the written response to the approval criteria and to public comments received on this application, 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 15-106443 DZ – REPLACEMENT OF MECHANICAL EQUIPMENT AND NEW CATWALK

GENERAL INFORMATION

Applicant/

Representative: Mark Knoke / KDW Salas O'Brien

10202 5th Ave NE, Suite 300 / Seattle, WA 98125

Applicant/Owner: AT&T Communications

PO Box 7207 / Bedminster, NJ 07921-7207

Vicki Howard / AT&T

645 E Plumb Lane, Room A114 / Reno, NV 89502

Site Address: 819 SW OAK ST

Legal Description: N 65' OF E 100' OF BLOCK 55 DEPT OF REVENUE, COUCHS ADD;

BLOCK 55 TL 1500 DEPT OF REVENUE, COUCHS ADD; BLOCK 86

TL 1700 DEPT OF REVENUE, PORTLAND R180204830, R180204850, R667708930

State ID No.: 1N1E34CC 01600, 1N1E34CC 01500, 1N1E34CC 01700

Quarter Section: 3029

Tax Account No.:

Neighborhood: Portland Downtown, contact Rani Boyle at 503-725-9979.

Business District: None

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City Plan District – Downtown Subdistrict **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 seeks Design Review approval for replacement of two existing cooling towers on the roof of the AT&T building at 819 SW Oak Street. These new towers will be similar to the existing towers and will sit completely within the existing tall mechanical screening walls located on the roof. The applicant is also seeking Design Review approval to add a new, building code-compliant catwalk and guardrail system above the cooling towers to improve the safety of maintenance and repair workers. This would replace the existing guardrails and temporary ladders which are currently used.

Exterior alterations within the "d" Design Overlay zone require Design Review approval.

Relevant Approval Criteria:

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

- 33.825 Design Review
- 33.510 Central City Plan District
- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The subject site is an eight story, steel-framed modernist office building, designed in the International Style by famed Portland architect Pietro Belluschi. It is clad with a marble panel curtain wall within which sit flush, steel sash windows and louvers. A large penthouse comprises the ninth story of the building; it is adjacent to a hulking communications tower which is covered with antennas and other equipment.

The building lies along the intersection of the two halves of the downtown Portland block structure. The site is located within the Downtown Pedestrian District and is bounded by the northwest-southeast oriented SW Oak Street [Traffic Access Street/Major Emergency Response Street/Local Service Bikeway] to the south. The east-west oriented W Burnside Street [Regional Main Street/Major City Traffic Street/Major Transit Priority Street/Major Emergency Response Street/Local Service Bikeway] bounds the site to the north. SW 9th Avenue [Minor Emergency Response Street/Local Service Bikeway] bounds the site to the west, and SW Park Avenue bounds the site on the east. The southern-most portion of the North Park Blocks also sits immediately to the east of the site. The intersection of SW Ankeny Street and SW Park Avenue lies approximately at midblock on the eastern edge of the site. A small parking lot, surrounded by a tall fence and landscaping begins here and extends south, occupying the southeast corner of the site. Surrounding buildings range in height and size from a one-story auto shop across W Burnside to the US Bank Tower four blocks to the east and are of mixed uses, often with retail at the ground floor.

Zoning: The <u>Central Commercial</u> (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 <u>Central City Plan District</u> 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 the following:

- LU 85-004433 (Reference #DZ 162-85): Design review approval for building renovation.
- LU 85-005118 (Reference #DZ 80-85): Design review approval of boiler.
- LU 86-001204 & LU 86-001204: (Reference #CU 023-86): Conditional use for replacement (in-kind) of existing microwave communications equipment.
- LU 86-004615 (Reference #DZ 29-86): Design review approval of two satellite dishes.
- LU 87-004202 (Reference #DZ 11-87): Design review approval of iron fence and landscaping.
- LU 87-004274 (Reference #DZ 12-87): Design review denial of signage.
- LU 88-005083 (Reference #DZ 77-88): Design review approval of new entrance and sidewalk.
- LU 90-004051 (Reference #DZ 046-90): Design review approval of satellite dish.
- LU 98-015151 (Reference #LUR 98-00855): Approval of one louver at the second floor level on the east elevation.
- LU 99-016827 (Reference #LUR 99-00422): Approval with conditions of ventilation louvers on south and west elevations at the eighth floor.
- LU 00-006828 (Reference #LUR 00-00273): Approval with conditions of ventilation louvers to match existing louvers.
- LU 00-007380 (Reference #LUR 00-00825): Approval with conditions of louvered penthouse on 9th floor.
- LU 11-104607 DZ: Design review approval for exterior alterations to north and west elevations.

Agency Review: No agency reviews were conducted as part of this design review process.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **February 10, 2015**. 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.

- **B2. Protect the Pedestrian.** Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.
- **C1. Enhance View Opportunities.** Orient windows, entrances, balconies and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building façades that create visual connections to adjacent public spaces.
- **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.
 - **Findings for B2, C1, C2, C3, and C5:** The two new cooling towers will replace two existing cooling towers and will sit entirely behind the existing penthouse walls and louvers. The new steel catwalk system will be similar in design to other steel access systems already in place on the roof, though built to current code standards. The catwalk will sit above the mechanical equipment and will project above the existing penthouse structure. The catwalk and stair structure will connect to steel structural components located inside the existing penthouse structure and so will not be visible from the exterior and will not damage the façade of the building.

Therefore, these guidelines are 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: Compared to the mass of the building, the penthouse, and the imposing presence and busy appearance of the adjacent communications tower, the new catwalk and stairs should have minimal visual impact to pedestrians or other viewers in nearby buildings and they integrate well with the existing design and other rooftop equipment.

The proposed catwalk and railing system will be over the height limit identified on Map 510-3; however, the applicant has demonstrated that the proposed catwalk and railings cast less of a shadow on the adjacent North Park Blocks than a building occupying the full site and built up to the maximum height of 150', as described in *Section 33.510.205.C.* Performance standard for sites adjacent to designated open spaces. Neither the building nor the proposed catwalk and handrails project into any established view corridor, and the proposal does not result in a building over 460 feet in height.

Therefore, this guideline is met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet other 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 has minimal impact on the adjacent North Park Blocks, on the appearance and integrity of the building, and on pedestrians or viewers from adjacent buildings. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of two replacement cooling towers, which sit entirely within the existing penthouse walls and louvers, and the proposed catwalk and railing system to the existing AT&T Building in the Central City Plan District per the approved site plans and drawings, Exhibits C-1 through C-13, signed and dated 03/10/2015:

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-13. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File #LU 15-106443 DZ. No field changes allowed."

Staff Planner: Benjamin Nielsen

Decision rendered by: ______ on March 9, 2015.

By authority of the Director of the Bureau of Development Services

Decision mailed: March 12, 2015

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 January 16, 2015, and was determined to be complete on **February 5, 2015**.

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 January 16, 2015.

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: June 5, 2015.**

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 March 26, 2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged**. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional

information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

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

Recording the final decision.

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

- Unless appealed, The final decision may be recorded on or after March 27, 2015 (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.

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.

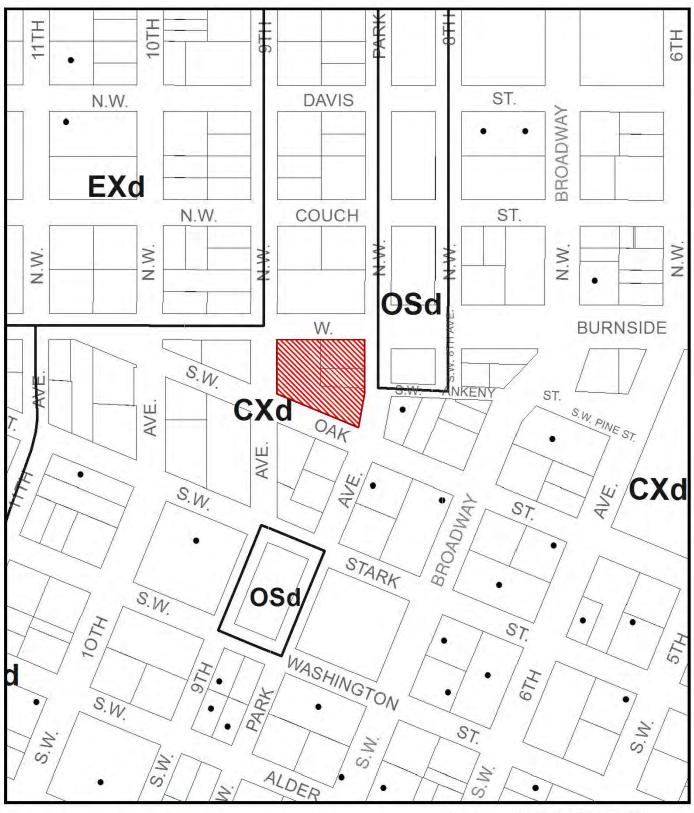
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan Sketch No. A-1r1 (attached)
 - 2. Roof Plan Sketch No. A-2 (attached)
 - 3. Exterior Elevation Sketch No. A-3r1 (attached)
 - 4. Exterior Elevation Sketch No. A-4r1
 - 5. Exterior Elevation Sketch No. A-5r1
 - 6. Exterior Elevation Sketch No. A-6r1
 - 7. Shadow Analysis Sketch No. A-7
 - 8 Shadow Analysis Sketch No. A-89. Building Section Sketch No. A-9

 - 10. Building Section Sketch No. A-10
 - 11. Structural Plan Sketch No. S-1
 - 12. Structural Details Sketch No. S-2
 - 13. Structural Details Sketch No. S-3
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence: No responses were received.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Application Letter
 - 3. Photo: View from sidewalk at 800 SW Oak Street

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).







Historic Landmark

LU 15-106443 DZ File No.

3029 1/4 Section

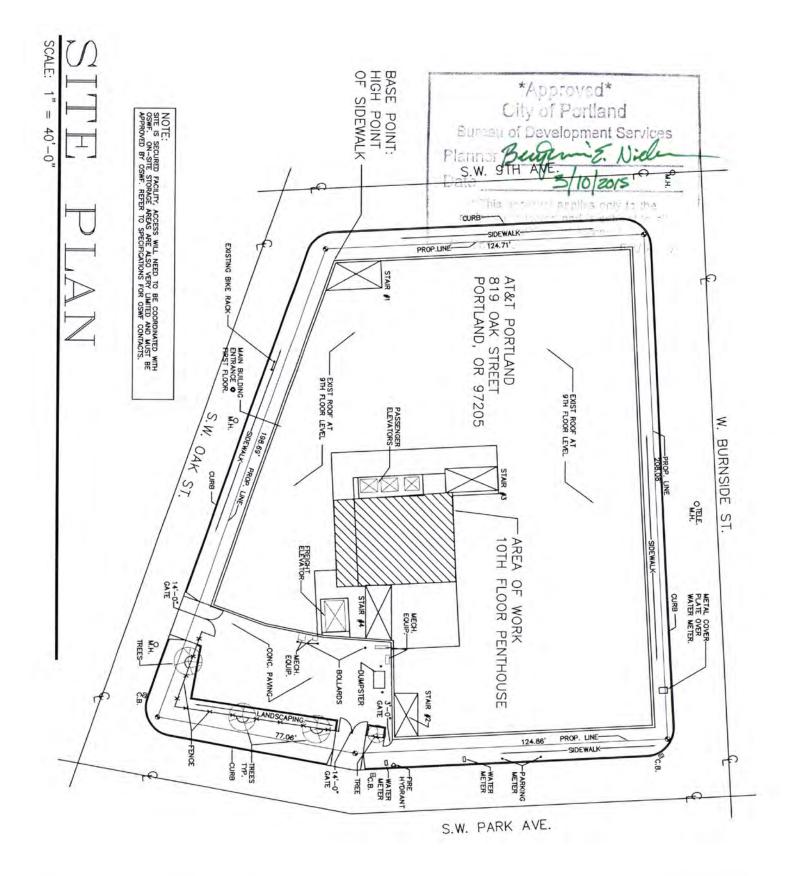
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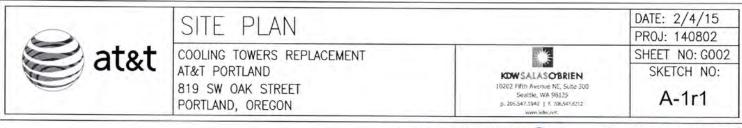
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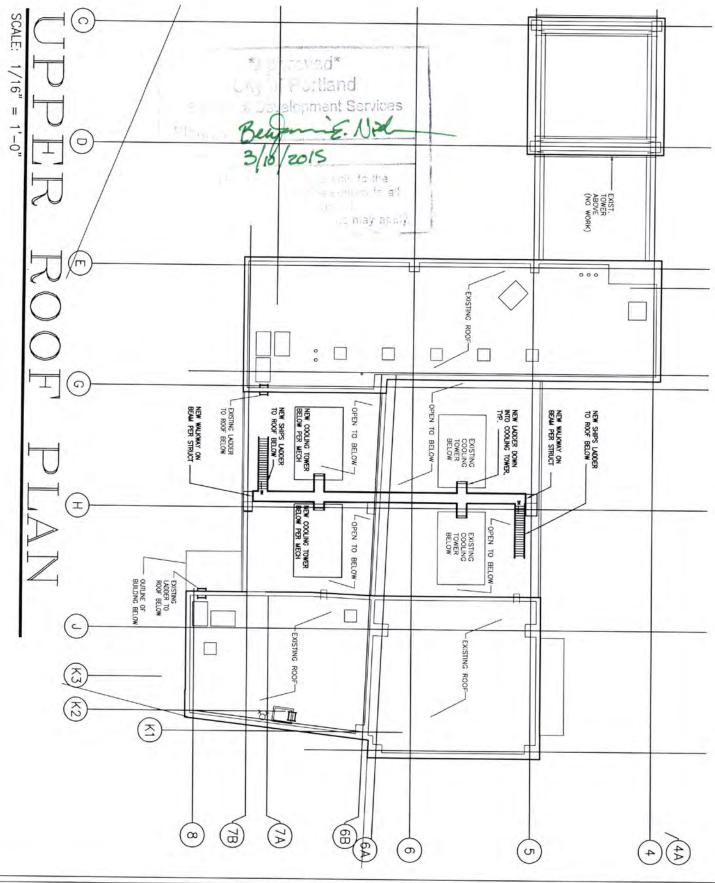
В (Jan 21,2015) Exhibit.



This site lies within the: **CENTRAL CITY PLAN DISTRICT** DOWNTOWN SUBDISTRICT









ROOF PLAN

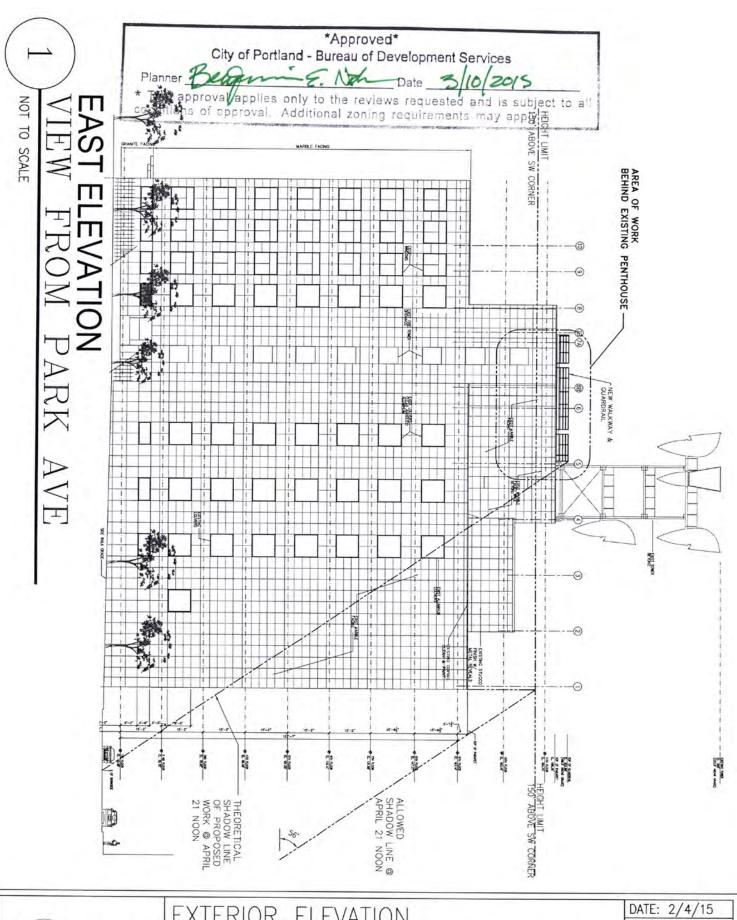
COOLING TOWERS REPLACEMENT AT&T PORTLAND 819 SW OAK STREET PORTLAND, OREGON



KDW SALASOBRIEN

10202 Fifth Avenue NE, Suite 300 Seattle, WA 98125 p. 206.547.1940 | 1, 206.547.8212 DATE: 1/13/15
PROJ: 140802
SHEET NO: A102
SKETCH NO:

A-2





EXTERIOR **ELEVATION**

COOLING TOWERS REPLACEMENT AT&T PORTLAND 819 SW OAK STREET PORTLAND, OREGON



KOWSALASOBRIEN 10202 Fifth Avenue NE, Suite 300 Seattle, WA 98125 p. 206.547.1940 | f. 266.547.8212

PROJ: 140802 SHEET NO: A201 SKETCH NO: A-3r1

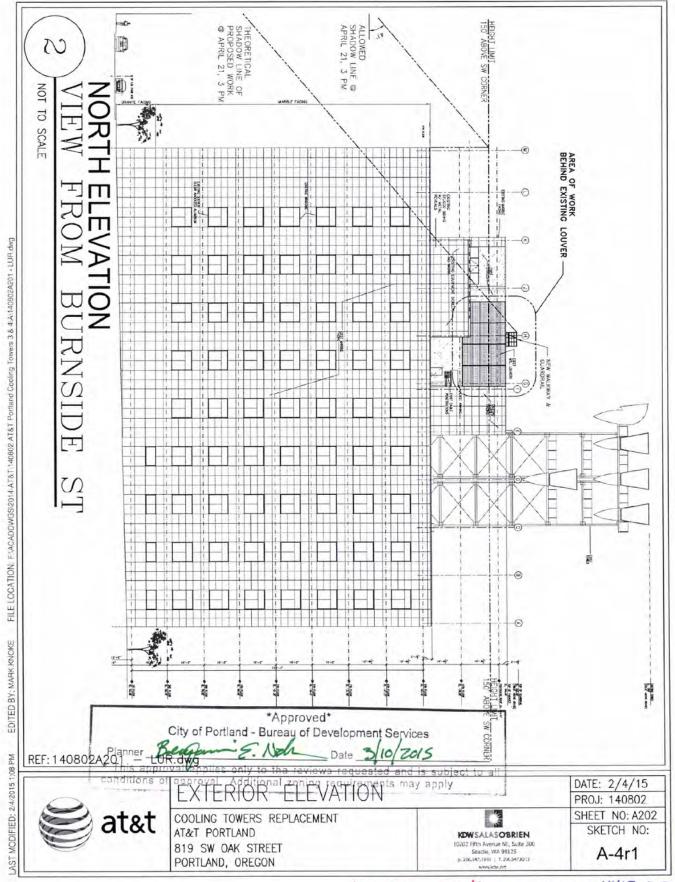
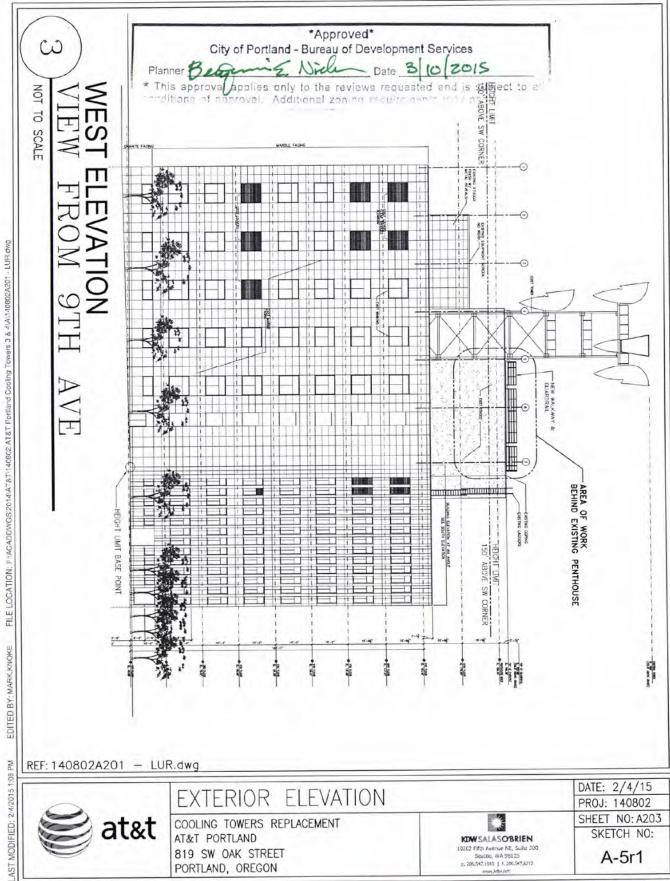


EXHIBIT C-4

LU 15-106443 DZ

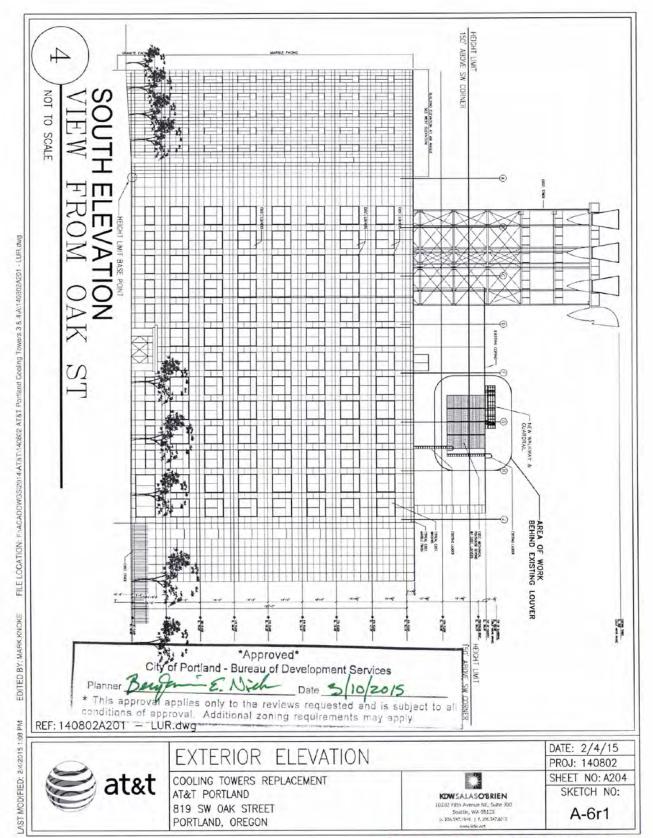




COOLING TOWERS REPLACEMENT AT&T PORTLAND 819 SW OAK STREET PORTLAND, OREGON



SHEET NO: A203 SKETCH NO: A-5r1



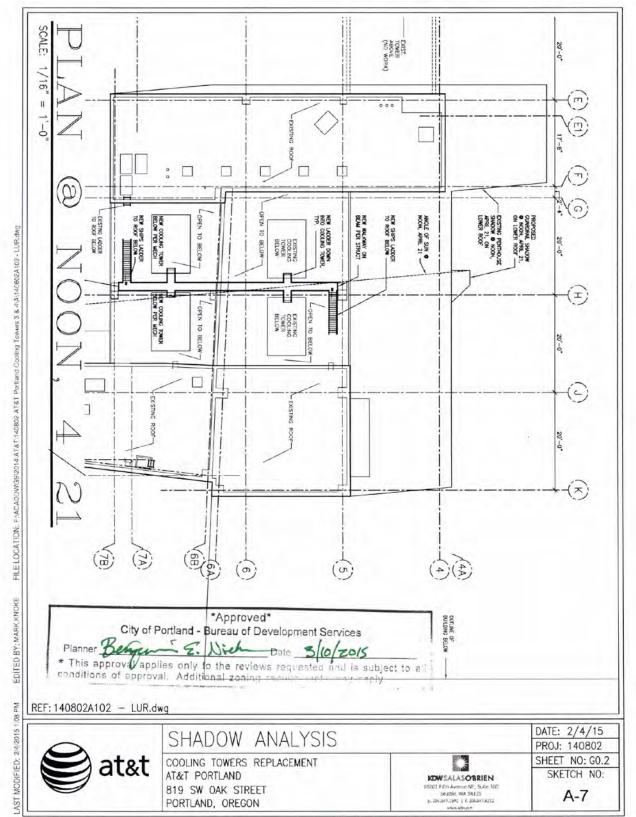


EXHIBIT 6-7

LU 19-106443 DZ

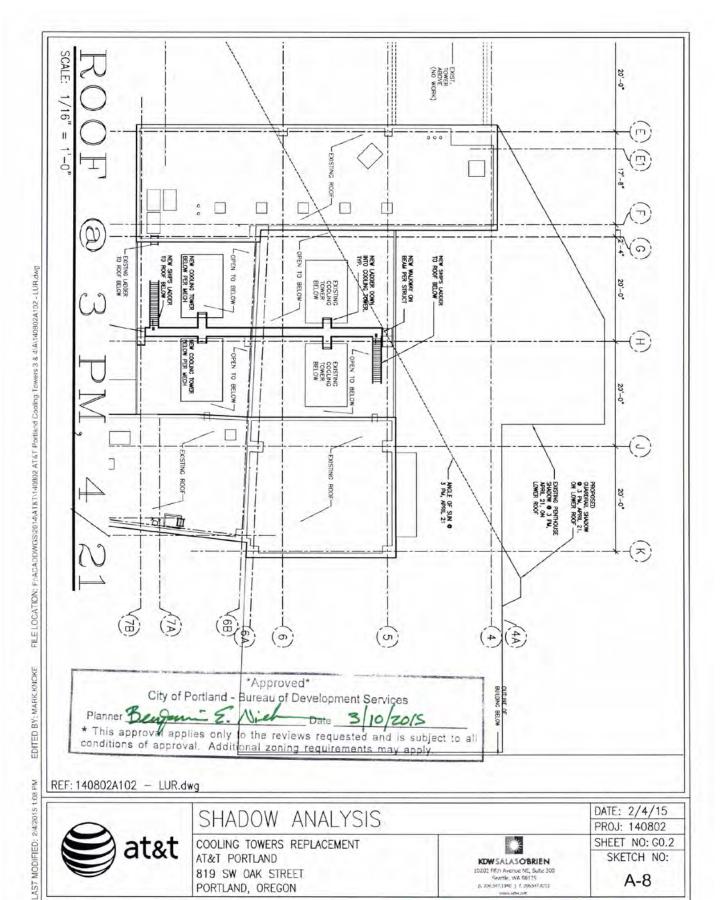
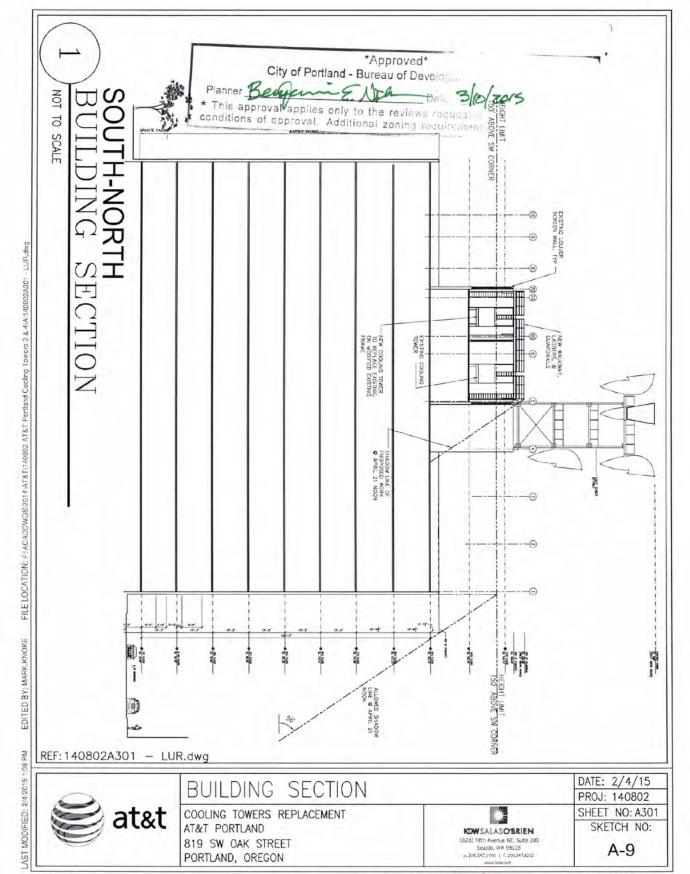


EXHIBIT C-8 LU 15-106443 DZ



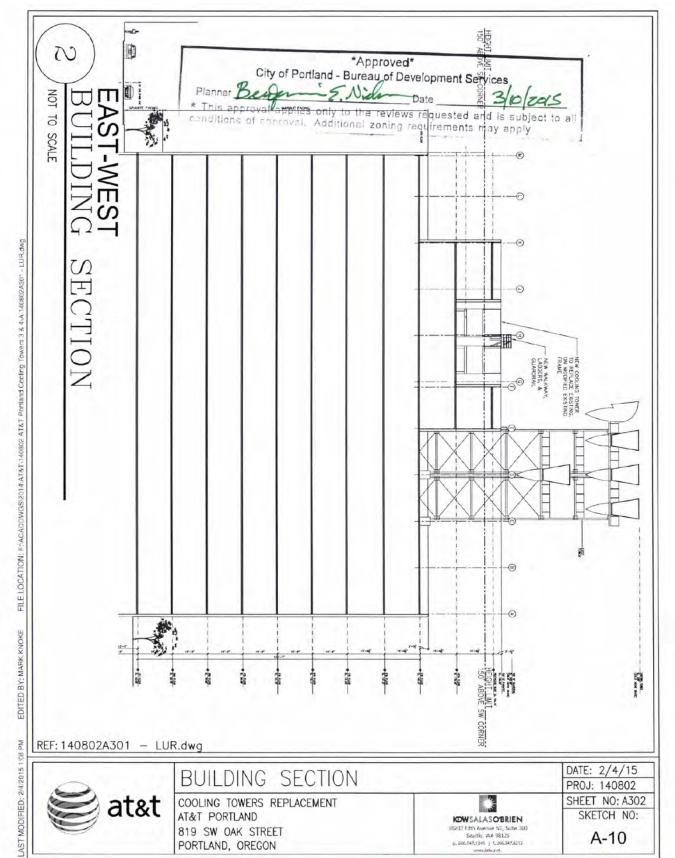
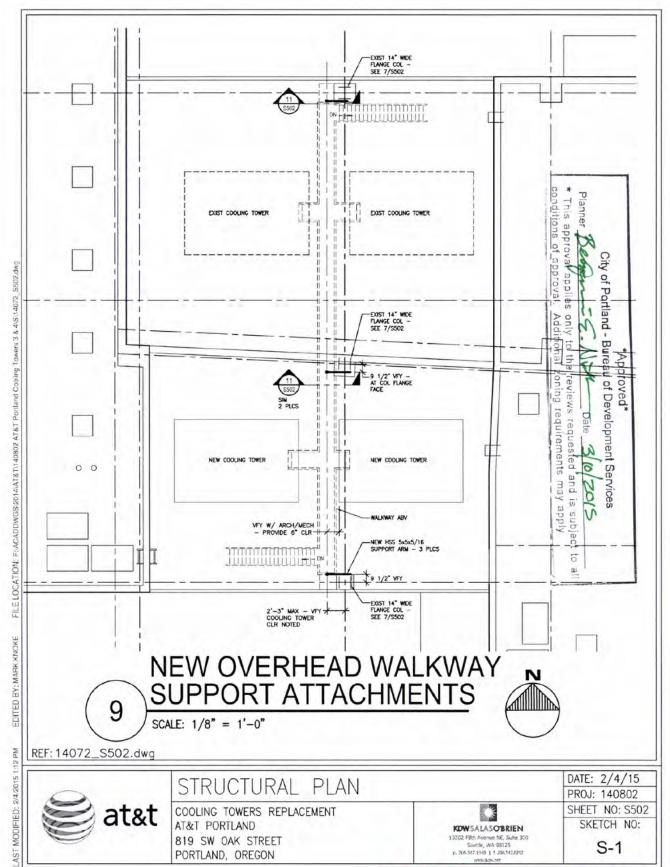
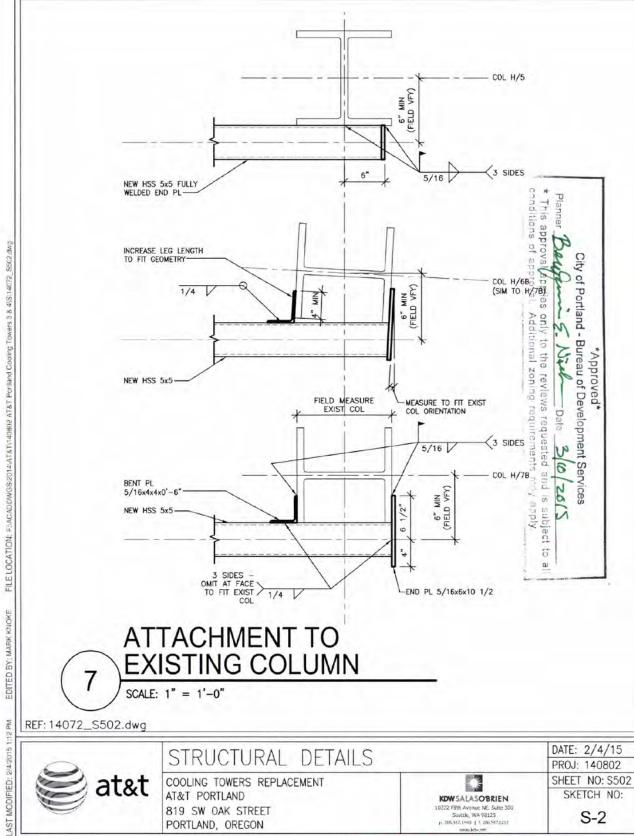


EXHIBIT C-10

LU 15-106443 DZ







STRUCTURAL DETAILS

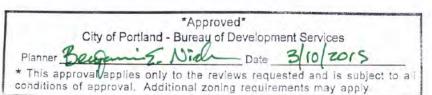
COOLING TOWERS REPLACEMENT AT&T PORTLAND 819 SW OAK STREET PORTLAND, OREGON

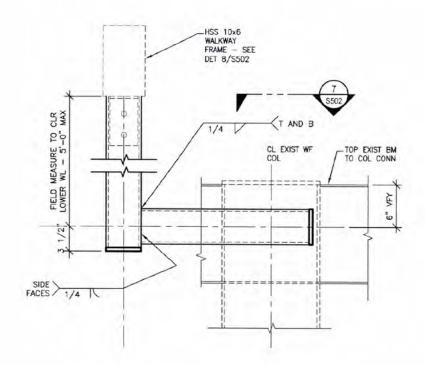


DATE: 2/4/15 PROJ: 140802 SHEET NO: S502 SKETCH NO:

S-2

LAST MODIFIED: 2/4/2015 1:12 PM







REF: 14072_S502.dwg

at&t

STRUCTURAL DETAILS

COOLING TOWERS REPLACEMENT AT&T PORTLAND 819 SW OAK STREET PORTLAND, OREGON



DATE: 2/4/15
PROJ: 140802
SHEET NO: S502
SKETCH NO:
S-3