



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

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Date: February 19, 2009
To: Interested Person
From: Staci Monroe, 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 09-102377 DZ – DESIGN REVIEW FOR NEW MECHANICAL EQUIPMENT

GENERAL INFORMATION

Applicant: Oregon State Board of Higher Education (owner)
PO Box 3175
Eugene, OR 97403-0175

Representative: Quinn Soifer, 503-725-4316
PSU Facilities
617 SW Montgomery Street, Suite 202
PO Box 751
Portland OR 97207-0752

Site Address: 710 SW JACKSON STREET

Legal Description: W 30' OF LOT 1 BLOCK 196, PORTLAND; E 70' OF LOT 1 BLOCK 196, PORTLAND; EXC PT IN HWY LOT 2 BLOCK 196, PORTLAND; TL 8500 LOT 7 BLOCK 196, PORTLAND; W 44' OF N 30.9' OF LOT 8 BLOCK 196, PORTLAND; N 17.4' OF W 28.7' OF E 56' OF LOT 7 BLOCK 196 W 28.7' OF E 56' OF LOT 8 BLOCK 196, PORTLAND; TL 8600 LOT 7&8 BLOCK 196, PORTLAND; N 17.4' OF E 27.3' OF LOT 7 BLOCK 196 E 27.3' OF LOT 8 BLOCK 196, PORTLAND

Tax Account No.: R667720570, R667720590, R667720610, R667720780, R667720790, R667720810, R667720830, R667720850

State ID No.: 1S1E04DA 08200, 1S1E04DA 08300, 1S1E04DA 08400, 1S1E04DA 08500, 1S1E04DA 07900, 1S1E04DA 08000, 1S1E04DA 08600, 1S1E04DA 08100

Quarter Section: 3228

Neighborhood: Downtown Cmty Assoc., contact Jennifer Geske at 503-750-9843.

Business District: Downtown Retail Council, contact Stephen Pirkl at 503-274-7682.

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

Plan District: Central City - University 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 a ground-mounted mechanical cooling unit at the rear of the PSU Native American Center building located at 710 SW Jackson Street. The unit's dimensions are 8'-3"(w) x 7'-8"(d) x 4'-7"(h). The unit will sit on a concrete pad at a notched portion of the building's rear stepped façade. An 8'-0" tall chain link fence is proposed along the west and south sides for security purposes. Western Red Cedar evergreen shrubs are proposed along the fence perimeter with a spacing of 4'-0" on center to soften the fence and screen the unit from the limited surrounding viewpoints. Metal refrigerant piping affixed above the adjacent windows and encased in a metal surround painted to match the wall would connect the unit to the building's interior.

Exterior alterations to an existing development with a Design overlay zone in the Central City Plan District require 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

ANALYSIS

Site and Vicinity: The 17,054 square foot site is located at the south end of the South Park Blocks, bordered by SW Jackson to the north, SW Broadway to the east and SW Park to the west. The site sits at the south edge of the University campus, downtown and the South Park Blocks. The southern part of the site descends in a steep grade, dropping 14'-0" to I-405. From east to west, the site also has a slight upward grade.

The immediate vicinity is comprised of buildings associated with Portland State University, as well as mid-rise residential and office uses. Portland State University's Tennis Courts and associated surface parking lot lie directly north of the site. Northeast of the site is a 10-story mixed-use development with ground level retail, two floors of University-related offices and classrooms and seven stories of student housing. To the west is the tip of the South Park Blocks, the I-405 overpass and a residential tower. This intersection of SW Jackson and Park, at the northwest corner of the site, is a designated University District gateway.

Zoning: The CX, Central Commercial, 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", Design, 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: There have been many land use reviews for projects on the PSU campus. The only cases solely associated with this site are listed below:

- **LU 02-00012 DZM** - A 2002 Design Review approval with modifications for the PSU Native American Center with classrooms, gathering and gallery functions with an accessible roof garden.
- **LU 03-152617 DZ** - A 2003 Design Review approval for the addition of a "vertical marker" near the amphitheater at the southwest corner of the site, change from metal rails in one

north façade opening to an aluminum storefront system, 6'-wide path along the south lot line, instead of the previously approved 3'-wide path, louvers, instead of a skylight window, in one roof opening at the north elevation and two mechanical vents at the south elevation roof.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **January 23, 2009**. The following Bureaus have responded with no issues or concerns:

- Plan Review Section of BDS (refer to Exhibit E-1)
- Bureau of Environmental Services (refer to Exhibit E-2)
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Transportation Engineering
- Bureau of Parks-Forestry Division

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on January 23, 2009. 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.

B2. Protect the Pedestrian. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

Findings: The new mechanical unit will be located at the rear, south side of the building and site. This location is the furthest from all the adjacent pedestrian walkways along SW Park, SW Broadway and SW Jackson. The I-405 freeway along the south side of the property is approximately 14' below the grade of the site and does not contain any pedestrian access. The unit will be placed in a notch in the building's rear façade limiting its visibility to the sidewalk on SW Park. A chain link screen enclosure and an evergreen shrub landscape screen comprised of Western Red Cedars planted 4'-0" on center will ensure the unit is screened from this sole viewpoint. In addition, the unit's location is over 150' from the SW Park and is set within a depressed grade. This area behind the building between SW Park and the unit is heavily planted with mature landscaping. The unit placement and landscaping will reduce its visibility thereby reinforcing the pedestrian system. *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 metal chain link fence proposed around the mechanical unit for security is a durable material and appropriate quality given the adjacent I-405 right-of-way and existing chain link security fencing along the freeway property line. The Western Red Cedar shrubs proposed along the base of the fence are a low maintenance evergreen shrub that requires little pruning and moderate watering to fill in to create a green screen. *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.

Findings: The unit's location on the ground at the rear of the building and not on the rooftop will ensure the architectural integrity of this single story building is preserved. The unit's placement within a notch of the building's rear façade sits within the wall planes thus working with the vocabulary of the building's design. The metal chain link fence to surround the unit for security purposes will be screened with an evergreen hedge of Western Red Cedar shrubs limiting views of this rear addition on the building. The refrigerant piping that connects the unit to

the building will located along the east wall above the unit and encased in a metal surround painted to match the building wall. These measures ensure a coherent design that complements the existing building. *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 proposed mechanical unit and associated fence and landscape screening reduces the visibility of the unit while retaining the integrity of the single story building. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a 8'-3"(w) x 7'-8"(d) x 4'-7"(h) mechanical unit at the rear of the subject building with an 8'-0" tall chain link fence and Western Red Cedar shrubs. per the approved site plans, Exhibits C-1 through C-4, signed and dated 2/17/09, 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.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 09-102377 DZ. No field changes allowed."

Decision rendered by:  on February 17, 2009
By authority of the Director of the Bureau of Development Services

Decision mailed: February 19, 2009

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 January 14, 2009, and was determined to be complete on **January 21, 2009.**

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 14, 2009.

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 March 5, 5009** 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 **March 6, 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 (attached)
 - 2. Enlarged plan view with landscape details (attached)
 - 3. Mechanical Unit & Fence Elevations (attached)
 - 4. Mechanical Unit Detail
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Plan Review Section of BDS

2. Bureau of Environmental Services

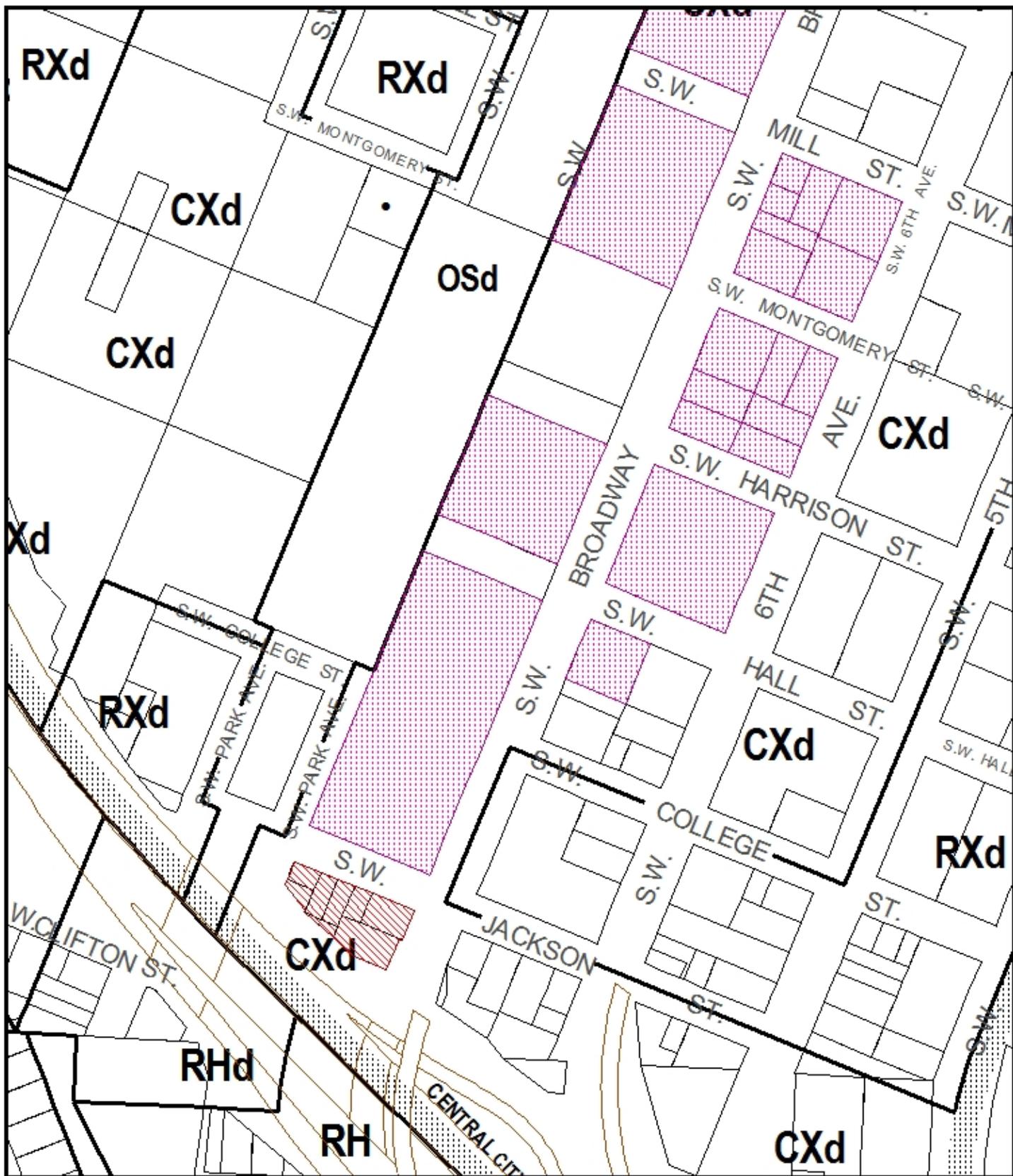
F. Correspondence: none.

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



This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	LU 09-102377 DZ
1/4 Section	3228
Scale	1 inch = 200 feet
State_Id	1S1E04DA 8200
Exhibit	B (Jan 16,2009)

