



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

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**Date:** May 30, 2019  
**To:** Interested Person  
**From:** Megan Sita Walker, Land Use Services  
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## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

## **CASE FILE NUMBER: LU 19-122681 HR – ROOFTOP & ENTRY ALTERATIONS**

### **GENERAL INFORMATION**

**Applicant:** Michael Roberts | LRS Architects  
720 NW Davis Ste 300 | Portland, OR 97209  
(503) 221-1121

**Owner:** 309 SW 6th Ave Property LLC  
2121 Rosecrans Ave #4325 | El Segundo, Ca 90245

**Owner's Representative(s):** Cameron Bassett | Sentinel Development  
18301 Von Karman Ave Suite 510 | Irvine, CA 92612

Sean Armstrong | Westport Capital Partners  
2121 Rosencrans Ave #4325 | El Segundo, CA 90245

**Site Address:** 303-317 SW 6TH AVE

**Legal Description:** BLOCK 83 LOT 1&2, PORTLAND; BLOCK 83 LOT 3-6, PORTLAND  
**Tax Account No.:** R667708470, R667708490  
**State ID No.:** 1N1E34CC 03800, 1N1E34CC 03600  
**Quarter Section:** 3029

**Neighborhood:** Portland Downtown, contact Rani Boyle at 503-725-9979.  
**Business District:** Downtown Retail Council, contact at [lfrisch@portlandalliance.com](mailto:lfrisch@portlandalliance.com)  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Plan District:** Central City - Downtown  
**Other Designations:** Two Individually Listed Landmarks on the National Register Historic Places  
**Zoning:** CXd – Central Commercial with Design and Historic Resource Protections overlay zones

**Case Type:** HR – Historic Resource Review  
**Procedure:** Type II, an administrative decision with appeal to the Landmarks Commission.

**Proposal:**

The applicant requests Historic Resource Review approval for rooftop alterations, and alterations to two (2) existing entries on SW 6<sup>th</sup> on the National Bank and Wells Fargo Buildings; both Individually listed Historic Landmark buildings also located in the Downtown Subdistrict of the Central City Plan District. The proposed alterations include the following:

On the Roof(s):

*National Bank Building*

- Removal of an existing 8'-2" tall rooftop penthouse;
- Installation of a new cooling tower on a new platform structure measuring a total of 16' tall, painted to match the roof surface. The cooling tower is proposed to be set back a minimum of 18'-10" from the west roof edge along SW Broadway Avenue and a minimum of 50'-0" from the south roof edge along SW Harvey Milk Street;
- Removal of non-original railing and pillars of an existing roof top terrace and installation of a new terrace, with new railings, cladding, spiral stair, and lighting. This area is enclosed from the street by the surrounding buildings, and set back approximately 92' from the west roof edge, approximately 64' from the south roof edge; and,
- Installation of a new 11'-6" by 7'-0" skylight located below the parapet.

*Wells Fargo Building*

- Removal of existing rooftop mechanical units and ducting;
- Replacement of existing solid doors with glazed doors within existing openings; and
- Installation of a pipe on south side of an existing penthouse.

On SW 6<sup>th</sup> Frontage:

- Replacement of non-original entry doors on the National Bank Building and the Wells Fargo Building.

Historic Resource Review is required because the proposal includes non-exempt exterior alteration to Historic Landmark buildings.

**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*
- *Oregon Statewide Planning Goals*

## ANALYSIS

**Site and Vicinity:** The site consists of  $\frac{3}{4}$  of a block in the heart of the downtown core. The block is bounded by SW Oak and SW Harvey Milk Streets and by SW 6<sup>th</sup> 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 an individually listed Historic Landmark on the National Register of Historic Places, and is also listed in the Historic Resource Inventory. 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 an Individually listed Landmark on the National Register of Historic Places, and is listed in the Historic Resource Inventory.

**Zoning:** The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The Historic Resource Protection Overlay zone protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

The Design "d" Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. 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 or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards 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:

- LU 15-235903 DZ: A 2015 Design Review approval for roof top mechanical equipment and screen-wall on the roof of the U.S. National Bank Motor bank building in the Downtown Subdistrict of the Central City Plan District.
- LU 15-206979 HR: Approval of the following exterior alterations to the front (east) elevation of the Wells Fargo Building, a historic landmark in the Central City Plan District, Downtown Sub district: Replace existing non-original bronze framed doors and adjacent panels with a modern streamlined glass storefront system with minimal hardware; and Replace non-original black exterior floor tiles and entrance floor mat system.
- LUR 11-187754 HDZ: A 2011 Historic Design Review for installation of signs.
- LUR 09-102985 HDZ: A 2009 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.
- LUR 07-152109 HDZ: A 2007 Historic Design Review approval for the installation of 2 stainless-steel eyebolts on the SW 6th Avenue façade of the historic Wells Fargo Building.
- LUR 05-156000 HDZ: A 2005 Historic Design Review approval of four nonilluminated signs constructed from flat cut out aluminum letters and logo, each sign is approximately 4.6 square feet for a total of 18.4 square feet.
- LUR 04-052172 HDZ: A 2004 Historic Design Review approval for an emergency generator.
- LUR 04-035438 HDZ: A 2004 Historic Design Review approval of a marquee canopy, ATM and walk-up Depository with changes to existing glazing, paneling, mullions and trim.
- LUR 01-177727 PR: A 2001 Zoning Confirmation letter.
- LUR 01-00458 HDZ: A 2001 Historic Design Review approval for replacement of existing windows with two entry doors at existing storefront: one along SW 6th Avenue, and one along SW Oak Street.

- LUR 01-00404 HDZ: A 2001 Historic Design Review approval for installation of one set of cast bronze building letters over east entry; three cast bronze address plaques by entries.
- LUR 01-00221 HDZ: A 2001 Historic Design Review approval for the installation of one 24” wireless broadband antenna mounted on a four foot mast pipe on top of existing building penthouse.
- LUR 00-00712 HDZ: A 2000 Historic Design Review approval for screened rooftop mechanical units.
- HL 9-87: A 1987 Historic Landmark designation applied to the building.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **April 15, 2019**. The following Bureaus have responded with no issues or concerns:

- Fire Bureau (See Exhibit E-1)
- Site Development Section of BDS (See Exhibit E-1)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on April 15, 2019. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## **ZONING CODE APPROVAL CRITERIA**

### **[1] Chapter 33.846: Historic Reviews**

#### **Purpose of Historic Resource Review**

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

#### **Historic Resource Review Approval Criteria**

Requests for Historic Resource 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 Resource Review approval. The relevant approval criteria are listed in 33.846.060 G. 1.-10. Also, because the site is located within the Central City Plan District, the relevant approval criteria are also the Central City Fundamental Design Guidelines.

*The two sets of approval criteria are addressed separately below. Staff has considered all of the criteria and has addressed only those considered applicable to this proposal.*

### **33.846.060.G - Other Approval Criteria**

- 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.
- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
- 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.

**Findings for 1, 2, 3, 4, and 5:** The proposal includes the installation of two (2) new outdoor refrigeration units (compressors) to be installed on curbs on top of a sloped roof single-story volume, set into an inset in the building. All utility piping associated with the two new units will run into an existing junction box on the single-story roof down into the basement. The proposal also includes the addition of traction membrane on the single-story roof to aid in servicing the units.

The alterations proposed do not include the removal or alteration of features or materials that contribute to the resources' historic character and will not negatively impact the ability of the resources to remain a physical record of their time, place, and use. As the proposal does not include alterations to historic material, the proposed alterations are compatible with the resources and will not negatively impact the historic character of the resources or their ability to convey significance.

*These criteria are 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.
- 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 7, 8, 9, and 10:** The proposal addressed the above-mentioned approval criteria in the following ways:

- By locating the proposed rooftop cooling tower and associated platform out of view and limiting the proposed height to not exceed a total of 16' tall, the proposal respects the architectural integrity and architectural features of the National Bank Building.
- In addition to being setback from the roof edges and out of view from the street, the proposed rooftop cooling tower and associated platform are proposed to be painted out to match the light surface color of the roof. Staff has added a condition of approval "D" that the proposed cooling tower and associated platform be fully painted to ensure that they blend into the roof surface, and therefore do not jeopardize the compatibility of the proposed unit with the resource.
- The proposed skylight is limited in size and located setback and below the edge of the parapet, and will therefore have limited impact on the resource.
- Due to the location of the proposed replacement courtyard elements – located in an almost entirely enclosed area of the roof and set back a minimum of 92' from the west roof edge, 64' from the south roof edge – the alterations to the existing, non-original courtyard elements will not be visible, and will therefore not impact the form and integrity of the resource. The proposed materials, will be differentiated through the use of contemporary methods of construction and contemporary materials, and will remain compatible with the resource due to their limited application, high quality, and lack of visibility from adjacent rights-of-way.

- On the ground floor, along SW 6<sup>th</sup> Avenue, the proposal includes the replacement of one (1) non-original storefront door on the National Bank Building, and the replacement of one (1) non-original recessed storefront door and adjacent non-original side lites on the Wells Fargo Building. The proposed replacement doors are aluminum framed, all-glazed doors with a dark bronze factory finish. The profile of the all-glazed doors are minimal as to not detract from the high-level of detail expressed within the remaining original storefronts of the resources. This is especially the case with the proposed replacement door on the Wells Fargo Building where the proposed sidelights adjacent to the recessed door - set back from the original, decorative bronze filigree that frames the opening - are proposed to be butt-glazed side lites. The use of high quality materials with minimal detail ensures that the proposed replacement doors and sidelights are compatible with the resource, and do not detract from historic features that characterize the property.

*With Condition of Approval “D” that the proposed cooling tower and associated platform shall be fully painted to match the color of the roof surface, these criteria are met.*

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

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

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

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

1. Encourage urban design excellence in the Central City;
  2. Integrate urban design and preservation of our heritage into the development process;
  3. Enhance the character of the Central City’s districts;
  4. Promote the development of diversity and areas of special character within the Central City;
  5. Establish an urban design relationship between the Central City’s districts and the Central City as a whole;
  6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
  7. Provide for the humanization of the Central City through promotion of the arts;
  8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
  9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.
- A6. Reuse/Rehabilitate/Restore Buildings.** Where practical, reuse, rehabilitate, and restore buildings and/or building elements.
- A8. Contribute to a Vibrant Streetscape.** Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings’ active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.
- B2. Protect the Pedestrian.** Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.
- 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 A6, A8, B2, C2, C3, C5, and C11:** The proposal addresses the above-mentioned approval criteria in the following ways:

- The proposed cooling tower, and courtyard alterations are intended to serve the changing needs of the tenants of the buildings and thus support the continued use of the resources.
- By locating the proposed cooling tower and the proposed elements associated with the rooftop courtyard, the proposal limits the visibility of these elements from adjacent rights-of-way and therefore respects the architectural integrity of the building while also supporting the existing rooftop amenity space. Also, the proposed skylight is limited in size and located setback and below the edge of the parapet. As such, the placement and treatment of these rooftop elements, is coherent, avoids unnecessary clutter on the roof, and continues to not detract from the pedestrian environment.
- The proposed storefront doors and side lites utilize high quality materials and are designed to defer to rather than compete with the intricate detailing of the original storefronts on the buildings, and therefore serve to form a coherent response while respecting the architectural integrity of the buildings.
- The proposed glazed replacement doors at the rooftop level of the Wells Fargo Building are to be installed within existing openings. As such, the proposed doors will have limited impact on the resource and will encourage utilization of the rooftop.

*These guidelines are met.*

## **[2] Oregon Statewide Planning Goals**

### **Goal 1: Citizen Involvement**

Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process.” It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

**Findings:** The City of Portland maintains an extensive citizen involvement program which complies with all relevant aspects of Goal 1, including specific requirements in Zoning Code Chapter 33.730 for public notice of land use review applications that seek public comment on proposals. There are opportunities for the public to testify at a local hearing on land use proposals for Type III land use review applications, and for Type II and Type Ix land use decisions if appealed. *For this application, a written notice seeking comments on the proposal was mailed to property-owners and tenants within 150 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 400 of the site. There is also an opportunity to appeal the administrative decision at a local hearing.*

The public notice requirements for this application have been and will continue to be met, and nothing about this proposal affects the City's ongoing compliance with Goal 1. Therefore, the proposal is consistent with this goal.

**Goal 2: Land Use Planning**

Goal 2 outlines the basic procedures of Oregon’s statewide planning program. It states that land use decisions are to be made in accordance with a comprehensive plan, and that suitable “implementation ordinances” to put the plan’s policies into effect must be adopted. It requires that plans be based on “factual information”; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

**Findings:** Compliance with Goal 2 is achieved, in part, through the City’s comprehensive planning process and land use regulations. For quasi-judicial proposals, Goal 2 requires that the decision be supported by an adequate factual base, which means it must be supported by substantial evidence in the record. *As discussed earlier in the findings that respond to the relevant approval criteria contained in the Portland Zoning Code, the proposal complies with the applicable regulations, as supported by substantial evidence in the record. As a result, the proposal meets Goal 2.*

**Goal 3: Agricultural Lands**

Goal 3 defines “agricultural lands,” and requires counties to inventory such lands and to “preserve and maintain” them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

**Goal 4: Forest Lands**

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will “conserve forest lands for forest uses.”

**Findings for Goals 3 and 4:** In 1991, as part of Ordinance No. 164517, the City of Portland took an exception to the agriculture and forestry goals in the manner authorized by state law and Goal 2. *Since this review does not change any of the facts or analyses upon which the exception was based, the exception is still valid, and Goal 3 and Goal 4 do not apply.*

**Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources**

Goal 5 relates to the protection of natural and cultural resources. It establishes a process for inventorying the quality, quantity, and location of 12 categories of natural resources. Additionally, Goal 5 encourages but does not require local governments to maintain inventories of historic resources, open spaces, and scenic views and sites.

**Findings:** The City complies with Goal 5 by identifying and protecting natural, scenic, and historic resources in the City’s Zoning Map and Zoning Code. Natural and scenic resources are identified by the Environmental Protection (“p”), Environmental Conservation (“c”), and Scenic (“s”) overlay zones on the Zoning Map. The Zoning Code imposes special restrictions on development activities within these overlay zones. Historic resources are identified on the Zoning Map either with landmark designations for individual sites or as Historic Districts or Conservation Districts. *This site includes Individually Listed Historic Landmarks. Compliance with all requirements related to this designation have been verified as part of this land use review. Therefore, the proposal is consistent with Goal 5.*

**Goal 6: Air, Water and Land Resources Quality**

Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

**Findings:** Compliance with Goal 6 is achieved through the implementation of development regulations such as the City’s Stormwater Management Manual at the time of building permit review, and through the City’s continued compliance with Oregon Department of Environmental Quality (DEQ) requirements for cities. The Bureau of Environmental Services reviewed the proposal for conformance with sanitary sewer and stormwater

management requirements and expressed no objections to approval of the application, as mentioned earlier in this report. *In this case, the scope of the project does not warrant review by the Bureau of Environmental Services; Goal 6 is not applicable.*

### **Goal 7: Areas Subject to Natural Disasters and Hazards**

Goal 7 requires that jurisdictions adopt development restrictions or safeguards to protect people and property from natural hazards. Under Goal 7, natural hazards include floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires. Goal 7 requires that local governments adopt inventories, policies, and implementing measures to reduce risks from natural hazards to people and property.

**Findings:** The City complies with Goal 7 by mapping natural hazard areas such as floodplains and potential landslide areas, which can be found in the City’s MapWorks geographic information system. The City imposes additional requirements for development in those areas through a variety of regulations in the Zoning Code, such as through special plan districts or land division regulations. *The subject site is not within any mapped floodplain or landslide hazard area, so Goal 7 does not apply. Therefore, the proposal is consistent with Goal 7.*

### **Goal 8: Recreation Needs**

Goal 8 calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expediting siting of destination resorts.

**Findings:** The City maintains compliance with Goal 8 through its comprehensive planning process, which includes long-range planning for parks and recreational facilities. Staff finds the current proposal will not affect existing or proposed parks or recreation facilities in any way that is not anticipated by the zoning for the site, or by the parks and recreation system development charges that are assessed at time of building permit. Furthermore, nothing about the proposal will undermine planning for future facilities. *Therefore, the proposal is consistent with Goal 8.*

### **Goal 9: Economy of the State**

Goal 9 calls for diversification and improvement of the economy. Goal 9 requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

**Findings:** Land needs for a variety of industrial and commercial uses are identified in the adopted and acknowledged Economic Opportunity Analysis (EOA) (Ordinance 187831). The EOA analyzed adequate growth capacity for a diverse range of employment uses by distinguishing several geographies and conducting a buildable land inventory and capacity analysis in each. In response to the EOA, the City adopted policies and regulations to ensure an adequate supply of sites of suitable size, type, location and service levels in compliance with Goal 9. The City must consider the EOA and Buildable Lands Inventory when updating the City’s Zoning Map and Zoning Code. *Because this proposal does not change the supply of industrial or commercial land in the City, the proposal is consistent with Goal 9.*

### **Goal 10: Housing**

Goal 10 requires local governments to plan for and accommodate needed housing types. The Goal also requires cities to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

**Findings:** The City complies with Goal 10 through its adopted and acknowledged inventory of buildable residential land (Ordinance 187831), which demonstrates that the City has zoned and designated an adequate supply of housing. For needed housing, the Zoning Code includes clear and objective standards. *Since this proposal is not related to housing or to land*

*zoned for residential use, Goal 10 is not applicable.*

### **Goal 11: Public Facilities and Services**

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

**Findings:** The City of Portland maintains an adopted and acknowledged public facilities plan to comply with Goal 11. See Citywide Systems Plan adopted by Ordinance 187831. The public facilities plan is implemented by the City's public services bureaus, and these bureaus review development applications for adequacy of public services. Where existing public services are not adequate for a proposed development, the applicant is required to extend public services at their own expense in a way that conforms to the public facilities plan. *In this case, the scope of the project does not warrant review by the City's public services bureaus; Goal 11 is not applicable.*

### **Goal 12: Transportation**

Goal 12 seeks to provide and encourage "safe, convenient and economic transportation system." Among other things, Goal 12 requires that transportation plans consider all modes of transportation and be based on inventory of transportation needs.

**Findings:** The City of Portland maintains a Transportation System Plan (TSP) to comply with Goal 12, adopted by Ordinances 187832, 188177 and 188957. The City's TSP aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." The extent to which a proposal affects the City's transportation system and the goals of the TSP is evaluated by the Portland Bureau of Transportation (PBOT). *The scope of this project does not warrant transportation review; therefore Goal 12 is not applicable.*

### **Goal 13: Energy**

Goal 13 seeks to conserve energy and declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

**Findings:** With respect to energy use from transportation, as identified above in response to Goal 12, the City maintains a TSP that aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." This is intended to promote energy conservation related to transportation. Additionally, at the time of building permit review and inspection, the City will also implement energy efficiency requirements for the building itself, as required by the current building code. *For these reasons, staff finds the proposal is consistent with Goal 13.*

### **Goal 14: Urbanization**

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

**Findings:** In the Portland region, most of the functions required by Goal 14 are administered by the Metro regional government rather than by individual cities. The desired development pattern for the region is articulated in Metro's Regional 2040 Growth Concept, which emphasizes denser development in designated centers and corridors. The Regional 2040 Growth Concept is carried out by Metro's Urban Growth Management Functional Plan, and the City of Portland is required to conform its zoning regulations to this functional plan. *This land use review proposal does not change the UGB surrounding the Portland region and does not affect the Portland Zoning Code's compliance with Metro's Urban*

*Growth Management Functional Plan. Therefore, Goal 14 is not applicable.*

**Goal 15: Willamette Greenway**

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

**Findings:** The City of Portland complies with Goal 15 by applying Greenway overlay zones which impose special requirements on development activities near the Willamette River. *The subject site for this review is not within a Greenway overlay zone near the Willamette River, so Goal 15 does not apply.*

**Goal 16: Estuarine Resources**

This goal requires local governments to classify Oregon’s 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those “management units.”

**Goal 17: Coastal Shorelands**

This goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for “water-dependent” or “water-related” uses.

**Goal 18: Beaches and Dunes**

Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

**Goal 19: Ocean Resources**

Goal 19 aims “to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.” It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19’s main requirements are for state agencies rather than cities and counties.

**Findings:** *Since Portland is not within Oregon’s coastal zone, Goals 16-19 do not apply.*

## **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 requirements of Title 11 can be met, and 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 alterations to the rooftop are designed to limit impact on views from adjacent rights-of-way, are coherent, and serve to support the continued use of the resources, while not compromising the integrity of the resources to convey their historic significance. The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. With the added condition of approval, the proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of exterior alterations to the National Bank Building and the Wells Fargo Buildings – both Individually listed Historic Landmarks also located in the Downtown Subdistrict of the Central City Plan District – to include the following:

### On the Roof(s):

#### *National Bank Building*

- Removal of an existing 8'-2" tall rooftop penthouse;
- Installation of a new cooling tower on a new platform structure measuring a total of 16' tall, painted to match the roof surface. The cooling tower is proposed to be set back a minimum of 18'-10" from the west roof edge along SW Broadway Avenue and a minimum of 50'-0" from the south roof edge along SW Harvey Milk Street;
- Removal of non-original railing and pillars of an existing roof top terrace and installation of a new terrace, with new railings, cladding, spiral stair, and lighting. This area is enclosed from the street by the surrounding buildings, and set back approximately 92' from the west roof edge, approximately 64' from the south roof edge; and,
- Installation of a new 11'-6" by 7'-0" skylight located below the parapet.

#### *Wells Fargo Building*

- Removal of existing rooftop mechanical units and ducting;
- Replacement of existing solid doors with glazed doors within existing openings; and
- Installation of a pipe on south side of an existing penthouse.

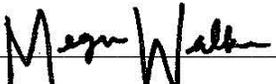
### On SW 6<sup>th</sup> Frontage:

- Replacement of non-original entry doors on the National Bank Building and the Wells Fargo Building.

Approved per Exhibits C-1 through C-19, signed and dated May 28, 2019, subject to the following conditions:

- As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 19-122681 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- No field changes allowed.
- The proposed cooling tower and associated platform shall be fully painted to match the color of the roof surface.

**Staff Planner: Megan Sita Walker**

**Decision rendered by:** \_\_\_\_\_  \_\_\_\_\_ **on (May 28, 2019)**

By authority of the Director of the Bureau of Development Services

**Decision mailed: May 30, 2019**

**About this Decision.** This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. 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 February 20, 2019, and was determined to be complete on April 8, 2019.

*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 February 20, 2019.

*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. Unless extended by the applicant, **the 120 days will expire on: August 6, 2019.**

**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 June 13, 2019** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the 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 **June 14, 2019 – (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 503-823-7617.

**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, or
- In situations involving only the creation of lots, the land division has been recorded.

**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:

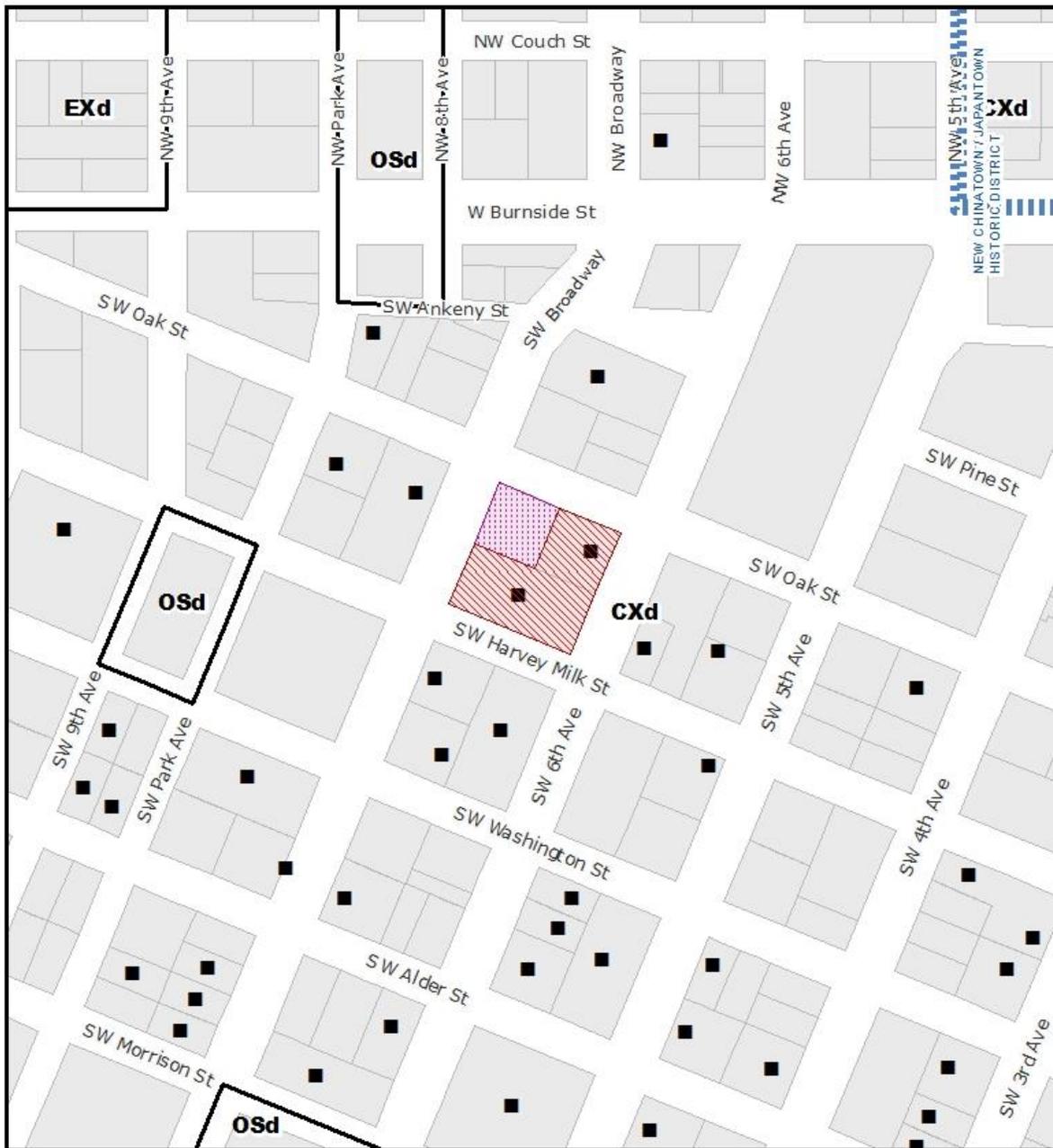
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Original Project Description & Response to Approval Criteria
  - 2. Original Drawing Set – Not Approved/ For Reference Only
  - 3. Revised Drawings, Rec'd 03/20/2019 – Not Approved/ For Reference Only
  - 4. Revised Project Description & Response to Approval Criteria, Rec'd 03/20/2019
  - 5. Sketch Drawings, Rec'd 04/5/2019 – Not Approved/ For Reference Only
  - 6. Revised Drawings, Rec'd 04/09/2019 – Not Approved/ For Reference Only
  - 7. Revised Project Description & Response to Approval Criteria, Rec'd 04/09/2019
  - 8. Revised Drawings, Rec'd 04/22/2019 – Not Approved/ For Reference Only
  - 9. Sketch Drawings, Rec'd 4/30/2019 – Not Approved/ For Reference Only
  - 10. Revised Drawings, Rec'd 05/08/2019 – For Reference Only
  - 11. Revised Project Description & Response to Approval Criteria, Rec'd 05/8/2019
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Existing and Proposed Roof Plans (attached)
  - 2. Courtyard Plan – Existing/ Demo
  - 3. Courtyard Plan – Proposed
  - 4. Courtyard Elevations – Existing
  - 5. Courtyard Elevations – Proposed
  - 6. Enlarged Skylight Plan & Elevation
  - 7. Enlarged East Elevation – National Bank Building Door
  - 8. Enlarged Plan – Existing & Proposed Wells Fargo Building Entry
  - 9. Enlarged East Elevation – Wells Fargo Building Door
  - 10. Enlarged Plan & Elevation – Rooftop Cooling Tower & Platform
  - 11. Specification Sheet – Rooftop Cooling Tower
  - 12. Specification Sheet – Door Hardware
  - 13. Details – Side Lite/ Curtainwall
  - 14. Details – Skylight
  - 15. Sightline Study – SW Broadway
  - 16. Sightline Study – SW Harvey Milk
  - 17. Section Details – Courtyard
  - 18. Materials – Courtyard
  - 19. Enlarged Elevations – Rooftop Doors
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Fire Bureau
  - 2. Life safety Division of BDS
- F. Correspondence: none
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter
  - 3. Early Assistance Planner Response
  - 4. Email correspondence between Staff and Applicant

**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**   
 THIS SITE LIES WITHIN THE:  
 CENTRAL CITY PLAN DISTRICT  
 DOWNTOWN SUBDISTRICT

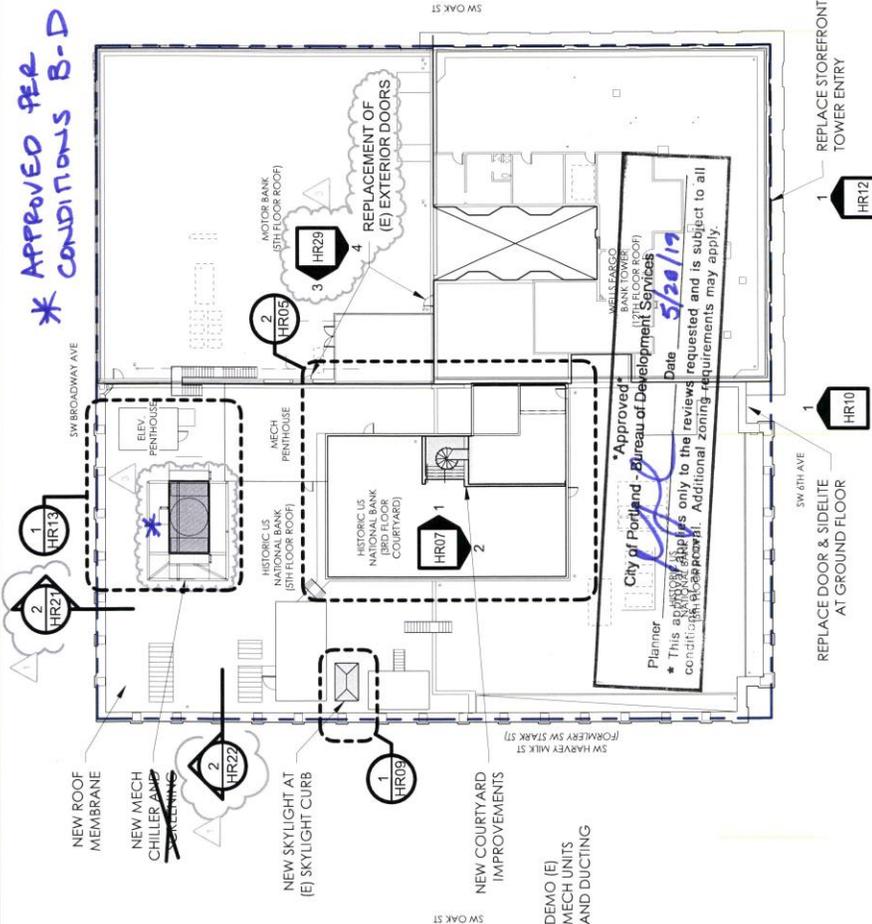
-  Site
-  Also Owned Parcels
-  Historic Landmark

File No.	LU 19-122681 HR
1/4 Section	3029
Scale	1 inch = 200 feet
State ID	1N1E34CC 3800
Exhibit	B Feb 26, 2019

WESTPORT CAPITAL PARTNERS & SENTINEL DEVELOPMENT

309 SW 6TH AVE

\* APPROVED PER  
CONDITIONS B-D



2. ROOF PLAN - PROPOSED

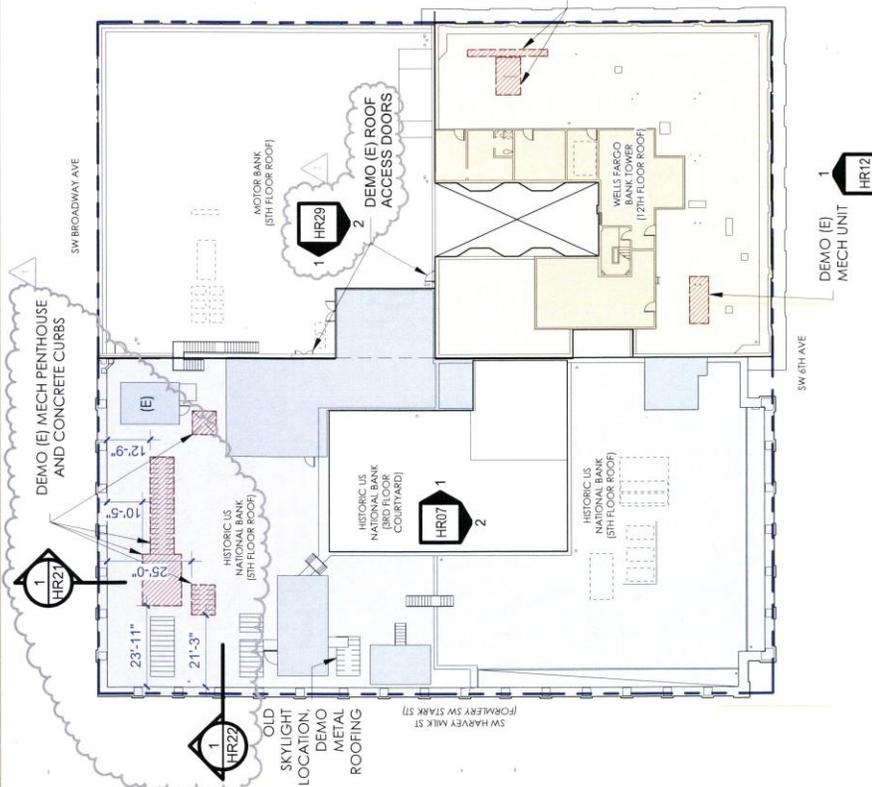
SCALE: 1/32" = 1'-0"



EXH C-1

UFS ARCHITECTS

LU 19-122681 HR



1. ROOF PLAN - EXISTING/DEMO

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



ROOF PLAN

2/19/2019

HR03