



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

Dan Saltzman, Commissioner
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Date: September 29, 2015
To: Interested Person
From: Puja Bhutani, 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, including the written response to the approval criteria and to public comments received on this application, 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 15-198380 DZ – ROOFTOP MECHANICAL UNIT

GENERAL INFORMATION

Applicant: Daniel Hannah
 Reliant Plumbing & Mechanical
 11575 SW Pacific Hwy, Suite 219
 Tigard, OR 97223

Owner: Winema Land Co LLC
 1211 SW 5th Ave #1440
 Portland, OR 97204-3720

Tenant : Jack Albright
 Opus Bank
 2828 Colby Avenue
 Everett, WA 98201

Site Address: 525 SW BROADWAY

Legal Description: BLOCK 213 LOT 3&4 UND 1/4 INT, PORTLAND; BLOCK 213 LOT 3&4 UND 1/2 INT, PORTLAND; BLOCK 213 LOT 3&4 UND 3/16 INT, PORTLAND; BLOCK 213 LOT 3&4 UND 1/16 INT, PORTLAND

Tax Account No.: R667722940, R667722941, R667722942, R667722943, R667722940

State ID No.: 1N1E34CC 06800U1, 1N1E34CC 06800U2, 1N1E34CC 06800U3, 1N1E34CC 06800U4, 1N1E34CC 06800 U1

Quarter Section: 3029

Neighborhood: Portland Downtown, contact Rani Boyle at 503-725-9979.

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

Quarter Section: 3029

Business District: None

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 Landmarks Commission.

PROPOSAL:

The applicant is proposing adding three mechanical units towards the back of the lower roof top area along the west property line of the subject lot.

Design review is required because the proposal is for a non exempt exterior alteration to a building within design overlay zone.

RELEVANT APPROVAL CRITERIA:

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

- 33.825 Design Review
- 33.420 Design Overlay
- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The project site is located mid-block along the SW Broadway face of the Alderway Building, which sits at the northwest corner of SW Broadway and SW Alder Street. The site is within the Central City Plan District, the Downtown Subdistrict and the Broadway Unique Sign District. West Broadway is designated as a traffic access street, city bikeway, city walkway and community main street. Additionally, the entire Central City Plan District is a pedestrian district. Existing development on the site includes the Alderway Building; a yellow 4-story brick retail and office building with dark green accents built in the 20th Century Commercial Style with distinctive Romanesque details across the top story. The site also includes the Jacoby Jewelry Clock that sits in the right-of-way along SW Broadway and is a designated local landmark.

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 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 Downtown Subdistrict of this plan district.

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

- DZ 119-84, Type I procedure approval for boiler.
- DZ 1-86, approved new 18" signs between columns.
- DZ 19-86, approved new storefront glazing.
- DZ 42-86, approved storefront remodel.

- DZ 57-86, approved storefront addition.
- DZ 80-86, wrought-iron work on Alder.
- DZ 23-88, approved satellite dish near roof penthouse.
- DZ 26-89, approved awning.
- CU 074-66, Conditional Use approval of off-street parking on Washington between Park and Broadway.
- LUR 91-00098 DZ, new building entrances along SW Park Ave with awnings and windows.
- LUR 91-00791 DZ, new double door entry.
- LUR 98-002220 DZ, approved awning.
- LUR 00-00620 DZ, approved storefront remodel, awnings, and signage.
- LUR 02-138941 DZ, approved awning.
- LUR 08-148217 DZ, approved storefront remodel, awnings, and signage.
- LUR 11-185528 DZ, approved storefront remodel, awnings, and signage.
- LUR 12-189752 DZM, corner blade sign (withdrawn)
- LUR 14-242953 DZ, storefront remodel.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **August 25, 2015**.

The following Bureaus have responded with no issues or concerns:

- Bureau of Life-Safety responded with the following comment: “A separate building and mechanical permit is required for the work proposed.” (Exhibit E.1)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on August 25, 2015. 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

These sets 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.

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.

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 storm water management tools.

Findings: The proposed mechanical equipment and new platform is located on the lower roof, which is an uninhabitable space between buildings dedicated for mechanical units and systems. The new platform will be primed and painted for a finished appearance. However its location on the lower roof will screen it completely from the street view, and also result in limited visibility from other buildings or vantage points. This lower location will also not obstruct views of the Center City skyline. *There guidelines are 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

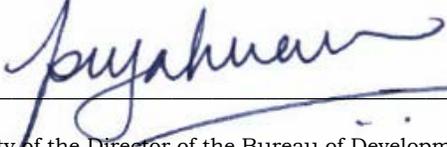
The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. As discussed in detail above, the proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of three mechanical units towards the back of the lower roof top area in the Central City Plan District, Downtown subdistrict, per the approved site plans, Exhibits C-1 through C-4, signed and dated September 18, 2015, 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.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-198380 DZ. No field changes allowed."

Staff Planner: Puja Bhutani

Decision rendered by:  on **(September 18, 2015)**

By authority of the Director of the Bureau of Development Services

Decision mailed: September 29, 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 July 8, 2015, and was determined to be complete on **August 20, 2015**.

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 July 8, 2015.

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 13, 2015** 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 **October 14, 2015 – (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:

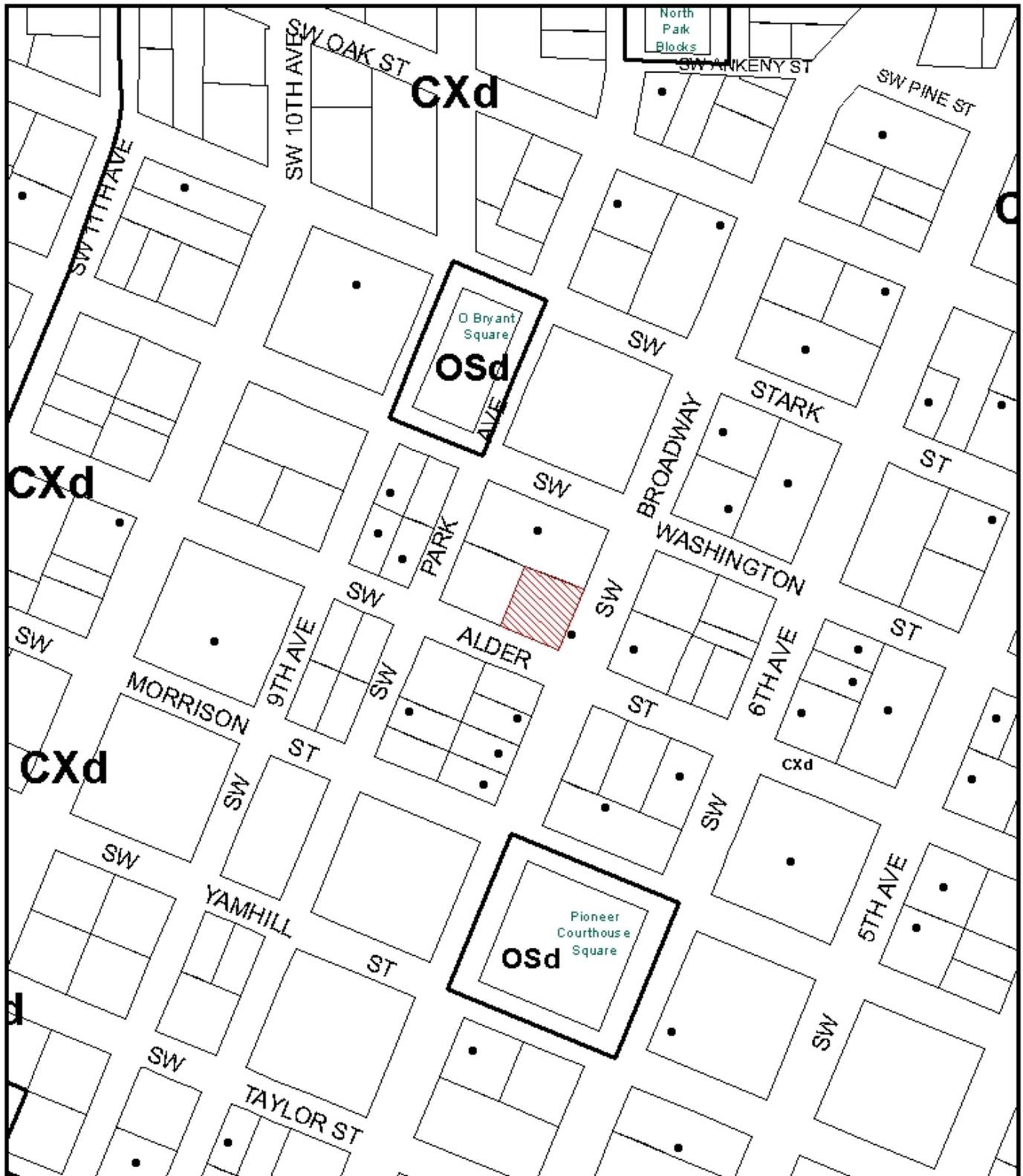
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Original Narrative and photographs
 2. Revised Narrative and photographs, received 8/21/2015
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan
 2. Key Plan and Lower Roof Plan (attached)
 3. Platform Plan and Elevation (attached)
 4. Mechanical Unit Location on Platform
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Fire Bureau
- F. Correspondence: None received
- G. Other:
 1. Original LU Application
 2. Incomplete letter from staff to applicant, sent 7/22/15

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

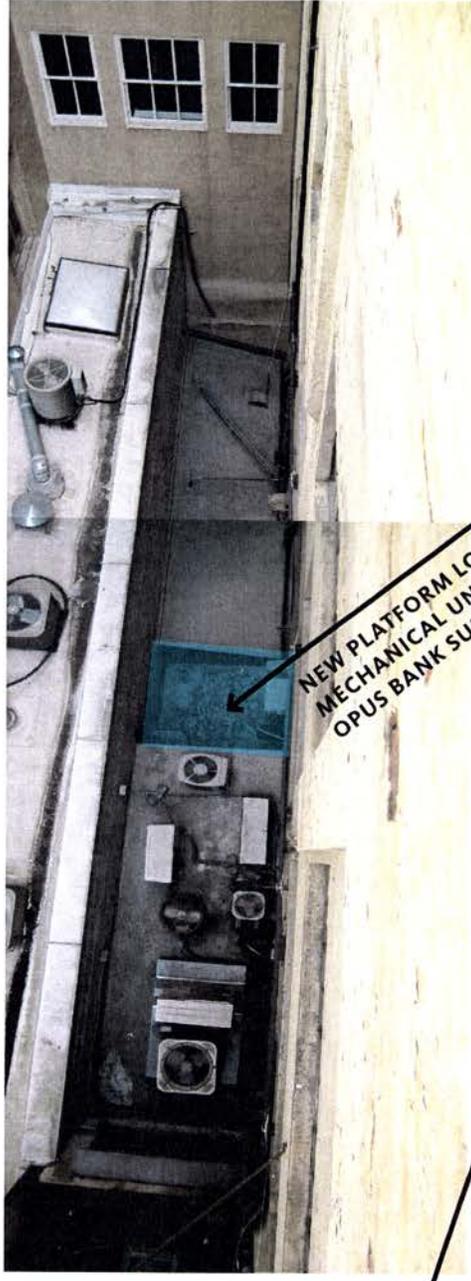
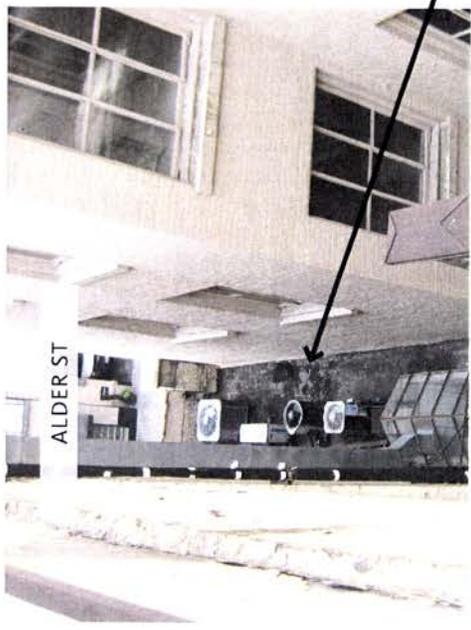
-  Site
-  Historical Landmarks

File No.	<u>LU 15-198380 DZ</u>
1/4 Section	<u>3029</u>
Scale	<u>1 inch = 200 feet</u>
State Id	<u>1N1E34CC 6800</u>
Exhibit	<u>B (Jul 13, 2015)</u>



This site lies with the
CENTRAL CITY PLAN DISTRICT

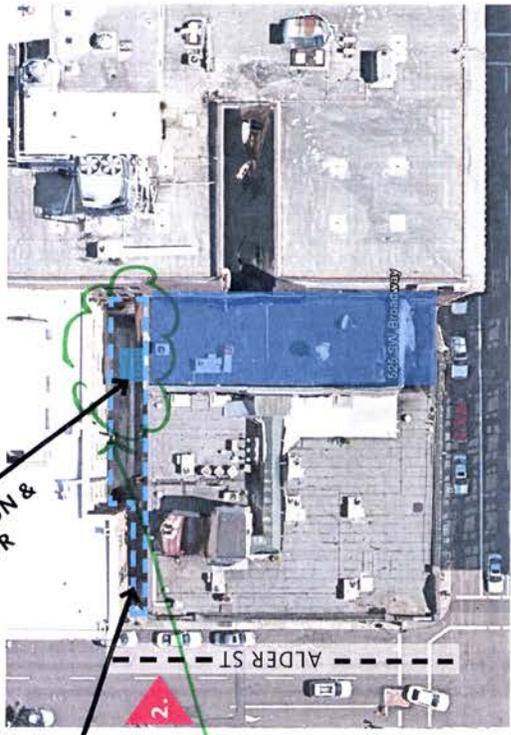
VOID SPACE BETWEEN BUILDINGS - LOCATION OF NEW PLATFORM & MECHANICAL UNITS



NEW PLATFORM LOCATION & MECHANICAL UNITS FOR OPUS BANK SUITE

OVERALL LOWER ROOF/ VOID SPACE BETWEEN BUILDINGS

NOTE: PLATFORM NOT SHOWN IN THIS IMAGE - SEE PAGE 5



KEY PLAN

* Approved*
 City of Portland - Bureau of Development Services
 Planner: P. Ghurain Date: 9/18/15
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

AREA OF WORK

EXHIBIT C-2

MECHANICAL UNIT LOCATIONS FOR OPUS BANK SUITE



EXHIBIT C3

Approved

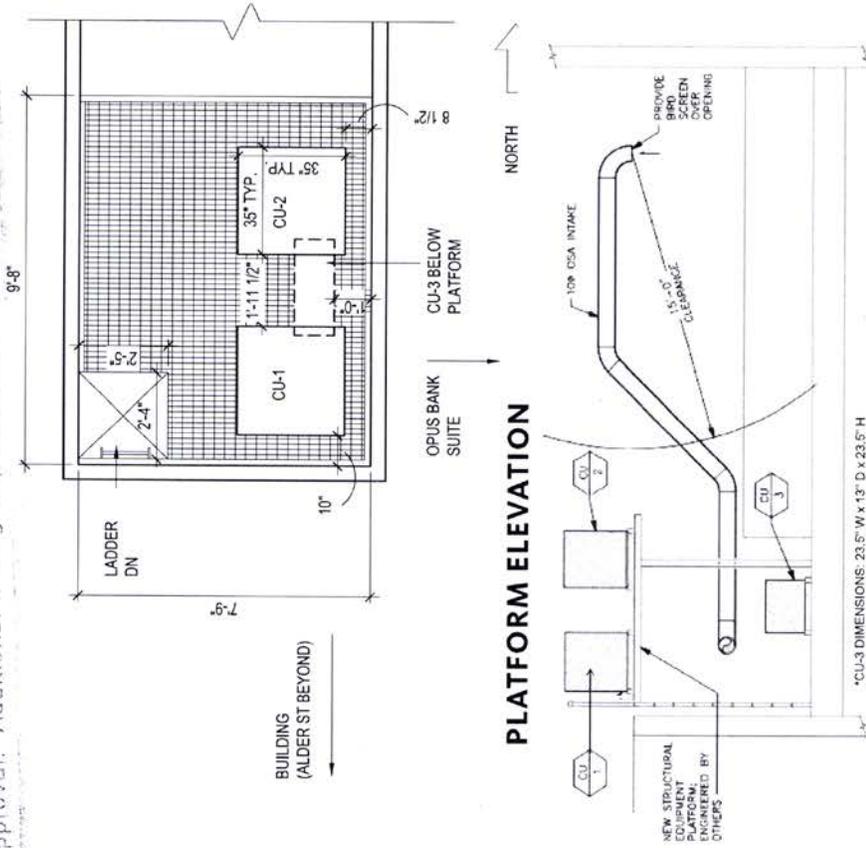
City of Portland - Bureau of Development Services

9/18/15

P. Bhutani

Planner

* This approval applies to ADJACENT BUILDING. This approval is subject to all conditions of approval. Additional zoning requirements may apply.



MECHANICAL UNIT COUNTS

- (10) TOTAL UNITS AT LOWER ROOF LEVEL / VOID SPACE BETWEEN BUILDINGS. THIS NUMBER INCLUDES THE (1) UNIT PREVIOUSLY INSTALLED AT LANDLORDS DIRECTION, AND 3 NEW UNITS FOR OPUS BANK SUITE
- SEE MECHANICAL DRAWINGS- PLAN AND ELEVATION FOR THE 3 NEW UNIT LOCATIONS, CU-3 LOCATED UNDERNEATH PLATFORM