



City of Portland  
**Bureau of Development Services**  
Land Use Services Division

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Portland, Oregon 97201  
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[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** June 6, 2008  
**To:** Interested Person  
**From:** Mark Walhood, Land Use Services 503-823-7806  
*mwalhood@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 08-122328 DZ  
(ROOFTOP STAIR & DECK @ 1106 W BURNSIDE)**

**GENERAL INFORMATION**

**Applicant/Contact:** Chris Hodney 503-233-9856  
Holst Architecture  
110 SE 8<sup>th</sup> Avenue  
Portland, Oregon 97214

**Interested Party:** Cabel Sasser - Panic, Inc.  
425 NW 10<sup>th</sup> Avenue, Suite 301  
Portland, Oregon 97209

**Property Owner:** Carson Building Condominium Association  
P.O. Box 927  
Hillsboro, Oregon 97123

**Site Address:** 1106 W BURNSIDE ST

**Legal Description:** GENERAL COMMON ELEMENTS, CARSON BUILDING  
CONDOMINIUMS

**Tax Account No.:** R139600010  
**State ID No.:** 1N1E33DD 90000  
**Quarter Section:** 3028

**Neighborhood:** Downtown Community Association, contact Jennifer Geske at 503-750-9843.

**Business District:** Downtown Retail Council, contact Portland Business Alliance at 503-224-8684.

**District Coalition:** None

**Zoning:** **RXd** (Central Residential base zone with the “d” or Design overlay zone), **Central City Plan District**

**Case Type:** **DZ** (Design Review)

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

**Proposal:** The applicant has proposed alterations to the rooftop of a four story commercial building at the southwest corner of the intersection of W. Burnside and 11<sup>th</sup> Avenue (the Carson Building). The alterations include a new accessory stair overrun, a wood deck surface, and three new skylights, near the center of the existing roof. The stair overrun is located approximately 20 feet south of the building parapet along Burnside, rises approximately 9 feet above the existing roof surface, and would be clad in a brown metal siding to match the existing rooftop stair overrun. The wood deck surface rises approximately 1 foot above the roof surface, measures approximately 9 by 20 feet in plan with a walkway connection to the overrun door, and would be surfaced in Ipe (a Brazilian hardwood). Three skylights are also proposed (skylights are exempt from design review per 33.420.045.E).

Non-exempt exterior alterations in the Central City must receive approval through the Design Review process (33.420.041.B). Given the project valuation of \$100,000, the request is processed as a Type II review (33.825.025.A.2.a).

**Relevant Approval Criteria:** In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are the *Central City Fundamental Design Guidelines*.

## ANALYSIS

**Site and Vicinity:** The site is a 8,120 SF corner block site at the SW corner of West Burnside and SW 11<sup>th</sup> Avenue. West Burnside Street is a City Transit Access Street. SW 11<sup>th</sup> Avenue is also a City Transit Access Street and the west bound line for the Central City Streetcar. The previous use for the building was an automotive building with a car elevator off SW 11<sup>th</sup> Avenue. Across the street to the north is the Brewery Blocks, a multi-use five block development. Across the street to the NE is Powell's Bookstore, and to the east and south are music equipment and CD stores.

**Zoning:** The RX zone is a high density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of new housing development will be medium and high rise apartments and condominiums, often with allowed retail, institutional, or other service oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby. RX zones will usually be applied in combination with the Central City plan district.

The site is in the newly adopted West-End District of the Central City and deemed a Type B site. This allows the office and retail use provided no surface parking is provided and the proposal meets the Ground Floor Active Use standard.

The site also lies within a Design (d) overlay zone. The intent of the design overlay is to ensure 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.

**Land Use History:** City records indicate one prior land use review for this site. In 2002, multiple exterior building changes were approved as part of a wholesale remodel of the structure into commercial condominiums, via Case File # LU 02-122702 DZ.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **May 2, 2008**. The following Bureaus have responded with no issues or concerns:

- The *Water Bureau* (Exhibit E.1);
- *Portland Transportation* (Exhibit E.2);
- The *Fire Bureau* (Exhibit E.3);
- The *Site Development Section of the Bureau of Development Services* (Exhibit E.4); and
- The *Urban Forestry Division of Portland Parks and Recreation* (Exhibit E.5).

The *Bureau of Environmental Services* (BES) has responded with no objections to the proposed project. Further development of the property will be subject to BES standards and requirements during the building permit plan review process (Exhibit E.6).

The Life Safety Section of the Bureau of Development Services notes that a separate Building Permit is required for the proposed work, and that the proposal must be designed to meet all applicable building codes and ordinances. More information regarding building code requirements can be obtained by visiting the Development Services Center at 1900 SW 4<sup>th</sup> Avenue, and information is also available online at <http://www.portlandonline.com/bds/>, or by calling (503) 823-1456. Exhibit E.7 contains staff contact and additional information.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **May 2, 2008**. 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.*

**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.

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

**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 C1 - C3, C5 and C11:** The proposed accessory roof deck for the office space within the building will provide visual connections for building occupants adjacent cityscape. The proposed stair overrun will be clad in a brown metal siding with vertical seams, visually matching these same quality, permanent materials on the existing roof access stair. Similarly, the Ipe wood decking surface is a substantial, weather-resistant material that should stand up well over time. The proposed rooftop alterations are modestly scaled, materially and architecturally integrated with existing rooftop elements on the building, and will increase the human activity and interest on this previously inactive surface. The placement of the deck and stair overrun at least 20 feet from the nearest building parapet, near the center of the roof surface, in combination with the substantial building parapet, also prevents the project from creating unnecessary changes to the architectural character of the building when viewed from adjacent and nearby streets.

*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.

NOTE: Skylights are exempt from design review per 33.420.045.E. Although the location of three new skylights is indicated on the attached drawings, this exemption results in their not being included in the decision language below.

## **CONCLUSIONS**

The applicant has proposed a new stair overrun and roof deck for office workers atop a four-story office building at the busy intersection of W. Burnside and 11<sup>th</sup> Avenue. The alterations are modestly scaled, located near the center of the roof, architecturally integrated with existing rooftop features, and will serve to activate the roof with human activity. The proposed alterations are able to meet the relevant design guidelines and should be approved.

## **ADMINISTRATIVE DECISION**

**Approval of Design Review** (33.420.041.B) for exterior alterations to the rooftop of the 'Carson Building' at 1106 W. Burnside, including a new metal clad, L-shaped accessory stair overrun with a footprint of 100 square feet, rising approximately 9'-0" above the adjacent roof surface, and an L-shaped Ipe wood deck of 216 square feet, rising a maximum of 1'-2" above the adjacent roof surface.

This approval is granted based on the design and materials shown on the approved roof plan, elevations, and detail sheets, Exhibits C.1 through C.4, each exhibit being signed and dated June 3, 2008, and 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 08-122328 DZ. No field changes allowed."

**Decision rendered by:**  **on June 3, 2008.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: June 6, 2008**

**Staff Planner: Mark Walhood**

**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 April 16, 2008, and was determined to be complete on **April 30, 2008.**

*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 April 16, 2008.

*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 June 20, 2008** 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](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 **June 23, 2008 – (the next business 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: OR
- *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

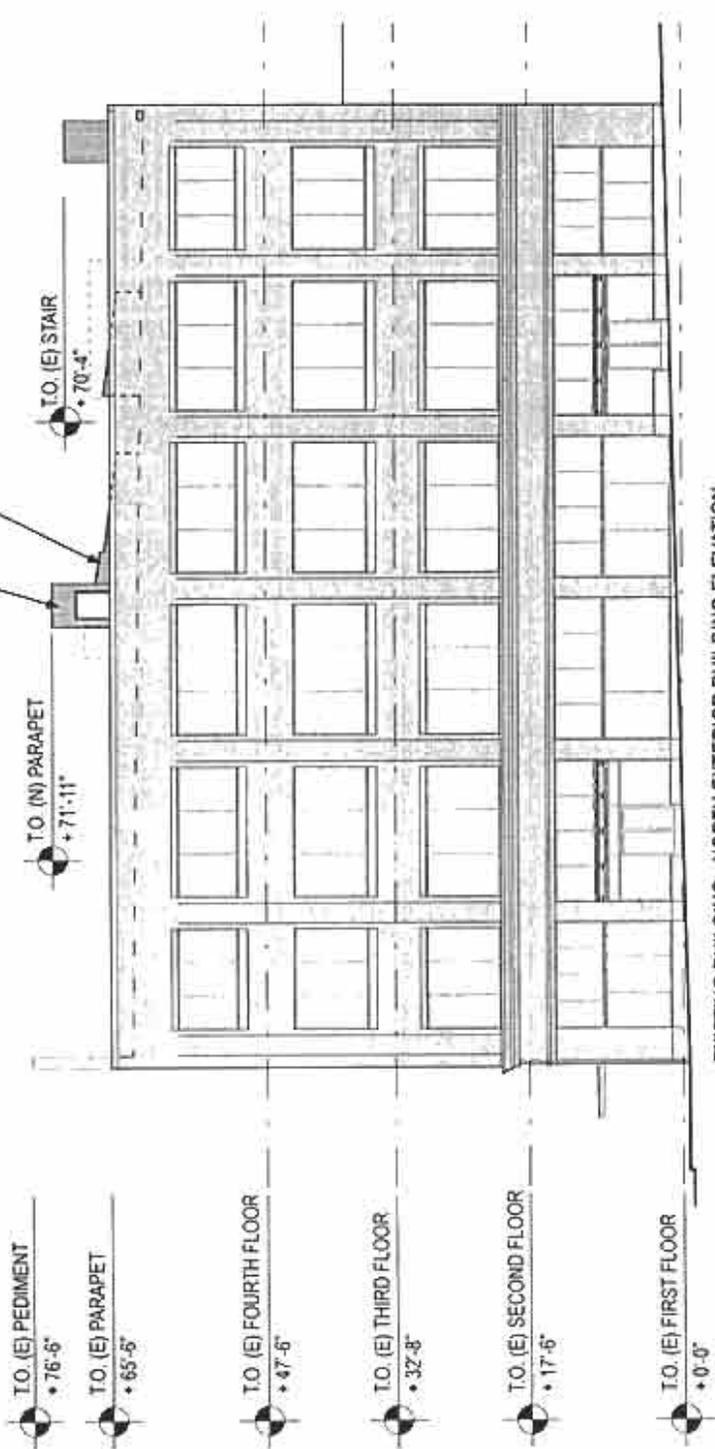
- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Roof Plan (attached)
  2. North Elevation (attached)
  3. East Elevation (attached)

4. Enlarged Rooftop Elevations and Details (attached)
  5. Large, Scalable Plan Set as Approved
- D. Notification information:
1. Mailing list
  2. Mailed notice
- E. Agency Responses:
1. Water Bureau
  2. Portland Transportation
  3. Fire Bureau
  4. Site Development Section of the Bureau of Development Services
  5. Urban Forestry Division of Portland Parks and Recreation
  6. Bureau of Environmental Services
  7. Life Safety Section of the Bureau of Development Services
- F. Correspondence:
1. *(none received at time of decision mailing)*
- G. Other:
1. Original LU Application Form, Tax Account Information and Receipt
  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 503-823-0625 (TTY 503-823-6868).**



**\*Approved\***  
 City of Portland - Bureau of Development Services  
 Planner MARC WALKER Date JUNE 3, 2008  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



Proposal and design as approved  
 in case file #LU 08-122328 02  
 No field changes allowed.

EXISTING BUILDING : NORTH EXTERIOR BUILDING ELEVATION

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

EXISTING BUILDING ELEVATIONS

LU 08-122328 02

CASE NO. LU 08-122328 02  
 EXHIBIT C-1

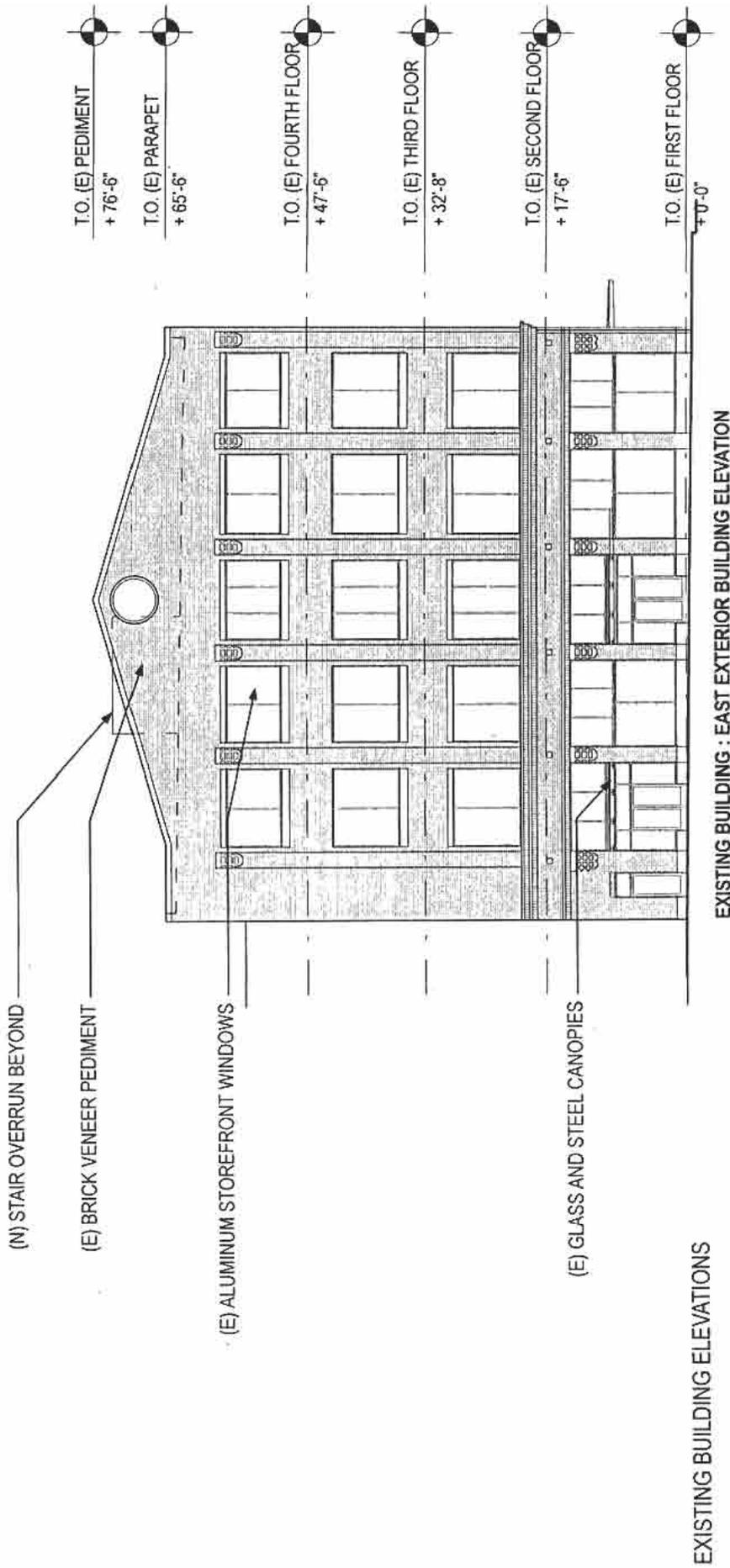
**\*Approved\***

City of Portland - Bureau of Development Services

Planner MARIE WALHOCO Date JUNE 3, 2008

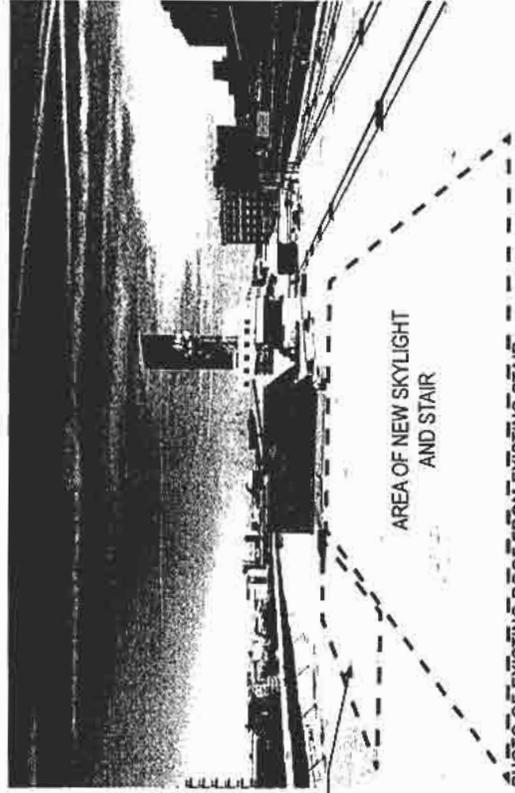
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Proposal and design as approved  
in case file #LU 08-122228 02  
No field changes allowed.



CASE NO. W 08-122228 02  
EXHIBIT C-2

LU 08-122228 DZ

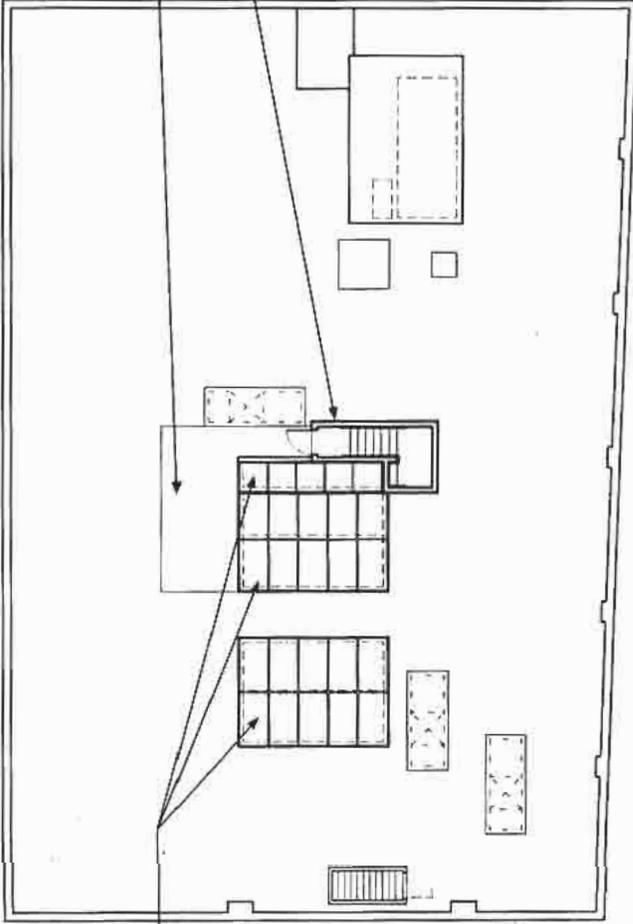


AREA OF NEW ROOF DECK

AREA OF NEW SKYLIGHT AND STAIR

PHOTO OF EXISTING ROOF FROM EXISTING STAIR

**\*Approved\***  
 City of Portland - Bureau of Development Services  
 Planner MARK WATKINS Date JUNE 3, 2008  
 • This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



(N) ENGINEERED SKYLIGHTS, (3) LOCATIONS

(N) 5/4 X 6 NOMINAL IPE DECKING

(N) ACCESSORY STAIR OVERRUN, CLAD IN EXTERIOR MTL SIDING TO MATCH EXISTING

Proposal and design as approved in case file #LU 08-172328 02  
 No field changes allowed.

PROPOSED BUILDING : ROOF PLAN

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

CASE NO. LU 08-172328 02  
 EXHIBIT C.3

LU08-172328 DZ

