



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

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Portland, Oregon 97201
503-823-7300
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TTY 503-823-6868
www.portlandonline.com/bds

Date: June 14, 2011
To: Interested Person
From: Kara Fioravanti, Land Use Services
503-823-5892 / Kara.Fioravanti@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 this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 11-129340 HDZ OLYMPIC MILLS ROOF DECKS

GENERAL INFORMATION

Applicant: Olympic Mills Warehouse LLC
901 NE Glisan Street / Portland, OR 97232

Morgan Zhang
Olympic Mills Warehouse LLC/ B&O Properties LLC
1001 SE Water Avenue / Suite #120 / Portland, OR 97214

Representative: Jennifer Dzienis, Works Partnership Architecture
524 E Burnside Street #320 / Portland, OR 97214

Site Address: 107 SE WASHINGTON STREET
Legal Description: BLOCK 42 LOT 1-8 HISTORIC PROPERTY 15 YR 2006 POTENTIAL
ADDITIONAL TAX, EAST PORTLAND

Tax Account No.: R226502380
State ID No.: 1S1E03AA 00900
Quarter Section: 3130
Neighborhood: Buckman, Susan Lindsay at 503-725-8257.
Business District: Central Eastside Industrial Council, 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: Historic Landmark
Zoning: IG1
Case Type: HDZ, Historic Design Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

PROPOSAL: The applicant seeks historic design review approval for 3 new wood roof decks and walkways on the second floor roof of the existing Historic Landmark building.

RELEVANT APPROVAL CRITERIA: In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are the Central city Fundamental Design Guidelines, Central Eastside Industrial District Design Guidelines and 33.846.060.

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. This application was submitted on May 4, 2011 and determined to be complete on **May 16, 2011**.

ANALYSIS

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **May 16, 2011**. The following Bureaus have responded with no issues or concerns:

- **Bureau of Environmental Services**
- **Site Development:** This property abuts the 1996 flood inundation area, however it does not appear that addition of roof top decks will result in "substantial improvement" as defined by 24.50.
- **Bureau of Transportation Engineering**
- **Urban Forestry**
- **BDS Life Safety:** A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. More information regarding building code requirements can be obtained by visiting the Bureau of Development Services Development Services Center - 1900 SW 4th Ave, 1st floor. The Development Services Center is open Tuesday through Friday from 8:00 a.m. to 3:00 p.m. (closed on Mondays). No appointment is necessary. Building Code information is also available online at: <http://www.portlandonline.com/bds/>, or by calling (503) 823-1456.
- **Fire Bureau:** A separate building permit is required for this proposal. Any Fire Code requirements will be addressed through the review of the building permit. Please contact the Fire Marshal's office for additional information, if needed, at 503-823-3810.
- **Water Bureau:** There is an existing 2" metered service (Serial #20062075, Account #2992146800) and a 6" metered fire service (Serial #GJ-0700, Account #2981302600) which provide water to this location from the existing 8" CI water main in SE 2nd Ave. The estimated static water pressure range for this location is 82 psi to 103 psi at the existing service elevation of 31 ft. Conditions of Approval: None

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 16, 2011**. 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 33.846, 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's Central Eastside District, the relevant approval criteria are the Central City Fundamental Design Guidelines and the Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan and Central City Fundamental Design Guidelines.

G. Other Approval Criteria:

1. **Historic character.**
2. **Record of its time.**
5. **Historic materials.**
7. **Differentiate new from old.**
8. **Architectural compatibility.**
9. **Preserve the form and integrity of historic resources.**
10. **Hierarchy of compatibility.**

Findings: The historic character of the property will be retained and preserved. The project does not remove historic materials or alter features and spaces that contribute to the property's historic significance. The historic resource will remain a physical record of its time, place, and use. The project does not create a false sense of historic development. Historic materials will be protected. The new work is easily identifiable from the historic building and, if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired. The project will be compatible with the resource's massing, size, scale, and architectural features and is designed to be compatible with the original resource. These guidelines are met.

Central City Fundamental Design Guidelines

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

Central City Plan Design Goals

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

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan and Central City Fundamental Design Guidelines

The Central Eastside is a unique neighborhood. The property and business owners are proud of the district's heritage and service to the community and region. Light industry, distribution/warehousing, and transportation are important components of the district's personality. To the general public, retail stores and commercial businesses provide the central focus within the district.

The underlying urban design objective for the Central Eastside is to capitalize on and emphasize its unique assets in a manner that is respectful, supportive, creative and compatible with each area as a whole. Part of the charm and character of the Central Eastside District, which should be celebrated, is its eclectic mixture of building types and uses. An additional

strength, which should be built on, is the pattern of pedestrian friendly retail uses on Grand Avenue, East Burnside and Morrison Streets, as well as portions of 11th and 12th Avenues.

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Central Eastside Design Goals

The following goals and objectives define the urban design vision for new development and other improvements in the Central Eastside

- Encourage the special distinction and identity of the design review areas of the Central Eastside District.
- Provide continuity between the Central Eastside and the Lloyd District.
- Provide continuity between the Central Eastside and the river, downtown, and adjacent residential neighborhoods.
- Enhance the safety, convenience, pleasure, and comfort of pedestrians.

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

B7. Integrate Barrier-Free Design.

C1. Enhance View Opportunities.

C2. Promote Quality and Permanence in Development.

C3. Respect Architectural Integrity.

C11. Integrate Roofs and Use Rooftops.

C12. Integrate Exterior Lighting.

Findings: The project meets ADA requirements. The decks are oriented to views the surrounding cityscape. The decks are wood and built with details to that promote quality and permanence. The decks have a light touch on the landmark and, therefore, respect the original character of the building. Additionally, they are below the building's parapet to avoid altering the views of the building from the street. The lighting is minimal, per Building Code requirements, and therefore sensitive to its impacts on the skyline at night. 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

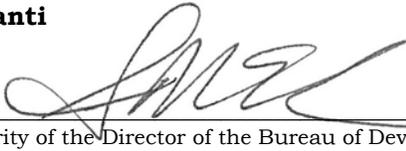
The approval criteria are met.

ADMINISTRATIVE DECISION

Approval of **historic design review** approval for 3 new wood roof decks and walkways on the second floor roof of the existing Historic Landmark building per the approved plans, Exhibits C-1 through C-12, signed and dated June 10, 2011, subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.12. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-129340 HDZ. No field changes allowed."

Staff Planner: Kara Fioravanti

Decision rendered by:  **on June 10, 2011**
By authority of the Director of the Bureau of Development Services

Decision mailed: June 14, 2011

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 May 4, 2011, and was determined to be complete on May 16, 2011.

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 May 4, 2011.

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 further extended by the applicant, **the 120 days will expire on: September 14, 2011.**

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 28, 2011** 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.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information. Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed,* The final decision may be recorded on or after **June 29, 2011 – (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.

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:

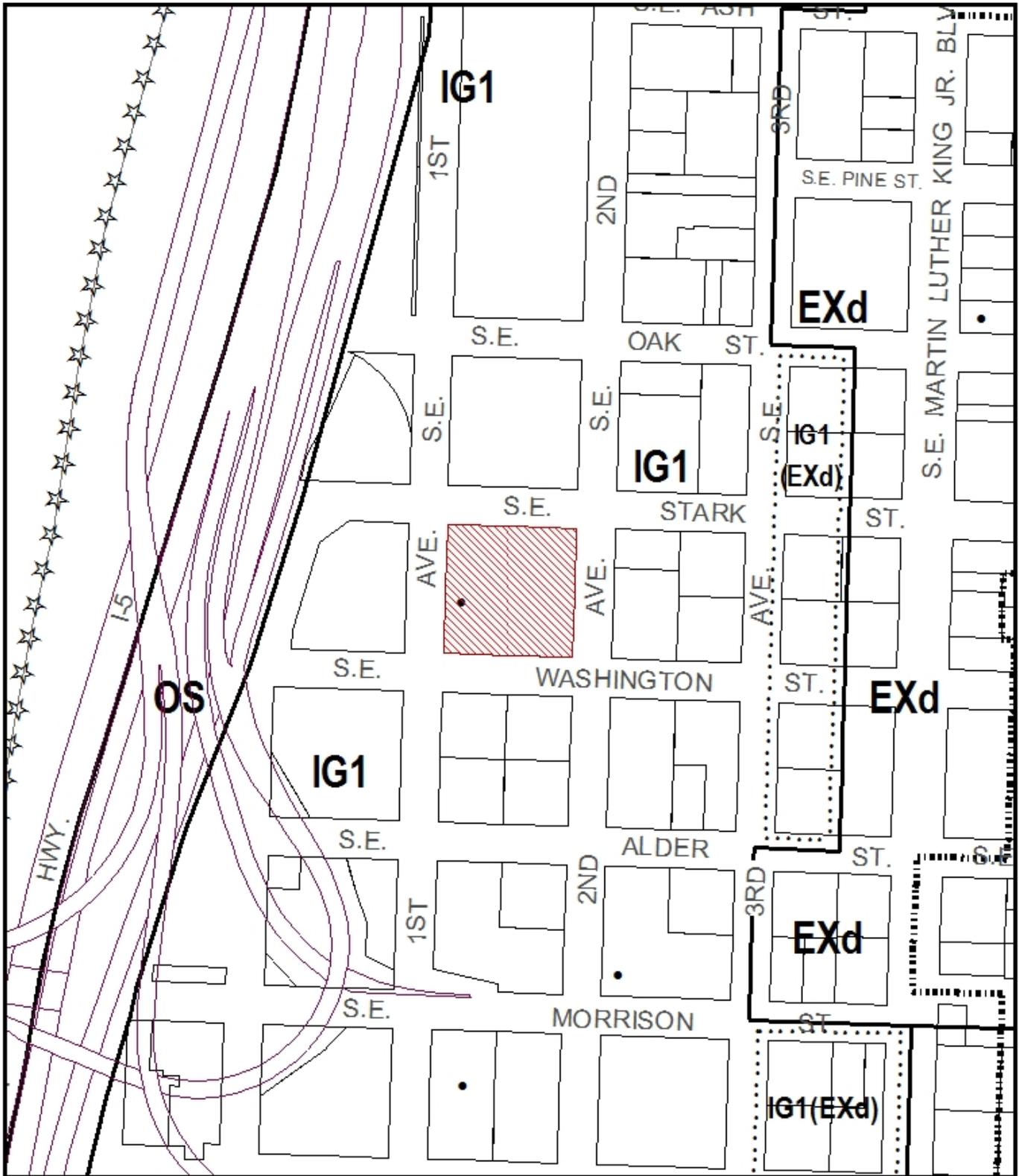
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's submittal
 - 1. Narrative
 - 2. 12-20-10 memo
 - 3. 12-8-10 emails
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Proposed Site/Roof Plan (attached)
 - 2. Proposed South Elevation
 - 3. Proposed West Elevation
 - 4. Proposed East Elevation
 - 5. Section @ walkway and ramps adjacent to existing penthouse
 - 6. Photo
 - 7. Photo
 - 8. Photo
 - 9. Photo
 - 10. Photo
 - 11. Exit signs
 - 12. Light
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
(none exhibited)
- F. Correspondence:
(none received)
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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 11-129340 HDZ
1/4 Section	3130
Scale	1 inch = 200 feet
State Id	1S1E03AA 900
Exhibit	B (May 10, 2011)

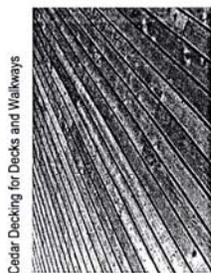
General Notes:
 A. Reference LUR # 05-161578-000-CU For Additional Info Regarding Historic Design Review for 107 SE Washington Street

Notes This Sheet

Roof Deck A	522 sf	33'-2" Max. Elevation 34'-8" Max. Elevation (Bench)
Roof Deck B	300 sf	33'-2" Max. Elevation
Roof Deck C	300 sf	31'-11" Max. Elevation
Walkways	776 sf	32'-6 3/4" Max. Elevation
Total	1898 sf	33'-2" Max. Elevation* (~5% of Roof Area)

*All Proposed Roof Walkways & Decks Elevations Are Out of Street Sightline Views & All Except the Roof Deck A Bench Are Below Existing Building Parapets

Exterior Materials



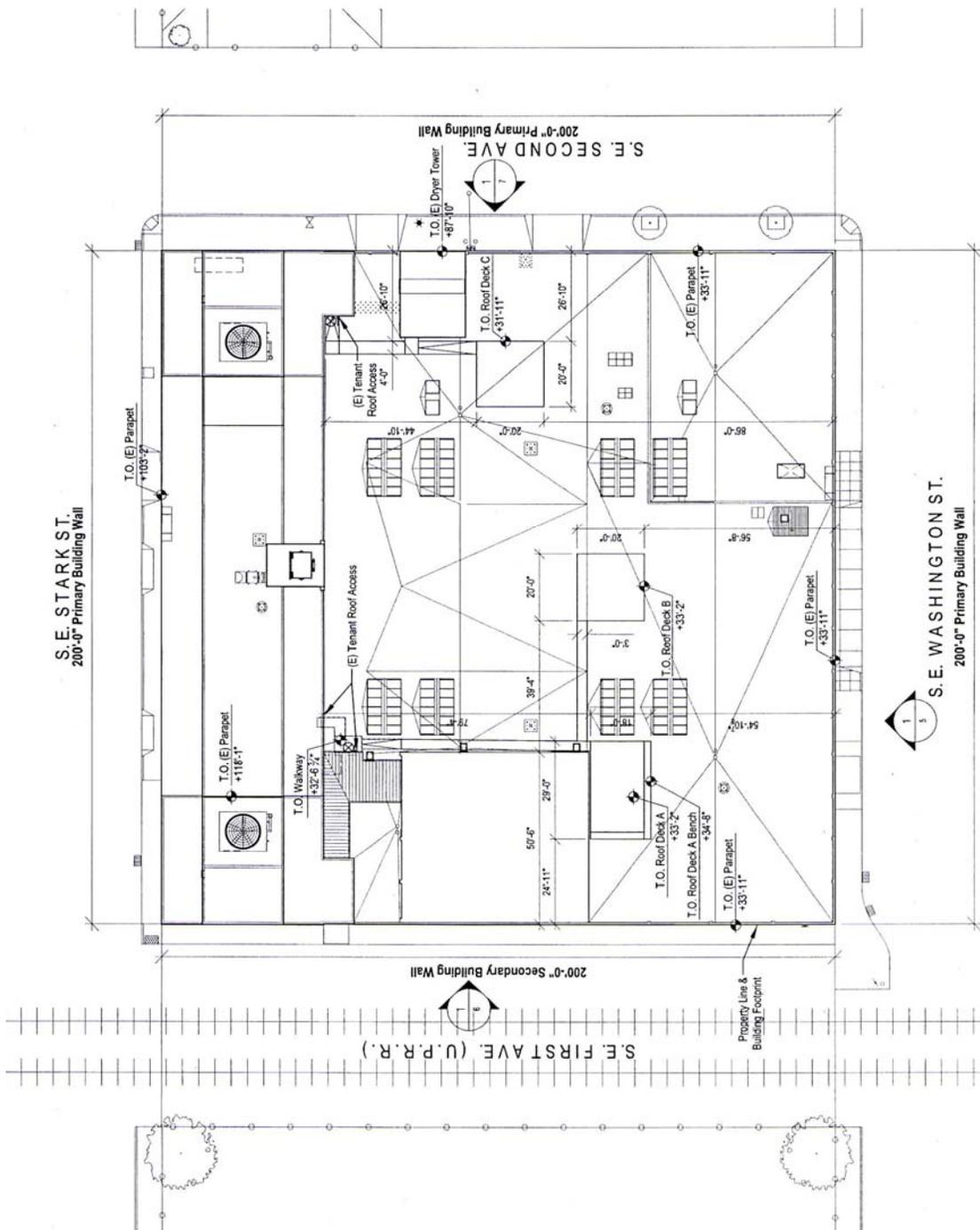
Exterior Fixtures

- Wall Mounted Sconce Light Connected to Building Emergency Power Backup Supply (RE: Product Cutsheet)
- ⊗ Wall Mounted Well Location Illuminated Exit Sign (RE: Product Cutsheet)



Enc. 1
 11-12-9340

Proposed Site/Roof Plan



Approved
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date *6.10.11*

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