



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

Charlie Hales, Mayor  
Paul L. Scarlett, Director  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** March 21, 2013  
**To:** Interested Person  
**From:** Chris Beaney, Land Use Services  
503-823-6979 / [Chris.Beaney@portlandoregon.gov](mailto:Chris.Beaney@portlandoregon.gov)

## **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 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 13-108002 DZ, ROOTOP RAILINGS**

#### **GENERAL INFORMATION**

**Applicant:** Aron Faegre, Aron Faegre Architect  
520 SW Yamhill St Roofgarden 1  
Portland OR 97204

**Owner:** Warren Bean, Heathman Garage Associates  
1905 SE 10th Ave  
Portland OR 97214

**Site Address:** 907-915 SW 9TH AVE \*

**Legal Description:** BLOCK 220 LOT 1&2, PORTLAND; BLOCK 220 LOT 3&4, PORTLAND  
**Tax Account No.:** R667723520, R667723540, R667723520, R667723540  
**State ID No.:** 1S1E04AA 01800, 1S1E04AA 01900, 1S1E04AA 01800, 1S1E04AA 01900

**Quarter Section:** 3128, 3129

**Neighborhood:** Portland Downtown, contact Jennifer Geske at 503-750-9843.  
**Business District:** None  
**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:** DZ, Design Review  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

#### **Proposal:**

The applicant proposes the addition of a 14" high safety railing along the existing rooftop parapet. The railing will be located along the perimeter of most of the building as indicated on the site plan. Attachment of the railing will be on the interior of the parapet wall.

Because the proposal is for an exterior alteration to a building located within a design overlay, 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:

- Central City Fundamental Design Guidelines

## ANALYSIS

**Site and Vicinity:** The subject site is located at the southeast corner of the block bounded by SW 9<sup>th</sup> Avenue and Salmon Street, and is in the Downtown Subdistrict of the Central City Plan District. The subject four story building includes retail at the base of the building, while upper stories serve as a parking garage.

The subject site is located at the northwest corner of the block bounded by SW 9<sup>th</sup> Avenue, Yamhill Street, 10<sup>th</sup> Avenue, and Taylor Street in the Downtown Subdistrict of the Central City Plan District. The subject building, called the Blanchard Building, is two stories tall. It was constructed in 1923. The building is 20,000 square feet in size. The building contains retail at the ground floor and offices at the second floor. The building's façade is primarily utilitarian in appearance, with various accents including shallow bay pilasters with distinctive banding on the second floor and a punctuated cornice line with intermittent stylized geometric concrete capitals on the recessed bays. The building includes a flat roof. The building is located amongst several historic landmarks on adjacent streets and is near the South Park Blocks.

**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.

The Design (d) overlay zone 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 94-00874, Design Review approval of new canopies and wall-mounted fish sculpture.
- LUR 97-01231, Design Review approval of modifications to existing storefront.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **February 22, 2013**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS

The Life Safety Plans Examiner of BDS responded with the following comment: "A separate Building Permit is required for the work proposed and proposal must meet all applicable building codes and ordinances". Please see Exhibit E-1 for additional details.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on February 22,

2013. 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 has been developed to guide development throughout the Central City. The goals apply within the eight Central City sub-districts, or policy areas. The nine goals for design review within the Central City and its sub-districts 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 that is safe, humane and prosperous; and
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:** The proposal includes a railing for safety purposes since normal safety standards are not met. The project to add a 14" high metal railing to the inside face of the masonry parapets will allow continued use of the building as a parking garage. The simplicity of the design will appear as yet another unifying feature to the building. *Therefore these guidelines are met.*

**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.

**Findings:** The proposed railing will consist of 2"x2" galvanized tube railing along with ¾" solid galvanized upright members at 5" on center. The railing segments will be augmented by additional 2"x 2" tube uprights which will then be attached with steel mounting plates. The mounting plates are proposed to be attached to the non-street facing side of the parapet, thus no attachments will be visible on the exterior street side of the parapet. The simple rails and uprights of the design will not detract from the overall appearance of the building, and will add yet another utilitarian feature to the building. Additionally, the railing is setback from the primary building plane, thus minimizing appearance from the overall façade. *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.

## 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 the addition of a 44" high safety railing along the existing rooftop parapet of a building in the Downtown Subdistrict of the Central City Plan District. The railing will be located along the perimeter of most of the building as indicated on the site plan. Attachment of the railing will be on the interior of the parapet wall per the approved site plans, Exhibits C-1 through C-3, signed and dated March 19, 2013, 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.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-108002 DZ. No field changes allowed."

**Staff Planner: Chris Beanes**



**Decision rendered by:** \_\_\_\_\_ **on March 19, 2013**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: March 21, 2013**

**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 23, 2013, and was determined to be complete on **February 14, 2013**.

*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 23, 2013.

*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 April 4, 2013** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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. 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 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 **April 5, 2013 – (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;

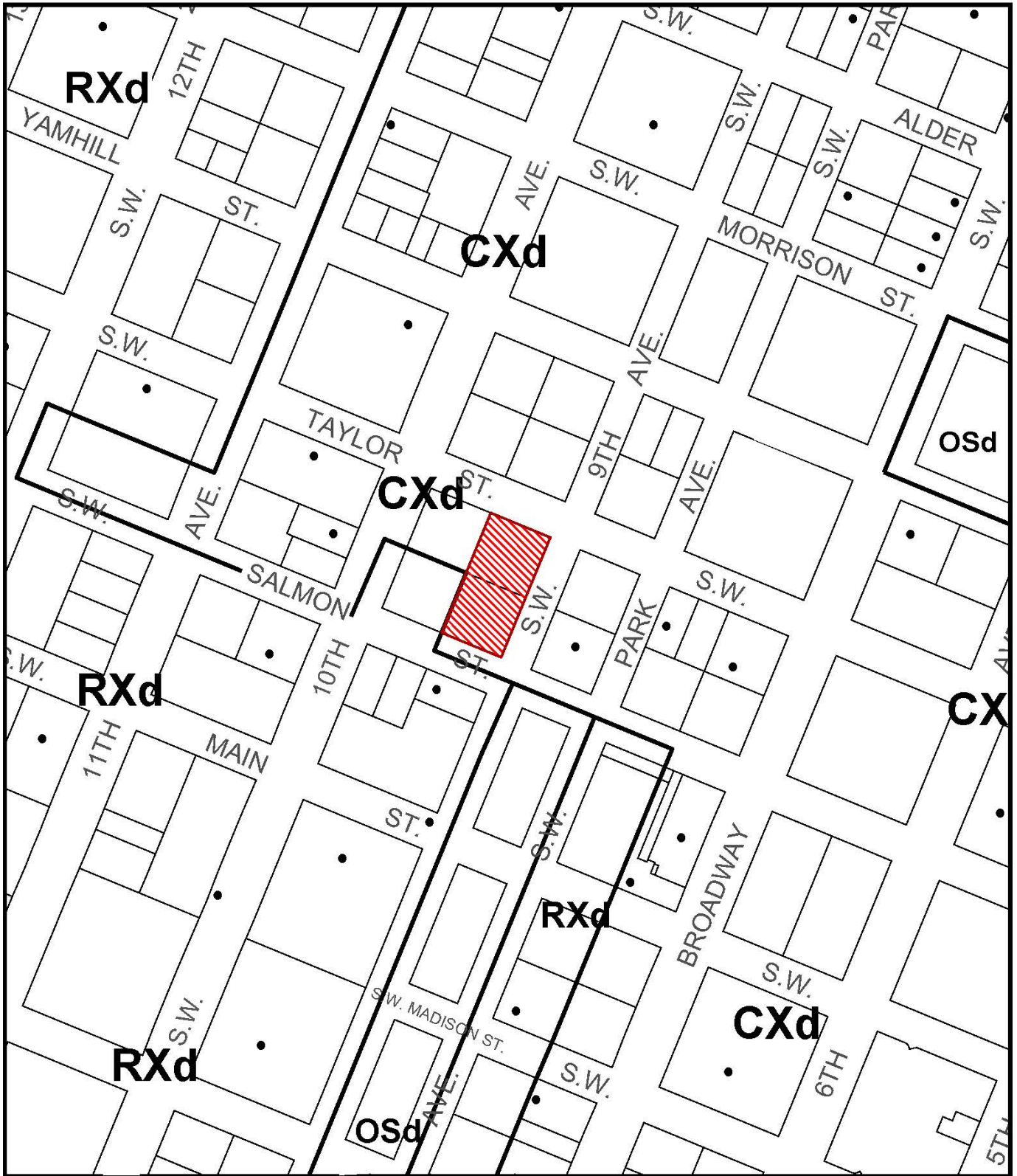
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. North Elevation (attached)
  - 3. Guardrail Elevation and Section (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety Plans Examiner of BDS
- F. Correspondence: none received
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research
  - 3. Incomplete Letter from Staff to Applicant dated February 4, 2013

**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

File No.	LU 13-108002 DZ
1/4 Section	3128,3129
Scale	1 inch = 200 feet
State_Id	1S1E04AA 1900
Exhibit	B (Jan 23,2013)



ARON FAEGRE ARCHITECT PLLC 900 S. W. FANPILL OREGON 503-222-2546 for@arofaegre.com

REGISTERED ARCHITECT - OREGON 34380

SOUTHPARK GARAGE  
 ROOFTOP SAFETY RAILING  
 914 SW TAYLOR ST. PORTLAND, OR 97204

ROOFTOP SITE PLAN

DATE: 12/27/13  
 DRAWN BY: [blank]  
 CHECKED BY: [blank]

NO.	DATE	DESCRIPTION

PAGE: A1.1



--- LOCATION OF ADDED ROOFTOP SAFETY RAILING  
 IN ORDER TO MAINTAIN 44" CODE REQ'D HT

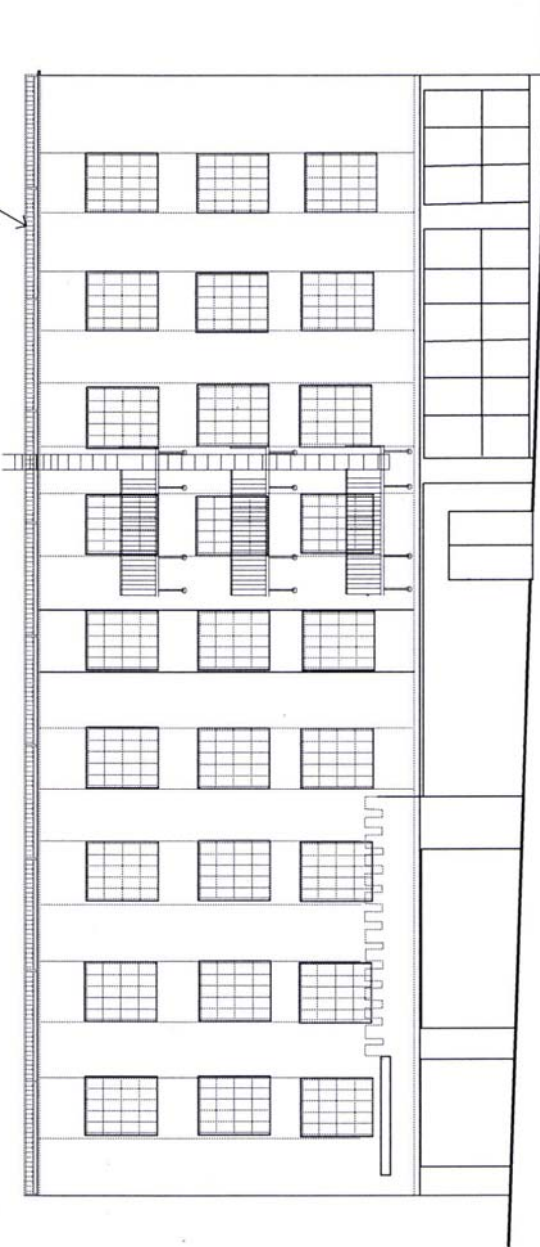
**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner: *[Signature]*  
 Date: 3/19/13

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

CASE NO. 13-108002DZ  
 EXHIBIT C.1

**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner [Signature]  
 Date 3/19/13  
 • This approval applies only to the review requested and is subject to all conditions of approval.  
 Additional zoning requirements may apply.

NEW GUARDRAIL  
 14" ABOVE EXISTING  
 PARAPET TOP  
 PAINT BLACK



1 NORTH ELEVATION

SCALE 1/16" = 1'-0"  
 0 4' 12' 20'

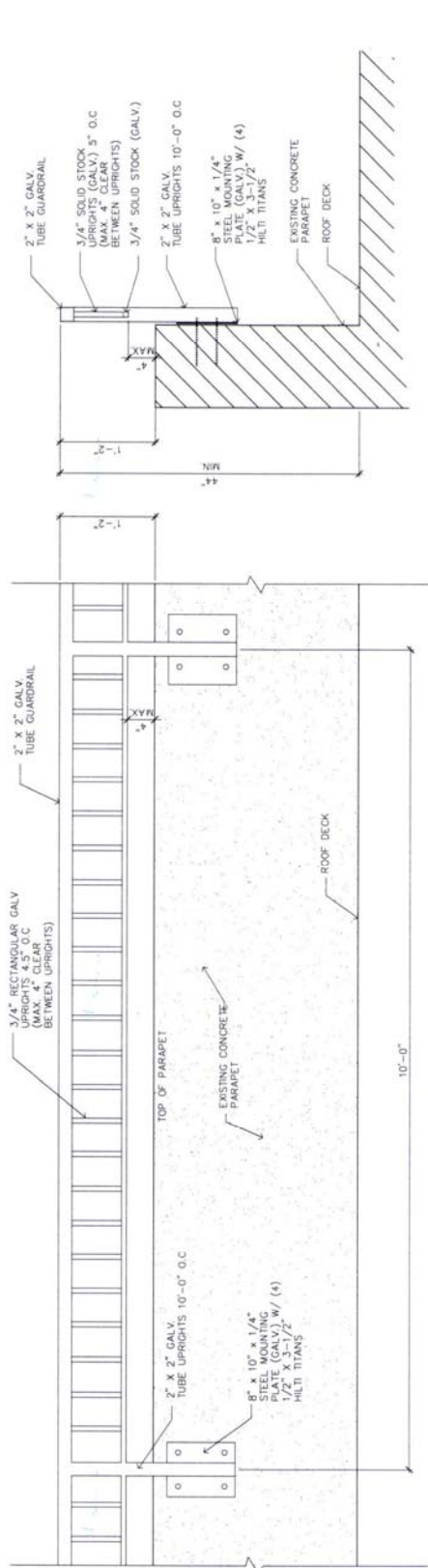
**SOUTHPARK GARAGE  
 ROOFTOP SAFETY RAILING**  
 914 SW TAYLOR ST, PORTLAND, OR 97204

DATE:	02-04-13
PAGE:	A-1

ARON FAEORE ARCHITECT
600 SW 10th PORTLAND, OREGON 97204 503-222-2646

CASE NO. 13-108002DZ  
 EXHIBIT C.2



1 GUARDRAIL ELEVATION SCALE 1" = 1'-0"

2 GUARDRAIL SECTION SCALE 1/2" = 1'-0"

13-108002 DE

\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner *[Signature]*  
 Date 3/19/13  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

CASE NO. 13-108002 DE  
 EXHIBIT C.3