



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** August 30, 2016  
**To:** Interested Person  
**From:** Tanya Paglia, 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 16-190251 DZ — Two HVAC CONDENSING UNITS ON ROOFTOP**

**GENERAL INFORMATION**

**Applicant:** Jerry Rudolf  
SSM Mechanical Services  
740 N Knott Street  
Portland, OR 97227

**Owner:** Broadway Commerce LLC  
225 SW Broadway #1  
Portland, OR 97205

**Representative:** Sarah Sumrall  
Pivot Property Management  
620 SW 5th Avenue, Suite 300  
Portland, OR 97204

**Site Address:** 225 SW BROADWAY

**Legal Description:** BLOCK 85 LOT 6&7 TL 9800, PORTLAND  
**Tax Account No.:** R667708680  
**State ID No.:** 1N1E34CC 09800  
**Quarter Section:** 3029

**Neighborhood:** Portland Downtown, contact Rani Boyle at 503-725-9979.  
**Business District:** None  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Plan District:** Central City - Downtown  
**Zoning:** CXd – Central Commercial Zone with a 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 two new HVAC condensing units on the rooftop of the building located at 225 SW Broadway in the Downtown sub district of the Central City Plan District. The proposed mechanical units will be located on west side of the building's upper roof, 10'-6" from the west parapet. They will be 4'-0" in height which is 2'-8" above the height of the parapet which is 1'-4" on its western side. The condensing units are part of a ductless split system being installed to cool a Main Distribution Facility (MDF) room on the building's fifth floor. The building has numerous other rooftop mechanical units and a varying parapet that extends above the roof deck. Rooftop HVAC equipment is not visible from the street due to line of sight.

Design Review is required because the proposal is for exterior alterations within a Design Overlay zone. The proposal does not meet the Design Review exemption of Section 33.420.045.M because the total number of existing and proposed units exceeds eight.

**Relevant Approval Criteria:**

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

- Central City Fundamental Design Guidelines
- 33.825 Design Review

## ANALYSIS

**Site and Vicinity:** The six-story commercial building located at 225 SW Broadway known as the Broadway Commerce Building was built in 1909. It is a brick and slate tile clad structure that is coherently organized into base, middle and top – slate tile and metal storefront at the ground level, white painted brick at floors 2-5 and black painted brick at the top floor. A simple brick cornice band separates the fifth and sixth floors. The building has light wells at the north and south ends. Designed in Twentieth Century contemporary style, The building's five floors of office space are occupied by Elemental Technologies and the ground floor is occupied by Broadway On-Deck Sports Bar and Grill.

The subject building is located on a 9,000 SF site at the northwest corner of SW Broadway and SW Oak within the heart of the Broadway Unique Sign District. The surrounding area is densely developed with multi-story commercial buildings with similar CX zoning. The building is flanked by other commercial buildings – two-stories high to the west and five stories high to the north. Other vicinity buildings vary in style and height. SW Broadway is the most significant north-south shopping street in Downtown Portland and has been downtown's principal entertainment and shopping street since the turn of the 20th century, with movie and live theaters, department stores, hotels, and restaurants located along the street from West Burnside to SW Madison Street.

Portland's Transportation System Plan classifies SW Broadway as a district collector, community main street, city bikeway, and city walkway. SW Oak Street is designated a local service bikeway and city walkway. The site is within the Downtown Pedestrian District and light rail is one block west along the SW 6th and 5th Avenue couplet. Burnside is the major eastwest street, one block to the north.

**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 Design overlay (“d”) 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 site lies within the Central City Plan District which adds zoning code provisions implementing the Central City plan.

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

- LU 13-154648 DZ – Two new rooftop mechanical units
- LU 14-233468 DZM – New corner projecting sign

**Summary of Applicant’s Statement:** use at your discretion to further explain proposal and/or how they propose to mitigate for impacts or meet approval criteria.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **July 20, 2016**. The following eight Bureaus, Divisions and/or Sections responded with no objections and two of these included comments found in Exhibits E1-E2:

- Fire Bureau (Exhibit E-1)
- Life Safety Division of the Bureau of Development Services (Exhibit E-2)
- Development Services Section of the Bureau of Environmental Services
- Water Bureau
- Site Development Review Section of the Bureau of Development Services
- Source Control Section of the Bureau of Environmental Services
- Watershed Section of the Bureau of Environmental Services
- Bureau of Transportation Engineering and Development Review

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on July 20, 2016. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## **ZONING CODE APPROVAL CRITERIA**

### **Chapter 33.825 Design Review**

#### **Section 33.825.010 Purpose of Design Review**

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

#### **Section 33.825.055 Design Review Approval Criteria**

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

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

### **Central City Fundamental Design Guidelines**

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

The Central City Fundamental Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

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

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

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

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

**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.

**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 for B2, C3, C5 and C11:** The proposed units would be 4'-0" in height and not visible from the street. The building's parapet which varies in height would help screen the units. The parapet closest to the units is 10'-6" to its west. This parapet is on the west edge of the building which abuts a smaller two-story masonry building that faces onto SW Oak Street. The height of the proposed units is 2'-8" above this 1'-4" high parapet. The units are located more than 30' from the south building edge along SW Oak Street and over 70' from the east building edge along SW Broadway. Given the setback from the street elevations, relatively low heights and partial screening of the units, the proposal will not be visible along the pedestrian environment down at the sidewalk. The placement and low height provide a more integrated design that does not adversely impact the design or integrity of the building. Furthermore, no impacts are anticipated on the City's skyline with such small units on a six-story building. *These guidelines have 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 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 proposal meets the applicable design guidelines and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of two new HVAC condensing units on the rooftop, per the approved site plans, Exhibits C-1 through C-5, signed and dated 8/29/2016, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-190251 DZ. No field changes allowed."

**Staff Planner: Tanya Paglia**



**Decision rendered by:** \_\_\_\_\_ **on 8/29/2016.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: August 30, 2016**

**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 June 17, 2016, and was determined to be complete on July 13, 2016.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on June 17, 2016.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on September 13, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> 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](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 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 **September 14, 2016**
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the

County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034  
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

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

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

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

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

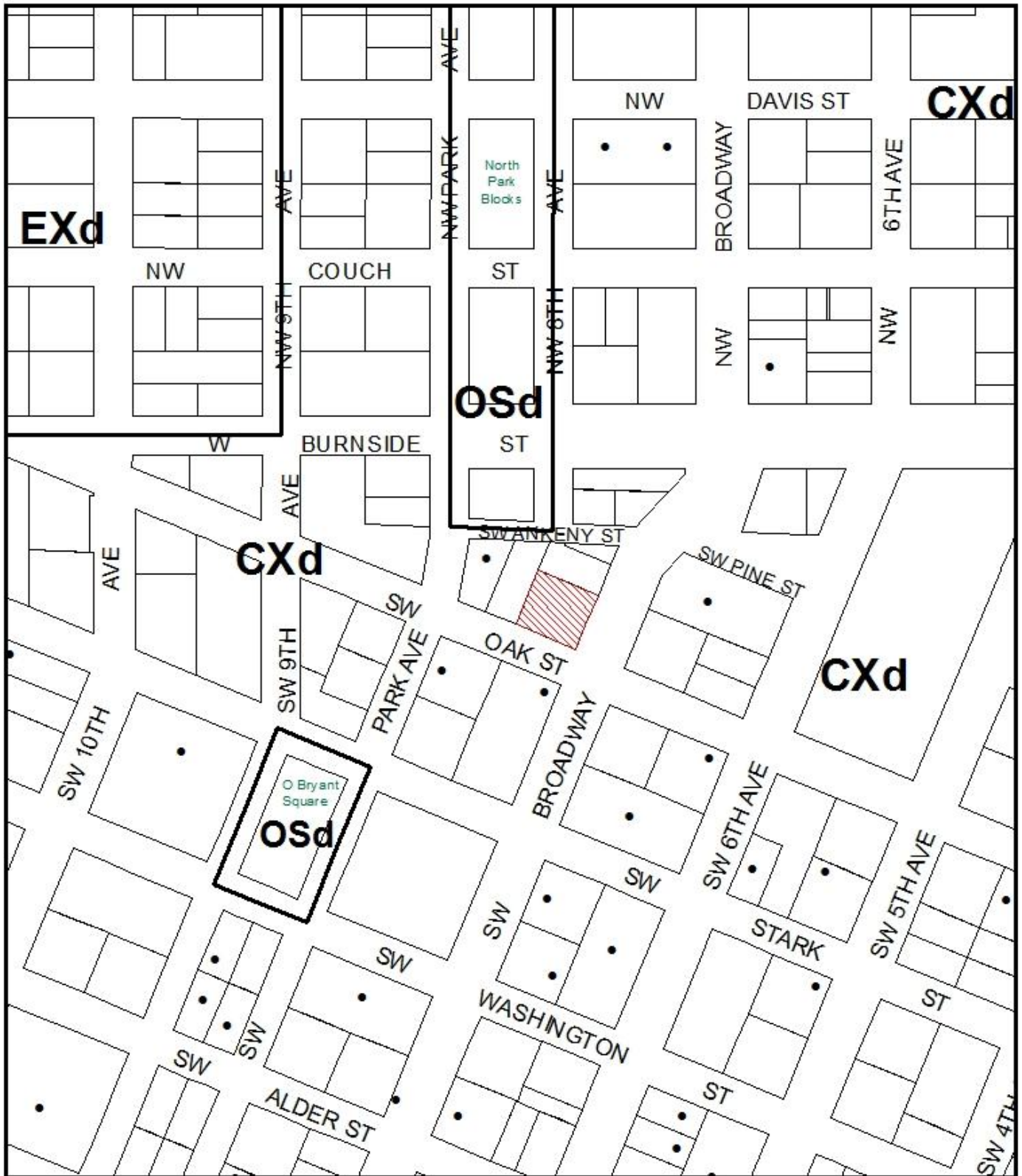
#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
  - 1. HVAC Section and Elevation (Arch D)
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Roof Plan (attached)
  - 3. HVAC Section and Elevation (attached)
  - 4. Compressor Curb Detail
  - 5. HVAC manufacturer's specifications
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Fire Bureau
  - 2. Life Safety Division of the Bureau of Development Services
- F. Correspondence: None received
- G. Other:
  - 1. Original LU Application

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**





# ZONING

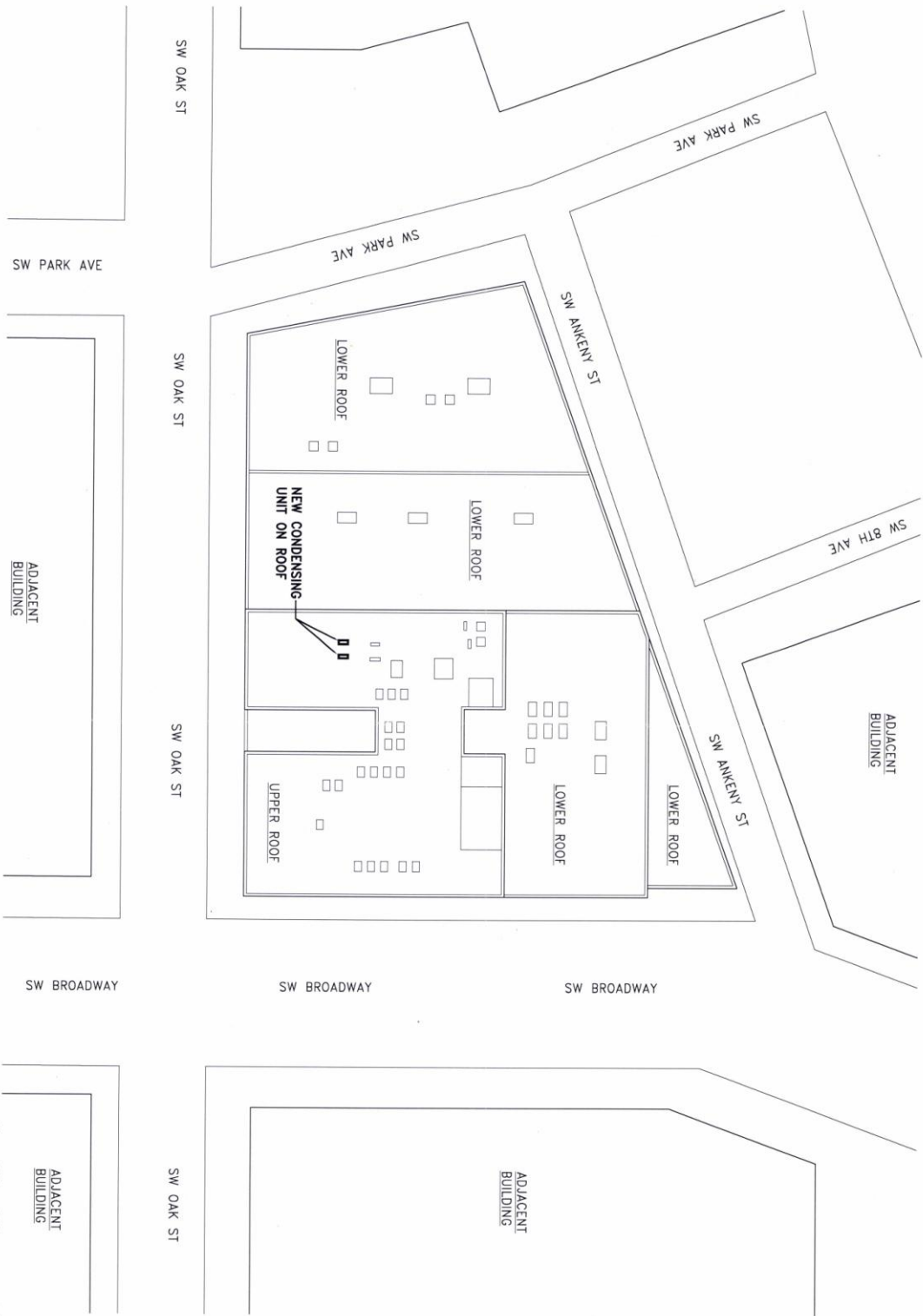
-  Site
-  Historic Landmark



This site lies within the:  
CENTRAL CITY PLAN DISTRICT  
DOWNTOWN SubDistrict

File No.	<u>LU 16-190251 DZ</u>
1/4 Section	<u>3029</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E34CC 9800</u>
Exhibit	<u>B (Jun 20, 2016)</u>



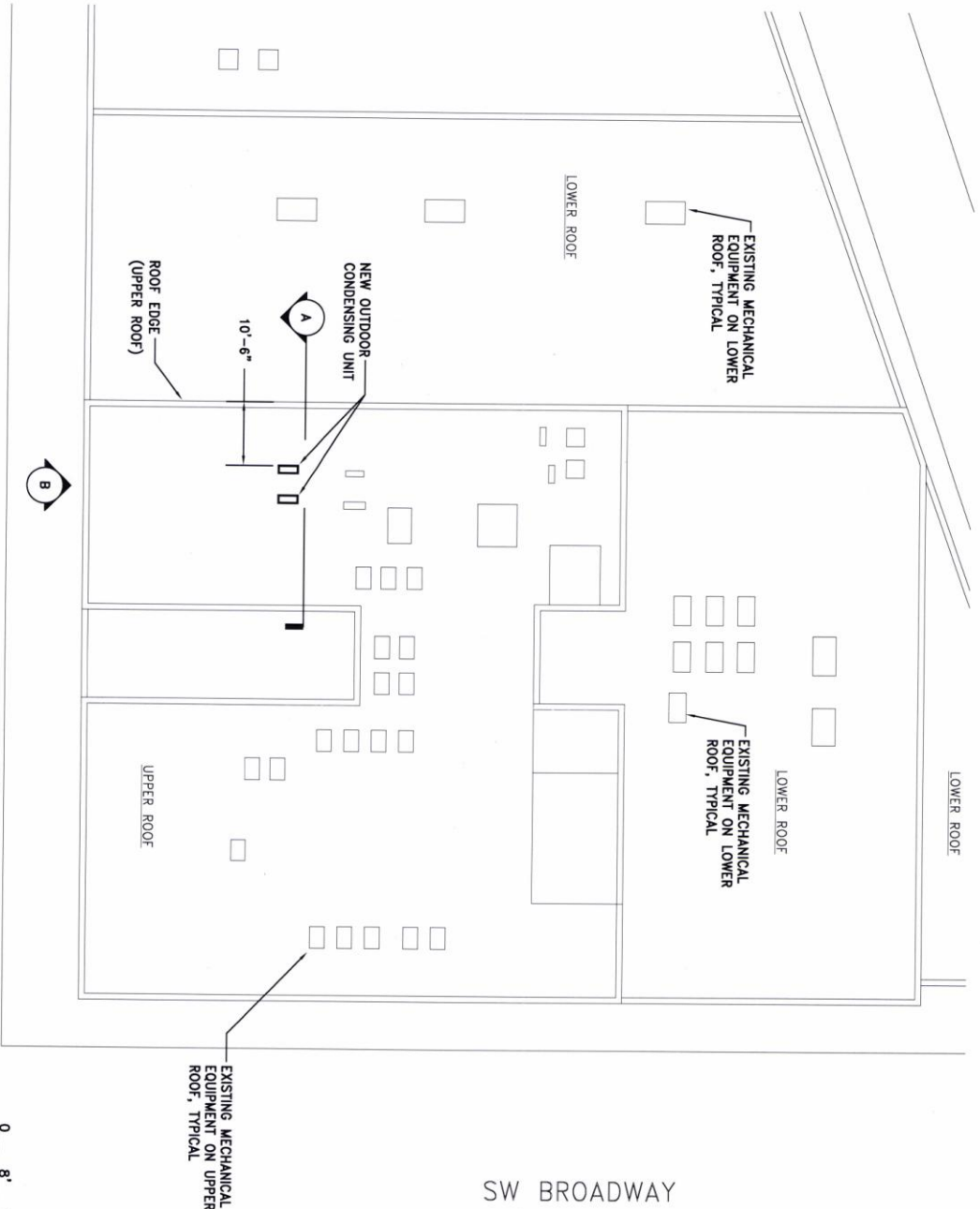


SCALE: 1/32"=1'-0"



HVAC SITE PLAN	<h2 style="margin: 0;">ELEMENTAL TECH - MDF ROOM REVISION</h2> <p style="margin: 0;">SSM MECHANICAL SERVICES 225 SW BROADWAY #1 PORTLAND, OREGON 97205</p>
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C-1

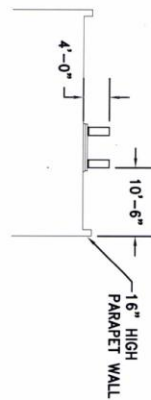


SCALE: 1/16" = 1'-0"

HVAC ROOF PLAN	<h2>ELEMENTAL TECH - MDF ROOM REVISION</h2> <p>SSM MECHANICAL SERVICES          225 SW BROADWAY #1          PORTLAND, OREGON 97205</p>
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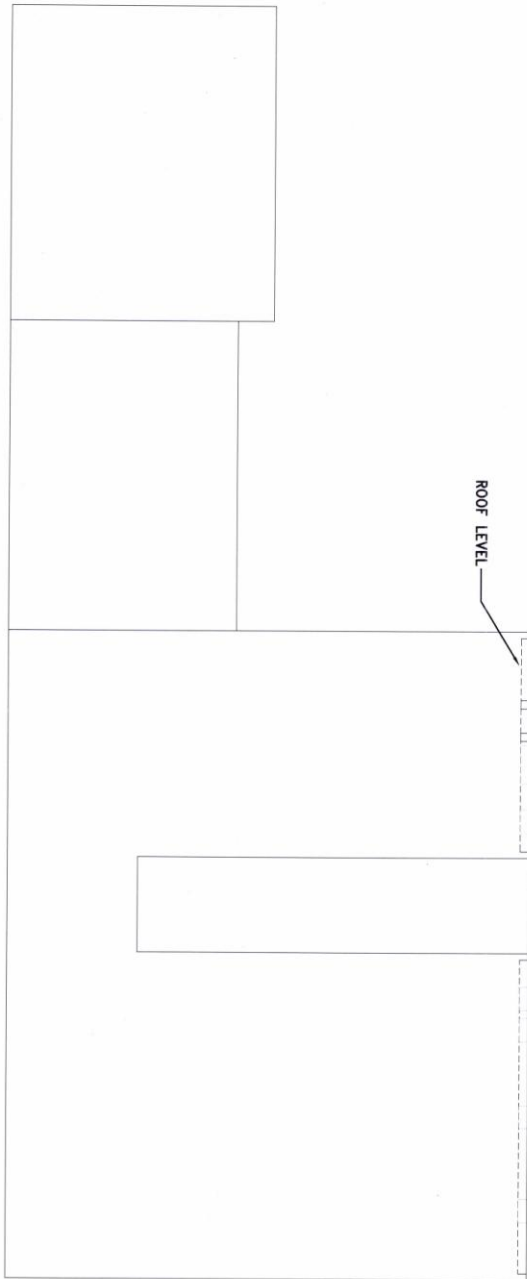
C-2

NOTE: ROOFTOP HVAC EQUIPMENT IS NOT  
VISIBLE FROM STREET DUE TO LINE OF SIGHT



**A** PARTIAL ROOF SECTION

NEW OUTDOOR  
CONDENSING UNIT  
ROOF LEVEL



**B** EXTERIOR ELEVATION - SOUTH

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



# ELEMENTAL TECH - MDF ROOM REVISION

SSM MECHANICAL SERVICES  
225 SW BROADWAY #1  
PORTLAND, OREGON 97205

HYAC  
SECTION &  
ELEVATION