



City of Portland
Bureau of Development Services
Land Use Services Division

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Portland, Oregon 97201
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www.portlandonline.com/bds

Date: April 15, 2008
To: Interested Person
From: Staci Monroe, Land Use Services
503-823-7870 / Staci.Monroe@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 08-110493 DZ – DESIGN REVIEW
FOR ROOFTOP MECHANICAL UNITS AND SCREEN**

GENERAL INFORMATION

Applicant: Music Sheet Building LLC (owner)
707 SW Washington Strett #1415
Portland, OR 97205

Representative: Scott McEntire, (503) 320-2962 (project contractor)
White Dog Construction Inc
4915 NE 16th Avenue
Portland, OR 97211

Rolland Walters, (503) 258-5004, (mechanical contractor)
Bulldog Mechanical
3307 NE 39th Street
Vancouver WA 98661

Site Address: 722 NW COUCH STREET

Legal Description: E 1/2 OF N 40' OF LOT 6 BLOCK 53 E 1/2 OF LOT 7 BLOCK 53,
COUCHS ADD

Tax Account No.: R180204730

State ID No.: 1N1E34CB 09900

Quarter Section: 3029

Neighborhood: Pearl District, contact Patricia Gardner at 503-228-3273.

Business District: None

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

Plan District: Central City - River District

Zoning: CXd – Central Commercial zone with a 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 for the addition of 3 rooftop units and a screen on an existing building. The proposal includes a 5'-4" tall, 12'x20' screen (L- shaped) comprised of horizontal flush seam metal panels located in the center of the roof. It will screen two existing units (4-6" tall), a new makeup air unit (5'-3" tall) and a paint booth exhaust vent (7'-0" tall). The exhaust vent will project above the screen by 1'-6". A pottery room ventilator (2'-0" tall) will be placed in the southwest corner of the roof without screening due to its low profile and setback location.

Proposals for exterior building alterations within a design overlay zone in Central City Plan District requires Design Review.

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
- River District Design Guidelines
- Section 33.825 – Design Review

ANALYSIS

Site and Vicinity: The subject site consists of two 4,500 square foot lots located at the southeast corner of NW 8th Avenue and NW Couch Street within the Pearl District Neighborhood of the River District. The western lot contains a 9,000 square foot, two-story building and the eastern lot contains a 4,500 square foot, one-story building. The site is situated immediately east of the North Park Blocks with surface parking lots to the north and east and a 12-story single residential building to the south. The site is located within a Pedestrian District intended to give priority to pedestrian access in areas where high levels of pedestrian activity exist or are planned.

Zoning: The 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.

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.

Land Use History: City records indicate one prior land use review for this site for a storefront remodel in 2006 (LUR 06-168921 DZ).

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **March 19, 2008**. The following Bureaus have responded with no issues or concerns:

- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Transportation Engineering
- Bureau of Parks-Forestry Division

The Plan Review Section of BDS responded with the following comment: Please see Exhibit E-1 for additional details.

1. A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. More information regarding building code requirements can be obtained by visiting the Bureau of Development Services

Development Services Center -1900 SW 4th Ave, 1st floor, between the hours of 7:30 AM and 3:00 PM Monday through Friday and also 5:00 PM to 7:30 PM Thursday evening (no appointment necessary.) Building Code information is also available online at: <http://www.portlandonline.com/bds/>, or by calling (503) 823-1456.

2. Guardrails 42 inches high shall be installed where roof-mounted equipment requiring service is located within 10 feet of the roof edge. OMSC 304.10.
3. A separate Mechanical Permit is required for the work proposed. OMSC 106.1

The Bureau of Environmental Services responded with the following comment: Please see Exhibit E-2 for additional details.

- BES has no objections to the proposed exterior alterations. Further development of the property would be subject to the Bureau of Environmental Services' standards and requirements during the building plan review process. The following comments have been provided for informational purposes and mainly relate to the building permit process.

Sanitary Services

- There is an existing City-owned combination sewer located NW Couch Street.
- There is an existing City-owned sanitary-only sewer located in NW 8th Avenue.

Stormwater Management & Water Resources

- Stormwater runoff generated from proposed development must meet the requirements of the City of Portland's Stormwater Management Manual current at the time of building plan review. For all projects, the Stormwater Destination/Disposal Hierarchy must be addressed (pages 1-18 and 1-19 of the Stormwater Management Manual). Free CD-ROM discs of the 2004 Stormwater Management Manual are available at the City of Portland Development Services Center, 1900 SW 4th Avenue or on the internet at www.portlandonline.com/bes/. The applicant may also contact BES with any questions or for additional information.
- There are existing City-owned storm sewers located near this site.
- BES has no recommended conditions of approval.

Future Building Permit Application Requirements

- Cooling towers with a recirculating system and industrial boilers require occasional or regular water discharges (blowdown). Therefore, if this type of equipment will be installed or upgraded as part of the site improvements at the time of building permit application, the building plans will need to show a sanitary drain connected to the waste line which will provide a discharge location for the cooling tower or boiler blowdown water.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 19, 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 and River District Guidelines.

River District Design Guidelines and Central City Fundamental Design Guidelines

The River District is planned to become a place that is remarkable within the region. The area is intended to grow rich with special and diverse qualities that are, or will become characteristic of Portland. Further, the River District will accommodate a significant portion of the region's population growth. The plan calls for the creation of a new community of dense neighborhoods, housing a resident population of over 15,000 people, and providing jobs, services, and recreation to this population and others. This area is intended to emphasize the joy of the river, connections to it, and create a sense of community. The goals frame the urban design direction for Central City and River District development.

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.

River District Design Goals

1. Extend the river into the community to develop a functional and symbolic relationship with the Willamette River.
2. Create a community of distinct neighborhoods that accommodates a significant part of the region's residential growth.
3. Enhance the District's character and livability by fostering attractive design and activities that give comfort, convenience, safety and pleasure to all its residents and visitors.
4. Strengthen connections within River District, and to adjacent areas.

Central City Plan Design Goals

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.

A5-1. Reinforce Distinct Areas. Enhance the qualities that make each area distinctive within the River District, using the following "Area Design Guidelines" (A5-1-1 – A5-1-8).

- a. streets which don't face the park.
- b. Orienting entrances and windows of adjacent development toward Tanner Creek Park to capitalize on park amenities and to encourage park safety, use, and convenient access; or
- c. Incorporating design elements within development along the park that make reference to water and/or Tanner Creek.

A5-1-4. Reinforce the Identity of the North Park Blocks Area. This guideline may be

accomplished by:

- a. Creating a sense of enclosure for the North Park Blocks with buildings which are at least two or preferable more stories in height. There should be no gaps in the block facades, which front the Park Blocks. Existing gaps should be filled;
- b. Locating garage entrances and driveways away from Park Block facades, where possible; or
- c. Using neon, indirectly lit signs, rather than internally lit signs.

A8. Contribute to a Vibrant Streetscape. Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

B1. Reinforce and Enhance the Pedestrian System. Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

Findings: Screening, grouping and setting back the units reduces the visibility to pedestrians and from surrounding streets and park blocks. Corraling the new units in the center of the roof with the existing units allows for a single screen that reduces their visibility. Only the pottery room vent will sit outside the screen and due to its low 2'-0" height and southwestern location it will not be visible from surrounding streets. The units and screen will be setback 21'-0" and 43'-0" from east and north street-facing facades of the building, respectively, limiting views of the screen itself. *These guidelines are therefore met.*

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

Findings: The proposed roof screen will be comprised of an interior frame of 2" tube steel with 1"x12" horizontal metal panels applied to the exterior. The panels will be 24 gauge steel. The tube steel frame will ensure a solid upright composure while the steel thickness will ensure a uniform metal surface resistant to warping over time. The metal panels can easily be painted, as proposed to match the building, for future maintenance. Thus, the construction and materials of the rooftop screen will result in a quality design that is long-lasting. *This guideline is therefore 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.

C4. Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.

C5. Design for Coherency. Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

C11. Integrate Roofs and Use Rooftops. Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

Findings: The new units corralled by the screen will help integrate in the existing rooftop and building thus maintaining the architectural integrity of the

building and providing a coherent composition. The units will be located in the middle of the rooftop with the existing two units and skylights, with the exception of a 24" tall ventilator in far southwest corner of the building, which will not be visible from either street. This central location provides for more organized rooftop mechanical equipment and its appearance from surrounding elevated viewpoints and establishes a compact pattern for future equipment. It also allows for a single screen along the north and east sides of the equipment, which is setback from the building edges and contributes to a uniform appearance. A horizontal panel compliments the horizontal read of the bricks on the building's façade while the metal material is consistent with the warehouse context of the building evident by the metal roll-up doors on the front elevation. In addition, the low height (5'4" total, only 3'-3" visible above front parapet) of the screen is in proportion with the height of the single-story structure. *These guidelines are 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

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 central location of the rooftop units allows for a single screen that is setback from building edges thus maintaining the architectural integrity of the building and limiting views from pedestrians, streetscape and the adjacent North Park Blocks. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of:

- 5'-4" tall rooftop screen (horizontal metal panel painted to match building);
- 5'-3" tall make-up air unit;
- 2'-0" tall ventilator;
- 7'-0" tall exhaust vent painted to match roof screen; and
- (2) 4'-6" existing HVAC units.

Per the approved site plans, Exhibits C-1 through C-7, signed and dated 4/11/08, 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-C.7. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-110493 DZ. No field changes allowed."

Decision rendered by:  on April 11, 2008

By authority of the Director of the Bureau of Development Services

Decision mailed: April 15, 2008

Staff Planner: Staci Monroe

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on February 21, 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 February 21, 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 29, 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 30, 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

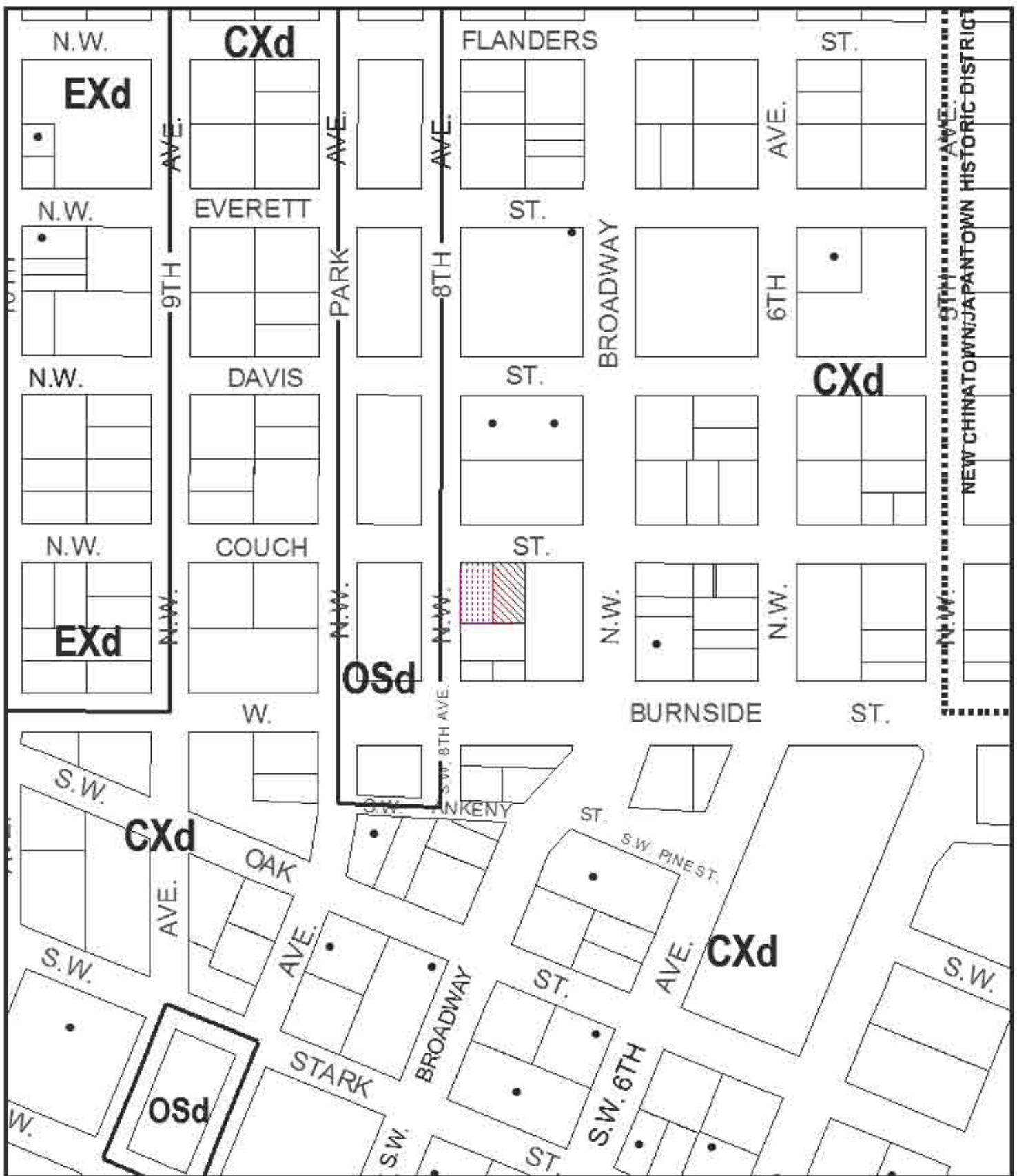
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. North & East Building Elevations (attached)
 - 3. Roof plan (attached)
 - 4. Proposed Rooftop Unit Details (attached)
 - 5. Roof Screen Detail (attached)
 - 6. Roof Screen Material Details
 - 7. MAU Spec Sheet
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Plan Review Section of BDS
 - 2. Bureau of Environmental Services
- 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
-  Historic Landmark



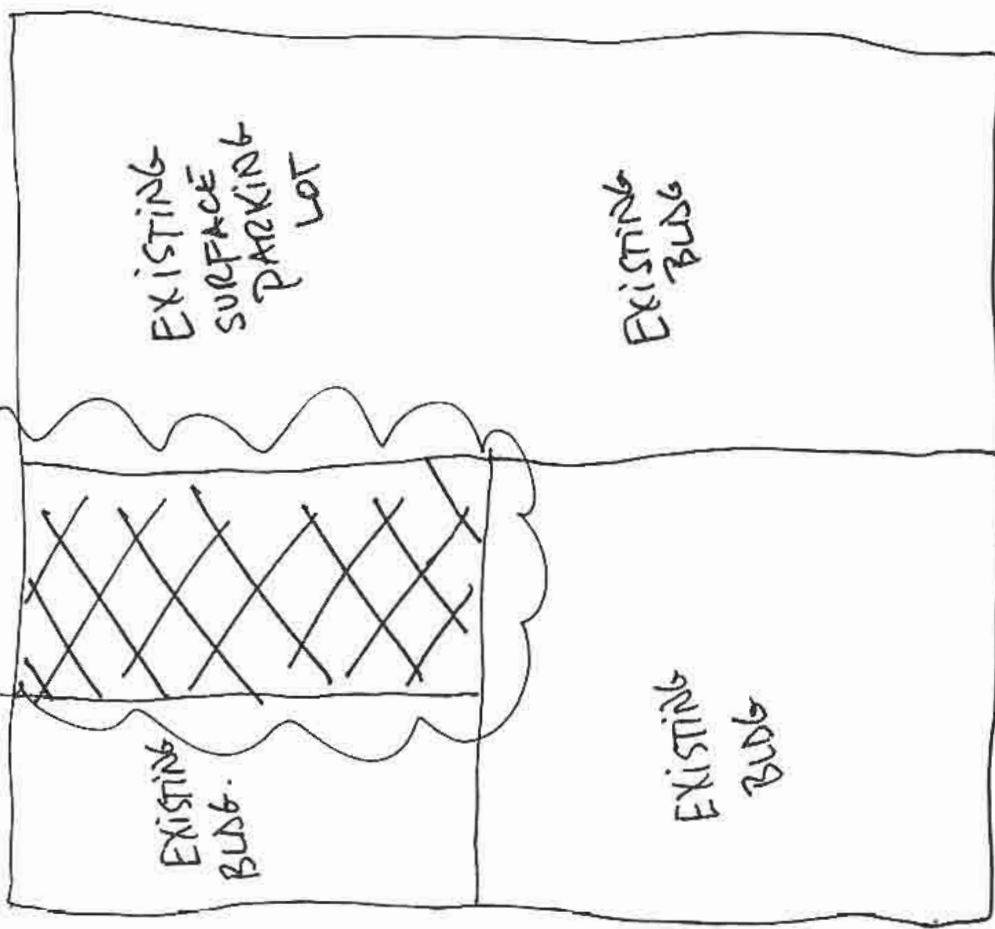
This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	LU 08-110493 DZ
1/4 Section	3029
Scale	1 inch = 200 feet
State_Id	1N1E34CB 9900
Exhibit	B (Feb 26, 2008)

2

NW BROADWAY AVE

AREA OF WORK



W BURNSIDE

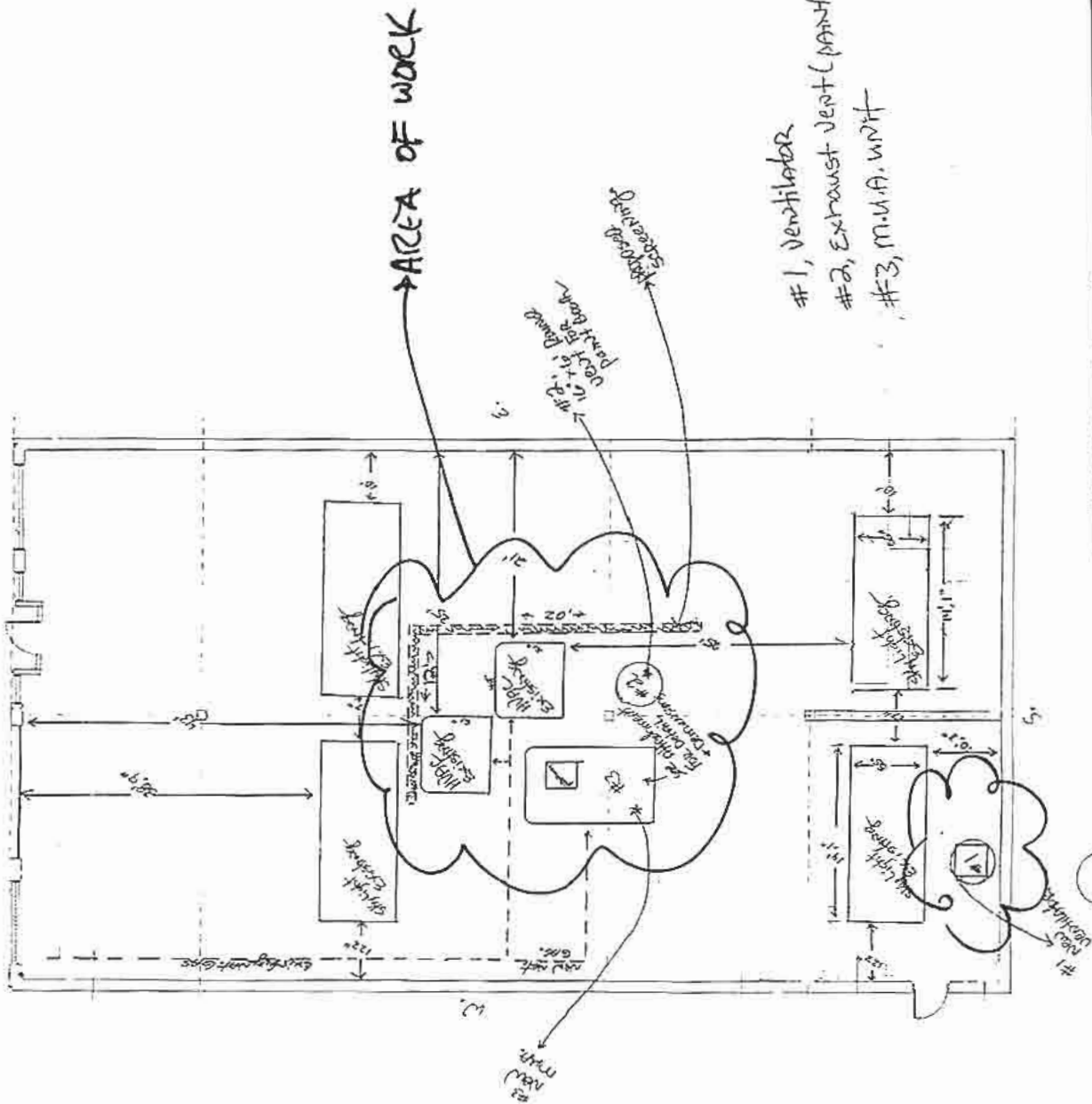
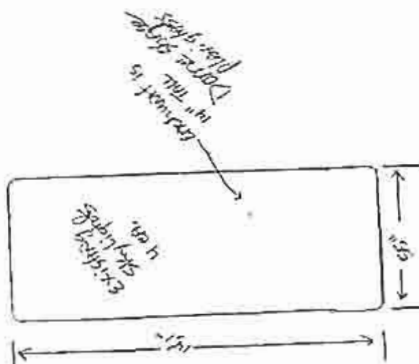
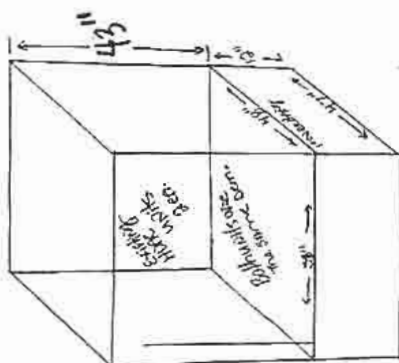
NW 8th AVENUE

City of Portland - Bureau of Development Services
Planner 4/11/08 ALL GOUCH ST
* Approved *
Date 4/11/08
* This approval applies only to the reviews requested and is subject to additional zoning requirements may apply.
* This approval applies only to the reviews requested and is subject to additional zoning requirements may apply.
* This approval applies only to the reviews requested and is subject to additional zoning requirements may apply.

CASE NO. 08-110493 DZ
EXHIBIT C-1

SITE
PLAN

EXISTING ROOFTOP UNITS



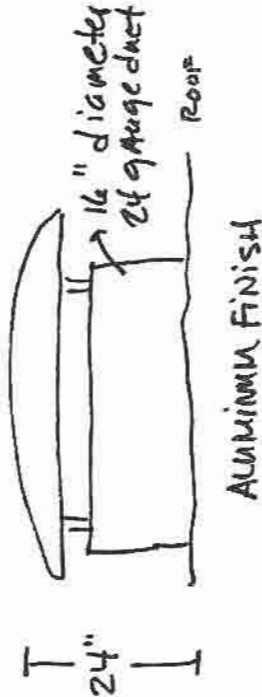
Approved*
 City of Portland - Bureau of Development Services
 Planner SM Date 4/11/08
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

Planner: gml
 Date: 4/11/08
 City of Portland - Bureau of Development

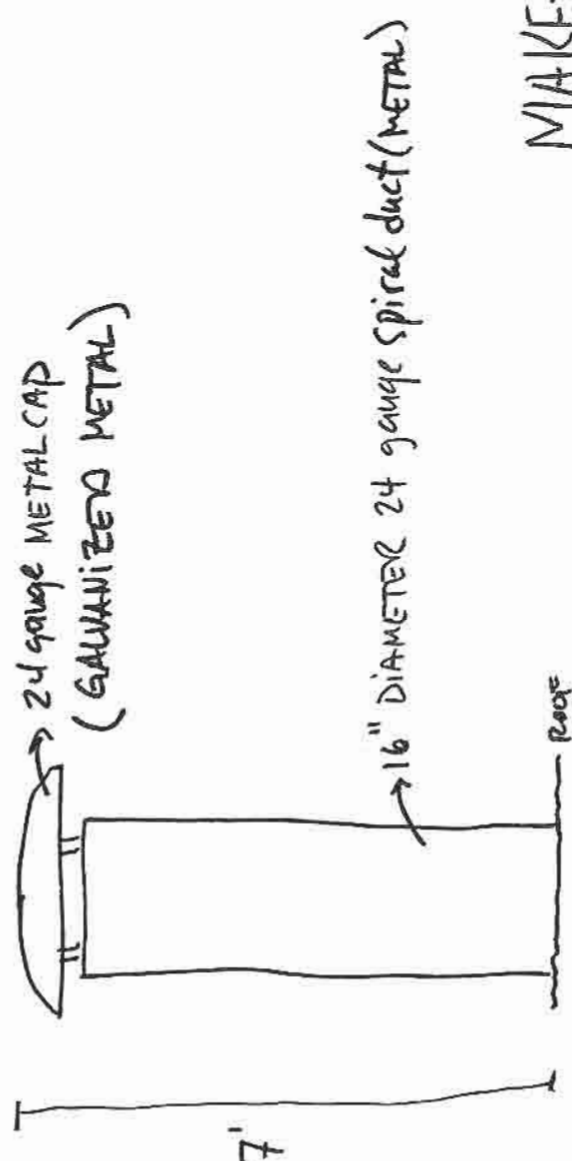
PROPOSED MECHANICAL UNITS

*Approval of Development is subject to the review requirements of the City of Portland. Additional zoning requirements may apply.

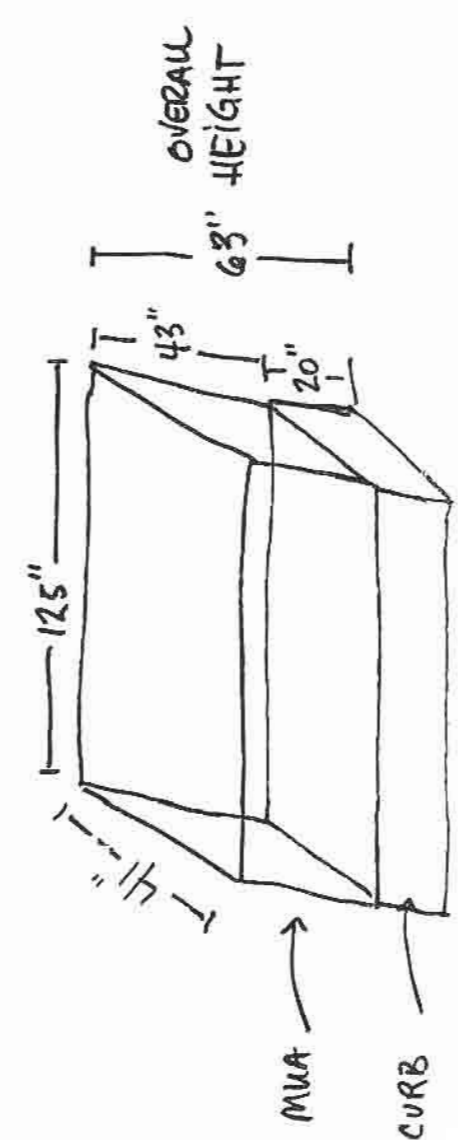
POTTERY ROOM VENTILATOR (#1)



PAINT BOOTH EXHAUST VENT (#2)



MAKE-UP AIR UNIT (#3)



2'18" x 4 1/2" Rake Flash CAP

CB-WS-100 Wall Flash Seam panel 1'x12" 24 gauge color Porchment SR53.9

HORIZONTAL

5'4"

-065 x 6' x 6" steel plate

• PAINTED TO MATCH BLDG BASE COLOR

ROOF SCREEN

Section 1/2" x 1.0'

City of Portland - Bureau of Development Services
Planner S. M. M. Date 4/1/08
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

CASE NO. OB-11049302
EXHIBIT C-5

Framing

