



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: April 11, 2016
To: Interested Person
From: Mike Gushard, Land Use Services
503-823-5091 / Mike.Gushard@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The 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 16-123866 DZ - REPLACEMENT OF HVAC EQUIPMENT AND INSTALLATION OF NEW HOOD VENILATOR

GENERAL INFORMATION

Applicant: Chris Kopca
AP&J Corp
12th And Alder LLC
920 SW 6th Ave #2
Portland, OR 97204-1207

Ellen Cusick
EMC Interior Design Llc
4037 N Albina Ave
Portland Oregon 97227

Site Address: 1122-1136 SW ALDER ST

Legal Description: BLOCK 257 LOT 7&8, PORTLAND
Tax Account No.: R667728540, R667728540
State ID No.: 1N1E33DD 04000, 1N1E33DD 04000
Quarter Section: 3028

Neighborhood: Portland Downtown, contact Rani Boyle at 503-725-9979.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - West End
Zoning: RXd – Central City Residential with design overlay

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

Proposal:

The applicant proposes installing a new HVAC, a commercial kitchen hood exhaust and an air make-up on the roof of the building. The proposed installation is set back in the center of the building away from the street.

Relevant Approval Criteria:

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

- Central City Design Guidelines

ANALYSIS

Site and Vicinity: The subject site is located in the northwest quarter of the block bounded by SW Alder Street [*City Walkway, Local Service Bikeway, Minor Emergency Response Street*], SW 11th Avenue [*Traffic Access Street, Community Main Street, Transit Access Street, Portland Streetcar, Central City Transit/Pedestrian Street, Local Service Bikeway, Major Emergency Response Street*], SW Morrison Street [*Community Main Street, Regional Transitway/Major Transit Priority Street, MAX Light Rail, Central City Transit/Pedestrian Street, Local Service Bikeway, Minor Emergency Response Street*], and SW 12th Avenue [*City Walkway, Local Service Bikeway, Minor Emergency Response Street*], in the West End Subarea of the Downtown Subdistrict of the Central City Plan District and in the Downtown Pedestrian 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. The building has a small parapet at the roof.

The rooftop where the project is proposed has other ventilation and HVAC equipment. Some of these items are located closer to the parapet than where the applicant proposes to install and replacement equipment. None of it is visible from the street or sidewalk.

Zoning: The Central Residential (RX) zone is a high-density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of housing development will be medium and high rise apartments and condominiums, often with allowed retail, institutional, or other service oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby. RX zones will usually be applied in combination with the Central City plan district.

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.

The Central City Plan District implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation management Plan. The Central City plan district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area. The site is within the West End Subarea of the Downtown Subdistrict of this plan district.

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

- LU 90-004033 DZ (Ref. # DZ 028-90): Design review approval to remove paint by chemical means rather than sandblasting.
- LU 94-011348 DZ (Ref. # LUR 94-00446): Design review approval of a new exit door and windows.
- LU 98-016264 DZ (Ref. # LUR 98-00958): Design review approval for a new 10'-0" long awning to be placed above the entry doors on SW Alder near SW 12th Avenue.
- LU 12-170420 DZ – Approval of storefront and rooftop alterations to the building at the northwest corner of 12th and Alder.
- LU 13-106800 DZ – Approval of one exhaust unit and one make-up air/cooler unit on the rooftop.
- LU 13-122234 DZ – Approval of one make-up air fan, one exhaust fan, one HVAC unit, one fireplace flue, and one condensing unit on the rooftop.
- LU-15-166628DZ – Installation of new wood frame transom window and hardware.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **March 2, 2016**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Site Development Section of BDS
- The Bureau of Transportation Engineering

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 2, 2016. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d). Therefore the proposal requires Design Review approval. Because of the site’s location, the applicable design guidelines are the Central City Fundamental Design Guidelines.

Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City.

The Central City Fundamental Design Guidelines 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 are those developed to guide development throughout the Central City. They apply within all of the Central City policy areas. The nine goals for design review within the Central City are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

C3. Respect Architectural Integrity. Respect the original character of an existing 1913 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.

C4. Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.

Findings for C3 and C4. The project is designed so that the proposed hood vent and HVAC infrastructure is hidden from public view. This is the best way to respect the architectural integrity of the building impacted by the project. Furthermore, it does not negatively affect the visual context of the surrounding neighborhood.

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

Because the project as proposed is located away from the street facing elevations of the building and is minimally visible from most public views it meets the guidelines cited above. The guidelines not mentioned are not applicable to this small infrastructure upgrade. The applicant has chosen a location for the equipment in the center of the building's roof that is minimally visible from most public views. *Therefore, this project is approved.*

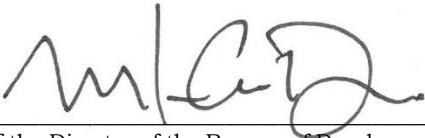
ADMINISTRATIVE DECISION

Approval of the installation of a new hood ventilator and HVAC infrastructure in an area not visible from the public right-of-way, per the approved site plans, Exhibits C-1 through C-3, signed and dated April 7, 2016, 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.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-123866 DZ . No field changes allowed."

Staff Planner: Mike Gushard

Decision rendered by:  **on (April 7, 2016.)**
By authority of the Director of the Bureau of Development Services

Decision mailed: April 11, 2015

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 February 19, 2016, and was determined to be complete on February 29, 2016.

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 February 19, 2016.

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 Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 25, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 26, 2016** 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:

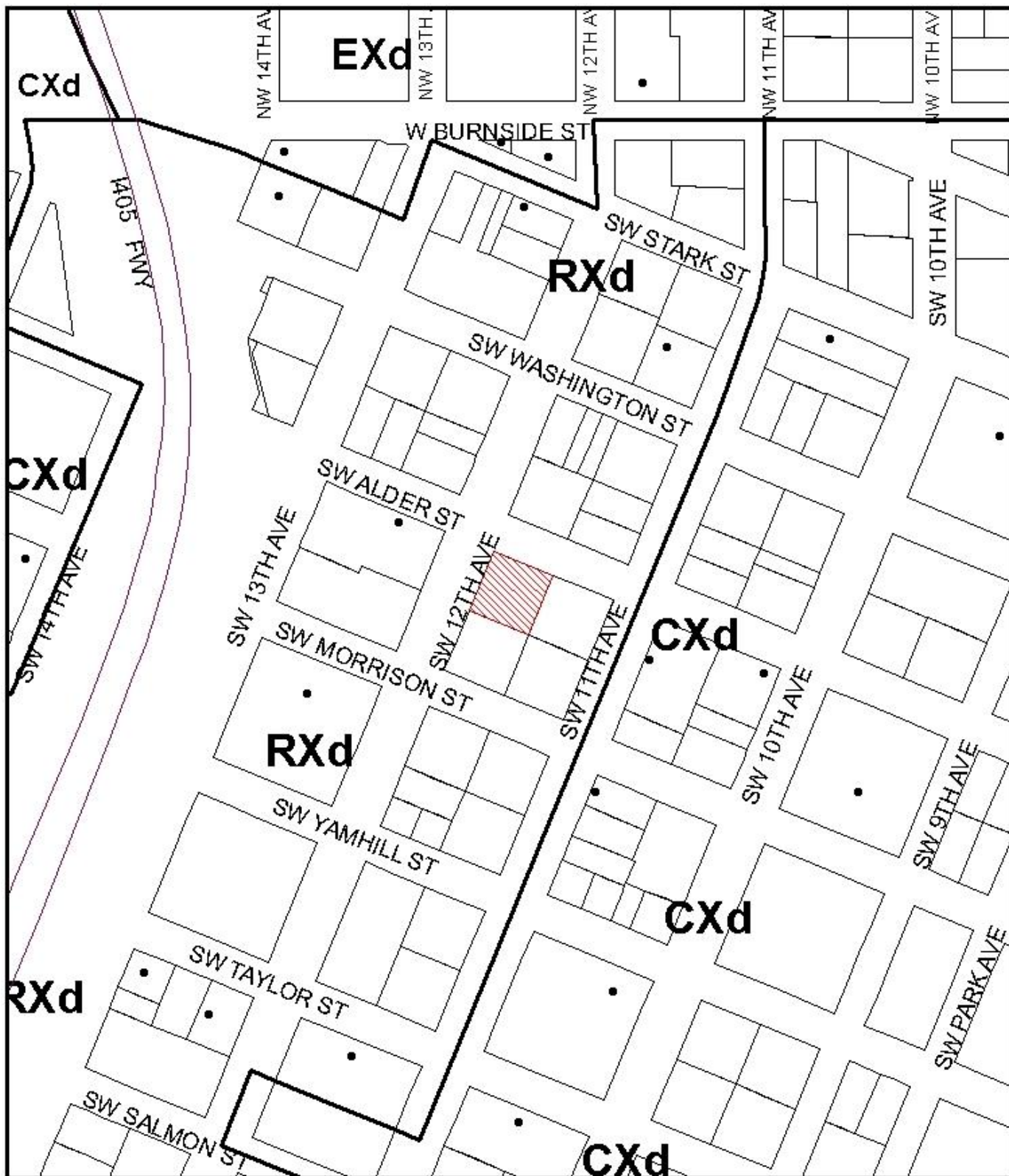
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative Statement
 - 2. Standard Features of UBCA Hood
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Roof Plan
 - 3. SW Alder Elevation
 - 4. SW 12th Elevation
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Site Development Section of BDS
 - 3. The Bureau of Transportation Engineering
- F. Correspondence: No comments received
- G. Other:
 - 1. Original LU Application

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).



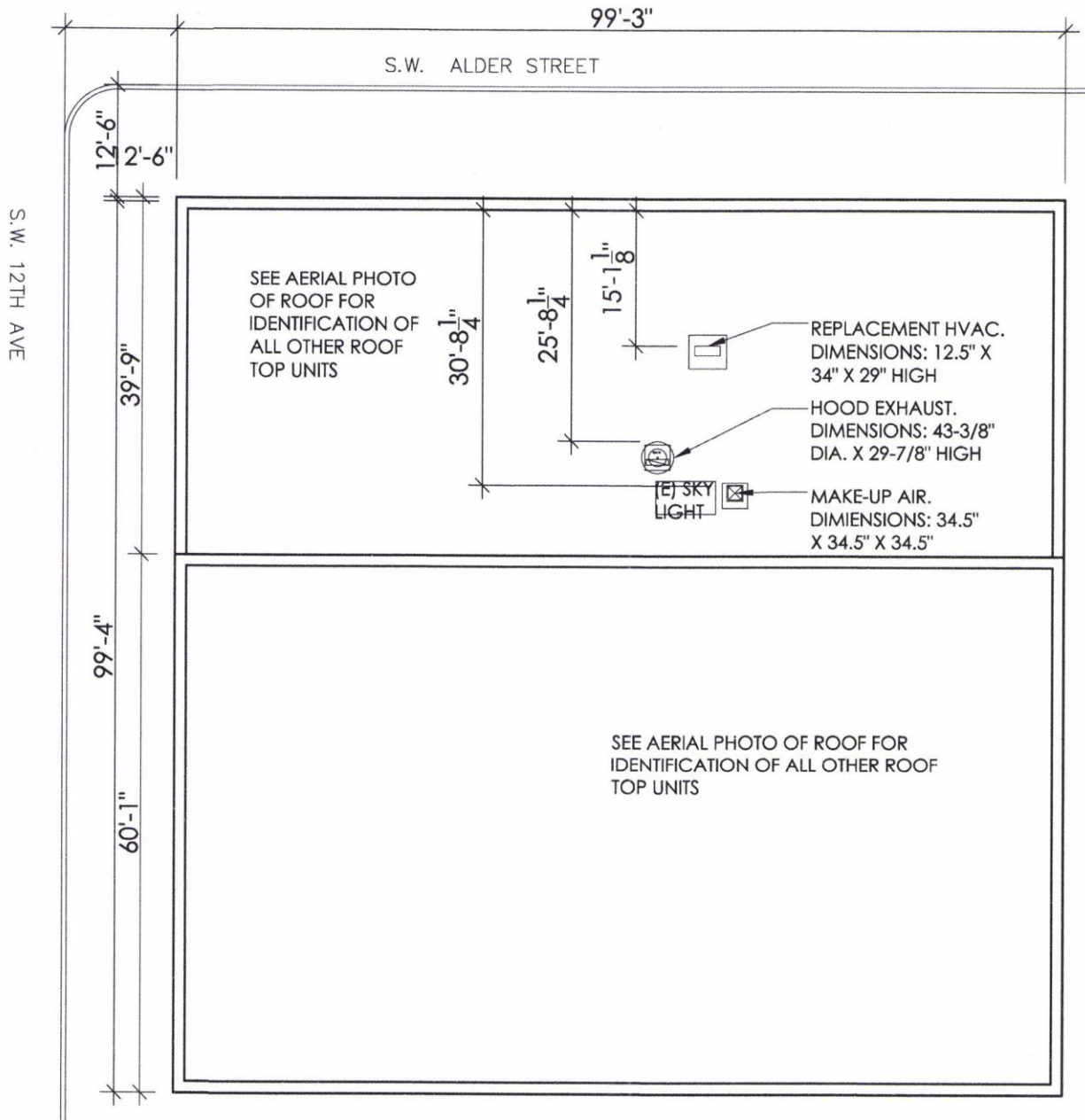
ZONING

-  Site
-  Historic Landmark



This site lies within the:
CENTRAL CITY PLAN DISTRICT
DOWNTOWN SUBDISTRICT
WEST END SUBAREA

File No.	<u>LU 16-123866 DZ</u>
1/4 Section	<u>3028</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E33DD 4000</u>
Exhibit	<u>B (Feb 23, 2016)</u>



Site Plan

Approved

City of Portland - Bureau of Development Services

Planner *[Signature]* Date *4/6/2016* 1/16" = 1'-0"

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

C1

emc
interior design llc
503.544.8688
ellen@emc-id.com

Project Location:
Pollo Bravo
1128 SW Alder
Portland, OR 97205

Date: 02.19.2016
Drawn By: emc
Purpose: Design Review

Sheet No.

1

LU 16-123866 DZ