



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

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Date: March 25, 2013
To: Interested Person
From: Kate Marcello, 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 the version located on the BDS website, via this link: <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the district coalition and 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 13-106800 DZ

Two New Rooftop Mechanical Units for New Bakery

GENERAL INFORMATION

Applicant: Patricia Gardner, A57 (503) 806-4186
1116 NW Johnson St | Portland OR 97209

Contractor: Rolland Walters, Bulldog Mechanical (360) 258-5004
3307 NE 39th St / Vancouver, WA 98661

Site Address: 1122-1136 SW Alder Street / 610 SW 12th Avenue

Legal Description: LOT 7&8 BLOCK 257, PORTLAND
Tax Account No.: R667728540
State ID No.: 1N1E33DD 04000
Quarter Section: 3028
Neighborhood: Portland Downtown; contact Jennifer Geske at 503-750-9843
District Coalition: Neighbors West/Northwest; contact Mark Sieber at 503-823-4212
Plan District: Central City Plan District; Downtown Subdistrict
Zoning: Central Residential (RX) base zone; Design (d) overlay zone
Case Type: Design Review (DZ)
Procedure: Type II (an administrative decision with appeal to the Design Commission)

Proposal: The applicant requests Design Review approval for two new mechanical units to be located on the rooftop. The subject building has a parapet that is 1'-6" tall.

- The new exhaust unit is about 3'-7" in diameter and 3'-0" tall. It will be installed on a 1'-9"-tall curb, making the total height 4'-9". The unit will protrude 3'-3" above the parapet.
- The new make-up air/cooler unit is 3'-3" long x 3'-3" wide x 3'-7" tall. It will be installed on a 0'-8"-tall curb, making the total height 4'-3". The unit will protrude above 2'-9" above the parapet.

Because the proposal is for non-exempt exterior alterations to an existing building on a site with design overlay zoning in the Central City Plan District, Design Review is required prior to the issuance of building permits.

Relevant Approval Criteria:

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

- 33.825 Design Review, and
- Central City Fundamental Design Guidelines.

ANALYSIS

I. Site and Vicinity: The subject site is located in the northwest portion of the block bounded by SW Alder Street, 11th Avenue, Morrison Street, and 12th Avenue in the Downtown Subdistrict of the Central City Plan District. The site is occupied by a 10,000-square-foot building that was constructed in 1913. The building is a simple one-story brick commercial structure with storefront bays. It appears that the storefront bays have been altered significantly over the years with respect to window and door configuration and materials.

The surrounding area has undergone changes in the past few years. New buildings have been constructed, and existing buildings have been renovated for new retail, restaurant, and office tenants.

II. Zoning:

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.

The Central Residential (RX) zone is a high-density multi-dwelling zone that allows the highest density of dwelling units of the residential zones. The maximum size of buildings and intensity of use are regulated by floor area ratio limits and other site development standards. The major types of new housing development will be medium- and high-rise apartments and condominiums, often with allowed retail, institutional, or other service-oriented uses.

III. Land Use History: City records indicate four prior land use reviews for the subject site:

- DZ 028-90 (reference file number LU 90-004033 DZ)
Design review approval to sandblast paint and alter windows. (Exact nature of window alterations is unclear.)
- LUR 94-00446 (reference file number LU 94-011348 DZ)
Design review approval, with conditions, for a new exit door and windows.
- LUR 98-00958 (reference file number LU 98-016264 DZ)
Design review approval for a new awning.
- LU 12-170420 DZ
Design review approval for storefront alterations and one new rooftop mechanical unit.

IV. Agency Review: A *Notice of Proposal in Your Neighborhood* was mailed on February 5, 2013. The Life Safety/Building Code Section of the Bureau of Development Services responded with comments and with no objections to the proposal (Exhibit E-1).

V. Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on February 5, 2013. No written comments in response to the proposal have been received from the neighborhood association (Portland Downtown Neighborhood Association) or notified property owners.

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 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 has been developed to guide development throughout the Central City. The goals apply within the eight Central City sub-districts, or policy areas. The nine goals for design review within the Central City and its sub-districts 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 that is safe, humane and prosperous; and
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.

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 for B2: The proposed mechanical units will be located on the rooftop, far from the two street-facing roof edges. The exhaust unit is about 38 feet from the east roof edge and 49 feet from the south roof edge. The make-up air/cooler unit is about 32 feet from the east roof

edge and 65 feet from the south roof edge. Because of these substantial setbacks, there will be no adverse impact on the surrounding pedestrian environment. *Therefore this guideline is met.*

C2. Promote Quality and Permanence in Development.

Use design principles and building materials that promote quality and permanence.

C3. Respect Architectural Integrity.

Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

C5. Design for Coherency.

Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

Findings for C2, C3, C5: The proposed mechanical units are integrated with the subjecting building by virtue of their considerable setback from both street-facing roof edges, their small size in proportion to the overall rooftop, and their organized placement on the rooftop. The mechanical units will not be easily viewable from adjacent sidewalks, allowing the building to remain a coherent composition. *Therefore these guidelines are met.*

C11. Integrate Roofs and Use Rooftops.

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

Findings for C11: The proposed mechanical units are a relatively minor addition to the subject building, as follows:

- The units will be set back substantially from the two street-facing roof edges, so they will not be easily viewable from nearby sidewalks.
- The units will be installed adjacent to existing mechanical units and skylights. Thus rooftop elements are in consolidated locations, which maintains a sense of order.
- The total area of the proposed mechanical units is about 21.4 square feet. The units are a comparatively small addition to the approximately 10,000-square-foot rooftop.

Therefore this guideline is met.

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposed rooftop mechanical units respect the architectural integrity of the subject building and allow it to remain a coherent composition. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of one exhaust unit and one make-up air/cooler unit on the rooftop of 610 SW 12th Avenue/1122-1136 SW Alder Street in the Central City Plan District.

Approval per the approved plans and drawings, Exhibits C-1 through C-3, signed and dated March 21, 2013, subject to the following condition:

- A. As part of the building permit application submittal, each of the four 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 through C-3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-106800 DZ. No field changes allowed."

Staff Planner: Kate Marcello

Decision rendered by:  **on March 21, 2013**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 25, 2013

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 January 18, 2013, and was determined to be complete on February 1, 2013.

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 January 18, 2013.

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 extended by the applicant, **the 120 days will expire on June 3, 2013.**

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

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

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

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

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 8, 2013** 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 **April 9, 2013**.
- 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.

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:

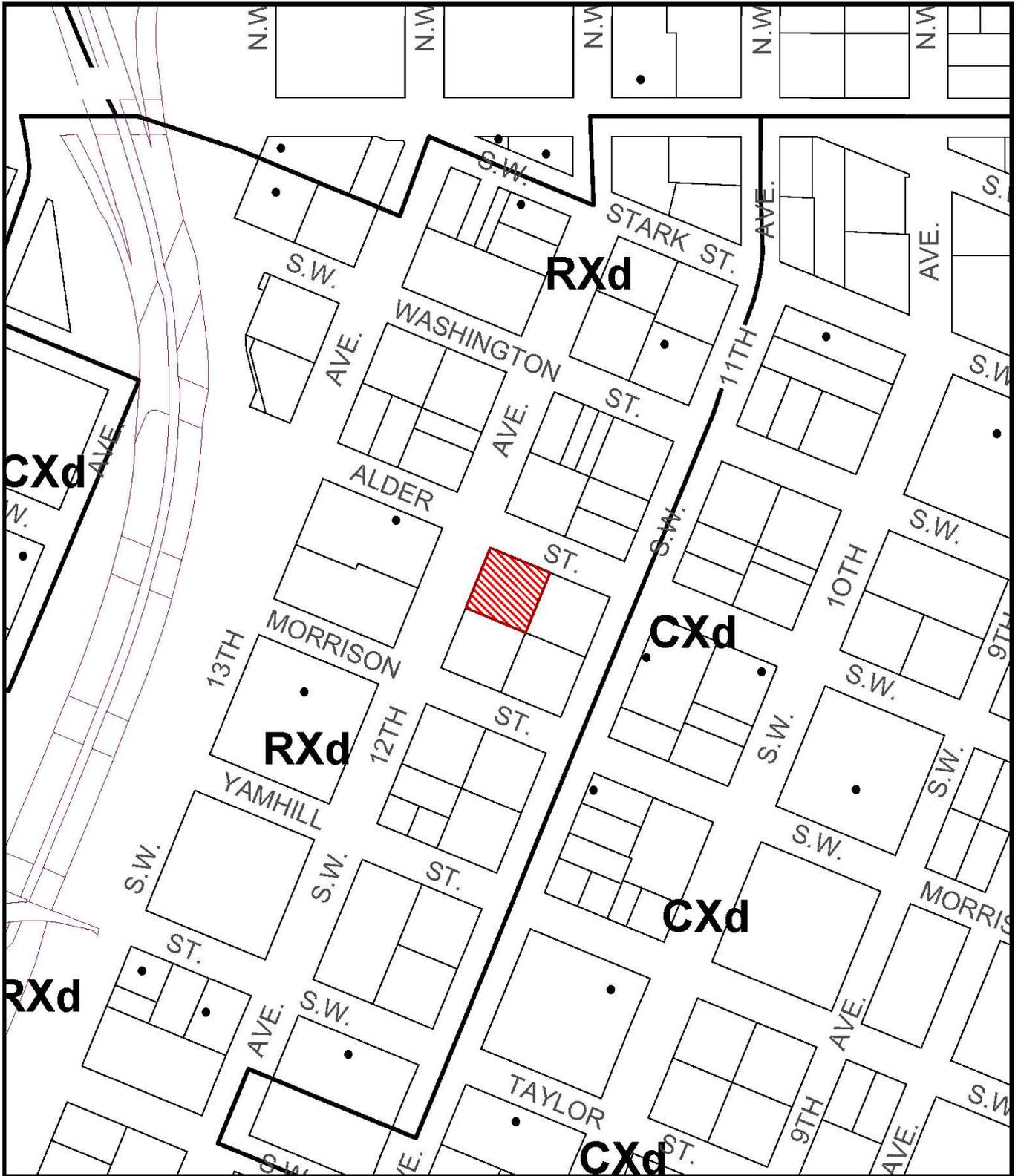
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement/Narrative
- B. Zoning Map (attached)
- C. Plans and Drawings:
 - 1. Site/Roof Plan (attached)
 - 2. Manufacturer's Cutsheet for Exhaust Unit
 - 3. Manufacturer's Cutsheet for Make-up Air/Cooler Unit
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Response:
 - 1. Life Safety/Building Code Section of BDS
- F. Correspondence: None received.
- G. Other
 - 1. Original Land Use Review Application
 - 2. Acknowledgement of Risk and Hold Harmless Agreement
 - 3. Site Visit Photographs

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING



Site



Historic Landmark

This site lies within the:
CENTRAL CITY PLAN DISTRICT
DOWNTOWN

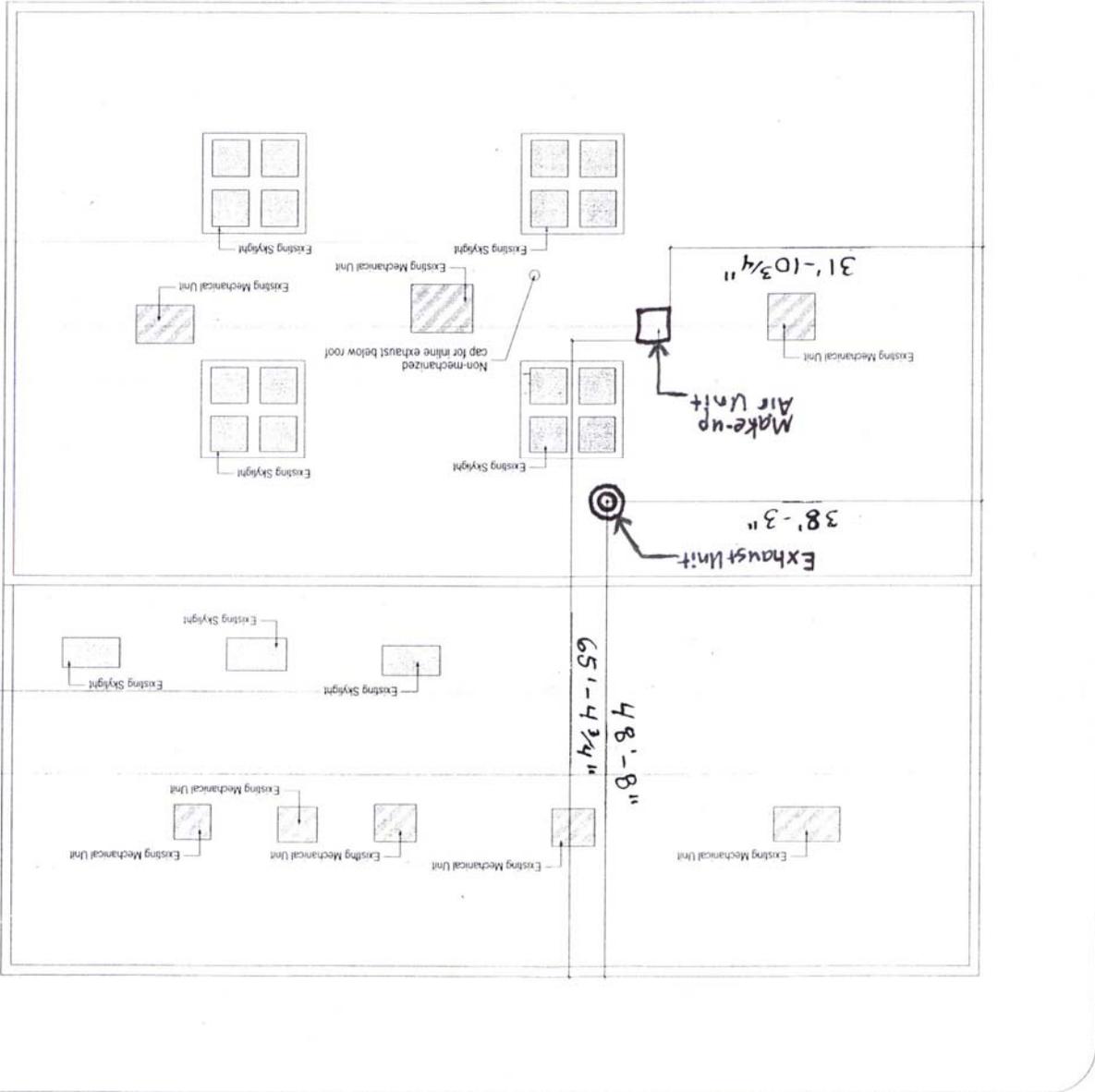


File No. LU 13-106800 DZ
 1/4 Section 3028
 Scale 1 inch = 200 feet
 State_Id 1N1E33DD 4000
 Exhibit B (Jan 18, 2013)

Site/Roof Plan



Approved
 City of Portland - Bureau of Development Services
 Planner *Kate C*
 Date *March 21, 2013*
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



SW 12th

Case number: LU 13-106800 DZ
 Exhibit C-1