



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: August 15, 2008
To: Interested Person
From: Chris Beanes, Land Use Services
503-823-7983 / chris.beanes@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 08-144249 HDZ, ROOTOP GARDEN

Applicant: Heidi Beebe, Architect (503) 222-6580
Beebe Skidmore Architects
1500 SW 11th Ave., Apt. 2004
Portland, OR 97201

Owner(s): Association of Unit Owners of Ambassador Condominium
1211 SW 6th Ave
Portland, OR 97204-1001

Site Address: 1209 SW 6th Avenue

Legal Description: COMMON ELEMENTS, AMBASSADOR CONDOMINIUM
Tax Account No.: R022320010
State ID No.: 1S1E03BC 90000
Quarter Section: 3129
Neighborhood: Downtown Cmty Assoc., contact Jennifer Geske at 503-750-9843.
Business District: Downtown Retail Council, contact Portland Business Alliance at 503-224-8684.

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - Downtown
Zoning: CXd, Central Commercial with design overlay
Case Type: HDZ, Historic Design Review
Other Designations: Historic Landmark
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal: The applicant proposes construction of a rooftop garden atop the Ambassador Condominium Building, a Historic Landmark. The garden will include an approximate 750 square foot footprint, and does not exceed 18" in elevation above the existing flat roof of the building. The garden is to be located at the southern wing, towards the west (rear) side of the building. No covered structures are proposed. Components of the project include the following:

- Structural decking with supporting 8"x15" glue-laminated beam and 4"x10" joists. Main structure beams are to be attached to rooftop. Non-combustible composite decking is proposed for the deck surface;
- Built in benches constructed of non-combustible composite material;
- Steel trellises from 3'-8" - 6'-0" in height above proposed decking;
- Low emitting light fixtures below benches and stair treads;

The rooftop garden replaces an earlier rooftop garden which had to be demolished in 2006 due to rot and maintenance issues.

Because the rooftop garden is located on a historic landmark, 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:

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

ANALYSIS

Site and Vicinity: The site is the Ambassador Apartments (converted to condominiums), built in 1922 by Architect Carl L. Linde. The building is Period Architecture in style, with projecting tiers of bay windows and crenellated parapet on the east recess recalling the Jacobethan Revival style as well. The building is a nine-story structure H-shaped in plan with approximately 6,000 square feet per floor. Many decorative features such as a roof balustrade, token balconies with brackets and newels, brickwork, stone sills, and divided light wood windows all combine to create a Historic Landmark jewel within Downtown Portland. It should be noted that the nomination form includes information that the original plans for the building indicated a roof garden, but was never developed because of non-conformance with code requirements. In addition, it is noted that the "current owners plan, at some later date, to install a roof garden suited to the building" (Exhibit G.3).

Zoning: The Central Commercial (CX) base zone, is Portland's most densely built, urban zone which allows for a variety of uses that reinforce the city's role as a commercial, cultural, and governmental center. This type of development is intended to have large buildings that are placed close together and typically cover most of their respective lot areas. This development is also intended to be pedestrian-oriented, with a strong emphasis on a safe and attractive streetscape.

The Design (d) overlay zone designation also ensures that exterior alterations to existing development conserve and enhance the identified historic, scenic, architectural, and cultural values of each design district: in this case, the Central City Plan District.

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

- LU 02-133395 HDZ- Historic Design Review approval for identical windows being approved in this location;
- LU 06-127037 HDZ- Window replacement approval for 3 windows.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **July 23, 2008**. The following Bureaus have responded with no issues or concerns:

- The Site Development Section of BDS responded with the following comment: "Based on the information provided, there appears to be no conflicts between this proposal and

applicable building codes for the purpose of obtaining an LU approval". Please see Exhibit E.1 for additional details.

- The Fire Bureau responded with the following comment: "No concern. Applicant to meet all Fire Code requirements through the development and permit review process". Please see Exhibit E.2 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 23, 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

Because the proposal is for new signs on a Historic Landmark in the Central City Plan District, both Historic Design Review criteria and the Central City Fundamental Design Guidelines must be met.

I. 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.

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

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.

Findings for 1 and 2: As the work to be performed will take place on the rooftop of the building, notable features of the façades will remain unaffected. The rooftop edges of the building, with a distinctive balustrade along the east elevation, and the crenellated parapet noted in the Historic Nomination, will remain as is, and the work will be pulled back from these distinct features in order to maintain architectural integrity of the building. The existing parapet is 3'-1/2" high. The applicant proposes decking and trellis features to be constructed at the rear of the building, on the southern wing of the H-plan building, where a previous garden was situated. The decking will be set back from the parapet along the west edge (rear facing) roof parapet by 3'-2". Along the south-facing side elevation, the decking and trelliswork will be set back 5'-0" away from the edge. A sightline analysis has been prepared by the applicant to show that the rooftop garden will not be visible from adjacent streets. The integrity of the building appearance will therefore be

maintained. The garden will be mainly visible above street level from the Pacwest Tower which is located east, across the street from the site. Materials chosen for the work are modern, including a composite decking material, and metal trellis work that incorporates a contemporary aesthetic. *Therefore these criterion are met.*

- 4. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

Findings for 4: The proposal will not affect the façade of the building. A single structural member will be attached to the roof in order to provide structural stability to the deck. Three points of penetration to the roof will take place, thus minimizing the disturbance to the roof (exhibit C.) In addition, the work to be performed will coincide with rooftop maintenance, which is allowed under “repair and maintenance” and is not subject to design review. *Therefore this criterion is met.*

- 5. Archaeological resources.** Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

Findings: No archeological resources are to be affected by the proposal. *Therefore this criterion is met.*

- 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.

Findings for 7, 8, and 9: Proposed work will incorporate features that will allow roof maintenance over time, as decking will be constructed in modular sections allowing for easy removal. Any future removal of the proposed work would include covering the 3 main structural penetration points, which are attached by 4-5/8” diameter drilled anchors. In addition, the nature of the project is transient, with movable planters, and a lightness in form with semi-transparent low screen features which contrasts nicely with the heaviness of the resource structure. *Therefore these criterion are met.*

II. 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.

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

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.

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

A6. Reuse/Rehabilitate/Restore Buildings. Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

Findings for A4 and A6: The proposal continues an ongoing trend towards provision of open space on the rooftops of buildings. The garden will be visible from another rooftop garden, across the street at the 22nd floor of the PacWest Tower. The rooftop garden replaces a previous garden which was not constructed for permanence. In addition, the project creates a new space for resident's enjoyment. *Therefore these guidelines are 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 proposed work will be set back from the parapet to maintain façade integrity. The garden will be mainly horizontal in orientation, thus vertical elements are kept to a minimum, reducing conflict with the resource. Elements proposed will be constructed with composite materials for the bench and decking for durability, and mesh metal material for the vertical trellis to support vines. *Therefore these guidelines are 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 proposed design for the roof garden includes an open-air, not exceeding 18” in elevation above the roof. The shifting deck and trellis garden plan was designed in response to structural requirements, and will provide visual interest from other taller buildings nearby. In addition, the deck is delineated by low trellis barriers to discourage people from walking onto other portions of the rooftop, a safety consideration. All trellis work will be supportive of growing vines, which will be planted around the bases of the trellises to convey a “green wall” effect. The decking and benches will be constructed of a non-combustible material. All lighting proposed will be low level and downward shielded and directed. Plants will fill out remaining area and are composed of regional ornamental plantings, and will be located in lightweight architectural grade containers not structurally attached to the deck. Materials proposed will be durable and long lasting. The main view from the roof garden will be the expansive west hills. However, dramatic views of neighboring buildings also will provide visual interest. *Therefore this guideline 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 proposed roof garden, an original feature of the Ambassador Building which was never fully realized, has been designed for durability and functionality, it has been designed with ease of maintenance in mind, and as a feature that can be detached from the main resource at a future time. The garden conveys a sense of lightness and is clear that the function is accessory to the main structure, thus not detracting from the historic Ambassador Building. The proposal merits Historic Design Review approval.

ADMINISTRATIVE DECISION

Approval of:

- Structural decking with supporting 8”x15” glue-laminated beams and 4”x10” joists. Main structure beam are to be attached to rooftop. Non-combustible composite decking is proposed for the deck surface;

- Built in benches constructed of non-combustible composite material;
- Steel trellises from 3'-8"- 6'-0" in height above the proposed decking;
- Low emitting light fixtures below benches and stair treads;

Approval per the approved plans, Exhibits C-1 through C-9, signed and dated August 14, 2008, 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-8. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-144249 HDZ. No field changes allowed."



Decision rendered by: _____ **on August 14, 2008**

By authority of the Director of the Bureau of Development Services

Decision mailed: August 14, 2008

Staff Planner: Chris Beanes

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 9, 2008, and was determined to be complete on **July 21, 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 July 9, 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 Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 29, 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.

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 **September 2, 2008 – (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:

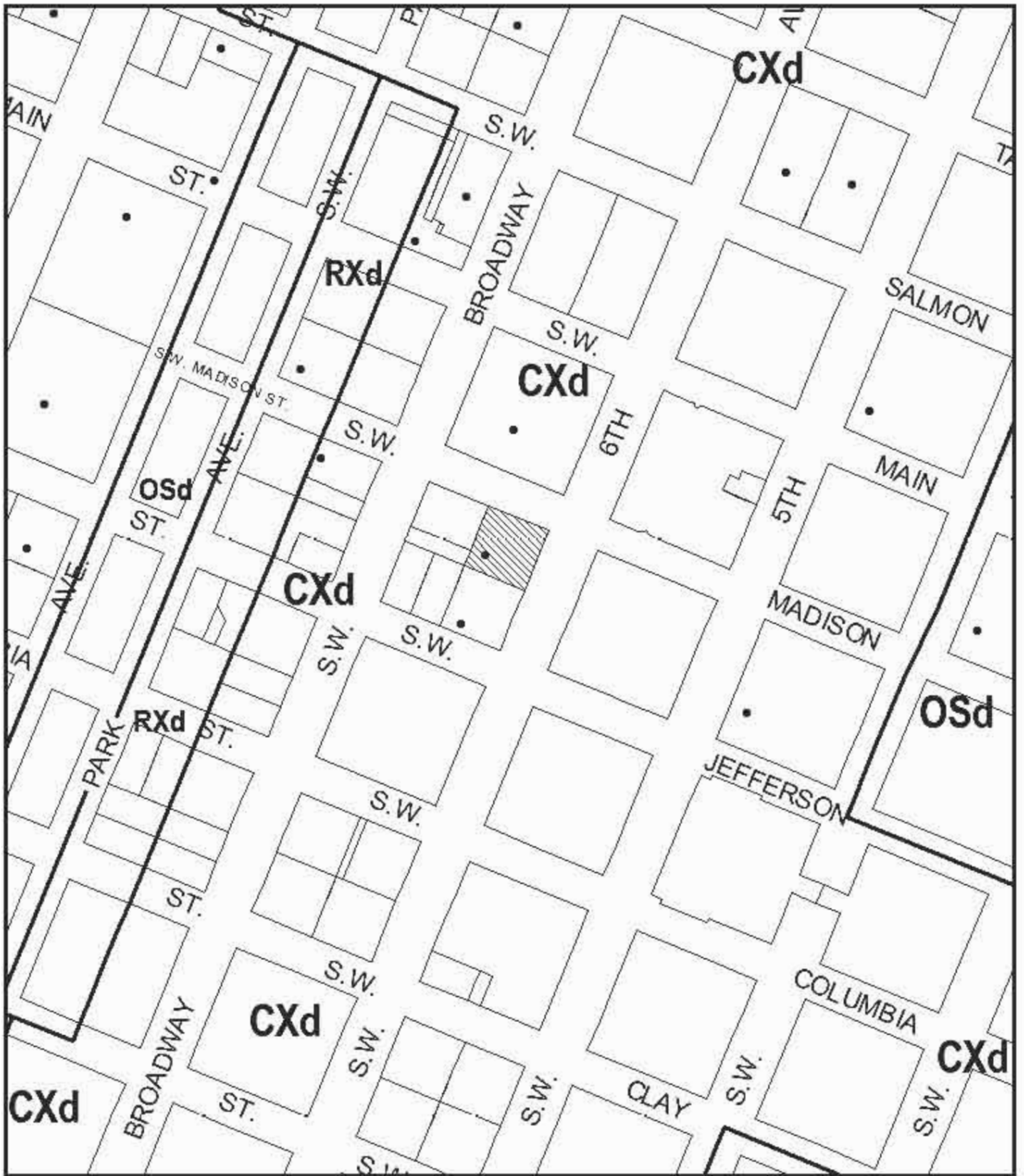
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site/Roof Plan (attached)
 - 2. Elevations (attached)
 - 3. Landscape Plan (attached)
 - 4. Structural Detail (attached)
 - 5. Site Line Analysis
 - 6. Fire/Life/Safety – Lighting and Exiting Plan
 - 7. Lighting Fixture Information
 - 8. Lighting Fixture Information
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Fire Bureau
 - 2. Site Development Review Section of BDS
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. National Register Nomination Sheet, page 2.
 - 5. Original Submittal
 - 6. Site photos

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

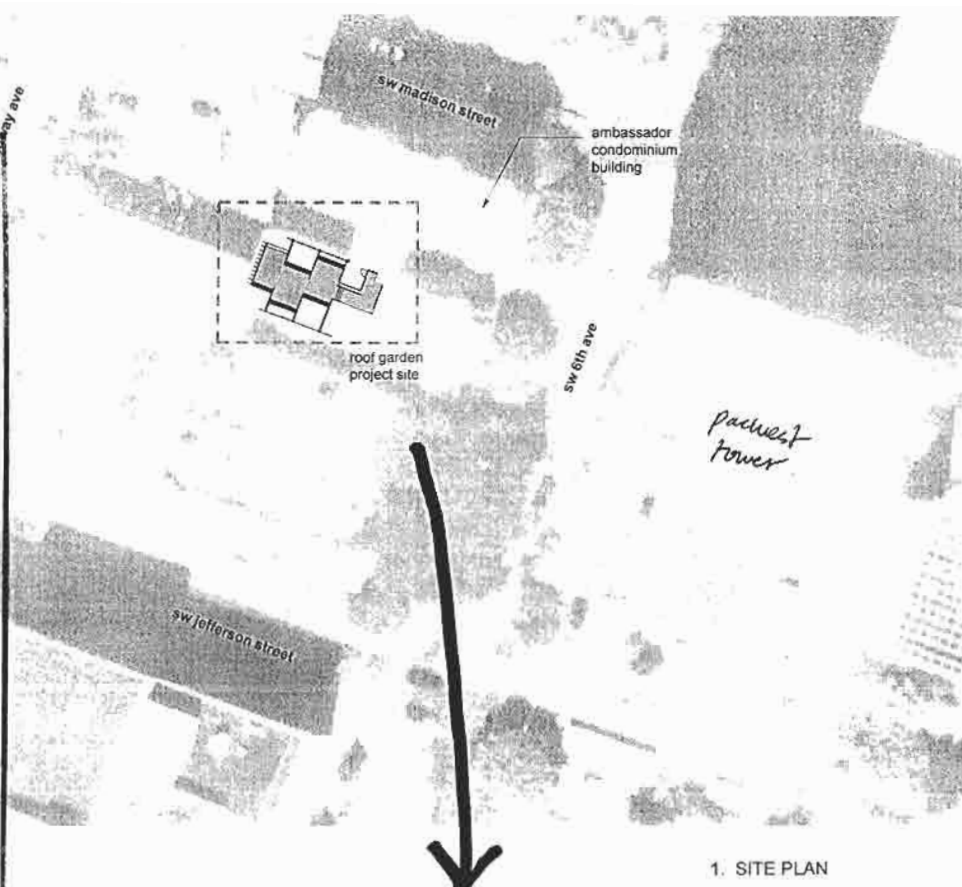
 Historic Landmark



This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	LU 08-144249 HDZ
1/4 Section	3129
Scale	1 inch = 200 feet
State Id	1S1E03BC 90000
Exhibit	B (Jul 14, 2008)

Approved
 City of Portland - Bureau of Development Services
 Planner C. HIRTS BEANES Date 8.14.08
 This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



MORE BE EEF
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 No. 2004
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 97233
 info@beef.com
 www.beef.com
 The Ambassador Condominium Association
 1200 Southwest 8th Avenue
 Portland OR 97204

Issued:
 July 9, 2008
 Revise

1. SITE PLAN
 SCALE 1" = 40' NORTH

