



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

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Portland, Oregon 97201
503-823-7300
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TTY 503-823-6868
www.portlandonline.com/bds

Date: March 21, 2011
To: Interested Person
From: Chris Caruso, Land Use Services
503-823-5747 / Christine.Caruso@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 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 11-113330 DZ **337 NW BROADWAY ROOFTOP EQUIPMENT AND LIGHTS**

GENERAL INFORMATION

Applicants: Dan Petrescu
Hennebery Eddy Architects
921 SW Washington, Suite 250
Portland, OR 97205

Owners: Charles Bauer
Bauer Storage, LLP
4120 NW Niblick Pl.
Portland, OR 97229

Site Address: 333 NW BROADWAY

Legal Description: BLOCK 50 LOT 5&8 EXC E 10' IN NW BROADWAY, COUCHS ADD;
BLOCK 50 LOT 7, COUCHS ADD

Tax Account No.: R180204420, R180204480

State ID No.: 1N1E34CB 05100, 1N1E34CB 04500

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 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 exterior alterations to the former Bauer Storage Building for a new tenant in the River District subdistrict of the Central City Plan District that includes the following:

- Three new, downward-facing security light fixtures on the north-facing facades for the west parking lot;
- Painting security light fixture conduit to match wall surfaces;
- Four new exhaust fans on top of 726 NW Flanders Building roof
- Two new make-up air units on top of 726 NW Flanders Building roof
- New two-sided ribbed metal equipment screen on top of 726 NW Flanders Building roof, painted to match existing ribbed metal parapet fascia panels on building
- Height of rooftop screen to align with the topmost portion of any rooftop equipment.

Non-conforming upgrades are not triggered with this review as the total valuation of exterior and interior improvements do not exceed the code valuation. Because the proposal is for exterior alterations to a building in the 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:

- 33.825 Design Review
- Central City Fundamental Design Guidelines
- River District Design Guidelines

ANALYSIS

Site and Vicinity: The site occupies three-eighths of the block bounded by NW 8th Ave, NW Broadway, NW Flanders, and NW Everett with one-half of the west elevation fronting the North Park Blocks. The property is developed with a combined two and one-story commercial building and two on-site parking lots, one on NW 8th and one on NW Broadway.

The surrounding area includes a variety of development types and uses. Directly west of the site is the North Park Blocks. Nearby buildings facing the North Park Blocks are typically industrial or commercial structures from the early twentieth century, usually built right to the lot line. Surrounding buildings to the north, south, and east include other low-rise commercial and warehouse structures of varying styles as well as new and renovated multi-story residential buildings

The city's adopted *Transportation System Plan (TSP)* designates NW Broadway as a Transit Access Street, City Bikeway and Community Main Street. NW Flanders is a City Bikeway and NW 8th Ave is a Local Service Bikeway and Enhanced Pedestrian Street. The site is within the Northwest Triangle Pedestrian District and the River District Parking Sector 5.

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. Retail Sales and Service, Office, and other commercial uses are allowed in this zone by right.

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.

The Central City Plan District 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 that address special circumstances existing in the Central City area.

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

- LU 10-151292 DZ, approval of exterior building renovations.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **February 24, 2011**. The following Bureaus have responded with no issues or concerns:

- Life Safety Review Section of BDS (Exhibit E-1)
- Water Bureau (Exhibit E-2)
- Bureau of Environmental Services (Exhibit E-3)

The following Bureaus had no comments:

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 24, 2011. 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 a remarkable place within the region. The area is rich with special and diverse qualities that are characteristic of Portland. Further, the River District accommodates a significant portion of the region’s population growth. This area emphasizes the joy of the river, connections to it, and creates a strong 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. Enhance, Embellish and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

A5-1. Reinforce Special Areas. Enhance the qualities that make each area distinctive within the River District, using the following "Special Area Design Guidelines" (A5-1-1 – A5-1-5).

A5-1-2. Reinforce the Identity of the North Park Blocks Area. This guideline may be accomplished by:

- 1) Creating a sense of enclosure for the North Park Blocks with buildings which are at least two or preferably more stories in height.
- 2) Locating garage entrances and driveways away from Park Block facades.
- 3) Using neon, or indirectly-lit signs, rather than internally-lit signs.

Findings for A5, A5-1 and A5-1-2: The new equipment screen and external site illumination is consistent with the pedestrian-oriented nature of the River District and North Park Blocks. The screen is integrated into the overall façade design and continues a pattern of rooftop equipment screening seen on other buildings in the area. The addition of a taller rooftop screen on top of the existing one-story building creates a stronger building wall along the North Park Blocks. *These guidelines are therefore met.*

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.

C3-1. Integrate Parking. Design parking garage exteriors to visually integrate with their surroundings. This guideline may be accomplished by:

- 1) Designing street facing parking garages to not express the sloping floors of the interior parking.
- 2) Designing the sidewalk level of parking structures to accommodate active uses, display windows, public art or other features which enhance the structure's relationship to pedestrians.

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 for C2, C3, C3-1, C4 & C5: The proposed equipment screen is constructed of steel framing and ribbed sheet metal siding, both of which are durable materials conveying a sense of quality and permanence to the building. The screen material matches the parapet fascia material in color and profile, creating a cohesive design composition of matching materials around the entire building. The security lights are downward-facing fixtures and will be minimally visible as part of the overall building composition by having the conduit tucked tightly underneath the roof flashing and painted to match the wall surface. Their placement along the southern edge of the parking lot allows for security lighting without negatively impacting the experience of the Park Blocks due to the fixtures' downward facing bulbs which do not shine light outward or off-site. *These guidelines are therefore met.*

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

C12. Integrate Exterior Lighting. Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.

Findings for C4, C5, C11 & C12: The proposed equipment screen allows for new equipment to be installed on the roof while shielding it from view. The screen is integrated into the overall building design by being rectangular in shape, horizontal in mass, and constructed of materials already present on the upper portion of the building. The equipment and screen location allows for unencumbered views of the Central City's skyline and also shields views of the equipment from other building or vantage points. The parking lot lights are downward-facing fixtures and will be minimally visible as part of the overall building composition by having the conduit tucked tightly underneath the roof flashing and painted to match the wall surface. *These guidelines are therefore met.*

D1. Park Blocks. Orient building entrances, lobbies, balconies, terraces, windows, and active use areas to the Park Blocks. In the South Park Blocks, strengthen the area's emphasis on history, education, and the arts by integrating special building elements, such as water features or public art. In the Midtown Park Blocks, strengthen the connection between the North and South Park Blocks by using a related system of right-of-way elements, materials, and patterns. In the North Park Blocks, strengthen the area's role as a binding element between New China/Japantown and the Pearl District.

Findings: The proposal supports the pedestrian character of the North Park Blocks by allowing for the continued adaptive reuse of the building. The proposal reinforces the additional commercial linkages between New China/Japantown and the Pearl District, thereby strengthening the North Park Blocks' role as a binding element between these two areas. *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 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 rooftop screen and light fixture additions to the Bauer Storage Building fit the overall architectural design of the building, are made of quality materials, allow for continued use of the building, do not negatively impact the North Park Blocks, and fit the established commercial and retail patterns of the River District. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Design review approval of exterior alterations to the former Bauer Storage Building for a new tenant in the River District subdistrict of the Central City Plan District that includes the following:

- Three security light fixtures on the north-facing facade;
- Security light fixture conduit painted to match wall surfaces;
- Four new exhaust fans on top of 726 NW Flanders Building roof;
- Two new make-up air units on top of 726 NW Flanders Building roof;
- New two-sided ribbed metal equipment screen on top of 726 NW Flanders Building roof, painted to match existing ribbed metal parapet fascia panels on building; and
- Height of rooftop screen to align with the topmost portion of any rooftop equipment.

Approved per the approved site plans, Exhibits C-1 through C-8 signed and dated March 17, 2011, 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.8. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-113330 DZ. No field changes allowed."

Staff Planner: Chris Caruso

Decision rendered by:  **on March 17, 2011.**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 21, 2011

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 15, 2011, and was determined to be complete on **February 22, 2011.**

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 15, 2011.

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 24, 2011.**

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 4, 2011** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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. Assistance in filing the appeal 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 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 5, 2011 – (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.

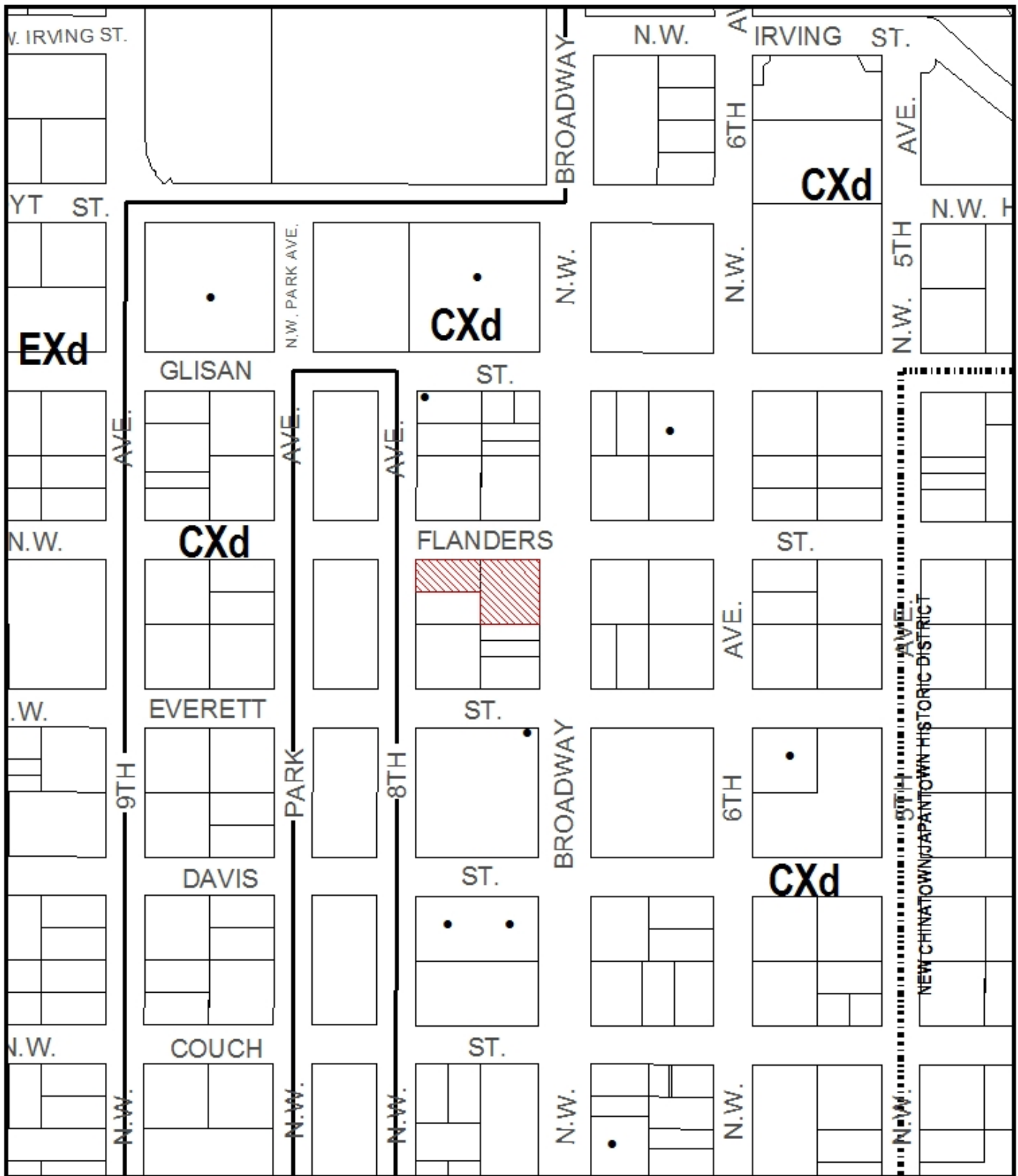
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements
 - 1. Narrative
 - 2. Valuation
 - 3. Installation Approval
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Roof Plan (attached)
 - 3. Elevations (attached)
 - 4. Elevation (attached)
 - 5. Details
 - 6. Hood Drawing
 - 7. Equipment Cut-sheets
 - 8. Light Fixture Cut-sheet
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:


1. Life Safety Review Section of BDS
 2. Water Bureau
 3. Bureau of Environmental Services
- F. Correspondence: none received
- 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. 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).



ZONING

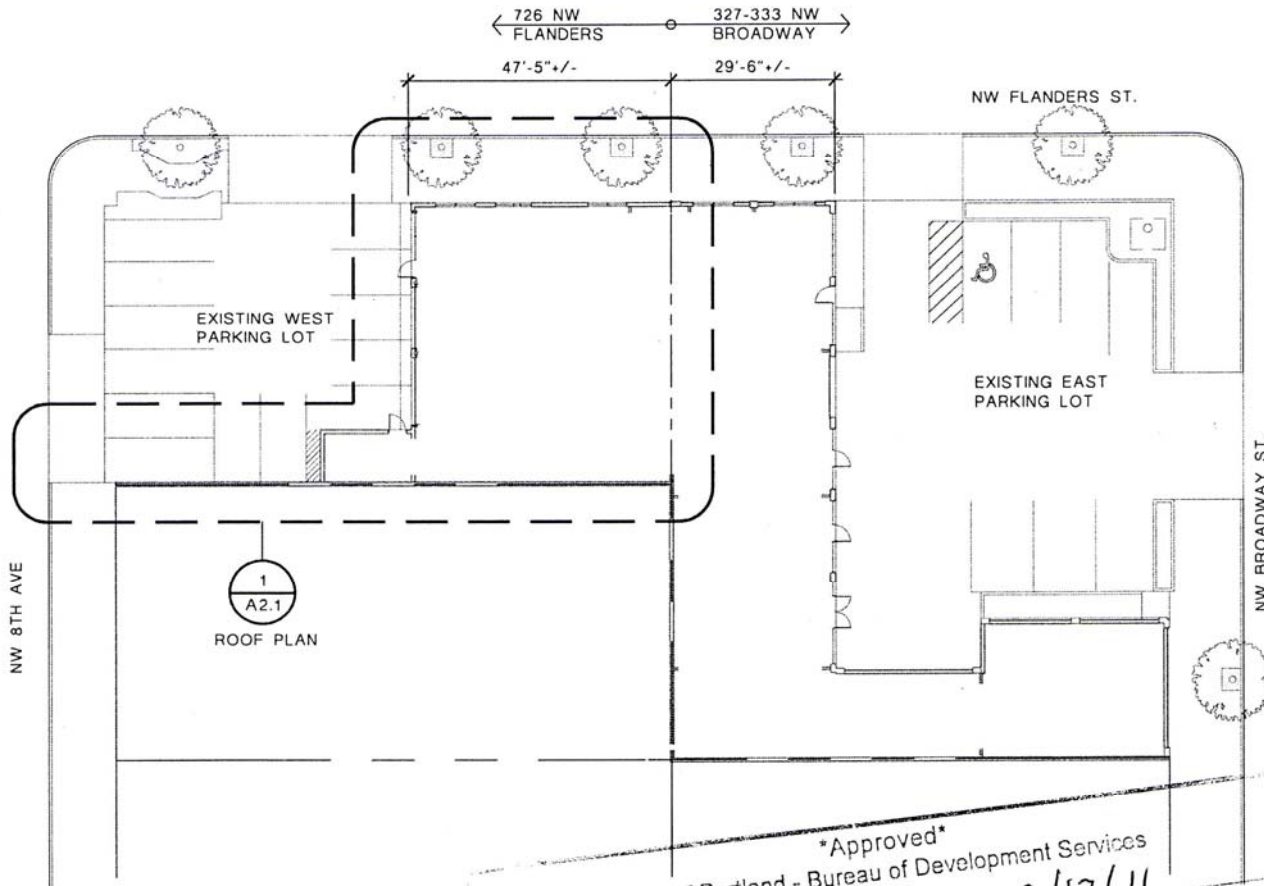
 Site

 Historic Landmark



This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	<u>LU 11-113330 DZ</u>
1/4 Section	<u>3029</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E34CB 4500</u>
Exhibit	<u>B (Feb 16, 2011)</u>



Approved

City of Portland - Bureau of Development Services

Planner C. [Signature] Date 3/17/11

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

1 EXISTING SITE PLAN

SCALE: 1/30"=1'-0"

0 15' 30'

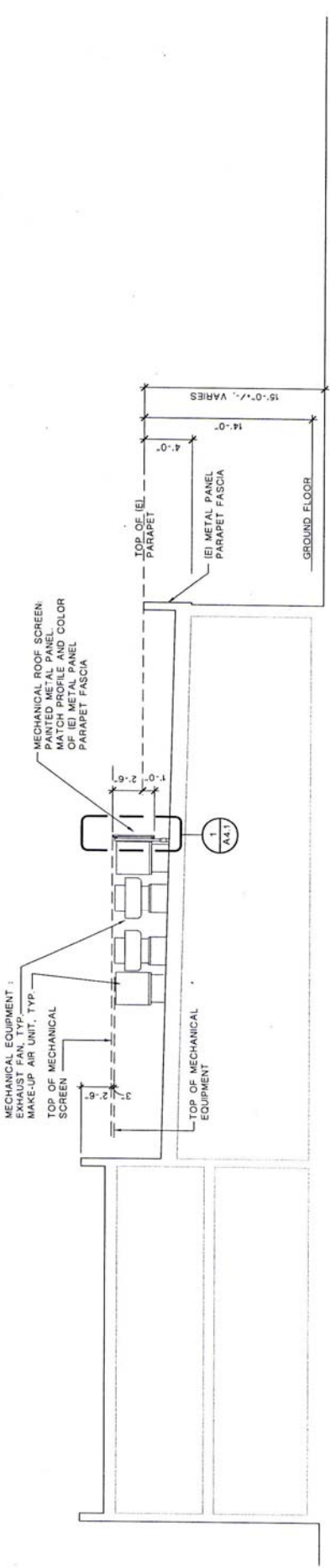
LU11-113330 DZ
EXH.C-1

COVER SHEET
SITE PLAN

BROADWAY & FLANDERS
ROOFTOP EQUIPMENT

A1.1

337 NW BROADWAY
Portland, Oregon 97209
HEA Project no. 11004



2 BUILDING SECTION AT MECHANICAL SCREEN

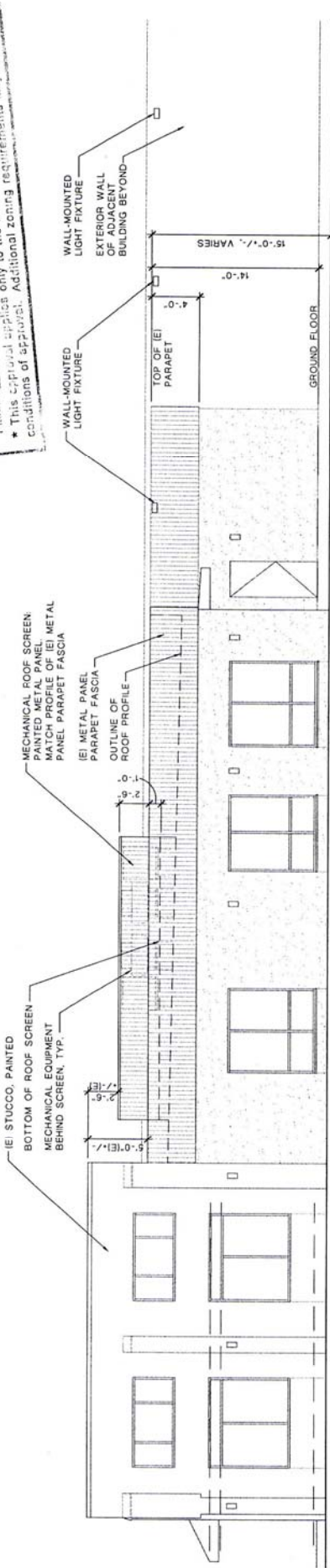
SCALE 1/8"=1'-0"

Approved

City of Portland - Bureau of Development Services

Date 3/17/11

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



1 NW FLANDERS ST. (NORTH) ELEVATION

SCALE 1/8"=1'-0"

11-113330 DZ

EXH. C-3

Hennebery Eddy Architects
 615 NW FLANDERS STREET, SUITE 200
 PORTLAND, OREGON 97209
 503.227.8811 FAX
 503.227.8811

Client: PDC/ BAUER STORAGE LP

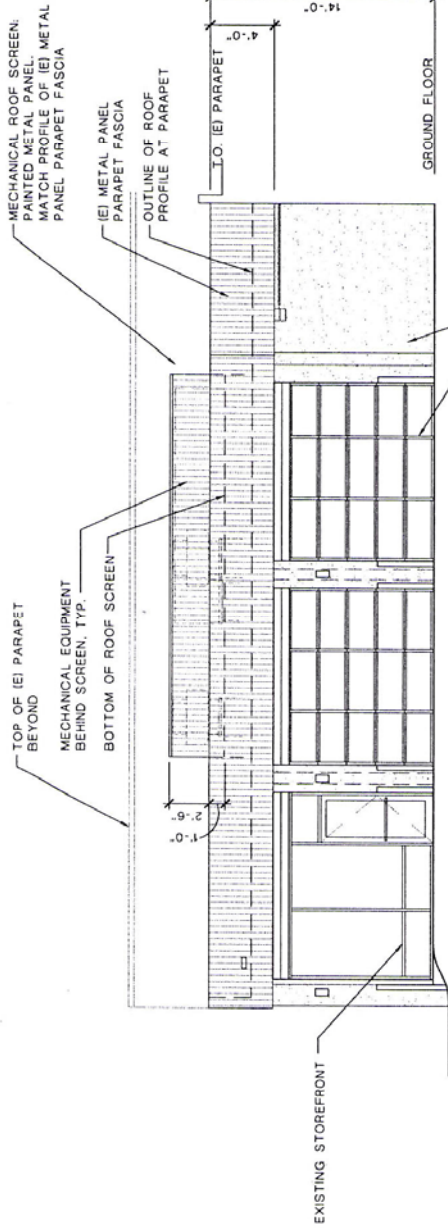
Date: DESIGN REVIEW: 11 FEBRUARY 2011
 NOT FOR CONSTRUCTION

NORTH ELEVATION & SECTION

A3.1

BROADWAY & FLANDERS ROOFTOP EQUIPMENT
 337 NW BROADWAY
 Portland, Oregon 97209
 HEA Project no. 1004

Copyright 2011 Hennebery Eddy Architects, Inc.



1 NW 8TH AVE. (WEST) ELEVATION

SCALE 1/8"=1'-0"



Approved
Bureau of Development Services

Date 3/17/11

City of Portland - Bureau of Development Services

Planner: *[Signature]*
* This approval applies only to the reviews requested and is not valid to other conditions of approval. Additional zoning requirements may apply.

LU 11-113330 D2

EXH. C-4

Hennebery Eddy Architects

815 NW INDUSTRIAL AVENUE, SUITE 200
PORTLAND, OREGON 97208
(503) 227-4880 FAX
(503) 227-4881
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Date: DESIGN REVIEW: 11 FEBRUARY 2011
NOT FOR CONSTRUCTION

Client: PDC/
BAUER STORAGE LP

BROADWAY & FLANDERS
ROOFTOP EQUIPMENT
337 NW BROADWAY
Portland, Oregon 97209
HEA Project no. 11004

WEST ELEVATION

A3.2