



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** May 18, 2012  
**To:** Interested Person  
**From:** Tim Heron, Land Use Services  
503-823-7726 / [Tim.Heron@portlandoregon.gov](mailto:Tim.Heron@portlandoregon.gov)

**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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

**CASE FILE NUMBER: LU 12-124222 HDZ**  
**UNION STATION HVAC EXTERIOR ALTERATIONS**

**GENERAL INFORMATION**

**Applicant:** City Of Portland (PDC)  
1120 SW 5th Ave #1204  
Portland, OR 97204  
  
Maya Foty  
ARG, Inc.  
121 SW Salmon #1106  
Portland, OR 97209

**Site Address:** 800 NW 6TH AVE

**Legal Description:** BLOCK 194&I&K&L&X TL 1200 LAND & IMPS SEE R141474 (R180237203) & R141475 (R180237204) & R141477 (R180237206) & R141478 (R180237207) & R605972 (R18023720, COUCHS ADD

**Tax Account No.:** R180237200  
**State ID No.:** 1N1E34BD 01200  
**Quarter Section:** 2929

**Neighborhood:** Old Town-China Town, contact Paul Verhoeven at 503-222-6027.  
**Business District:** Old Town Chinatown Business Association, contact Dorian Yee at 503-224-7006.  
**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  
EXd, Central Employment with design overlay

**Case Type:** HDZ, Historic Design Review

**Procedure:** Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

**Proposal:** The applicant requests historic design review approval of a project to replace two existing air handling units with two new air handling units, and to replace a window opening mounted swamp cooler with a new roof mounted make-up air unit. Mechanical units will be field painted to match the existing roof color. The window will be restored to its original appearance. The area of work is take place at the south end of the Union Station building, at the Wilfs Restaurant roof area.

The proposal is for exterior alterations to a historic landmark; therefore, historic design review is required.

**Relevant Approval Criteria:**

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

- Chapter 33.846 Historic Review
- Chapter 33.846.060.G Other Approval Criteria
- Central City Fundamental Design Guidelines
- River District Design Guidelines

## ANALYSIS

**Site and Vicinity:** The Union Station site is located in the northeast portion of Old Town-China Town neighborhood. The historic landmark site is west of the Willamette River and south of the approach to the Broadway Bridge. Union Station is the only major railroad station that has been built in Oregon. Construction of the terminal facilities and building commenced in 1893 by the Northern Pacific Terminal Company. The building was designed by the Kansas City firm of Van Brunt & Howe. It is a red-brick structure in the Queen Anne/Romanesque style, with masses varying in height from one to three stories, red-tile hipped roofs, and a 150-foot clock tower on axis with 6<sup>th</sup> Avenue. The building was listed on the National Register in 1975.

**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. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The Central Employment (EX) zone allows mixed uses and is intended for areas in the center of the City that have predominantly industrial-type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

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. 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 07-132492 HDZ: Approval of minor alterations to the Union Station Signal Tower

- LU 02-108684 HDZ: Approval for exterior alterations, including new plaza, landscaping, lighting, pedestrian amenities, and changes to parking lot.
- LUR 01-007922 HDZ (reference file # 01-00525): Approval for new metal roof at Union Station.
- LUR 01-008173 DZM (reference file # 01-00776): Approval of mixed-use development consisting of 14-story affordable housing building for seniors, one-story commercial building, structured and surface parking; all six modifications approved.
- LUR 91-008862 HL (reference file # 91-00607): Approval for alterations to second-floor passenger shelter for Amtrak service at Union Station.
- LUR 91-008595 HL (reference file # 01-00340): Approval for new steel fence and awnings at Union Station.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **April 5, 2012**. The following Bureaus have responded with no issues or concerns about the proposal:

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 **April 5, 2012**. 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 33.846, 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 a designated Historic Landmark. Therefore the proposal requires historic design review approval. The relevant approval criteria are listed in 33.846.060 G. 1.-10. In addition, because the site is located within the Central City Plan District and the River Sub-district, the relevant approval criteria are the Central City Fundamental Design Guidelines and the River District Design Guidelines.

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

### **G. Approval criteria based on the Standards of the Secretary of the Interior:**

1. **Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.

**Findings:** The mechanical units that are being replaced are not original to the building. The window opening mounted swamp cooler will be replaced with the roof mounted make-up unit, which will allow the opening to be restored with a new customer window to match the historic configuration. *Therefore, this guideline is met.*

- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.

**Findings:** The window opening from which the swamp cooler is being removed will be restored to its original appearance with a custom wood window to match the historic configuration. The new window will match historic materials, profiles and joinery. *Therefore, this guideline is met.*

- 9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

**Findings:** The mechanical units are removable without affecting the integrity of the building. *Therefore, this guideline is met.*

- 10. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

**Findings:** The mechanical units will be field painted the color of the roof. They are not visible from the two primary elevations (west/main entry and east/track side.) *Therefore, this guideline is met.*

### **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.

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

**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 A6, C2, and C5:** The new equipment will permit the rehabilitation of a tenant space within Union Station. The applicant has selected American-made equipment due to funding constraints. The mechanical units selected are the least obtrusive available and will be painted to match the historic roof color. *These guidelines are therefore met.*

#### **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

#### **CONCLUSIONS**

The scope of this project is to replace mechanical equipment associated with tenant space. No original equipment is being replaced. Applicable design guidelines are met.

#### **ADMINISTRATIVE DECISION**

Approval of proposed project in the River District of the Central City Plan District that will replace two existing air handling units with two new air handling units, and will replace a window opening mounted swamp cooler with a new roof mounted make-up air unit;

Per the approved site plans, Exhibits C-1 through C-5, signed and dated May 16, 2012, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions 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 12-124222 HDZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

**Staff Planner: Tim Heron**

**Decision rendered by:**  **on May 16, 2012**

By authority of the Director of the Bureau of Development Services

**Decision mailed May 18, 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 March 28, 2012, and was determined to be complete on **March 30, 2012**.

*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 March 28, 2012.

*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: September 26, 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.

**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. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

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](http://www.portlandonline.com).

**Recording the final decision.**

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **May 19, 2012**. 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.

**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.

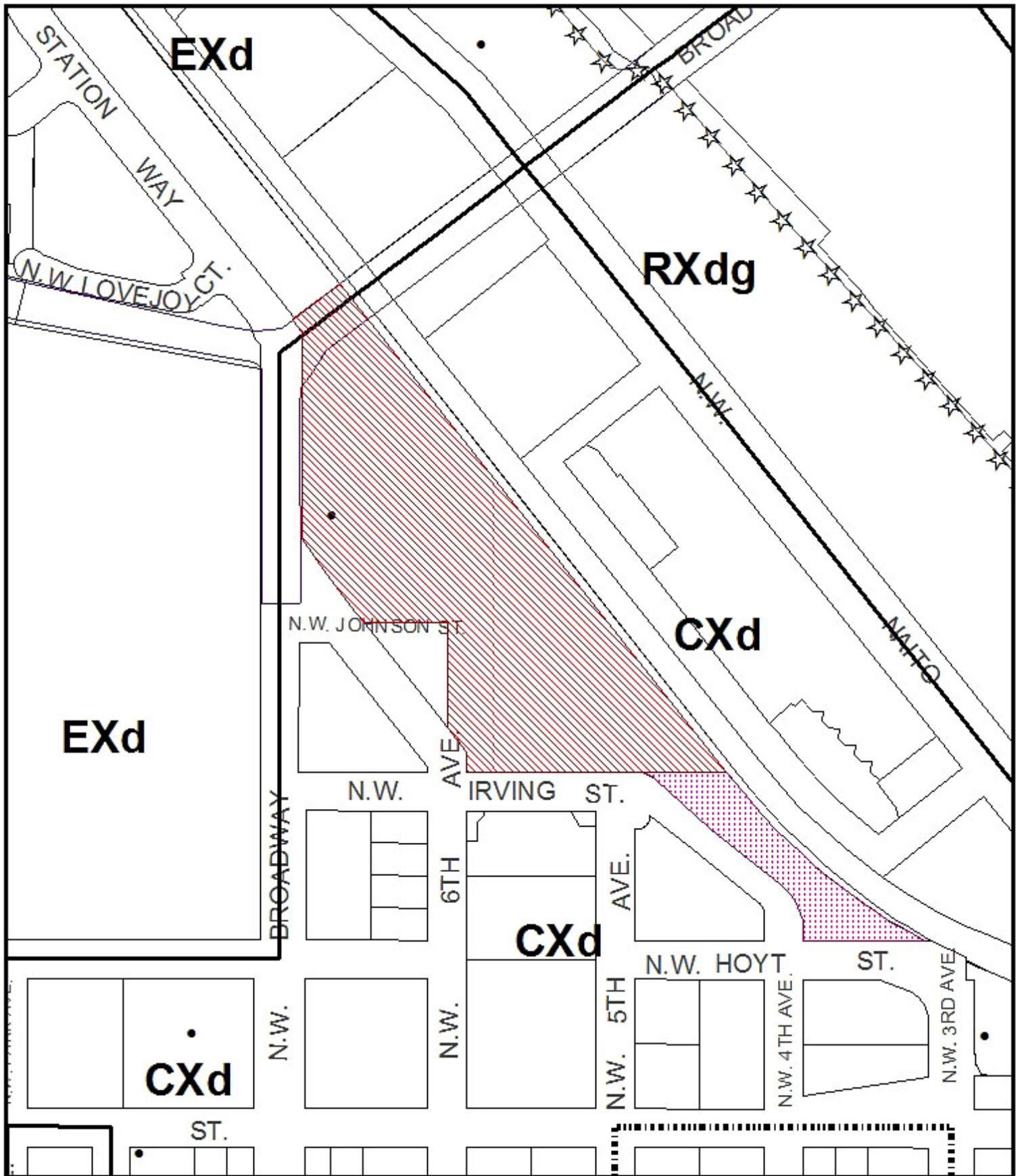
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED


- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings: (attached)
  - 1. Site Plan [attached]
  - 2. Roof Plan [attached]
  - 3. West Elevation, partial
  - 4. East Elevation, partial
  - 5. South Elevation, partial
- 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:
  - Original LU Application
    - 1. 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).**





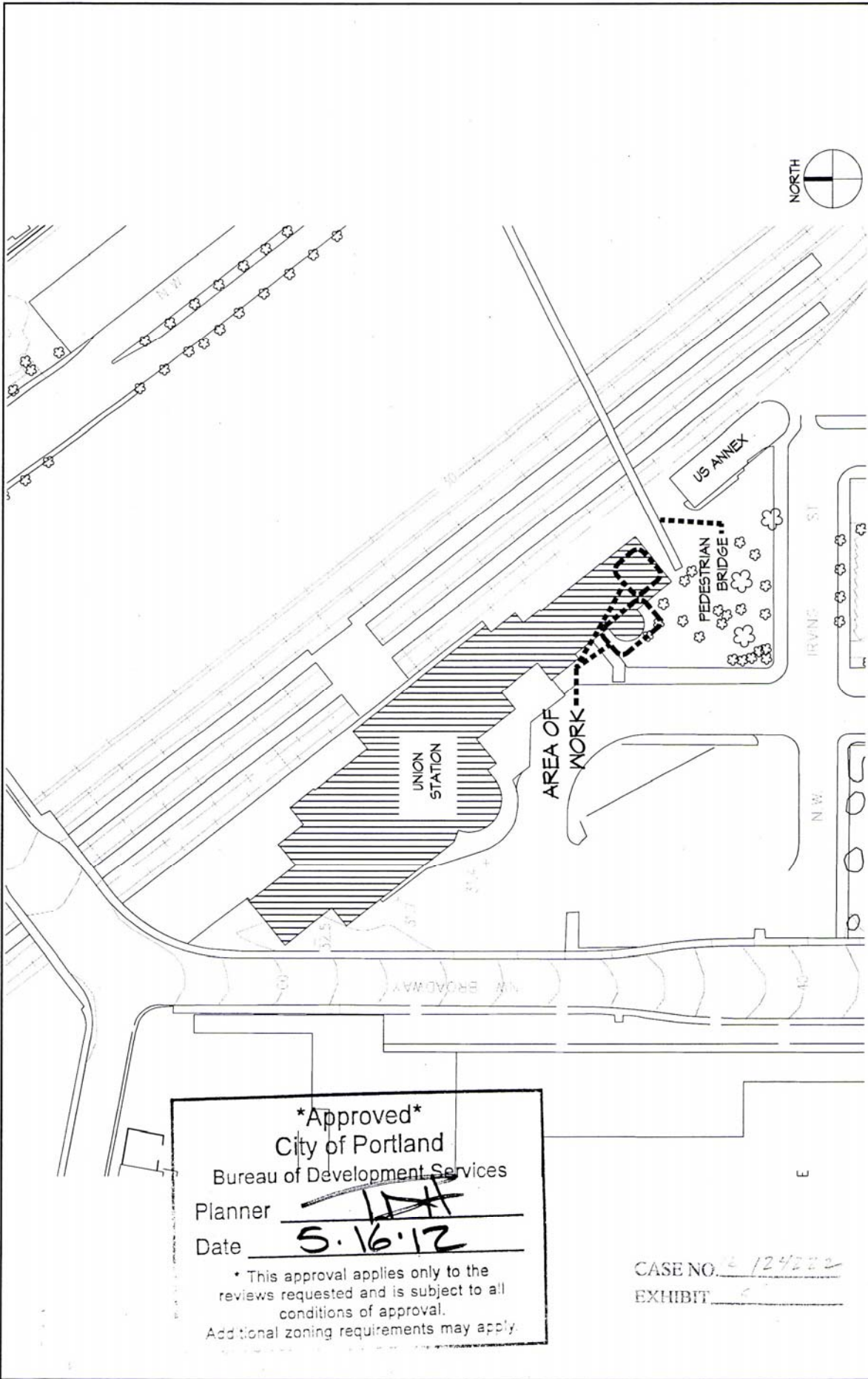
**ZONING**

-  Site
-  Also Owned
-  Historic Landmark



This site lies within the:  
CENTRAL CITY PLAN DISTRICT

File No. LU 12-124222 HDZ  
 1/4 Section 2929  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E34BD 1200  
 Exhibit B (Mar 30, 2012)



**\*Approved\***  
**City of Portland**  
 Bureau of Development Services  
 Planner IAH  
 Date 5.16.12

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

CASE NO. 124222  
 EXHIBIT 1



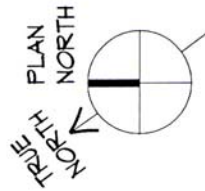
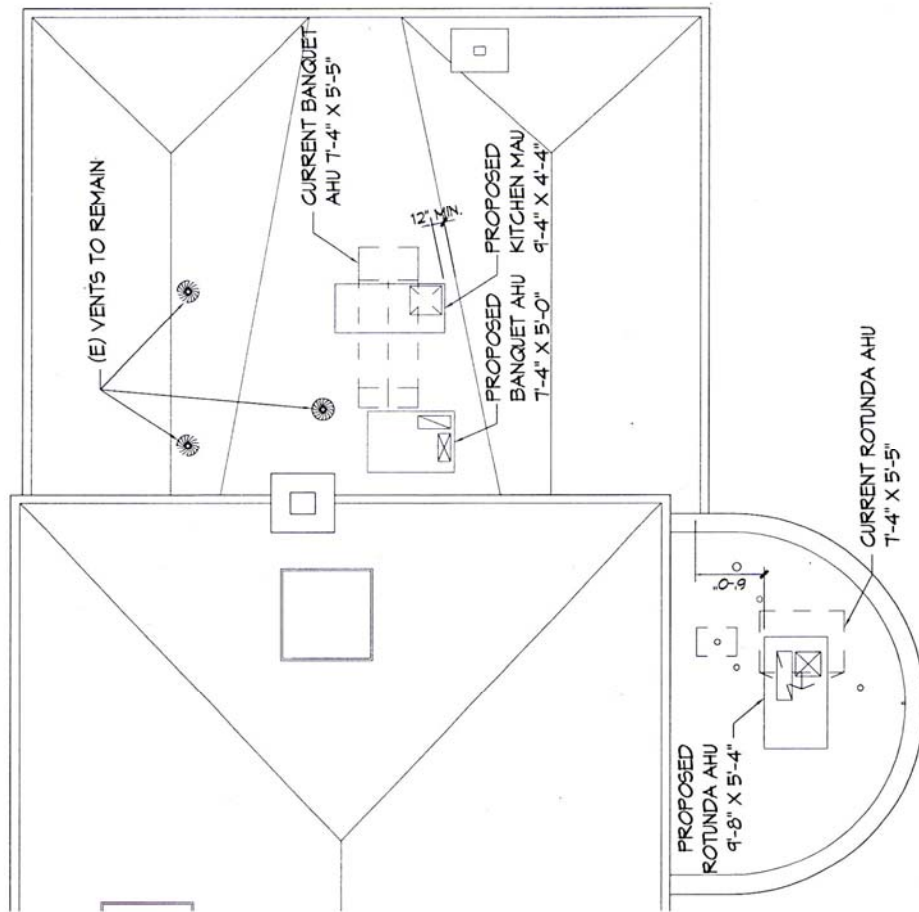
**ARCHITECTURAL RESOURCES GROUP**  
 Architects, Planners & Conservators, Inc.  
 122 SW Salmon Street, Suite 1106, Portland, Oregon  
 503-471-1440 fax 503-471-4441

SHEET TITLE  
**UNION STATION HVAC REPLACEMENT**

SCALE 1/128" = 1'-0"  
 DATE 3/27/12  
 PROJECT NO. 08145

SHEET NO.  
**A1.0**





\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner    IDH     
 Date    5.16.12   

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

CASE NO. 12-124082  
 EXHIBIT 02

SCALE	1/16" = 1'-0"
DATE	3/27/12
PROJECT NO.	08145

SHEET TITLE  
 WILFS RESTAURANT  
 ROOF PLAN

PROJECT TITLE  
 UNION STATION HVAC REPLACEMENT



**ARCHITECTURAL  
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A1.1

SHEET NO.