



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

Ted Wheeler, Mayor
Rebecca Esau, Director
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www.portlandoregon.gov/bds

Date: September 18, 2018
To: Interested Person
From: Emily Hays, Land Use Services
503-823-5676 / Emily.Hays@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 18-220928 HR – ROOFTOP MECHANICAL

GENERAL INFORMATION

Applicant: Rolando Mingledoff | Mingle Lounge LLC
9389 SE Scott Park Circle | Happy Valley, OR 97086
mingledoff@yahoo.com

Owner: Yee One LLC
8800 N Lombard Street | Portland, OR 97203-3735

Site Address: **322 NW Everett Street**

Legal Description: BLOCK 27 LOT 6&7, COUCHS ADD
Tax Account No.: R180202050
State ID No.: 1N1E34CA 05400
Quarter Section: 3029
Neighborhood: Old Town Community Assoc., contact Peter Englander
treasurer@oldtownchinatown.org; Will Naito planning@pdxoldtown.org
Business District: Downtown Retail Council, contact at lfrisch@portlandalliance.com &
Old Town Community Association, contact at
chair@oldtownchinatown.org.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - Old Town/Chinatown
Other Designations: Non-contributing Resource in the New Chinatown/Japantown Historic District

Zoning: **CXd** – Central Commercial with Design Overlay
Case Type: **HR** – Historic Resource Review
Procedure: **Type II**, an administrative decision with appeal to the Landmarks Commission

Proposal:

The applicant is seeking Historic Resource Review approval for one new exhaust fan and one new make up air fan on the roof of a non-contributing resource in the New Chinatown/Japantown Historic District. The make up air fan is proposed to replace an existing roof fan and is set back approximately 40' from the street facing façade. Both units sit 4' or less above the roof to minimize visibility from adjacent rights-of-way.

Historic Resource Review is required for non-exempt exterior alterations in the New Chinatown/Japantown Historic District.

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:

- Central City Fundamental Design Guidelines
- New Chinatown/Japantown Historic District Design Guidelines

ANALYSIS

Site and Vicinity: The site is located in the New Chinatown/Japantown Historic District, at the corner of NW 4th Avenue and NW Everett Street. The one-story building is classified as non-contributing but abuts the Historic Man Chong Building, designated as a Landmark in 1985. One block to the east is the Chinese Garden at NW 3rd and Everett.

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 "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 Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

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 Old Town/Chinatown Subdistrict of this plan district.

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

- DZ 93-88 – Restaurant remodel.
- DZ 6-89 – Awning.

- LUR 02-000024 HDZ - Historic Design Review approval for storefront modifications to Republic and Golden Horse Restaurants, including signs, awnings and painting.
- LU 02-129011 HDZ - Revision to the previously approved LUR 02-00024 HDZ, including changes to the original door and canopy above.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **August 23, 2018**. The following Bureaus have responded with no issues or concerns:

- Fire Bureau, *See Exhibit E-1*
- Life Safety Review Section of BDS, *See Exhibit E-2*

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on August 23, 2018. 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 33.846.060 - Historic Resource Review

Purpose of Historic Resource Review

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

Historic Resource Review Approval Criteria

Requests for Historic Resource 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 and the proposal is for a non-exempt treatment. Therefore, Historic Resource Review approval is required. The approval criteria are the *New Chinatown/Japantown Historic District Design Guidelines* and the *Central City Fundamental Design Guidelines*.

New Chinatown/Japantown Historic District Design Guidelines and Central City Fundamental Design Guidelines

The New Chinatown/Japantown Historic District is important to Portland’s past, present, and future identity. The design guidelines are intended to encourage respectful changes to the district’s built environment, create opportunities for increased use, and retain its architectural and cultural qualities. The New Chinatown/Japantown Historic District Design Guidelines are designed to allow change to take place in a mindful way that brings vibrancy to the district while retaining the important architectural and cultural qualities that make it a unique historic neighborhood.

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

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.

New Chinatown/Japantown Historic District Design Guidelines

General Guidelines

A2. Use durable, high-quality materials and finishes.

A7. Minimize the visibility of rooftop mechanical equipment from the right-of-way.

Findings for A2 & A7: The proposed units are set back approximately 40' from the roof edge, interior to the block, with no adjacency to the surrounding rights-of-way. The units are composed of durable materials, intended for continued exposure to the elements. The existing 1' parapet along NW Everett Street further minimizes the visibility of mechanical units. *These guidelines have been met.*

Guidelines for Alterations

B2. Design alterations to be respectful of the original style, type, and design of the building.

B3. Keep alterations or new elements visually secondary to the original features of the building.

Findings for B2 & B3: The proposed mechanical units will not be visible from the adjacent right-of-way. No facades or building elements will be altered; the original street level character of the building will be maintained. The mechanical units will be further concealed by the height of the parapet and the distance from the roof edge. *These guidelines have been met.*

Central City Fundamental Design Guidelines

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

Findings: The proposed alterations demonstrate the building owner's continued investment in this historic building, thus perpetuating its continued use. The proposed location of the mechanical equipment will allow re-use of the building without impact on the integrity of the street facing façade. *This guideline is 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.

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 A6, B2, C3 & C5: All mechanical equipment is located toward the rear of the building, internal to the block, and away from the pedestrian environment. The work will not be visible from the adjacent pedestrian realm and will not detract from the pedestrian environment. No visible facades or building elements will be altered; the

existing character of the building will be maintained. *These guidelines have been 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: The proposed rooftop mechanical equipment is set behind the parapet and will not be visible from the street. The existing parapets shield all new equipment, preventing impact on the Central City skyline. The proposed equipment is set back from all roof edges and below the sightlines established across adjacent rights-of-way. *This guideline has been met*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all requirements of Title 11 can be met, and that all development standards of Title 33 can be met or have received an Adjustment or Modification via a land use review, prior to the approval of a building or zoning permit.

CONCLUSIONS

The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and modification criteria and therefore warrants approval.

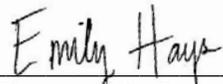
ADMINISTRATIVE DECISION

Approval of Historic Resource Review for one new exhaust fan and one new make up air fan on the roof of a non-contributing resource in the New Chinatown/Japantown Historic District.

Approval per the approved site plans, Exhibits C-1 through C-3, signed and September 13, 2018, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 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 18-220928 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Emily Hays

Decision rendered by:  **on September 13, 2018**
By authority of the Director of the Bureau of Development Services

Decision mailed: September 18, 2018

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 15, 2018 and was determined to be complete on August 20, 2018.

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 15, 2018.

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: December 18, 2018.**

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 2, 2018** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 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 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 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **October 3, 2018** by the Bureau of Development Services.

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

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

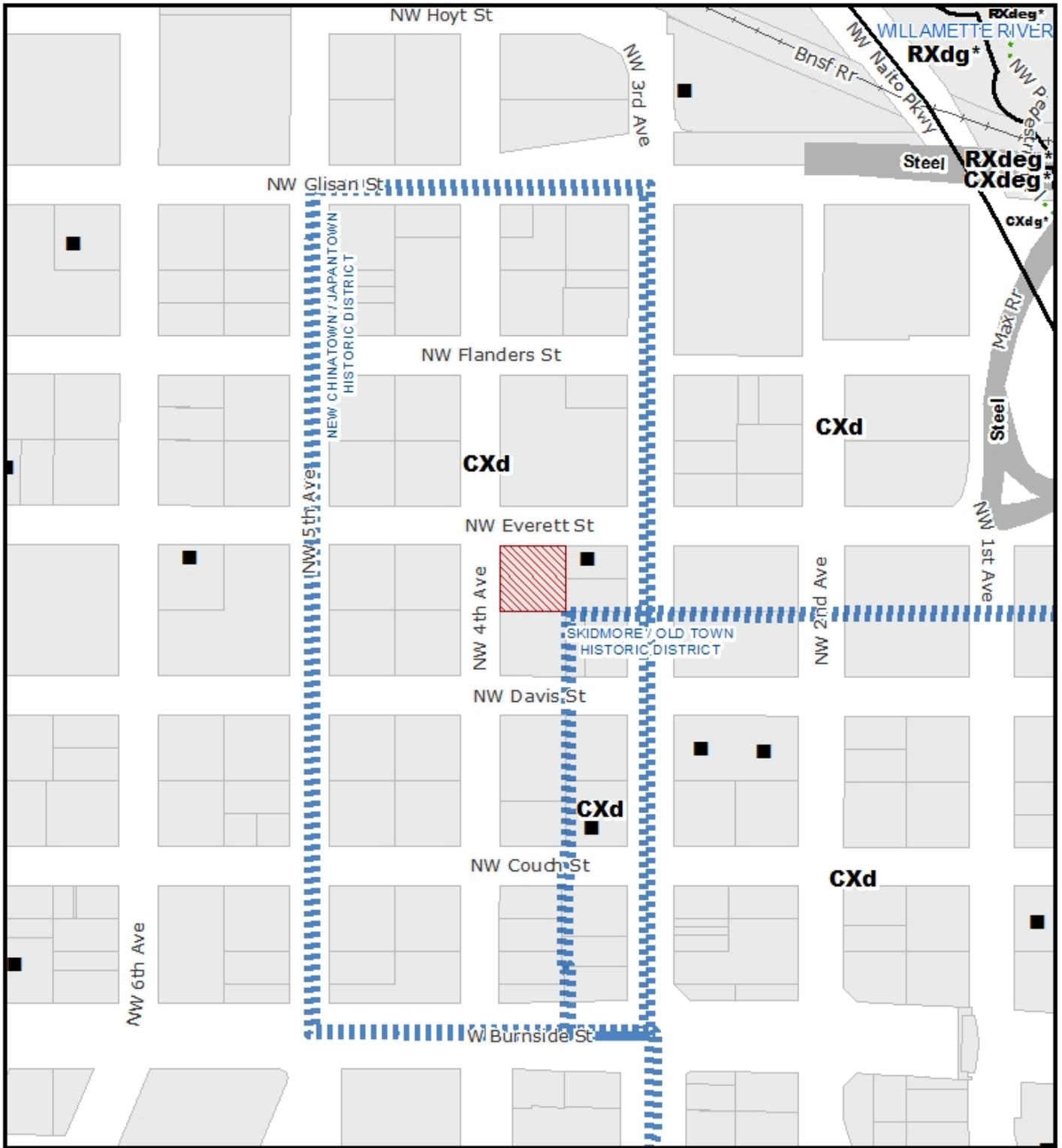
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Project Narrative
 - 2. Applicant's Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevations (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Fire Bureau
 - 2. Life Safety Review Section of BDS
- F. Correspondence: None.
- 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

THIS SITE LIES WITHIN THE:
 CENTRAL CITY PLAN DISTRICT
 OLD TOWN / CHINATOWN SUBDISTRICT
 NEW CHINATOWN / JAPANTOWN
 HISTORIC DISTRICT

-  Site
-  Historic Landmark
-  Bridge
-  Recreational Trails

File No.	LU 18-220928 HR
1/4 Section	3029
Scale	1 inch = 200 feet
State ID	1N1E34CA 5400
Exhibit	B Aug 17, 2018

PROJECT LOCATION:
 MINGLE LOUNGE
 322 NW EVERETT ST,
 PORTLAND 97210

PROJECT FOR:
 A-1 STAINLESS STEEL FABCO

PROJECT NARRATIVE:
 THE SCOPE OF THIS PROJECT IS FOR THE
 LOCATION OF THE ROOF TOP MECHANICAL UNITS
 FOR THE TOTAL ROOF TOP INCLUDING THE NEW
 HOOD AND INTAKE FAN AND EXHAUST TO BE
 ADDED FOR THE LOCATION SPECIFIED.



1 VICINITY MAP
 NORTH
 S1.0
 N.T.S.



2 AERIAL MAP
 NORTH
 S1.0
 N.T.S.

Approved
 City of Portland
 Bureau of Development Services
 Planner Erinny Hays
 Date 9/13/18

* This approval applies only to the review requested and is subject to all conditions of approval. A final zoning requirements may apply.

LYER ENGINEERING AND DESIGN
 7950 SE 108th, Portland, Oregon 97266
 M: 503.795.5283 Fax: 503.482.7449
 T: 503.795.5283
 info@lyer.com www.lyer.com



A-1 STAINLESS STEEL FABCO
 FOR: MINGLE LOUNGE (ROOF TOP MECH. UNITS)
 322 NW EVERETT ST. - PORTLAND, OREGON

Revisions:

LEAD JOB #18-157
 Date: 09/10/2018
 Drawn by: TDL
 Checked by: TDL

Sheet No.

S1.0

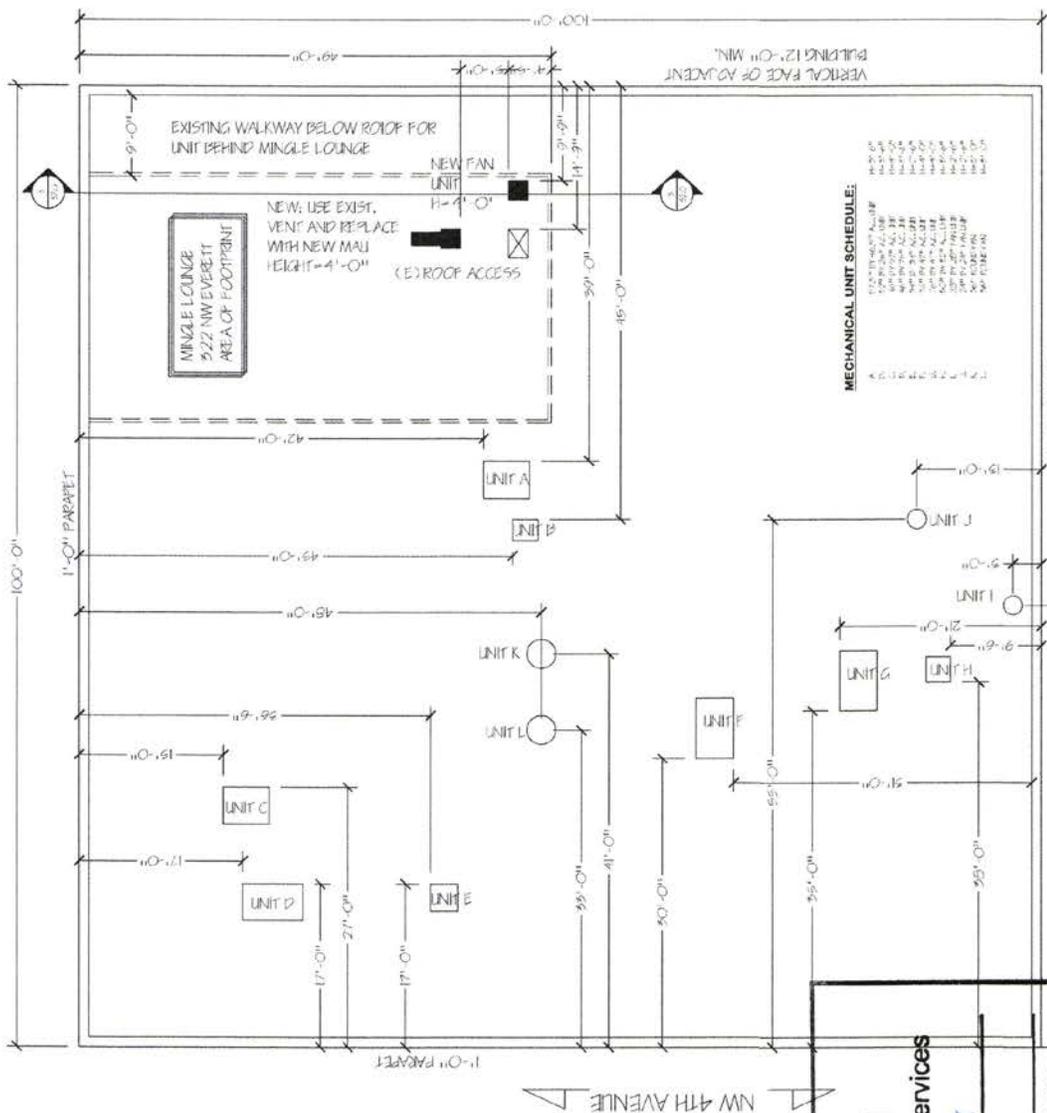


EXHIBIT C-1
 LU 18-220928 HR

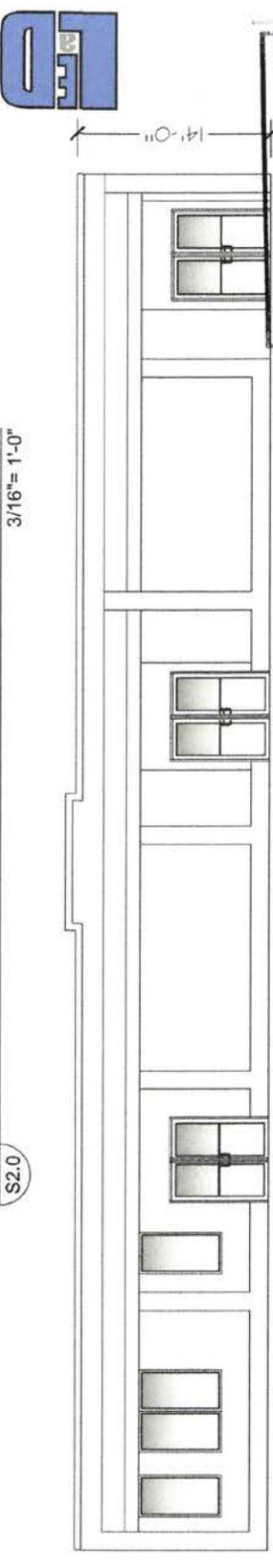
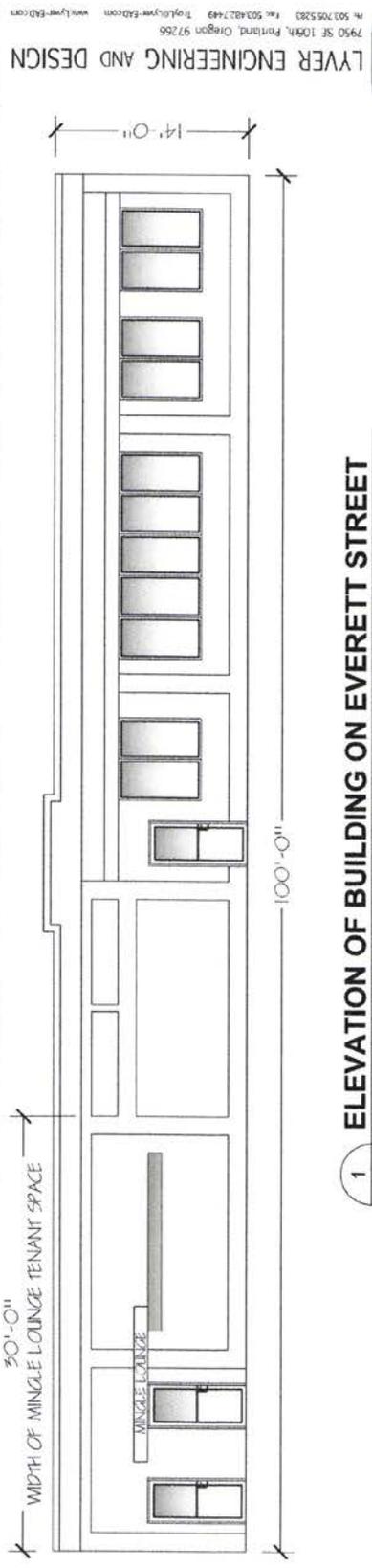
MECHANICAL UNIT ROOF LAYOUT PLAN
 1/8" = 1'-0"
 NORTH



A-1 STAINLESS STEEL FABCO
 FOR: MINGLE LOUNGE (ROOF TOP MECH. UNITS)
 322 NW EVERETT ST. - PORTLAND, OREGON

Revisions:	LEAD JOB #18-157
Date: 08/10/2018	Drawn by: TDL
Checked by: TDL	

Sheet No.
S2.0



Approved
 City of Portland
 Bureau of Development Services
 Planner: *Emily Hays*
 Date: *9/13/18*
 * This approval applies only to the reviews required and is subject to all additional comments and approvals. Comments may apply.

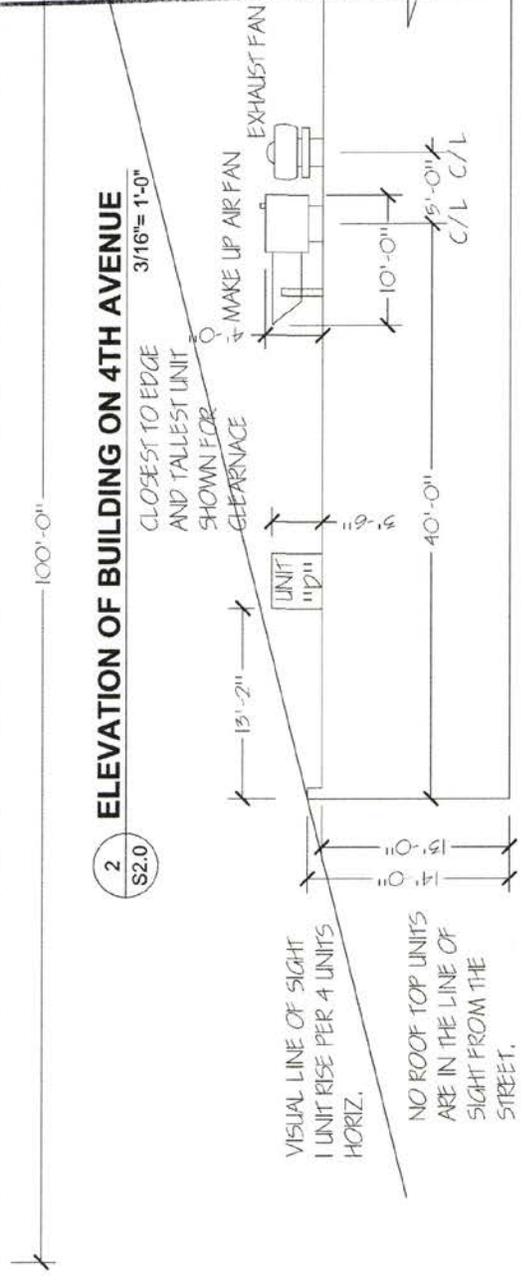


EXHIBIT C-2
 LU 18-220928 Hz

3 SECTION OF BUILDING WALL SHOWING VISUAL CLEARANCE
 3/16" = 1'-0"

S2.0

LYVER ENGINEERING AND DESIGN
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