



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: October 16, 2008
To: Interested Person
From: Shawn Wood, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-158442 HDZ ROOFTOP EQUIPMENT AT O.B. STUBBS BUILDING [HUNG FAR LOW BUILDING]

GENERAL INFORMATION

Applicant: Jo Anne Hong, Owner
2615 SE 73rd Ave
Portland, OR 97206-1130

Representative: Kurt Huffman Phone: (510) 229-8755
Hfl Project, Llc
3708 SW Canby Street
Portland, OR 97219

Site Address: **102-112 NW 4TH AVE**

Legal Description: LOT 2 BLOCK 28 S 20' OF LOT 3 BLOCK 28, COUCHS ADD
Tax Account No.: R180202130
State ID No.: 1N1E34CA 07900 **Quarter Section:** 3029
Neighborhood: Old Town-China Town, contact Carol McCreary at 503-984-4081.
Business District: Old Town Chinatown Business Association, contact Dorian Yee at 503-224-7066., Historic Old Town, contact Patrick Gortmaker at 503-222-3555.

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - River District
Other Designations: New Chinatown / Japan town Historic District
Zoning: CXd - Central Commercial with Design Overlay
Case Type: HDZ - Historic Design Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant requests Historic Design Review approval for two mechanical units to be installed on the rooftop of an existing two-story building. A new air conditioner would be located about 29, 29'-1/2", 18 and 78 feet from the north, south, west, and east roof edges respectively. A new exhaust fan would be located about 14, 53, 24, and 73 feet from the north, south, west,

and east roof edges respectively. The air conditioning unit measures 39-1/8" tall x 35" wide x 35" long. The other unit will be an exhaust fan that is 35-9/16" tall x 30-1/4" wide x 38-1/8" long.

New rooftop mechanical units on existing development in a historic district require Historic 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:

- 33.846 Historic Review
- Central City Fundamental Guidelines
- River District Design Guidelines

ANALYSIS

Site and Vicinity: The building is 14,000 square feet in size and is located in the southwest corner of NW 4th Avenue and NW Couch Street. The building was constructed in 1916. The two-story brick building is rectangular in plan and has a flat roof with parapet. Pilasters separate the bays and extend above the parapet. The site is located in New Chinatown/Japan town Historic District.

Portland's Transportation System Plan classifies NW 4th Avenue as a Traffic Access Street, Local Service Bikeway and City Walkway. NW Couch Street is designated a City Bikeway and Local Service Walkway. The site is within the North of Burnside Pedestrian District. Several Tri-Met bus routes 4, 17 serve NW 4th Avenue.

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:

- LU 05-131681 HDZ – *Approval of storefront remodel;*
- LUR 93-00648 DZ – *Approval of minor renovations.*

Agency Review: A *Notice of Proposal in Your Neighborhood* was mailed on **September 12, 2008**. The following Bureaus have responded with no issues or concerns:

- Portland Fire & Rescue;
- Portland Water Bureau;
- Life Safety Section of the Bureau of Development Services
- Bureau of Environmental Services;
- Urban Forestry Division of Portland Parks & Recreation;
- Bureau of Transportation Engineering & Development Review; and
- Site Development Section of the Bureau of Development Services.

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on **September 12, 2008**. No written comments in response to the proposal have been received from the neighborhood association (Old Town-China Town) or notified property owners.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846, Historic Reviews

Purpose of Historic Design Review

Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Design Review Approval Criteria

Requests for historic design review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is located within the New Chinatown/Japantown Historic District. Therefore the proposal requires historic design review approval. The relevant approval criteria are the River District Design Guidelines and the Central City Fundamental Design Guidelines.

River District Design Guidelines and Central City Fundamental Design Guidelines

The River District is planned to become a place that is remarkable within the region. The area is intended to grow rich with special and diverse qualities that are, or will become characteristic of Portland. Further, the River District will accommodate a significant portion of the region's population growth. The plan calls for the creation of a new community of dense neighborhoods, housing a resident population of over 15,000 people, and providing jobs, services, and recreation to this population and others. This area is intended to emphasize the joy of the river, connections to it, and create a 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.

A6. Reuse/Rehabilitate/Restore Buildings. Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

Findings: The new exhaust fan and air conditioner will permit necessary ventilation to occur for the commercial space. *This guideline is therefore met.*

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 proposed equipment will not detract from the pedestrian environment. Exhaust fan will be set back about 24'-2³/₄" and the air conditioner will be set back about 18'-10³/₄" from the west roof edge, which is the nearest street-facing roof edge. Because of the units' substantial setback from the street-facing roof edges, they will not impact the street level environment. *This guideline is therefore met.*

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

Findings: The exhaust fan (with associated ducting) will be set back about 7', 52', 24', and 72' from the north, south, east, and west roof edges, respectively. The air conditioner will be set back about 28', 37', 18', and 77' from the north, south, east, and west roof edges, respectively. Both units will be located in an area of the rooftop where there are existing mechanical units. These design strategies – sufficient setback and placement adjacent to existing mechanical units coupled with quality materials – ensure that the proposed units convey quality and performance in development. *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.

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

Findings for C3, C5, and C11: The addition of two mechanical units to the rooftop of the subject building will not impact its character or overall integrity. The exhaust

fan (with associated ducting) will be set back about 24'-2³/₄" and the air conditioner will be set back about 18'-10³/₄" from the west roof edge, which is the nearest street facing roof edge. When the building is viewed from the west side (NW 4th Avenue), the units will not be visible due to their setback. They also will be concealed from view by an existing rooftop mechanical unit that is much taller and closer to the west roof edge. When the building is viewed from the south (NW Couch Street), the units will not be visible due to their setback and the existence of a mechanical unit in front of them. Additionally, both units will be located in an area of the rooftop where there are existing mechanical units. The exhaust fan and air conditioner will not adversely affect views of downtown from taller buildings nearby.

The proposed units' substantial setback from all street-facing edges, their location behind existing mechanical units, and their placement in an area of the rooftop where there is an assembly of existing mechanical units, ensure that they will not detract from the design coherency of the subject building. *Therefore, 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 purpose of the historic design review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of two rooftop mechanical units, per the approved plans, Exhibits C.1 through C.4, signed and dated October 13, 2008, 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 08-158442 HDZ. No field changes allowed."

Decision rendered by:  on (October 13, 2008)

By authority of the Director of the Bureau of Development Services

Decision mailed: October 16, 2008

Staff Planner: Shawn Wood

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 August 27, 2008, and was determined to be complete on September 10, 2008.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on **August 27, 2008**.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on October 30, 2008** 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 Landmarks 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 Landmarks 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 **October 31, 2008 – (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:

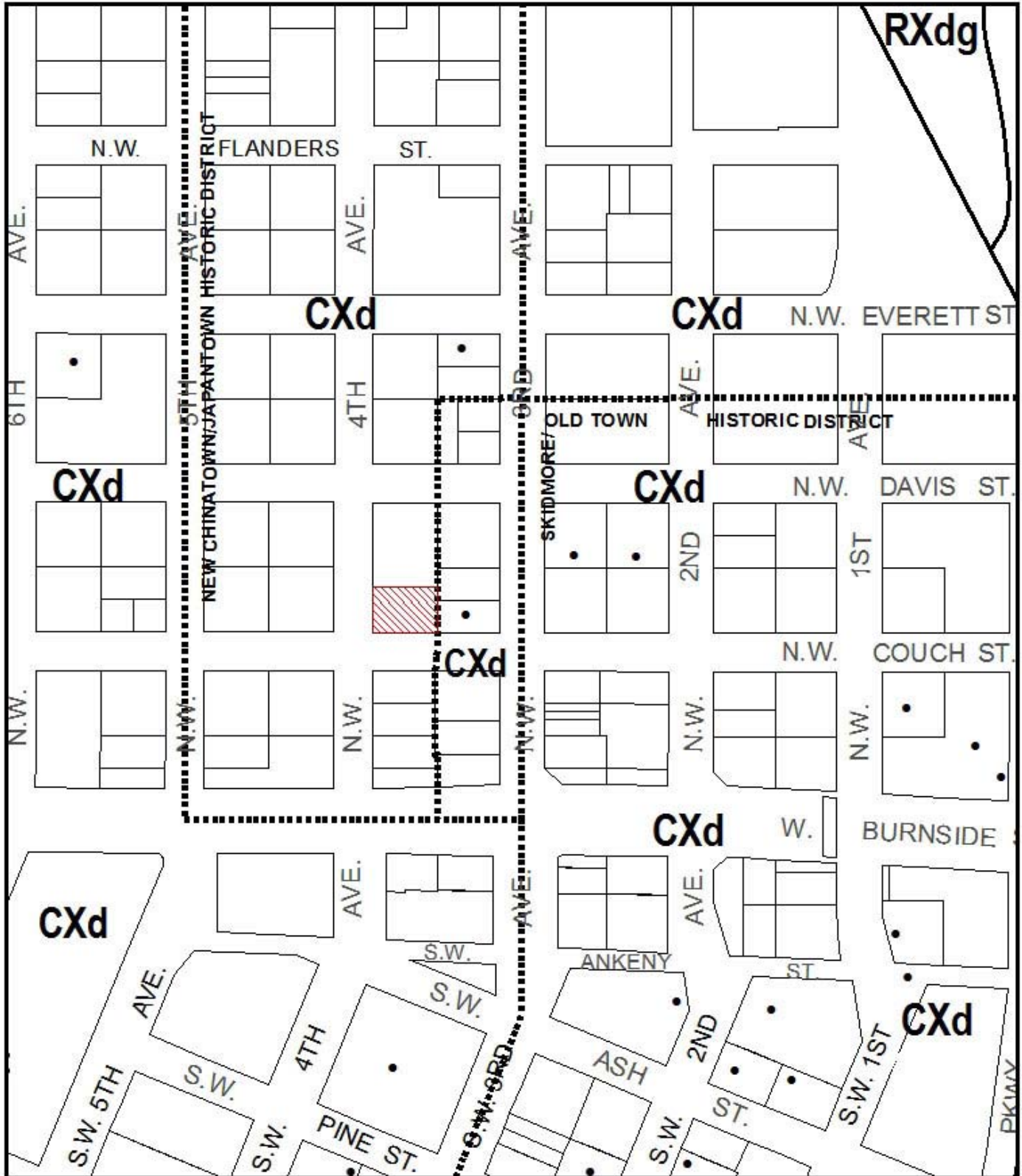
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Roof/Site Plan (attached)
 - 2. Air Conditioner Product Data
 - 3. Air Conditioner Dimensions
 - 4. Exhaust Fan Section Detail
- 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. 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

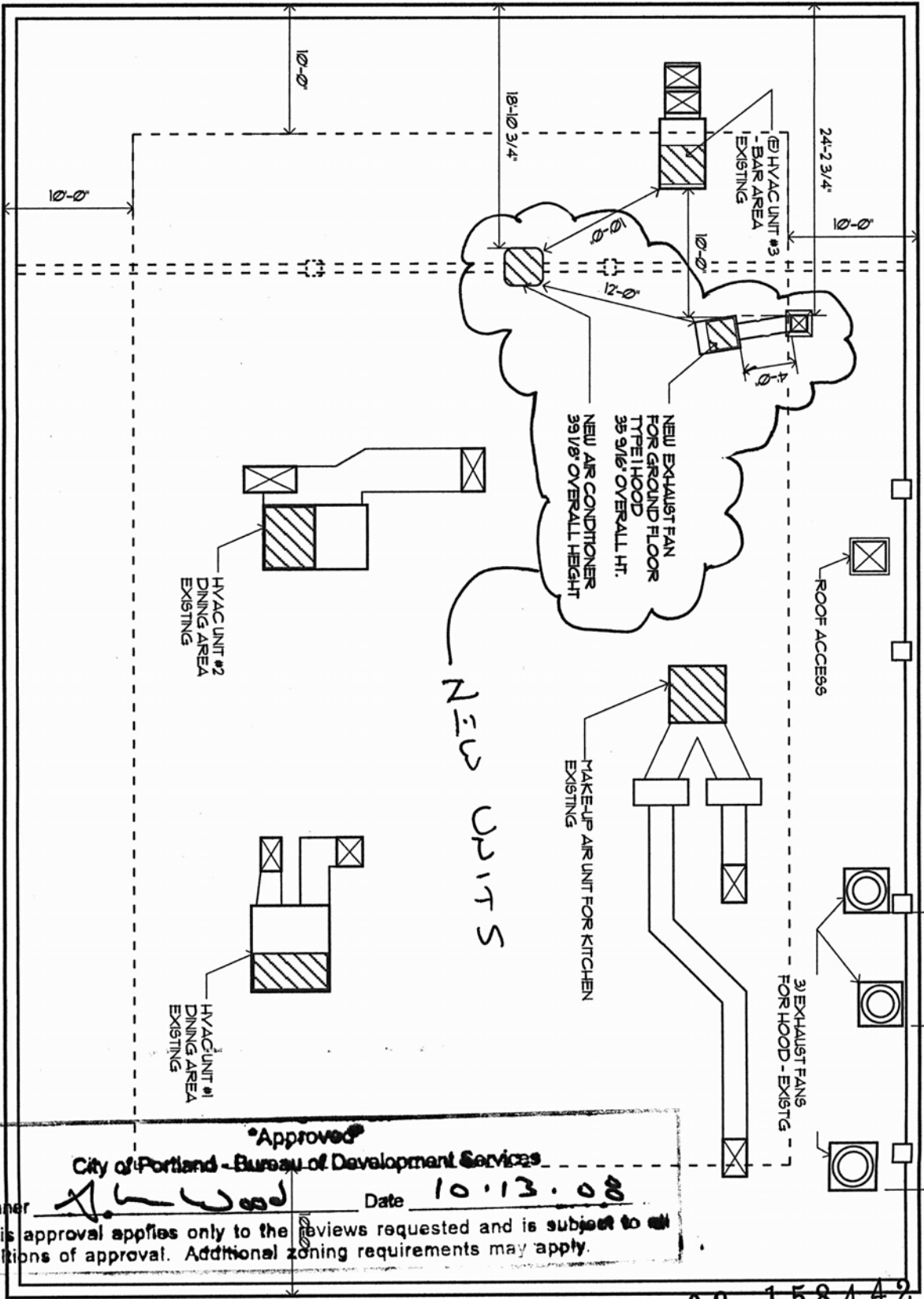
-  Site
-  Historic Landmark



This site lies within the:
 NEW CHINATOWN / JAPANTOWN HISTORIC DISTRICT
 CENTRAL CITY PLAN DISTRICT

File No.	LU 08-158442 HDZ
1/4 Section	3029
Scale	1 inch = 200 feet
State Id	1N1E34CA 7900
Exhibit	B (Oct 15, 2008)

NW 4TH AVE



SITE / 1. ROOF PLAN

NW Couch St

SCALE: 1/8" = 1'-0" @ 75% SCALE

Approved
 City of Portland - Bureau of Development Services

Planner A. Wood Date 10.13.08

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

LC=08-158442

DZ

EXHIBIT C.1