



City of Portland, Oregon
Bureau of Development Services
Land Use Services

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Date: February 4, 2009
To: Interested Person
From: Chris Beanes, Land Use Services
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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 08-182722 DZ, ROOFTOP MECHANICAL

GENERAL INFORMATION

Applicant: Michael Malstrom 503-628-6841
Willamette HVAC
3075 SW 234th Ave
Hillsboro OR 97123

Owner: Rhonde Scott,
Jefferson Watamull LLC
307 Lewers St #600
Honolulu HI 96815

Site Address: 2140 SW JEFFERSON ST

Legal Description: BLOCK E&56 SUB LOT 6 TL 5500, CARTERS ADD TO P
Tax Account No.: R140407830
State ID No.: 1S1E04BA 05500
Quarter Section: 3127
Neighborhood: Goose Hollow, contact Jerry Powell at 503-222-7173.
Business District: Goose Hollow Business Association, contact Angela Crawford at 503-223-6376.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - Goose Hollow
Zoning: CXds, Central Commercial with Design and Scenic overlays
Case Type: DZ, Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant proposes additional mechanical equipment on the roof of an existing building. Two HVAC units measuring 37" high by 48" long and 32" wide will be placed along the western edge of the building roof. The units are constructed of galvanized steel and will be painted gray to match the existing roof color. The building includes a 40" parapet that surrounds the entire roof.

Because the proposal is for an exterior alteration to an existing building within a design overlay, design review is required.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines
- 33.480 Scenic Resource Zone
- Goose Hollow District Design Guidelines

ANALYSIS

Site and Vicinity: The site is located within a pedestrian district and less than one-tenth of a mile from a MAX light rail station. Existing improvements to the approximately 39,3500 square foot site include an extensive commercial development comprised of three buildings and off-street parking. The applicant's proposal is to be located on the NW quadrant of the site adjacent SW Jefferson Street on the rooftop of a three-story building. This building lies within the SW Vista Avenue Bridge View Corridor. The surround vicinity includes high-density residential development and commercial buildings. The City of Portland Transportation System Plan classifies SW Jefferson Street as a Community Mainstreet and City Walkway. Community Main Streets are designed to accommodate motor vehicle traffic, with special features to facilitate public transportation, bicycles, and pedestrians. City Walkways are intended to provide safe, convenient, and attractive pedestrian access to activities along major streets and to recreation and institutions; provide connections between neighborhoods; and provide access to transit.

Zoning: The Central Commercial (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 Design Overlay Zone [d] promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The Scenic Resource Zone (s) is intended to:

- Protect Portland's significant scenic resources as identified in the *Scenic Resources Protection Plan*;
- Enhance the appearance of Portland to make it a better place to live and work;
- Create attractive entrance ways to Portland and its districts;
- Improve Portland's economic vitality by enhancing the City's attractiveness to its citizens and to visitors;
- Implement the scenic resource policies and objectives of Portland's Comprehensive Plan.

The purposes of the Scenic Resource zone are achieved by establishing height limits within view corridors to protect significant views and by establishing additional landscaping and screening standards to preserve and enhance identified scenic resources.

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

- LU 004-82 VZ – Approval of a variance request to reduce the east front yard from the required 20 feet to zero and to allow 13 parking spaces between the structure and the transit street.
- LU 238-86 VZ – Approval of increase in lot coverage on the middle parcel to 43% and to 37% on the east parcel. Approval of the balance as requested with the condition that there be no sight-obscuring structures or vegetation within 14 feet of the curb along SW Market.
- LU 04-025192 DZ- Approval of an air conditioning unit installation on a building roof per the approved Exhibits C-1 through C-3, signed and dated 7/14/04, subject to the following condition:

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **December 26, 2008**. The following Bureaus have responded with no issues or concerns:

- Life/Safety Section of BDS responded with the following comment: “A separate Mechanical Permit is required for the work proposed. OMSC 106.1”, please see Exhibit E.1.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on December 26, 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

[1] 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.
- The conservation, enhancement, and continued vitality of the identified historic, scenic, architectural, and cultural values of each design district.
- That the characteristics of an historical landmark, which led to it becoming a historic landmark, are conserved.
 - High quality of design of public and private projects.

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 district guidelines. The Central City Fundamental and Goose Hollow Design Guidelines apply to this site.

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.

Goose Hollow District Design Guidelines and Central City Fundamental Design Guidelines

The Goose Hollow District is envisioned to be a predominantly urban residential, transit-oriented community located on the western edge of the Central City between Washington Park and Downtown Portland. When riding light rail through the West Hills tunnel to the Central City, it is the first neighborhood experienced before entering downtown Portland. The Urban Design Vision celebrates the sense of arrival from the west at Jefferson Street Station and Collins Circle, and from the north at the Civic Stadium Station and Fire Fighter's Park. This is done by integrating the history of the community with its special natural and formal (man-made) characteristics.

Goose Hollow District Design Goals

The Goose Hollow District Design Goals are specific to the Goose Hollow District. These urban design goals and objectives are to:

- Enhance mixed-use, transit-oriented development around the light rail stations to make it a pedestrian-friendly station community.
- Provide open spaces to accommodate active public life.
- Strengthen connections to adjacent neighborhoods through light rail, bike and pedestrian access and assure a safe and pleasant bike/pedestrian environment.
- Preserve and enhance the community's history and architectural character.

Staff has addressed only the applicable design guidelines for this development proposal.

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

Findings for C11: The exterior cabinet design for the air conditioning units and its color and finish will provide screening to enhance views to the downtown skyline and from other buildings and vantage points. The unit is appropriately sized for the rooftop layout and in relation to other, existing mechanical system components. The proposed paint color closely matches the existing rooftop, visually blending-in the unit with its immediate surroundings. The existing 3'-4" parapet minimizes the appearance of the equipment as the proposed equipment is 3" lower than the parapet. A matte finish helps prevent surface glare that would draw attention to the mechanical system and away from the Vista Bridge View Corridor. In addition, the units are not within the Scenic Corridor since the building is setback approximately 120 feet south from SW Jefferson Street, and the scenic corridor extends approximately 60 feet south from Jefferson Street towards the property. *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

The applicant's proposal for additional rooftop mechanical equipment is modest, and potential impacts from the equipment will be minimized due to the existing parapet height, placement away from the parapet, and orderly alignment. The proposal merits design review approval.

ADMINISTRATIVE DECISION

Approval of:

- Additional mechanical equipment on the roof of an existing building. Two HVAC units measuring 37" high by 48" long and 32" wide will be placed along the western edge of the building roof as indicated on the approved site plan. The units will be constructed of galvanized steel and will be painted gray to match the existing roof color.

Approval per the approved site plans, Exhibits C-1 through C-2, signed and dated February 2, 2009, 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.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-182722 DZ. No field changes allowed."

Decision rendered by:  on February 2, 2009

By authority of the Director of the Bureau of Development Services

Decision mailed: February 4, 2009

Staff Planner: Chris Beanes

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 December 10, 2008, and was determined to be complete on **December 18, 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 December 10, 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 February 18, 2009** 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. 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. 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 **February 19, 2009 – (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.

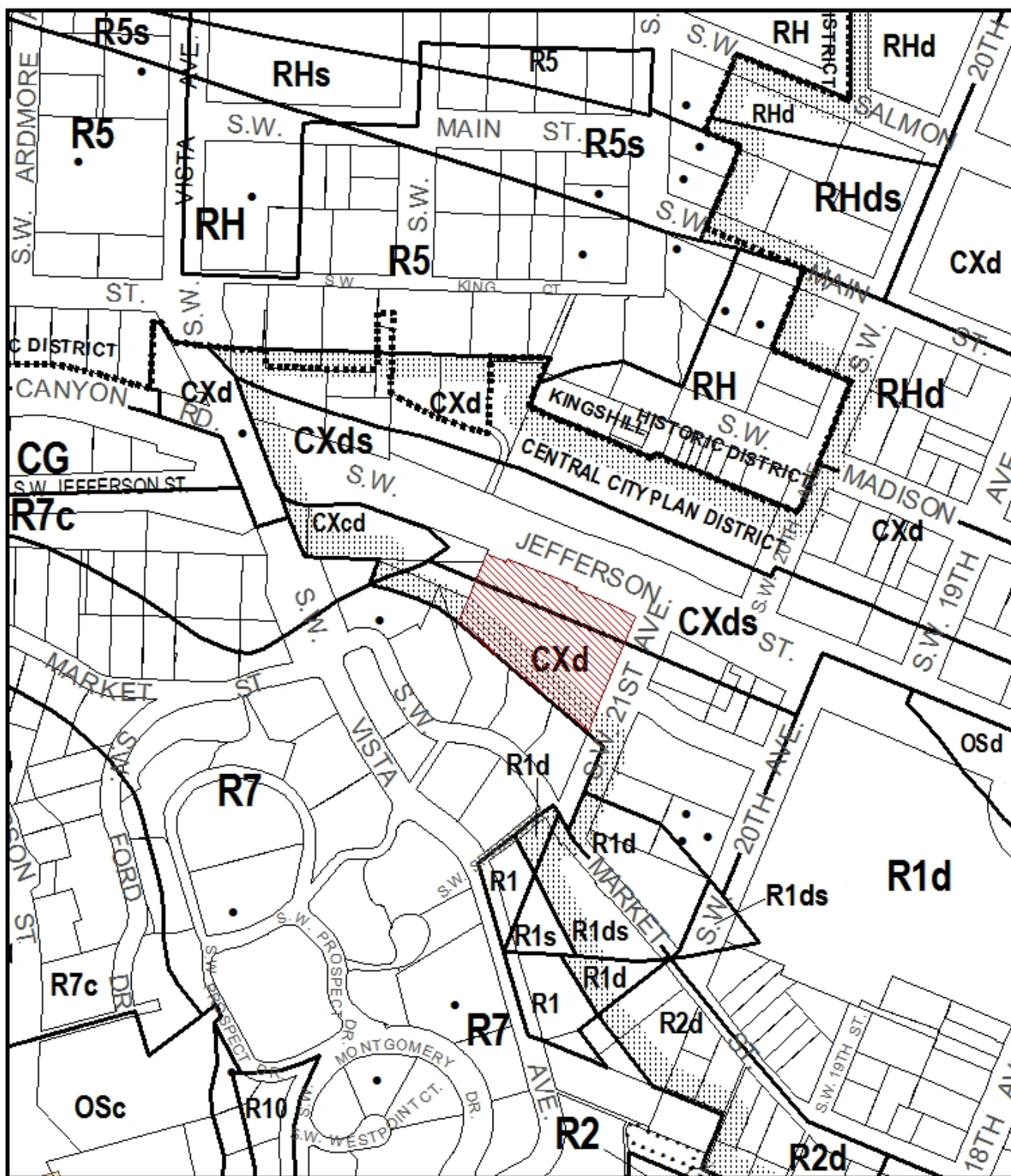
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan/Elevation (attached)
 - 2. Roof Plan/Equipment detail (attached)
- D. Notification information:
 - 1. Mailing list

- 2. Mailed notice
- E. Agency Responses:
 - 1. Site Development Review Section of BDS
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Mechanical Cutsheet Data

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



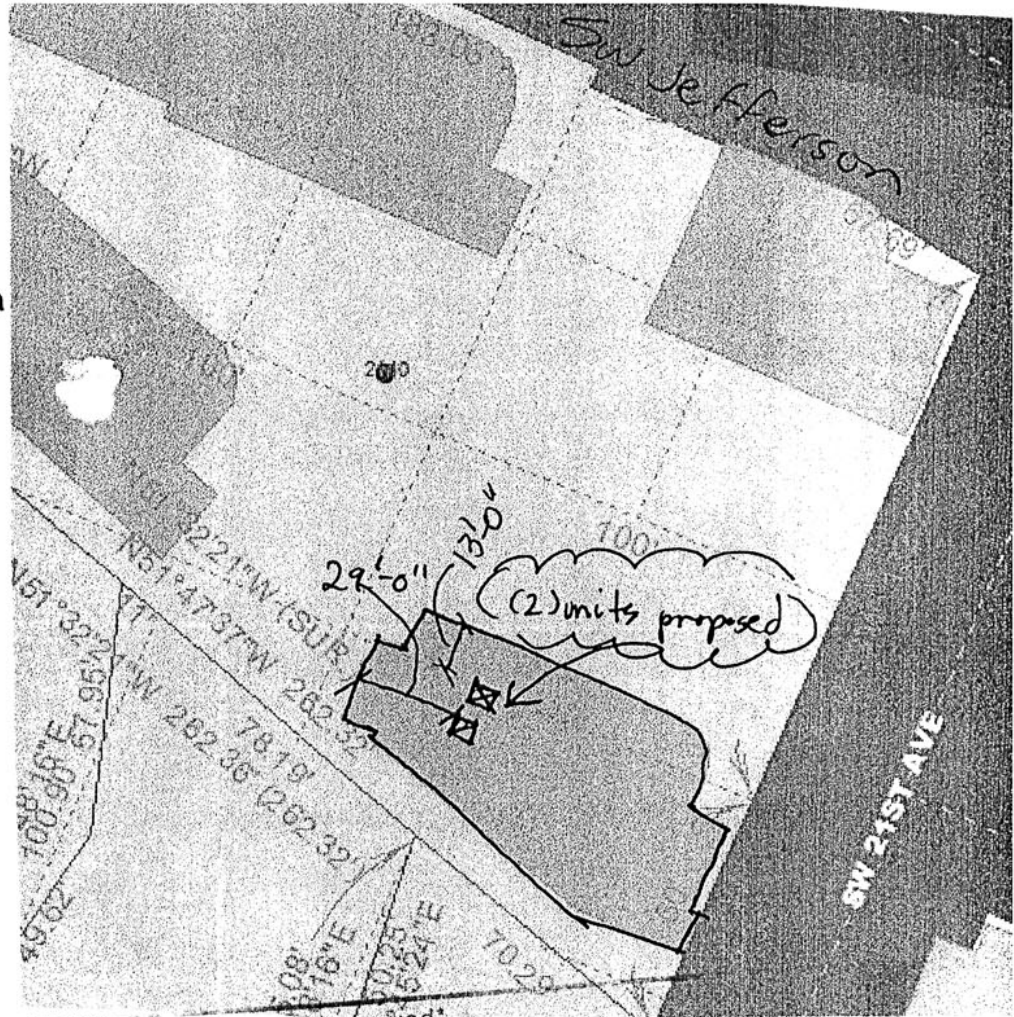
Historic Landmark



NORTH

File No.	LU 08-182722 DZ
1/4 Section	3127
Scale	1 inch = 200 feet
State_Id	1S1E04BA 5500
Exhibit	B (Dec 12, 2008)

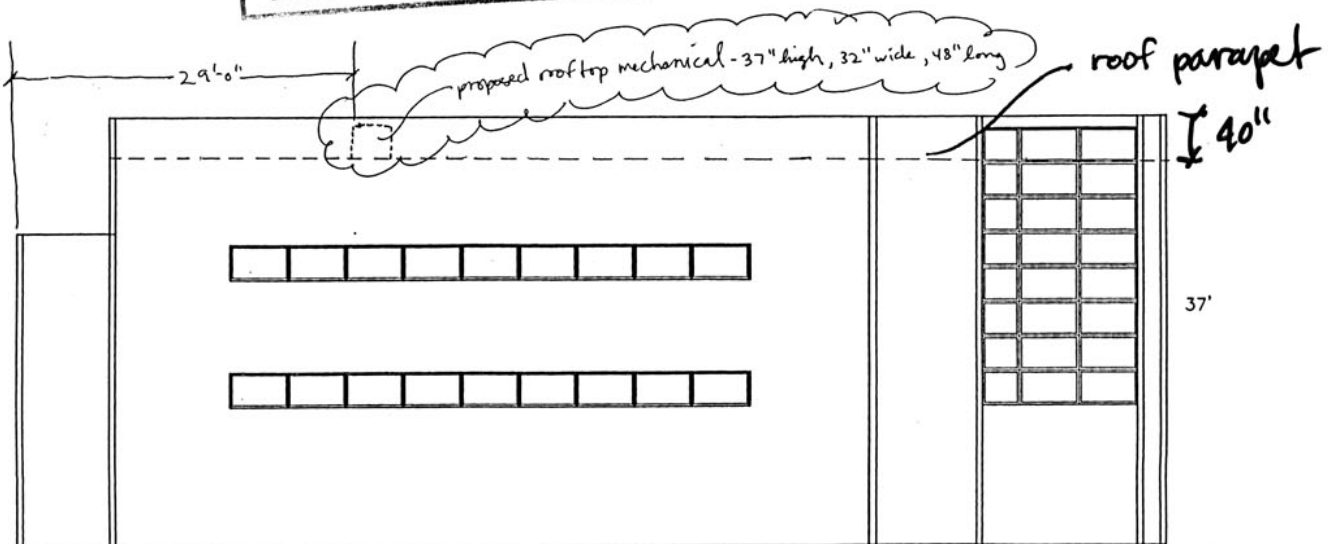
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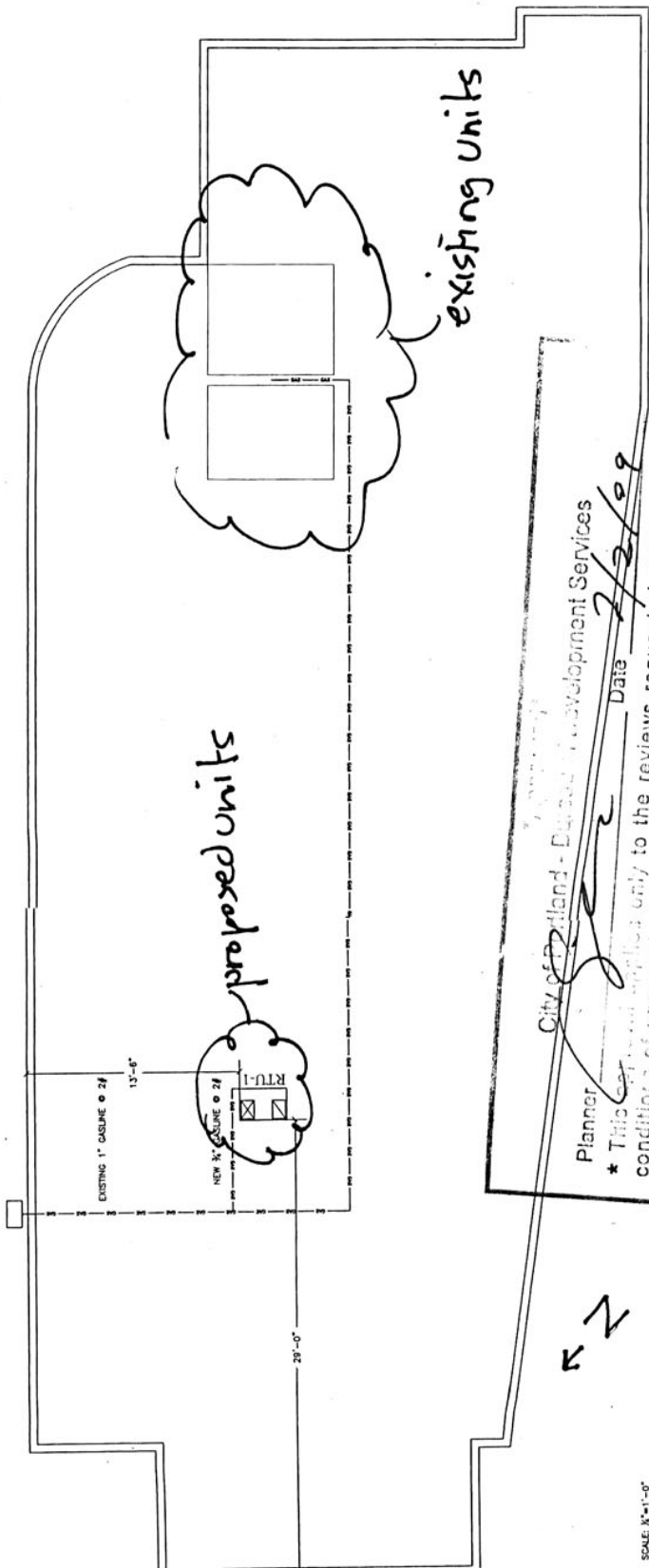
*Approved

Date 2/2/09

* This fee applies only to the reviews requested and is a condition of approval. Additional zoning requirements may apply.



LV08-182722 DZ Exhibit C-1



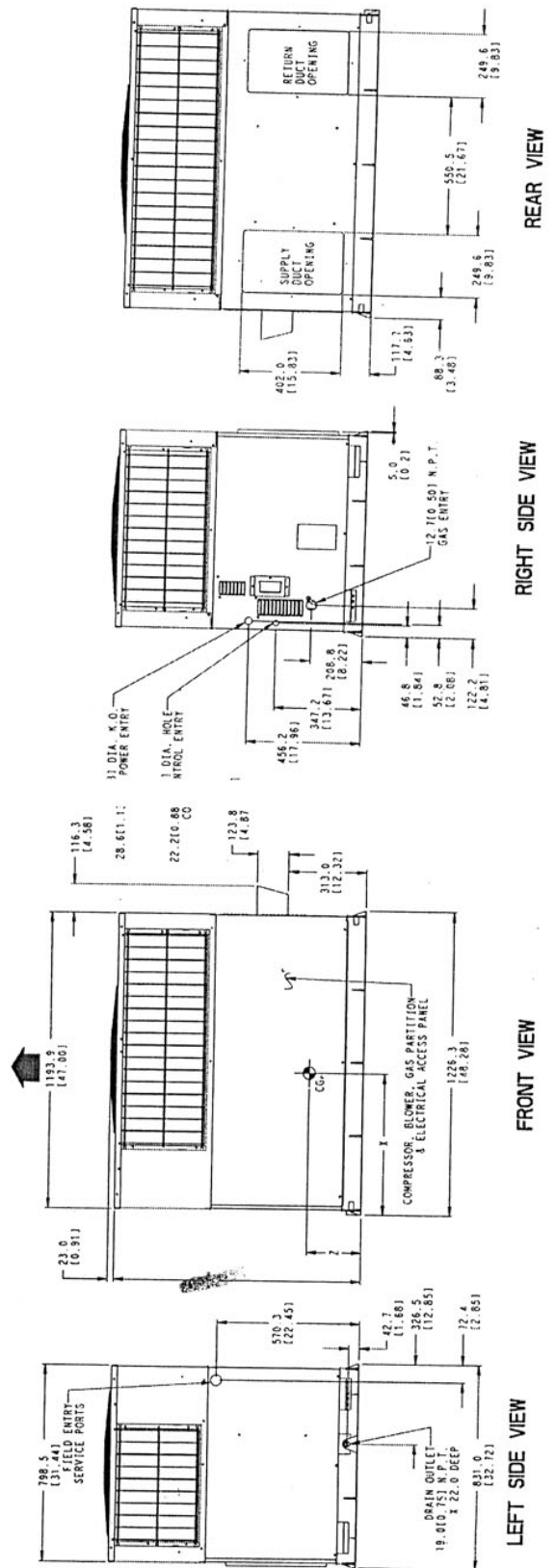
City of Portland - Development Services
Planner: [Signature] Date: 2/2/09

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

SCALE: 1/8"=1'-0"

Roof Plan

Proposed unit detail



LU08-182722DZ
Exhibit C.2