



City of Portland, Oregon
Bureau of Development Services
Land Use Services

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Date: December 31, 2009
To: Interested Person
From: Dave Skilton, Land Use Services 503-823-0660
dave.skilton@ci.portland.or.us

NOTICE OF A TYPE I 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 to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 09-172666 HDZ – ROOFTOP MECHANICAL AND SOLAR EQUIPMENT

GENERAL INFORMATION

Applicant: Belmont & Morrison LLC
5510 Skylane Boulevard, #201
Santa Rosa, CA 96403

Representative: Rick Mcclish
Facility Development Corporation
5510 Skylane Blvd, Suite 201
Santa Rosa Ca 95403

Site Address: 111 SE Belmont Street
Tax Account No.: R226502580
State ID No.: 1S1E03AA 04300
Quarter Section: 3130

Neighborhood: Buckman, contact Susan Lindsay at 503-725-8257.
Business District: Central Eastside Industrial Council, contact Juliana Lukasik at 503-287-5886.
District Coalition: Southeast Uplift, contact Leah Hyman at 503-232-0010.

Plan District: Central City - Central Eastside
Other Designations: Portland Historic Landmark pursuant to listing in the National Register of Historic Places, as the Jones Cash Store, on October 4, 2005.

Zoning: IG1, General Industrial 1 with Historic Resource Protection Overlay Zoning
Case Type: HDZ, Historic Design Review
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant is seeking Historic Design Review approval for a proposal to place mechanical equipment and solar panels on the roof of the building. Historic Design Review is required because the resource is a Portland Historic Landmark pursuant to listing in the National Register of Historic Places, as the Jones Cash Store, on October 4, 2005.

Relevant Approval Criteria:

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

- 33.846.060 Historic Design Review
- 33.846.060 G Other Approval Criteria

ANALYSIS

Site and Vicinity: The full site is occupied by a historic, three-story, warehouse. The building is individually listed in the National Register of Historic Places under eligibility Criterion A, for its association with the rapid growth and development of the Jones Cash Store, which was the first and eventually largest mail-order business headquartered in the Pacific Northwest. It was completed in 1920.

The Jones Cash Store occupies a typical 100' x 200' lot in the core of one of Portland's oldest intact industrial areas, known as the Inner Eastside for its location along the east bank of the Willamette River. The building is today hemmed in at the north and south by the elevated approaches to/from the Morrison Bridge which overhang the rights-of-way of SE Belmont and Morrison Streets. It is adjacent to the main Union Pacific Railroad tracks on its west and in a neighborhood of many buildings of similar type and age.

Zoning: The General Industrial (IG) zones are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas.

IG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverage and buildings which are usually close to the street. IG1 areas tend to be the City's older industrial areas.

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.

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

- LU 06-167709 CU approving more than 12,000 square feet of office space in the IG1 zone within the Central City Plan District.
- LU 09-142158 HDZ, approving exterior alterations.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **August 7, 2009**. The following Bureaus have responded with no issues or concerns:

- Water Bureau
- Bureau of Environmental Services
- Life Safety Review Division of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on August 7, 2009. Two written responses have been received:

On December 2, 2009 Denyse McGriff, Development Opportunity Services – Portland Development Commission, wrote to suggest that the elevator penthouse be maintained at the currently approved height or given a low parapet to keep the east and west walls rectangular.

On December 2, 2009 Doug Klotz wrote also suggesting that a shed-roof form was not a typical historic shape for an elevator penthouse, and questioning the appropriateness of placing photovoltaic panels on its roof.

Staff Response: The proposal was amended to retain the previously approved roof form on the elevator penthouse and install the solar array on the roof.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846, Historic Reviews

Purpose of Historic Design Review

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

Historic Design Review Approval Criteria

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

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

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

G. Other Approval Criteria

- 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.
- 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 Criteria 8 and 10: Installation of mechanical equipment on rooftops in commercial and industrial settings was a widespread historic practice and is appropriate to the subject property for that reason. While the proposed heating/cooling equipment and photovoltaic array represent modern applications rather than historic ones, their visual character is not unlike that of earlier rooftop equipment types. The proposed installations are orderly, and screened from street view by being located away from the edges of the roof. *These Criteria are therefore 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 straightforward and orderly installation of mechanical equipment on the roof of this commercial/industrial Historic Landmark will accommodate the needs of the use without adversely affecting the historic character of the property.

The purpose of the historic design review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposal meets the applicable historic review guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of Historic Design Review for rooftop mechanical equipment and solar panels on the Historic Jones Cash Store Building, listed in the National Register of Historic Places on October 4, 2005.

Approval per Exhibits C-1 through C-3, signed and dated December 29, 2009, subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 09-172666 HDZ. No field changes allowed."

Staff Planner: Dave Skilton

Decision rendered by:  **on December 29, 2009.**

By authority of the Director of the Bureau of Development Services

Decision mailed: December 31, 2009

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 November 19, 2009, and was determined to be complete on **November 25, 2009**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on November 19, 2009.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined

the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

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.

Recording the final decision.

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **December 31, 2009**. 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 503-823-7967.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

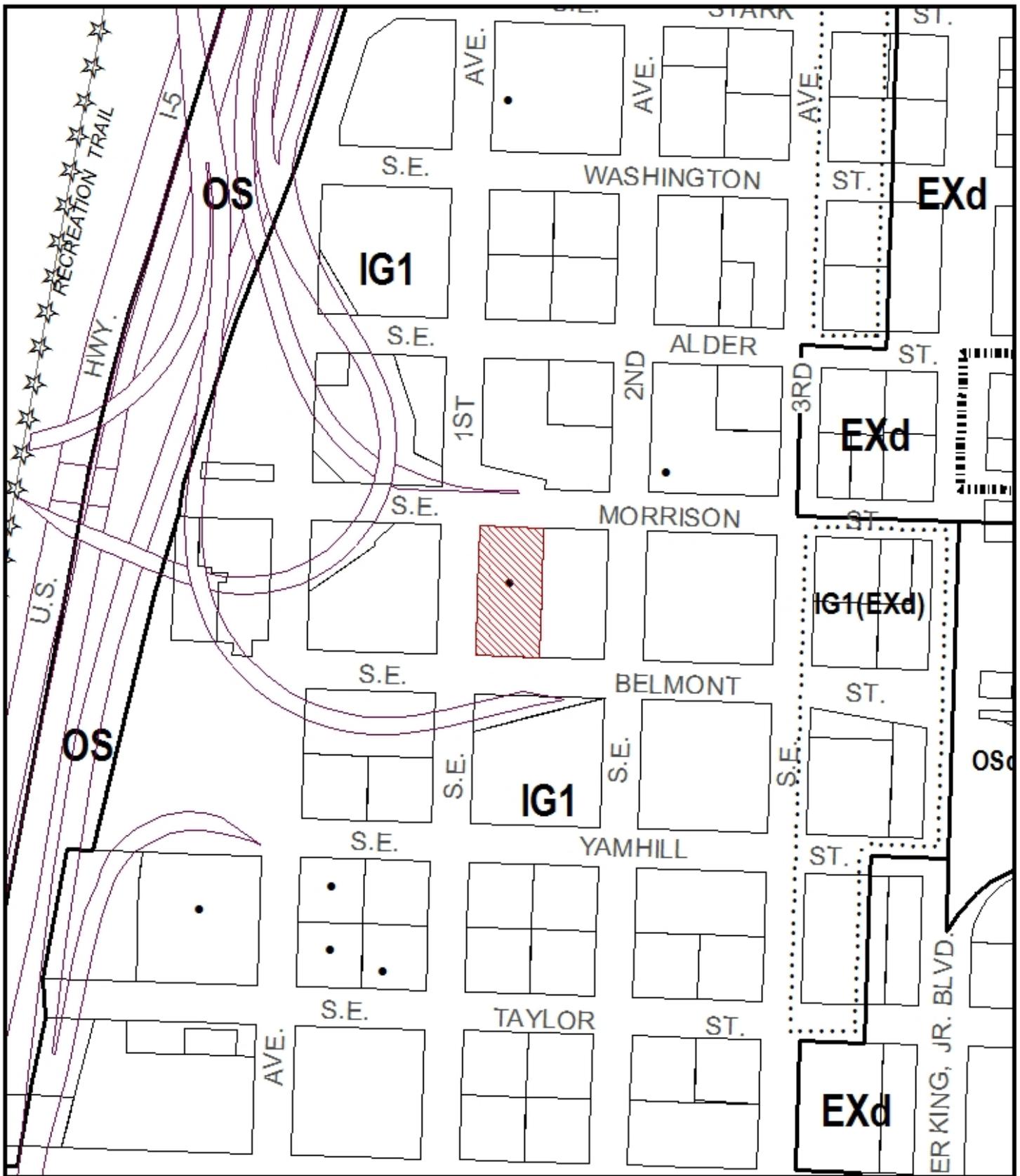
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations 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. Mechanical Equipment Details
 - 3. Solar Panel Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Water Bureau
 - 3. Life Safety Review Section of BDS
- F. Correspondence:
 - 1. Denyse McGriff, PDC, December 2 2009, objecting to shed roof an solar array on elevator penthouse.
 - 2. Doug Klotz, December 2 2009, objecting to shed roof an solar array on elevator penthouse.
- G. Other:
 - Original LU Application
 - 1. Site History Research
 - 2. Original LU Application

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

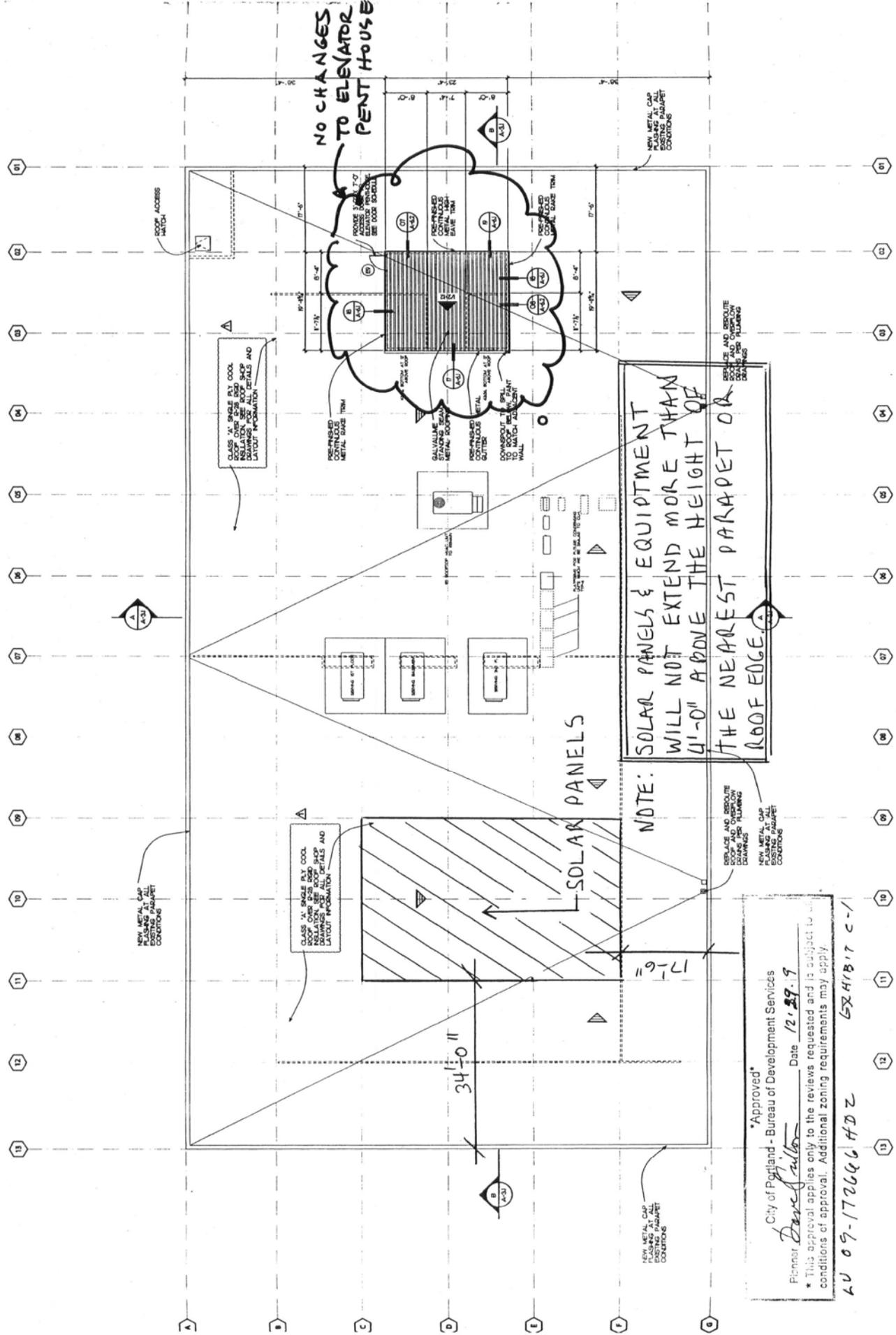
 Site

 Historic Landmark



This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	LU 09-172666 HDZ
1/4 Section	3130
Scale	1 inch = 200 feet
State_Id	1S1E03AA 4300
Exhibit	B (Nov 20, 2009)



NO CHANGES TO ELEVATOR PENT HOUSE

CLASS 'A' SINGLE PLY COOL ROOF OVER ROOF SHOP INSULATION SEE ROOF DETAILS AND DRAWINGS FOR ALL DETAILS AND LAYOUT INFORMATION

CLASS 'A' SINGLE PLY COOL ROOF OVER ROOF SHOP INSULATION SEE ROOF DETAILS AND LAYOUT INFORMATION

NOTE: SOLAR PANELS & EQUIPMENT WILL NOT EXTEND MORE THAN 4'-0" ABOVE THE HEIGHT OF THE NEAREST PARAPET OR ROOF EDGE.

REPLACE AND REROUTE EXISTING PLUMBING AND ELECTRICAL SEE PLUMBING AND ELECTRICAL DRAWINGS

NEW METAL CAP FLASHING AT ALL PARAPETS

NEW METAL CAP FLASHING AT ALL PARAPETS

Approved
 City of Portland - Bureau of Development Services
 Planner *Doreen Miller* Date *12.29.19*
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

AV 09-172666 ADD 6X HIB 17 C-1