



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

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Date: 1/31/2022
To: Interested Person
From: Tanya Paglia, Land Use Services
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NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 21-107231 DZ – ROOFTOP MECHANICAL EQUIPMENT

GENERAL INFORMATION

Applicant: Karina Leyva | PKNW Construction LLC
 Po Box 3686 | Hillsboro, OR 97123
 pknwconstruction@gmail.com

Owner: Portlandia Holdings LLC
 2768 NW Thurman St | Portland, OR 97210-2205

Site Address: 2764 NW THURMAN ST

Legal Description: TL 8700 0.14 ACRES, SECTION 29 1N 1E
Tax Account No.: R941290510
State ID No.: 1N1E29DC 08700
Quarter Section: 2826

Neighborhood: Northwest District, contact Greg Theisen at 503-227-5430.
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Northwest
Zoning: CM2d – Commercial/Mixed Use 2 with Design Overlay
Case Type: DZ – Design Review
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:
 The applicant is seeking Design Review approval for new rooftop mechanical equipment on a building located in the Northwest Plan District. The proposal includes installation of an exhaust fan and make up air fan on a level platform located approximately 10’ from the edge of the building as well as rooftop mechanical vents.

Design Review is necessary because the proposal is for exterior alterations in a Design Overlay Zone.

Relevant Approval Criteria:

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

- Portland Citywide Design Guidelines

ANALYSIS

Site and Vicinity: The existing structure is a single-story, concrete, commercial style building. It is located on a 6,307 SF site and the building faces north onto NW Thurman St. The subject block is bounded by NW Thurman St to the north, NW Savier St to the south, NW 28th Ave to the west, and NW 27th Ave to the east. The building's historic name is the "Climax Garage" and it was built in 1921. Per the property's Oregon Inventory of Historic Properties Historic Resources Survey Form:

Distinctive characteristics embodied in the garage include the stepped parapet roof with coping, shield motifs capping the piers separating the bays, central double garage doors, transoms, and large storefront windows.

Portland's Urban Design Framework in the 2035 Comprehensive Plan designates NW Thurman St as a Corridor and designates the area as a Town Center. The Citywide Design Guidelines note that "Center, Corridors, and Transit Station Areas are poised for growth," and "Centers are envisioned to develop as the foundations that serve complete neighborhoods," and finally, "Town Centers anchored by high-employment and institutional uses will be supported with mid-rise development (five to seven stories or greater, depending on geography) that features a wide range of community services, commercial options, and housing." Per the Citywide Design Guidelines:

"corridors are areas of growth and redevelopment potential along busy, active streets. They define and are supported by surrounding neighborhoods. Important transportation functions of these corridors should be balanced with their roles in supporting businesses and residential livability with tree canopy and landscaped areas."

While Civic Corridors are wider, busier, prominent streets that can accommodate mid-rise development, Neighborhood Corridors like NW Thurman are narrower main streets with a mix of commercial and higher density housing development that should continue a compact urban form that enhances walkability. Development along Neighborhood Corridors should encourage them to be places that support vibrant neighborhood business districts with quality multi-family housing, while providing transportation connections that link neighborhoods. Per the City of Portland's 2035 Comprehensive Plan:

Neighborhood Corridors are narrower main streets that connect neighborhoods with each other and to other parts of the city. They have transportation, land use, and design functions that are important at a neighborhood or district level. They support neighborhood business districts and provide housing opportunities close to local services, amenities, and transit lines. They are streets that include a mix of commercial and higher-density housing development. This policy is intended to balance the important transportation functions of Neighborhood Corridors with their roles in supporting the viability of business districts and residential livability.

The site is located in the Northwest Plan District which implements the Northwest District Plan which was adopted in 2003. The approximate boundaries of the Northwest Plan District are NW Vaughn St to the north, NW Couch St to the south, NW 15th Ave to the east, and NW 23rd Ave to the west, although a long westward spur exists beyond 23rd stretching out along NW Thurman St out to 28th Ave. The Northwest District Plan notes the following about the history of the neighborhood's built-environment and more recent state of development:

Much of Northwest Portland was officially platted into blocks and lots between 1869 and 1872. The area south of Hoyt and east of 15th was subdivided into standard 200 x 200 foot blocks by the early 1860s. Between 1866 and 1872 the same grid was extended in several stages westward to 19th and northward to Savier, and eventually to the

Willamette River with Watson's Addition (on part of the Blakiston Donation Land Claim). In 1870, Couch's widow and George Flanders subdivided the remaining western reaches of their Donation Land Claim with double-sized 200 by 460 foot blocks. This larger grid set the standard for subsequent subdivisions of the King and Balch Donation Land Claim lands.

By the end of the nineteenth century, streetcar lines were located along lengthy portions of Burnside, Northrup, Thurman, 16th and 23rd streets, and along smaller segments of several other streets in the area. The westward expansion of the streetcar system allowed residential development in the western portions of the Northwest Area, including the Balch Donation Land Claim and Willamette Heights, which were developed primarily after 1900. Another development initiated by the streetcar was the increasing concentration of commercial uses along the streetcar lines on Burnside, 16th, 23rd, Thurman, and Savier streets.

Today the district contains a diverse mix a mixture of residential, commercial and industrial land uses, reflecting its history as one of the city's most densely settled and complex urban areas. Existing commercial uses, especially retail operations are primarily located along established "main streets," such as NW 21st and NW 23rd Avenues, West Burnside Street, and to lesser degrees NW Thurman Street and NW 19th Avenue. Much of the area along NW 23rd and NW 21st Avenues, as well as portions of the south side of NW Thurman Street are characterized by storefront commercial development types. Industrial uses are primarily located north of NW Thurman Street and near the I-405 freeway. Both single dwelling and multi-dwelling residential uses are located throughout the area and help to define, and support the commercial corridors.

Good Samaritan Hospital and Medical Center, located between NW 23rd and NW 21st Avenues and NW Kearney and Pettygrove Streets is one the area's largest single land uses. The Medical Center's single-use, institutional campus is distinct from the finer grained urban pattern of the overall area.

NW Thurman is designated a Neighborhood Corridor, a Transit Access Street, a Major City Walkway, a City Bikeway, and a Neighborhood Collector Street. The site is not located in a Pedestrian District.

Zoning: The Commercial/Mixed Use 2 (CM2) zone is a medium-scale zone intended for sites in a variety of centers, along corridors, and in other mixed use areas that have frequent transit service. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to four stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.

The Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people's daily experience; and
- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

The Northwest Plan District implements the Northwest District Plan, providing for an urban level of mixed-use development including commercial, office, housing, and employment. Objectives of the plan district include strengthening the area's role as a commercial and residential center. The regulations of this chapter: promote housing and mixed-use development; address the area's parking scarcity while discouraging auto-oriented developments; enhance the pedestrian experience; encourage a mixed-use environment, with transit supportive levels of development and a concentration of commercial uses, along

main streets and the streetcar alignment; and minimize conflicts between the mixed-uses of the plan district and the industrial uses of the adjacent Guild’s Lake Industrial Sanctuary.

Land Use History: City records indicate there are no prior land use reviews for this property.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **December 7, 2021**. No agency review was provided given the scope of work.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **December 7, 2021**. 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 implements the Design overlay zone, strengthening these areas as places designed for people. Design review supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces.

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 Portland Citywide Design Guidelines.

Portland Citywide Design Guidelines

The Portland Citywide Design Guidelines consist of a set of guidelines for design cases in community planning areas outside of the Central City. The Portland Community Design Guidelines focus on three tenets: **Context**, balancing the aspirations of the future desired character with today’s setting; **Public Realm**, strengthening a building and site’s relationship with the public rights-of-way and open spaces; and **Quality And Resilience**, underscoring holistic site and building designs that benefit people and climate.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

01: Build on the character, local identity, and aspiration of the place.

Possible design approaches may include, but are not limited to:

- Community - Relating to the local community’s identity, history, and cultural values and places.
- Architecture - Taking cues from desired character of existing architecture.
- Nature - Reflecting and enhancing local natural resources such as rivers, streams, buttes and vegetation.

06: Integrate and minimize the impact of parking and building services.

Possible design approaches may include, but are not limited to:

- Vehicles and Parking - Screening and buffering vehicle areas from pedestrians and integrating parking into the building design.
- Utilities, Trash and Recycling - Siting and screening utilities, trash, and recycling enclosures away from public realm.
- Vaults - Integrating and concealing vaults within open areas.
- Stormwater Planters - Integrating stormwater with multiple uses, such as buffering, placemaking, and seating opportunities.
- Long-Term Bicycle Parking - Designing bicycle parking to encourage use by adding bike lobbies and bike repair amenities.

08: Design for quality, using enduring materials and strategies with a coherent approach.

Possible design approaches may include, but are not limited to:

- Unity - Expressing a clear and coherent design approach to unify building.
- Articulation - Highlighting function, hierarchy, or spaces through small breaks in form.
- Application of Exterior Materials - Expressing the building design with hierarchy, shifts or repetition.
- Quality of Materials - Providing quality, resilience, and durability in construction and execution of details.
- Building Openings - Offering permeability, depth, and texture.

Findings for 1, 6, and 8: The proposed rooftop mechanical equipment on the *Climax Garage*, a single-story commercial building built in 1921, is located in a way that minimizes its impact on the public realm. Given the minimal size and scope of the proposed alterations and their location being confined to the roof and set back from the roof's edge, the project will not detract from the pedestrian experience, nor from the neighborhood character, nor will it impact the form and integrity of the existing building.

Portland's Urban Design Framework in the 2035 Comprehensive Plan designates NW Thurman St as a Neighborhood Corridor and designates the area as a Town Center. Thus, NW Thurman is designated as a street that should particularly foster a higher level of walkability, and the area generally should foster active uses and growth. The proposed rooftop equipment will not produce a negative effect on the pedestrian environment and the equipment will support a restaurant use that will activate the streetscape and add visual interest to the building, both day and night.

The existing building faces north onto NW Thurman St with no other street frontage. The proposed exhaust fan, make up air fan and platform will be located in the southwest quadrant of the building's roof. This location is set back far enough from the edge of the roof adjacent to the streetscape to reduce the negative visual and noise impacts mechanical equipment might produce.

The proposed rooftop equipment is well integrated with the building's design and respects the building's architecture. The front parapet is taller than the proposed rooftop equipment and the equipment is located on the back half of the building, more than 45' back from the street facing (north) façade that fronts on NW Thurman St. It is also located approximately 10' from the west edge of the building.

Overall, the rooftop mechanical's height is below the building's parapet and set back from the building's edges and is particularly setback from the front of the building where it meets the street. Thus, it will remain out of pedestrian site-lines, making no visual impact on the pedestrian realm while supporting a new, active restaurant use.

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 requirements of Title 11 can be met, and 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 proposed alterations are a minimal change on the roof of the building and do not adversely impact the character defining features of the property. The proposed rooftop location will limit visibility from the street and adjacent properties with the equipment set back far from the front of the building and located below the single-story building's sizable parapet's height. The visual impact of the rooftop equipment will be negligible, thus

maintaining compatibility with the surrounding area. 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.

ADMINISTRATIVE DECISION

Approval of new rooftop mechanical equipment on a building located in the Northwest Plan District, per the approved site plans, Exhibits C-1 through C-2, signed and dated 1/24/2022, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 21-107231 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Tanya Paglia



Decision rendered by: _____ **on 1/24/2022.**
By authority of the Director of the Bureau of Development Services

Decision mailed: 1/31/2022

Procedural Information. The application for this land use review was submitted on November 17, 2021, and was determined to be complete on December 3, 2021.

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 17, 2021.

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: 4/2/2022.**

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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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.

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **1/31/2022** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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.

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 for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Applicant's Written Statement
 - 2. Product Specifications
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Floor Plan, Section, Site & Location Plans (attached)
 - 2. Roof Plan and West Elevation (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: None received
- F. Correspondence: None received
- G. Other:
 - 1. Original LU Application
 - 2. Oregon Inventory of Historic Properties Historic Resources Survey Form

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).