



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

Date: March 23, 2009

To: Interested Person

From: Breah Pike-Salas, Land Use Services

503-823-6825 / Breah.Pike-Salas@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 09-102985 HDZ, WELLS FARGO ROOFTOP DECK

GENERAL INFORMATION

Applicant: Thomas Ellicott

Beardsley Bldg. Dev.

115 SW Ash, #500, Portland, OR 97204

Owner: Historic U S National Bank Block LLC

115 SW Ash St #500, Portland, OR 97204

Site Address: 317 SW 6TH AVE

Legal Description: LOT 1&2 BLOCK 83 HISTORIC PROPERTY 15 YR 1987 POTENTIAL

ADDITIONAL TAX, PORTLAND

Tax Account No.: R667708470, R667708470

State ID No.: 1N1E34CC 03800, 1N1E34CC 03800

Quarter Section: 3029

Neighborhood:Downtown Cmty Assoc., contact Jennifer Geske at 503-750-9843.Business District:Downtown Retail Council, contact Stephen Pirkl at 503-274-7682.District Coalition:Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - Downtown

Other Designations: Historic Landmark, Wells Fargo Building

Zoning: CXd, Central Commercial zone with Design Overlay

Case Type: HDZ, Historic Design Review

Procedure: Type II, an administrative decision with appeal to the Landmarks

Commission.

Proposal:

The applicant requests Historic Design Review approval for the construction of a rooftop deck system on an existing roof that sits within the 7th floor light well of the 12 story Historic Wells Fargo Building. The Wells Fargo Building was constructed in 1907 as the city's first skyscraper, and is now classified as a locally designated Historic Landmark and is listed on the National Register of Historic Places. The 685 square foot deck system will consist of a concrete deck system with a 6 foot tall wood fence to shield mechanical equipment from the deck area, and a new steel tubing guard rail at 42 inches above the walking surface located on the roof of the 7th floor light well.

Because the proposal is for an exterior alteration to a historic property, Historic Design Review is required.

Relevant Approval Criteria:

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

- 33.846 Historic Design Review
- 33.846.060.G Other Approval Criteria
- Central City Fundamental Design Guidelines.

ANALYSIS

Site and Vicinity: The site consists of 3/4 of a block in the heart of the downtown core. The block is bounded by SW Oak and SW Stark Streets and by SW 6th Avenue and SW Broadway. The Wells Fargo Building, Portland's first "skyscraper" (at 12 stories), occupies the northeastern quadrant of the block. Constructed in 1907 and designed by Benjamin Winstar Morris III, the building is notable for its use of polychrome glazed terra cotta. The building is listed as a Rank I resource in the Historic Resource Inventory of Portland, and is a Historic Landmark on the National Register. The building sits on a gray granite plinth and has limestone sheathing at the first two floors. The glazed terra cotta is at the third floor and at the upper two floors, with the balance of the body finished in buff brick with red brick accents. Cast iron window and doorframes sit within two-story arches at the base.

The south half of the block is the location of the U. S. National Bank Building, designed in 1917 by A. E. Doyle. The U. S. National Bank Building was modeled after McKim Mead and White's Knickerbocker Trust Building in New York, with a Classical Revival "temple" form incorporating monumental columns at the facades. Its exterior is entirely faced with glazed terra cotta, in a light pinkish gray color specially developed for the project. The third and fourth floor offices look into an interior light court, while the ground level is a 30' tall banking space with mezzanines along its two long sides. The building is also a Landmark and is listed in the Historic Resource Inventory of Portland.

Zoning: The <u>Central Commercial (CX) zone</u> 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 <u>design overlay zone [d]</u> promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. 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.

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

LUR 00-00712 HDZ – Historic Design Review approval for HVAC units and associated Screening.

LUR 01-00221 HDZ - Historic Design Review approval for wireless antenna

LUR 01-00404 HDZ - Historic Design Review approval for building signage

LUR 01-00458 HDZ - Historic Design Review approval for replacement of doors/windows

LU 04-035438 HDZ - Historic Design Review approval for ATM and canopy

LU 05-156000 HDZ - Historic Design Review approval of building signage

LU 07-152109 HDZ – Historic Design Review for two new eyebolt on historic Wells Fargo bldg for span wire for new MAX line

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 **January 29, 2009**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division
- Life Safety (Building Code) Section of the Bureau of Development Services.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on January 29, 2009. One written comment was received in response to the proposal.

• Susan Haylock, Special Assessment Coordinator, Oregon Parks and Recreation Department - State Historic Preservation Office, January 6, 2009. The proposed alteration will not significantly affect the historic integrity of the property and approving the proposal. Please see Exhibit F.1 for additional details.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846, Historic Reviews

Purpose of Historic Design Review

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

Historic Design Review Approval Criteria

Requests for historic design review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is a designated Historic Landmark. Therefore the proposal requires historic design review approval. The relevant approval criteria are listed in 33.846.060 G. 1.-10. In addition, because the site is located within the Central City Plan District, the relevant approval criteria are the Central City Fundamental Design Guidelines.

G. Approval criteria based on the Standards of the Secretary of the Interior:

- **1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.
- **2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as

- adding conjectural features or architectural elements from other buildings will be avoided.
- **3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
- **5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.
- **7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.
- **8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.
- **9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.
- **10. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

Findings for 1, 2,3,5, and 7-10: With the addition of the new rooftop deck with mechanical screening and guardrail, the primary historic character of the building will be preserved and retained, and the historic building will remain a record of its time. The new rooftop deck is an accessory use to the primary structure and will enhance the use of the building by its tenants.

The deck is easily distinguished from the original building through both construction and design, and no historic features are altered/removed. The construction of the deck encompasses a base of rubber roof pads 12" x 12" placed on top of the existing rooftop to protect the existing roof deck. The design of the new rooftop deck is intended to stand alone and not secure itself to the adjacent walls within the light well. If removed in the future, the integrity of the historic building will remain unimpaired. Materials to be used incorporate precast concrete pavers in a Sandstone color to blend with the surrounding color of the building, cedar wood fencing to screen the existing mechanical equipment, and a 2 inch round with 1 inch round steel tube guardrail painted dark beige to blend with the existing parapet. Although the rooftop deck is new, its design is harmonious with the existing structure and enhances a portion of the building that was previously inaccessible.

The deck area will be lower than the parapet, and the new mechanical screening will be set back from the edge of the building, the new guardrail will stand 4 feet from the roof surface and will sit 2 feet above the parapet. Therefore, the new deck surface, screening wall, the guardrail will not be immediately visible from the ground level of the building. Because the new deck is located within a light well on the 7th floor, it is screened by the building on the north, south, and east sides. The adjacent building to the west is the U.S. National Bank Building which stands 4 stories tall. The guardrail peaking 2 feet above the existing parapet will be the only visible element of the new rooftop deck from the U.S. National Bank Building which also has a rooftop deck.

Therefore, these criteria are met.

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.

- **A2. Emphasize Portland Themes.** When provided, integrate Portland-related themes with the development's overall design concept.
- **A4.** Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.
- **A5.** Enhance, Embellish, and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.
- **A6.** Reuse/Rehabilitate/Restore Buildings. Where practical, reuse, rehabilitate, and restore buildings and/or building elements.
 - **Findings for A2., A4.-A6.:** This proposed rooftop deck with mechanical screen and guardrail preserves the theme of rooftop decks found in the immediate downtown area, as well as throughout Portland. Its design enhances the downtown view opportunity for the 7th floor tenants of the Wells Fargo Building. This new rooftop deck relates to the Wells Fargo Building with the adjacent building to the west, the U.S. National Bank Building which also enjoys a rooftop deck. By incorporating a rooftop deck, this space on the 7th floor will become a useable space, enhancing its function as a part of the Wells Fargo Building. *Therefore, these criterion are met.*
- **C1. Enhance View Opportunities.** Orient windows, entrances, balconies and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building façades that create visual connections to adjacent public spaces.

Findings: The proposed roof deck transforms an existing rooftop to a useable and accessible space where tenants of the building can enjoy views of the city. *This guideline is met.*

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

Findings: Materials to be used include precast concrete pavers in a Sandstone color to blend with the surrounding color of the building, cedar wood fencing to screen the existing mechanical equipment, and a 2 inch round with 1 inch round steel tube guardrail painted dark beige to blend with the existing parapet. All are quality materials that should endure their respective locations promoting permanence in development. The careful attention to detail and design that respects the existing architecture create a quality and permanent proposal. *This quideline is met.*

- **C3. Respect Architectural Integrity.** Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.
- **C5. Design for Coherency.** Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

Findings for C3. and C5.: The decking system is constructed of precast concrete for the deck, cedar wood for the screening element, and steel tubing for the guardrail. The concrete decking is similar in texture and color to the historic limestone base found on the first two floors of the Wells Fargo Building and will blend with the exterior color of the walls found within the light well on the seventh floor. To ensure that the new wood screen element blends in with the existing building, Condition B has been added to require painting the wood screen to match the adjacent building walls. *Per Condition B, these guidelines will be met.*

C11. Integrate Roofs and Use Rooftops. Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

Findings: The design of the rooftop deck with the mechanical screening and guardrail integrates with the existing rooftop and building by means of colors and form. The outline of the new rooftop deck replicates the existing outline created by the building walls found within the light well and is utilizing a precast concrete panel in the color of Sandstone to blend with the adjacent existing building walls. The proposed mechanical screening is setback from the edge of the building adjacent to the interior building wall and is conditioned to be painted to match the adjacent existing building walls within the light well in order to blend with existing architecture. The new guardrail of steel tubing 1" and 2" in size sits above the existing parapet 2 feet and is painted a dark beige to blend with the existing parapet. The deck is designed to be inconspicuous, yet functional and welcoming to tenants of the building. The incorporation of the rooftop deck onto the existing roof area on the 7th floor will allow tenants of the building to enjoy a part of the building that was previously not accessible. *This quideline is 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 purpose of the historic design review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposed rooftop deck, railing and wood screen blend in with the existing building, and does not compete with or alter the architecture or integrity of the historic building. Therefore, this proposal merits approval.

ADMINISTRATIVE DECISION

Approval of rooftop deck and screening element per the approved site plans, Exhibits C-1 through C-6, signed and dated March 19, 2009, 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 through C-6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 09-102985 HDZ. No field changes allowed."
- B. The mechanical wood screen shall be painted to match the color of the building walls found in the 7th floor light well. No field changes are allowed.

Decision rendered by: _____on March 19, 2009.

By authority of the Director of the Bureau of Development Services

Decision mailed: March 23, 2009

Staff Planner: Breah Pike-Salas

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 January 16, 2009, and was determined to be complete on January 20, 2009.

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 January 16, 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 Landmarks Commission, which will hold a public hearing. Appeals must be filed by 4:30 PM on April 6, 2009 at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., 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 contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 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 Landmarks

Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision 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 April 7, 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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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
- 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.

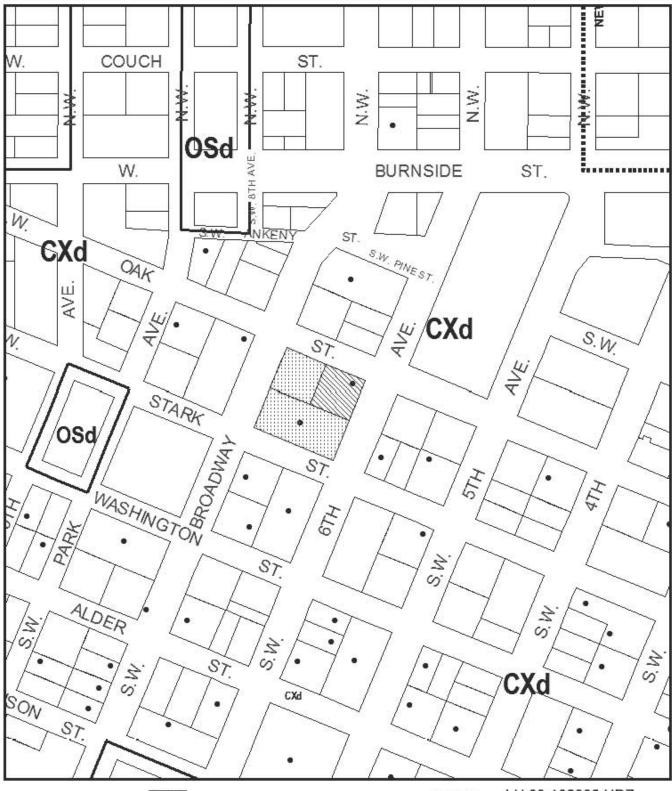
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)C. Plans/Drawings:
- - 1. Site Plan (attached)
 - 2. Roof Deck Layout (attached)
 - 3. Roof Deck Details
 - 4. Roof Deck and Screen Detail
 - 5. Section detail of guardrail (attached)

- 6. Elevation of new mechanical screen (attached)
- D. Notification information:
 - Mailing list
 Mailed notice
- E. Agency Responses: None
- F. Correspondence:
 - 1. Letter from the State Historic Preservation Office dated January 6, 2009
- G. Other:
 - Original LU Application
 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 503-823-0625 (TTY 503-823-6868).



ZONING



Site Also Owned

Also Owned

Historic Landmark



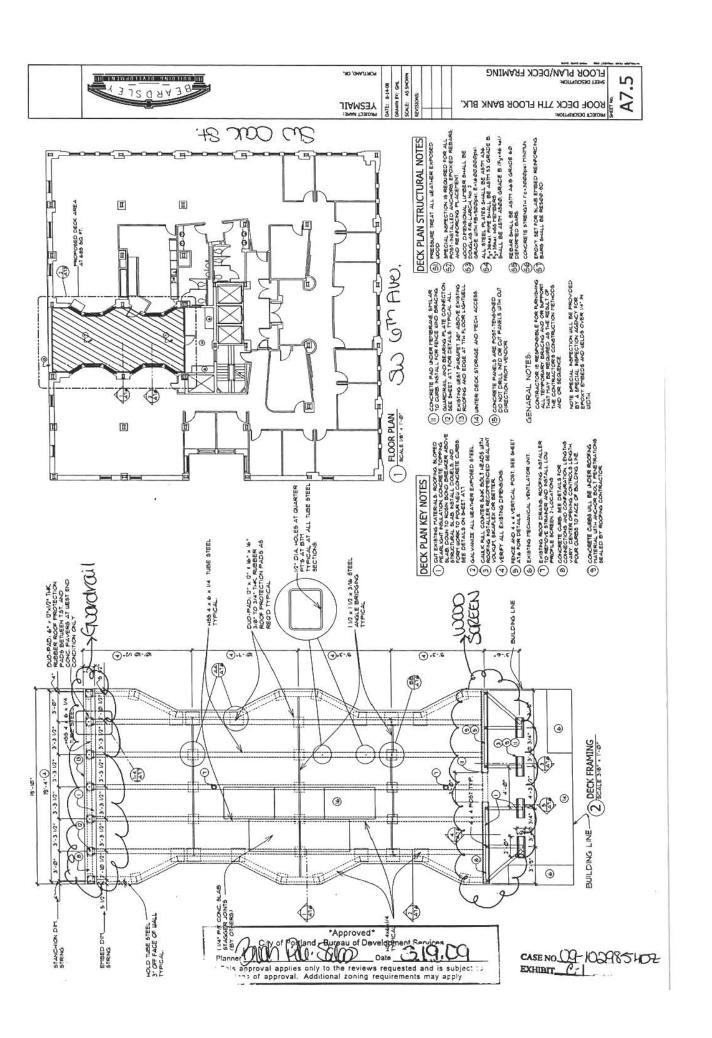
This site lies within the: CENTRAL CITY PLAN DISTRICT File No. LU 09-102985 HDZ

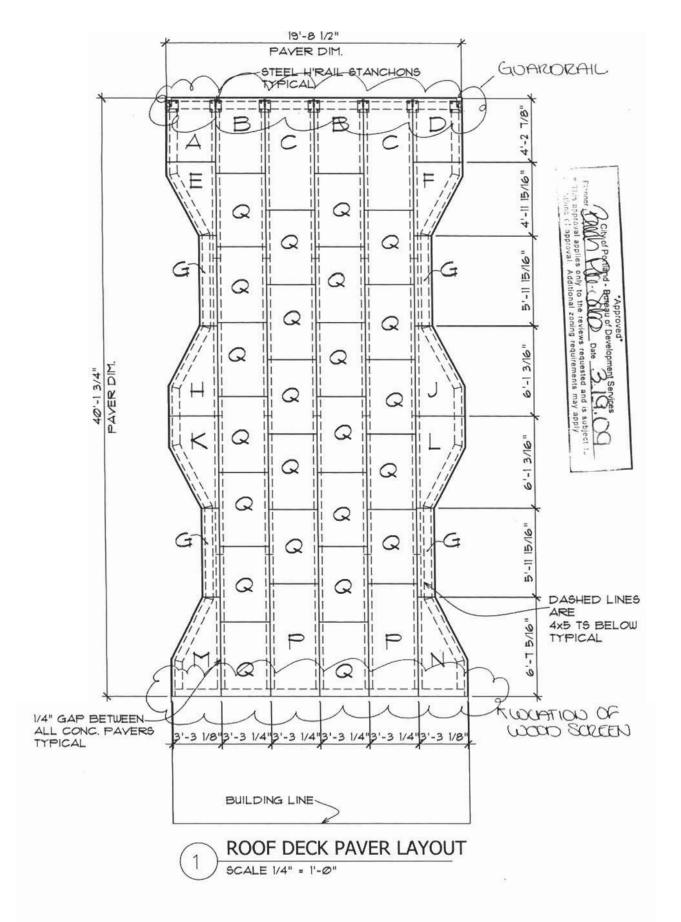
1/4 Section 3029

Scale 1 inch = 200 feet

State_Id 1N1E34CC 3800

Exhibit B (Jan 26, 2009)





A7.4	THE FLOOR DECK WELLS FARGO TOWER SHEET DESCRIPTION. PAVER LAYOUT	PROJECT MANE: YESMAIL ROLL THANK, OR. 97204 ROLL THANK, OR. 97204	54

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additions of approval. Additional zoning requirements may apply						

CASE NO. 09-102085402 EXHIBIT C-5

