



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

1900 SW 4th Avenue, Suite 5000  
Portland, Oregon 97201  
503-823-7300  
Fax 503-823-5630  
TTY 503-823-6868  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** September 24, 2009  
**To:** Interested Person  
**From:** Kara Fioravanti, Land Use Services  
503-823-5892 / [kfioravanti@ci.portland.or.us](mailto:kfioravanti@ci.portland.or.us)

**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 this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

**CASE FILE NUMBER: LU 09-152688 DZ**  
**NEW ROOFTOP MECHANICAL UNITS**

**GENERAL INFORMATION**

**Applicant:** Aron Faegre, Architect  
Aron Faegre & Assoc  
520 SW Yamhill  
Portland, OR 97204

**Representative:** Glisan Property LLC, Chris Kopca  
920 SW 6<sup>th</sup> Ave #223  
Portland, OR 97204

**Site Address:** 947 SW BROADWAY STREET  
**Legal Description:** BLOCK 209 LOT 3&4, PORTLAND  
**Tax Account No.:** R667722480, R667722480, R667722480, R667722480, R667722480,  
R667722480

**State ID No.:** 1S1E03BB 03900, 1S1E03BB 03900, 1S1E03BB 03900, 1S1E03BB  
03900, 1S1E03BB 03900, 1S1E03BB 03900

**Quarter Section:** 3129  
**Neighborhood:** Portland Downtown, contact Jennifer Geske at 503-750-9843.  
**Business District:** Downtown Retail Council, contact Lisa Frisch at 503-552-6740.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Plan District:** Central City - Downtown  
**Zoning:** CXd, Central Commercial with design overlay  
**Case Type:** DZ, Design Review  
**Procedure:** Type II, an administrative decision with appeal to the Design  
Commission.

**Proposal:** The applicant seeks design review approval for new rooftop mechanical units.

**Relevant Approval Criteria:** Central City Fundamental Design Guidelines

## ANALYSIS

**Site and Vicinity:** The 10,000 SF, quarter block site is at the southwest corner of Broadway and Salmon Streets. The property is fully developed with a 18, 744 SF two-story commercial building consisting of office on the upper level and retail on the ground floor. The brick building was constructed in 1924 has gone through several remodels including a recent entire storefront update. The building is situated in the Downtown subdistrict of the Central City Plan District and as well as the Downtown Pedestrian District.

**Zoning:** The CX (Central Commercial) 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. The "d" (Design) 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.

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

- DZ 65-83: Approval of a 1983 Design Review for signage.
- DZ 67-85: Approval of a 1985 Design Review for signage.
- DZ 50-89: Approval of a 1989 Design Review for a storefront remodel.
- DZ 069-90: Approval of a 1990 Design Review for a storefront addition on SW Salmon Street.
- LUR 91-00822 DZ: Approval of a 1991 Design Review for removal of a marquee and to recess a portion of the storefront and two doors by 14'-0".
- LUR 95-00468 DZ: Approval of a 1995 Design Review for a rooftop noise control barrier with galvanized steel framing and siding.
- LU 08-138580 DZ: Approval of a 2008 Design Review for a storefront renovation. This work is currently under construction and nearing its completion.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed on August 28, 2009. The following Bureaus have responded:

Bureau of Environmental Services:

*BES Response Summary:* BES has no objections for 4 new rooftop mechanical units. Please refer to the "Building Permit Issues" section below which describes design requirements that may apply to your project at the building permit stage. The following comments have been provided for information purposes and mainly relate to building permit review.

**Sanitary Services**

1. There are existing public combination sewers in SW Salmon and SW Broadway Streets.
2. Our records indicate there are also existing private combination sewers in SW Broadway and in a portion of SW Salmon Street going west from SW Broadway.
3. Your building permit plans may need to show the blowdown water discharging to a sanitary waste line, depending on the type of equipment being installed or upgraded as part of this development project. Please review information below in the 'Building Permit Issues' section.

**Stormwater Management & Water Resources**

The stormwater runoff generated from the proposed development must meet the requirements of the City of Portland's Stormwater Management Manual current at the time of building plan review. For all projects, the Stormwater Hierarchy must be addressed. The applicant may contact BES with any questions or for additional information. The current 2008 Stormwater Management Manual can be found at: <http://www.portlandonline.com/bes/> under Publications and then go to Manuals.

1. There is an existing public storm-only sewer located in SW Salmon.

### **Conditions of Approval**

BES has no recommended conditions of approval. Please review Source Control requirements below that may pertain to your development project.

### **Building Permit Issues**

1. Cooling Towers/Boilers (Title 17 Chapters 34 & 39): Cooling towers with a recirculating system and industrial boilers require occasional or regular water discharge (blowdown). If this type of equipment will be installed or upgraded as part of this development project, then at the time of building permit application the building plans must show the blowdown water discharging to a sanitary waste line.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on August 28, 2009. 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 and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

### **Central City Plan Design Goals**

This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven 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.*

**B2. Protect the Pedestrian; C2. Promote Quality and Permanence in Development; C3. Respect Architectural Integrity; C4. Complement the Context of Existing Buildings; C11. Integrate Roofs and Use Rooftops.**

**Findings:** The adequate setbacks of the proposed roof-mounted mechanical units limit their impact on the pedestrian environment. Additionally, the proposed units are aligned with existing roof-mounted mechanical units. The material composition of the units, along with aligned positions on the roof, promotes the quality and permanence of this historic building. The units are composed of pre-painted steel cabinets, and are placed on a concrete curb. The units are aligned with one another, as well as with existing roof-mounted mechanical equipment, which adds an ordered appearance to the roof area, limiting negative impacts on views from surrounding buildings. Finally, the size and placement of the proposed roof-mounted mechanical units is consistent with the building's historic design by having very little impact on the visual presence of the building.

In conclusion, the proposed rooftop location, pulled back from the building edge, enables the building's internal needs to be met without detracting from the pedestrian environment. Further, by placing the mechanical units on the roof, the pedestrian zone is protected. The minimal presence of the roof-mounted mechanical units, and their durable construction, indicates their long-lasting contribution to the building. Thus, the proposed units are well integrated with the building's roof function, and views of the skyline should be largely unaffected by the proposal.

*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**

In conclusion, the proposed rooftop location, pulled back from the building edge, enables the building's internal needs to be met without detracting from the pedestrian environment. Further, by placing the mechanical units on the roof, the pedestrian zone is protected. The minimal presence of the roof-mounted mechanical units, and their durable construction, indicates their long-lasting contribution to the building. Thus, the proposed units are well integrated with the building's roof function, and views of the skyline should be largely unaffected by the proposal.

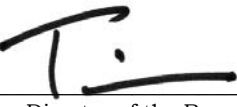
## **ADMINISTRATIVE DECISION**

Approval of new rooftop mechanical equipment, per the approved plans, Exhibits C-1 through C-4, signed and dated September 22, 2009, subject to the following condition:

- 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.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 09-152688 DZ. No field changes allowed."

**Staff Planner: Kara Fioravanti**

**Decision rendered by:**  **on September 22, 2009**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: September 24, 2009**

**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 20, 2009, and was determined to be complete on .

*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 20, 2009.

*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 October 8, 2009** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor in the Development Services Center until 3 p.m. After 3 p.m. and on 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. Low-income

individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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](http://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 **October 9, 2009 – (the day following the last day to appeal)**.
- 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:

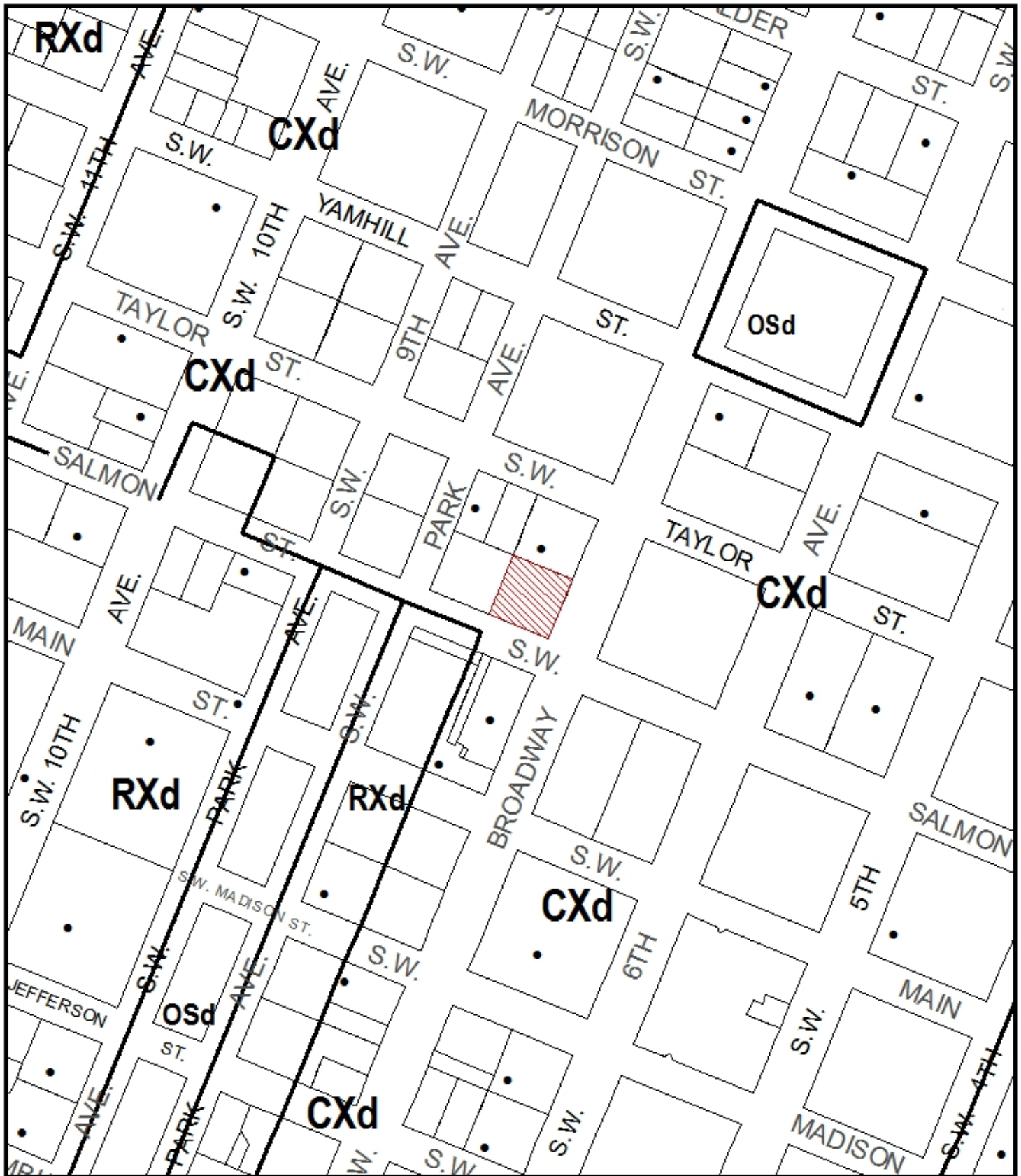
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan
  - 2. Roof Plan [attached]
  - 3. Photos of existing, which includes some of the work being reviewed under this DZ
  - 4. Roof Section
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
- F. Correspondence:
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research

**The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).**



# ZONING



Site



Historic Landmark



NORTH

This site lies within the:  
CENTRAL CITY PLAN DISTRICT

File No. LU 09-152688 DZ

1/4 Section 3129

Scale 1 inch = 200 feet

State\_Id 1S1E03BB 3900

Exhibit B (Aug 25, 2009)



AFON  
FAEGRE  
AND  
ASSOCIATES  
520 SW TAMMILL  
PORTLAND  
OREGON  
97204  
503-222-2546

WESTERN BUILDING  
DOWNTOWN DEVELOPMENT GROUP LLC, PORTLAND, OREGON

WESTERN BUILDING

\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner \_\_\_\_\_  
Date 9-22-09

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

DATE: 09/21/09  
PROJECT: WESTERN BUILDING  
DRAWN BY: [blank]  
CHECKED BY: [blank]

NO.	DATE	DESCRIPTION

PAGE: A3.0

NEW & REMAINING UNITS

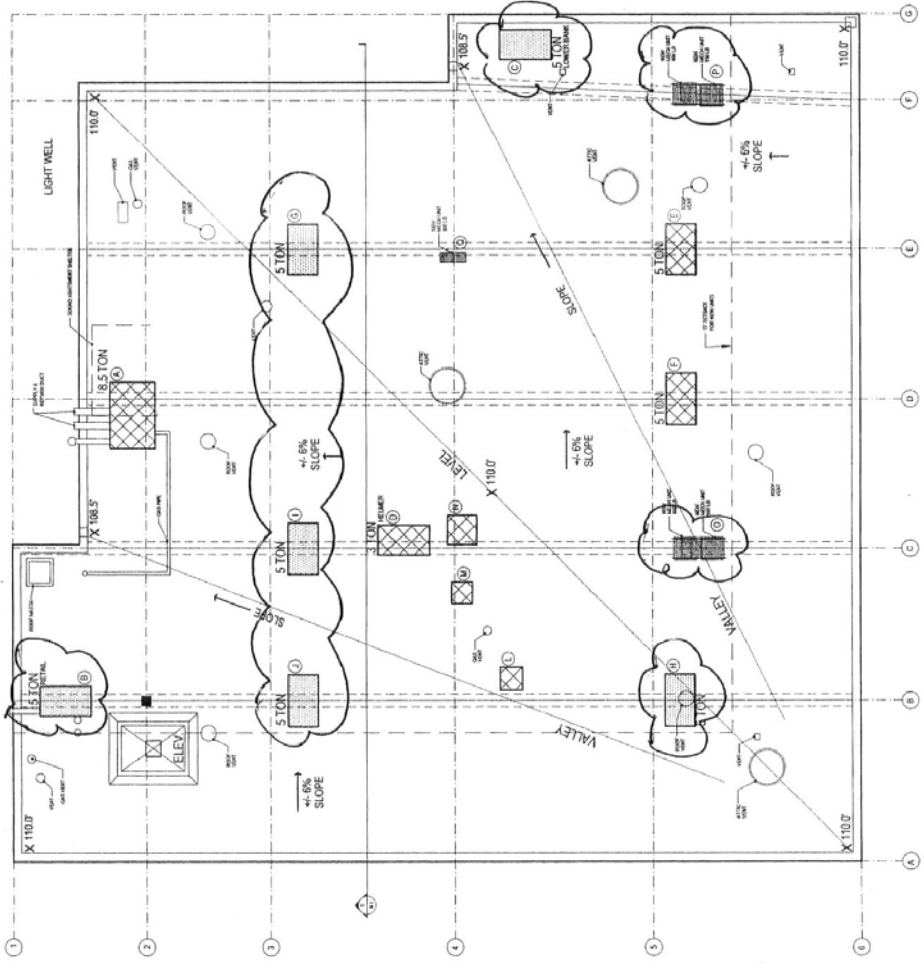
UNIT	TYPE	SERVES	STATUS	SIZE
A	GAS PACK	NEW TENANT - FIRST FLOOR	EXISTING	8.5 TON
B	HEAT PUMP	NEW TENANT - FIRST FLOOR	EXISTING	5 TON
C	HEAT PUMP	NEW TENANT - FIRST FLOOR	EXISTING	5 TON
D	HEAT PUMP	HELPER - BASEMENT	EXISTING	3 TON
E	GAS PACK	NEW TENANT - 2ND FLOOR	EXISTING	5 TON
F	GAS PACK	NEW TENANT - 2ND FLOOR	EXISTING	5 TON
G	GAS PACK	NEW TENANT - 2ND FLOOR	EXISTING	5 TON
H	GAS PACK	NEW TENANT - 2ND FLOOR	EXISTING	5 TON
I	GAS PACK	NEW TENANT - 2ND FLOOR	EXISTING	5 TON
J	GAS PACK	NEW TENANT - 2ND FLOOR	EXISTING	5 TON
K	GAS PACK	NEW TENANT - 2ND FLOOR	EXISTING	5 TON
L	AC ONLY	HELPER - MEZZANINE	EXISTING	4 TON
M	HEAT PUMP	NEW TENANT - FIRST FLOOR	EXISTING	4 TON
N	AC ONLY	NEW TENANT - FIRST FLOOR	EXISTING	4 TON
O	HEAT PUMP	NEW TENANT	NEW	6-8 TON
P	HEAT PUMP	NEW TENANT	NEW	6-8 TON
Q	CONDENSING UNIT	NEW TENANT	NEW	2 TON

KEY

- EXISTING ATTIC VENTS
- ⊗ EXISTING EQUIPMENT TO REMAIN
- ⊠ EQUIPMENT INSTALLED IN 2009 AS PART OF PERMIT #08-151327FA
- ⊡ NEW EQUIPMENT APPLIED UNDER PERMIT #08-144624FA
- ▬ WOOD GRIDER
- ⋯ ROOF JOIST
- ⊞ ELEVATOR OVER/UNTERTHROUGH ROOF

being reviewed under this design review, 09-152688D2

W09-152688D2  
Exh 0.2



SW Broadway

1 ROOF PLAN  
SCALE: 1/16" = 1'-0"

SW Salmon Street