



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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Date: January 23, 2012
To: Interested Person
From: Mark Bello, Land Use Services
503-823-7810 / Mark.Bello@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 11-192298 DZ **505-515 SW 10TH AVENUE ROOFTOP MECHANICAL UNITS**

GENERAL INFORMATION

Owner	Applicant	Applicant's Representative
511 SW 10th LLC 621 SW Alder St #605 Portland, OR 97205	Todd Grant, CFO Infinity Internet, Inc. 1101 SE Tech Center Dr. Suite 150 Vancouver, Wa 98683	Ryan Schera Group Mackenzie 1515 SE Water Ave Ste 100 Portland OR 97214

Site Address: 505-515 SW 10TH Avenue

Legal Description: BLOCK 253 LOT 1&2, PORTLAND
Tax Account No.: R667727990
State ID No.: 1N1E34CC 05800
Quarter Section: 3029

Neighborhood: Portland Downtown, contact Jennifer Geske at 503-750-9843.
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - Downtown
Zoning: CXd, Central Commercial with design overlay zone

Case Type: DZ , Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal: The subject site is located at the southwest corner of SW Washington Street and SW 10th Avenue. The application requests design review approval for installation of equipment on the existing building's lower rooftop located at the northeast corner:

- A generator is proposed to be installed in the northeast corner of the lower rooftop. The existing structural support, skids and curbs that previously supported a now-removed mechanical unit will be replaced with a new steel beam support structure. The beam support structure is 25" high. The 9'-3" tall generator would be set back 10' from the edge of the east parapet. The parapet is 43" high.
- The existing air handler units are proposed to be set back approximately 9 to 12 feet from the edge of the north parapet.
- Associated wiring and piping.

Because this proposal is for exterior alterations in a design district, design review is required. Note this building previously received design approval for a cooling tower at the opposite corner of the roof (LU 11-142367 DZ).

Relevant Approval Criteria:

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

- 33.825 Design Review
- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The site is developed with a high-rise, modern office building with ground floor retail, built in 1956. The building itself is notable for its height and modern style in an area dominated by pre-war buildings, many of which are no more than five stories in height. The building is located in the northeastern quadrant of the block bounded by SW Alder, SW Washington, SW 10th and SW 11th Avenues. An associated parking deck occupies the northwest quadrant of the block, tapering down to a surface lot at the southwest quadrant.

There are similar units to the one proposed along the south edge of the building. On a recent site visit, these units did not stand out, nor create glare.

Portland's *Transportation System Plan* classifies SW 10th and 11th Avenues as Traffic Access Streets, Transit Access Streets, Central City Transit/ Pedestrian Streets, and Community Main Streets. SW 10th Avenue contains the northbound Portland Streetcar tracks and SW 11th Avenue contains the southbound tracks. SW Washington Avenue is designated as a Transit Access Street and City Walkway and SW Alder is a City Walkway. All surrounding streets are Local Service Bikeways and the site is within the Downtown Pedestrian District.

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.

The design (d) overlay zone 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.

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

- LUR 96-013700 DZ (reference file # 96-00813): Approval of new fabric awnings with new signs located at the awning valence and new downlighting for the sidewalk area only [the awning and valence signs are not illuminated, the downlighting is baffled with light-diffusing fabric], new planters for street trees, new metal picket fence, trellis, and security gate.
- LUR 99-016765 DZ (reference file # 99-00360): Approval to replace 4 windows on the west elevation with louvers.
- LUR 99-017032 DZ (reference file # 99-00627): Approval of 52 new dish antennas at six separate mounting sites at the mechanical penthouse roof level of an existing 13 -story office building and approval of new air conditioning mechanical equipment located on a lower roof of the building. At each mounting site, 8 or 10 antenna dishes are arranged in two horizontal rows within a structural metal framework; the dishes are shielded from view by screen panels that have acrylic fabric stretched over a metal framework.
- LU 02-111307 DZM: Approval of a proposal to construct an 8-foot tall metal enclosure for mechanical equipment on the open second-floor deck of an existing parking garage next to an office tower. The enclosure is to be 23'-0" by 23'-6" and is to be made of vertical metal siding finished to match the metal panels of the office tower. A 7'-0" high metal door is to face south. One new pipe is to extend out of the new mechanical enclosure and extend up the exterior chase of the office tower, and 4'-0" high bollards are to be placed around the enclosure at approximately 6 feet apart.
- LU 08-157982 DZ: Approval of one new exhaust duct measuring 0'-8" diameter and 8'-0" tall.
- LU 11-142367DZ – Approval of a cooling tower at the southwest corner of the roof.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **December 22, 2011**. The following Bureaus have responded with no issues or concerns:

1. Bureau of Environmental Services
2. Bureau of Transportation Engineering and Development Review
3. Water Bureau
4. Fire Bureau
5. Site Development Review Section of BDS
6. Bureau of Parks, Forestry Division
7. Life Safety Plans Examiner, BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on December 22, 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.

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 is 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.

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

Findings: The predesigned and manufactured generator is constructed with long-lasting materials. The unit is suited to outdoor installation on rooftops that are exposed to inclement weather. The applicant has submitted technical information as part of this application regarding construction and conformance with code (Exhibit A-2). *Therefore, this guideline is 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.

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 C3 and C5: The generator is proposed to be installed in the northeast corner of the roof. It minimizes impact upon the character of the building by careful placement in the same zone where other mechanical equipment is placed, that is, between the parapet wall and the mechanical penthouse wall. It will be non-reflective and so not introduce a contrasting material to the composition. The unit will be painted matte metal grey to lessen its reflectivity as well. The size of the unit relative to the

building's massing and mechanical penthouse does not reduce the coherency of the existing composition.

Therefore, with the condition of approval that the metal enclosure surrounding the generator is painted matte silver grey (or the same color as the building) these guidelines are 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 proposal meets the applicable design guidelines and therefore warrants approval. This unit is identical to other units on the roof so the visual impact is known. Glare is not an issue. Applicable design guidelines are met.

ADMINISTRATIVE DECISION

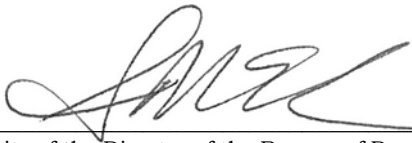
Approval of exterior alterations to the 505-515 SW 10th Avenue Building in the Downtown area of the Central City Plan District, specifically

- A generator is proposed to be installed in the northeast corner of the lower rooftop. The existing structural support, skids and curbs that previously supported a now-removed mechanical unit will be replaced with a new steel beam support structure. The beam support structure is 25" high. The 9'-3" tall generator would be set back 10' from the edge of the east parapet. The parapet is 43" high.
- The existing air handler units are proposed to be set back approximately 9 to 12 feet from the edge of the north parapet
- Associated wiring and piping

per the approved site plans, Exhibits C-1 through C-2, signed and dated January 23, 2012, 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 11-192298 DZ. No field changes allowed."
- B. The metal enclosure surrounding the generator shall be painted in a matte finish with paint matching the color of the building (that is, approximately metal or silver grey).

Staff Planner: Mark Bello

Decision rendered by:  **on January 19, 2012**
By authority of the Director of the Bureau of Development Services

Decision mailed: January 23, 2012

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 November 8, 2011, and was determined to be complete on **December 16, 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 November 8, 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: April 15, 2012**.

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 6, 2012** 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 and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617,

to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 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 7, 2012**. 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;

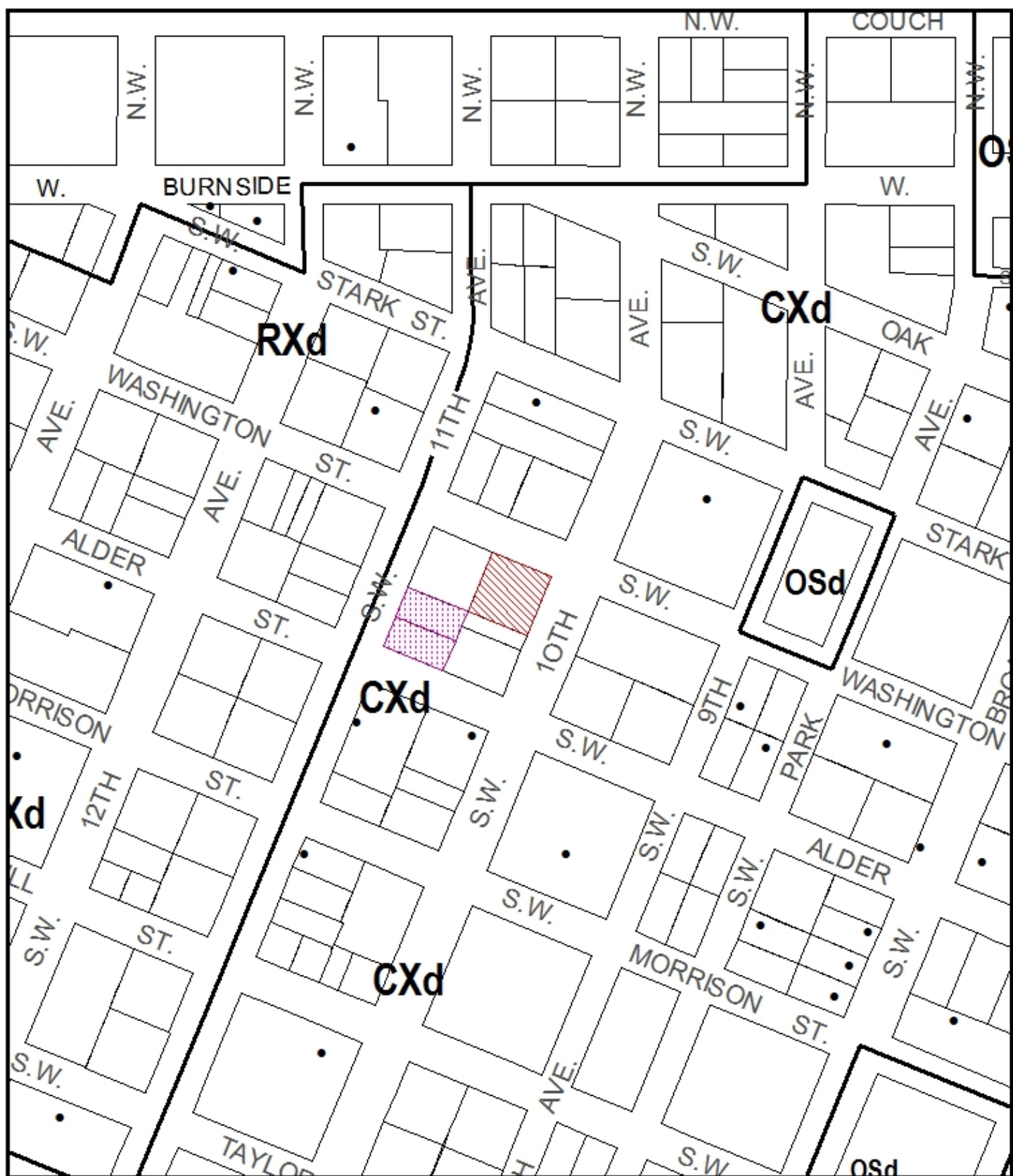
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS




NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings: (attached)
 - 1.1 Site Plan/Roof Plan
 - 1.2 Site Plan/Roof Plan (enlargement)
 - 2. Elevations
 - 3. Generator Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Life Safety Plans Examiner, BDS
- 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. 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
-  Also Owned
-  Historic Landmark



This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No. LU 11-192298 DZ
 1/4 Section 3029
 Scale 1 inch = 200 feet
 State_Id 1N1E34CC 5800
 Exhibit B (Nov 15, 2011)

SW Washington

SW 10th

Area of work
LU 11-192298DZ

1 SITE
NEW ROOF PLAN
SCALE: 1/4" = 1'-0"

LU 11-142367DZ

(Previous case)

Planner
* This plan is subject to all conditions of the permit. No warranty is made by the City of Seattle for any application. No part of this plan shall be used for any other purpose without the written consent of the City of Seattle.

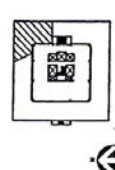
11/19/12

CASE NO. 11-192298DZ
EXHIBIT C1.1

ISSUE FOR PERMIT

G002

LU 11-192298

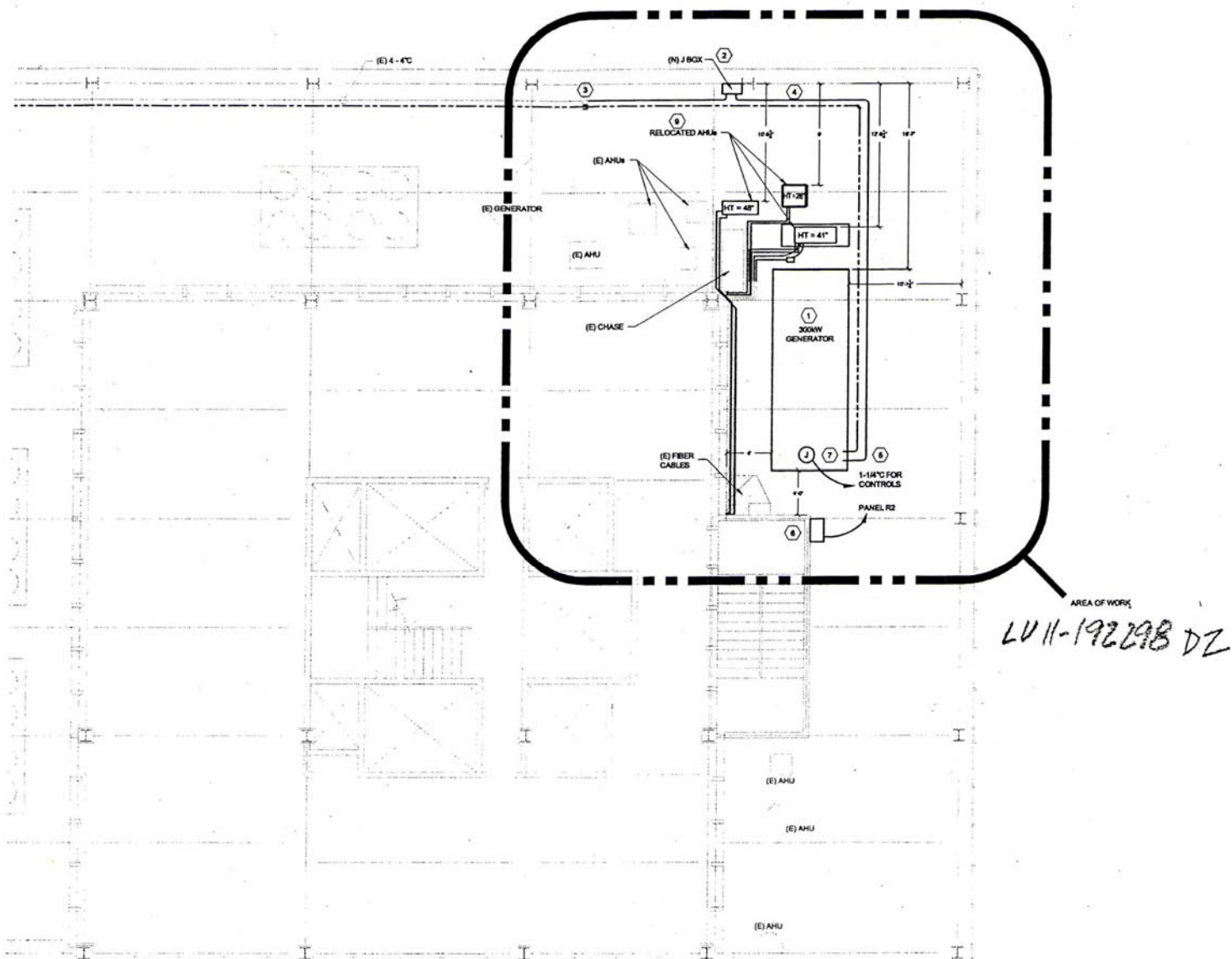


- KEY NOTES**
1. MECHANICAL CONTRACTOR TO INSTALL OWNER PROVIDED BATTERY GENERATOR.
 2. PROVIDE AND INSTALL 1/2" DIA. 1/4" THICK ANCHOR BOLTS TO CONCRETE SLAB AT 4' ON CENTER.
 3. INTERCEPT EXISTING AVAILABLE FEEDS AND EXTEND TO NEW JUNCTION BOX.
 4. PROVIDE AND INSTALL 1/2" DIA. 1/4" THICK ANCHOR BOLTS TO CONCRETE SLAB AT 4' ON CENTER.
 5. PROVIDE AND INSTALL 1/2" DIA. 1/4" THICK ANCHOR BOLTS TO CONCRETE SLAB AT 4' ON CENTER.
 6. PROVIDE AND INSTALL 1/2" DIA. 1/4" THICK ANCHOR BOLTS TO CONCRETE SLAB AT 4' ON CENTER.
 7. PROVIDE BATTERY GENERATOR AND CONNECT TO PANEL 12 WITH 1/2" DIA. 1/4" THICK ANCHOR BOLTS.
 8. EXTEND EXISTING 1/2" DIA. 1/4" THICK ANCHOR BOLTS TO NEW JUNCTION BOX.
 9. COORDINATE WITH OWNER AND STRUCTURAL ENGINEER FOR ANY REQUIRED REINFORCEMENT.



NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	11/19/12
2	REVISION	
3	REVISION	
4	REVISION	
5	REVISION	
6	REVISION	
7	REVISION	
8	REVISION	
9	REVISION	
10	REVISION	

NEW ROOF PLAN
511 BUILDING
300 KW GENERATOR



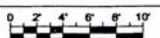
LU 11-192298 DZ

City of Portland - Development Services

Planner WB 1/19/12

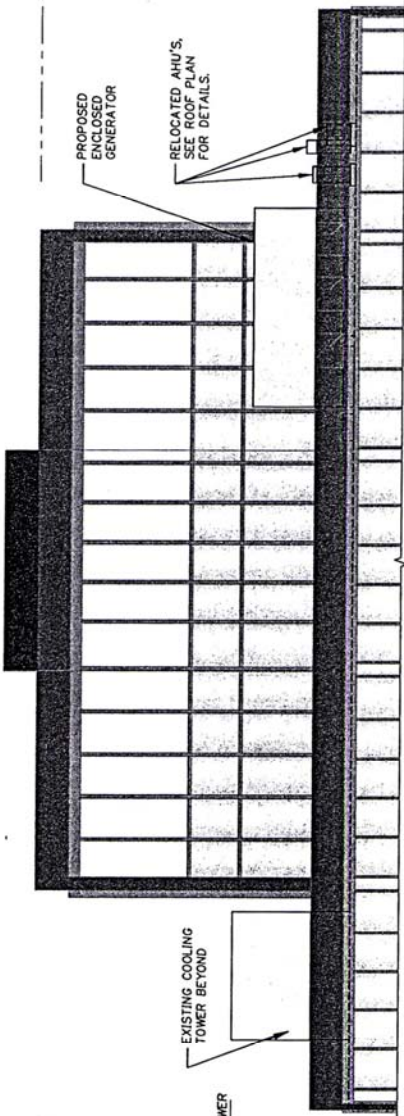
* This approval applies only to the services requested and is subject to all conditions of approval. Additional zoning requirements may apply.

1 **NEW ROOF PLAN**
SCALE: 3/16" = 1'-0"



CASE NO. 11-192298 DZ
EXHIBIT CL2

1/ EXISTING PENTHOUSE



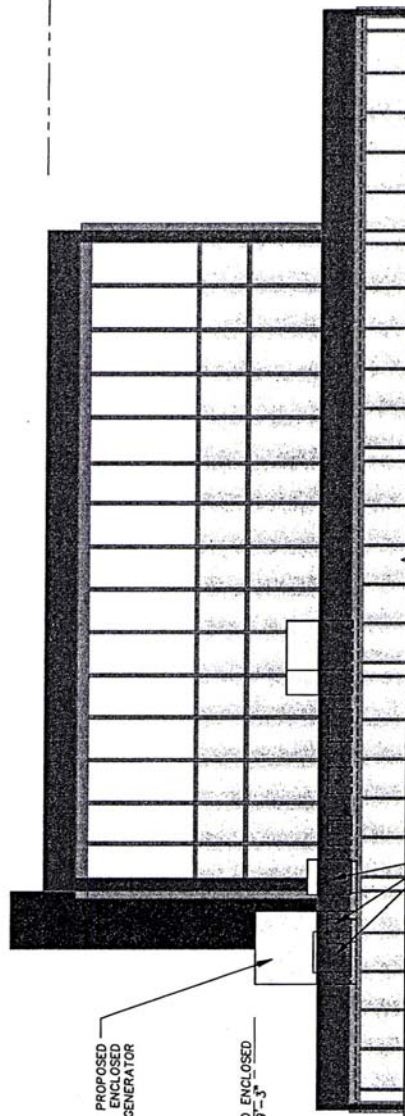
EAST ELEVATION
SCALE : 3/32" = 1'-0"

1/ PROPOSED ENCLOSED GENERATOR 9'-3"

1/ EXISTING PARAPET 4'-5-1/2"

1/ EXISTING ROOF

1/ EXISTING PENTHOUSE



NORTH ELEVATION
SCALE : 3/32" = 1'-0"

1/ EXISTING PARAPET 4'-5-1/2"

1/ EXISTING ROOF

Infinity Internet, INC
Color Elevations

December 05, 2011

CASE NO.
EXHIBIT

C2

Planner

* This app.
conditions

approval

VB

11/19/12

is subject to all
that may apply.