



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

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Date: August 2, 2021
To: Interested Person
From: Grace Jeffreys, 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 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 21-048445 DZ -
ST JAMES CHURCH, NEW HVAC**

GENERAL INFORMATION

Applicant: Jennifer Rinkus, Baysinger Partners Architecture,
2410 N Lombard, Portland, OR 97217
jenniferr@baysingerpartners.com 503.546.1623

Owner/Agent: David Scott, St James Apartments LP
PO Box 2968, Portland, OR 97208

Owner's Agent: David Scott, St James Evangelical Lutheran Church
1315 SW Park Ave, Portland, OR 97201

Site Address: 1312 SW 10TH AVE

Legal Description: BLOCK 224 LOT 1&2, PORTLAND; BLOCK 224 N 1/2 OF LOT 6 S 1/2 OF LOT 7, POTENTIAL ADDITIONAL TAX, PORTLAND

Tax Account No.: R667723950, R667724000

State ID No.: 1S1E04AD 00800, 1S1E04AD 01000

Quarter Section: 3128

Neighborhood: Portland Downtown, contact Wendy Rahm at wwrahm@aol.com

Business District: None

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - West End

Other Designations: St James Lutheran Church, located on adjacent parcel, is an Individually Listed Historic Landmark

Zoning: **RXd**, Central Residential with a design overlay

Case Type: **DZ**, Design Review

Procedure: **Type II**, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant proposes installation of new HVAC units with fence to serve St James Church, (1315 SW Park, R246484), on an adjacent parcel (1312 SW 10th Ave, R246486) within the landscape area of a private courtyard that abuts the Church, located in the West End Subdistrict of the Central City Plan District. St James Church is considered a Historic Landmark. Due to structural constraints, the historic nature of the Church, and lack of open ground space on the church site, the units must be located outside on the adjacent parcel in a private courtyard.

Because this site is designated with a “d” overlay zoning, design review is required for non-exempt exterior alterations to existing development per Portland Zoning Code Section 33.420.041.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The subject site consists of a group of parcels that take up a little over a half a city block, fronting SW 10th Avenue, SW Jefferson Street and SW Park Avenue in the West End Subdistrict of the Central City Plan District. The parcels consist of St James Church, (1315 SW Park, R246484, on Lot 800), and the adjacent property (1312 SW 10th Ave, R246486, on Lot 1000). St James Church is considered a Historic Landmark.

This proposal consists of new HVAC units with fence to serve St James Church, on the adjacent parcel) within the landscape area of the private courtyard that abuts the Church.

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 2035 Plan. The regulations address the unique role the Central City plays as the region’s premier center for jobs, health and human services, tourism, entertainment, and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial, and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm, and a healthy urban river. The site is within the West End Subdistrict of this plan district.

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

For 1315 SW Park:

- LU 92-009550 DZ (LUR 92-00431) Design Review approval to build up two wells in the roof and re-roof for 1315 SW Park.
- LU 81-003221 CU (CU 085-81) Conditional Use approval to utilize the existing St James Church building as a childcare center. Variances are requested to waive the off-street parking and on-site outdoor play area requirements.
- LU 79-004485 DZ (DZ 19-79) Design Review approval to reinstall a steeple.
- LU 75-005103 DZ (DZ 8-75) Design Review approval for a new addition.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **June 28, 2021**. No written responses were received.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 28, 2021. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Nathaniel Hartwig, July 12, 201, wrote with concerns about noise of proposed HVAC units, lack of engagement with residents effected, and demolition of two Maple trees.

BDS response. These concerns have been shared with the applicant. Before commencement of any work, staff encourages the project team to reach out to residents of the affected building and talk through their concerns.

The purview of this design review includes elements of the project that relate to the approval criteria, in this case, the Central City Fundamental Design Guidelines. While the issues mentioned do not directly relate to the approval criteria for this land use review, more information about these issues can be found below:

- With regard to engagement with residents, consistent with reviews of this type, a Notice of Proposal in Your Neighborhood, dated June 28, 2021, was sent out to nearby registered organizations as well as neighboring residents.
- With regard to the loss of the two Maple trees, trees in development situations are regulated under Title 11, Tree Code. At time of permit, tree preservation and on-site tree density standards of Chapter 11.50 Trees in Development Situations will need to be shown to be met <https://www.portland.gov/code/11>. At a minimum, tree preservation methods will need to be shown to protect the existing tree
- With regard to noise of the proposed HVAC units, environmental noise levels are regulated under Title 18, Noise Control Code, <https://www.portland.gov/code/18>. Please refer to the city’s web site for further information: <https://www.portland.gov/civic/noisereview/noise-code-enforcement>

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.

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

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.

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

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: This project is for work associated with St James Church, located at 1315 SW Park, which is considered a Historic Landmark. The Church and associated addition have an aging and ailing mechanical system. A new mechanical system with new HVAC units is needed in order to for the church and associated building areas to remain operational.

The proposed new HVAC units are required to be placed outside. The units cannot be placed on the Church's roof without significant structural modifications and negative impacts to the visual look and historic design of the building. The units also cannot be placed in the Church's basement because they must be placed outside. The Church occupies the entire parcel (Lot 800) so there is no area on its lot for these new units to be placed.

Therefore, this proposal is to place the new units outside on the adjacent property (Lot 1000), which has an internal private courtyard abutting the church. The units will be placed within an existing landscape area in the courtyard where they will not impact the

existing playground, and they will be able to be screened so as to not impact the historic nature of the Church building itself.

By placing the units on the adjacent parcel, with all connections to the church to be underground, this ensures that the existing church building will remain operational, satisfying guideline A6. Reuse/ Rehabilitate/ Restore Buildings, and respects the architectural integrity of the historic building, satisfying guideline C3. Respect Architectural Integrity. By placing the HVAC unit on the adjacent property and using underground connections, guideline C5. Design for Coherency is also satisfied.

These guidelines are therefore met.

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

Findings: This proposal is for new HVAC units to be located in the southeast corner of the parcel within the landscaped area in the internally facing private courtyard at 1312 SW 10th Avenue, to serve the historic St. James Church, located on the adjacent parcel to the east. The new HVAC units will be located on the ground and screened by existing building walls on the east and south. A fence will be added on the west and north to screen the units from the courtyard area, and all connections to the church are proposed to be underground. These moves ensure the proposed new HVAC units will not negatively impact the permanence or quality of the existing development.

This guideline is 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 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 new HVAC units have been located within an internally facing private courtyard, screened by existing building walls and a fence, and all connections to the church are proposed to be underground. These moves ensure the proposed new units will not negatively impact the existing development. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of the installation of new HVAC units to serve St James Church, (1315 SW Park, R246484), on an adjacent parcel (1312 SW 10th Ave, R246486) within the landscape area of a private courtyard that abuts the Church.

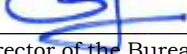
Approval per the approved site plans, Exhibits C-1 through C-13, signed and dated July 29, 2021, subject to the following conditions:

- 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 21-048445 DZ." 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: Grace Jeffreys

Decision rendered by:  **on July 29, 2021**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 2, 2021

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 **May 14, 2021** and was determined to be complete on **June 23, 2021**.

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 May 14, 2021.

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: October 21, 2021.**

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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on August 16, 2021. The completed appeal application form must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIX decisions on property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **August 16, 2021** 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 Submittals
 1. Original submittal – Narrative, 5/14/21
 2. Original submittal – Plans, 5/14/21
 3. Original submittal – Electrical Permit, 5/14/21
 4. Original submittal – Existing Landscape, 5/14/21
 5. Original submittal – Mechanical Set, 5/14/21
 6. Original submittal – Mechanical Calcs, 5/14/21
 7. Incomplete response – Narrative, 6/23/21
 8. Incomplete response – Narrative, 6/23/21
 9. Incomplete response – Roof updates, 6/23/21
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Floor plan and fence details (attached)
 3. Roof Plan
 4. Existing landscape area
 5. Existing Parapet details at roof
 6. Mechanical legend
 7. HVAC - basis and ducting schedule
 8. HVAC - AHU and VRF schedules
 9. HVAC – Fan and pump schedules
 10. Basement plan
 11. Level 1 Plan
 12. Roof Plan
 13. Details - Mechanical
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses: None received
- F. Correspondence:
 1. Nathaniel Hartwig, July 12, 201, wrote with concerns about noise of proposed HVAC units, lack of engagement with residents effected, and demolition of two maple trees.
- G. Other:
 1. Original LU Application
 2. Incomplete letter, dated June 1, 2021

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).