



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

FROM CONCEPT TO CONSTRUCTION

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Date: September 16, 2011
To: Interested Person
From: Staci Monroe, Land Use Services
503-823-0624 / staci.monroe@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 11-162130 HDZ - ROOFTOP MECHANICAL UNIT AND EXTERIOR LOUVER

GENERAL INFORMATION

Applicant: Water Avenue Properties LLC (owner)
421 SW Hall Street
Portland, OR 97201

Mark Annen, 503-449-5655 (designer)
Annen Design Industries
3778 SE 10th Ave
Portland, OR 97202

Site Address: 1028-1036 SE WATER AVENUE

Legal Description: BLOCK 16 LOT 3&4 HISTORIC PROPERTY 15 YR 2005 POTENTIAL ADDITIONAL TAX, EAST PORTLAND

Tax Account No.: R226500920

State ID No.: 1S1E03AD 01200

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: Historic Landmark – Auto Freight Terminal Service Station Building

Zoning: IG1 – General Industrial 1

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 to add a mechanical unit to the rooftop and louver to the western façade of the Auto Freight Terminal Service Station Building, a Historic

Landmark. The quarter-block building is located in the Employment Opportunity Sub-Area in the Downtown Sub-District of the Central City Plan District. The 48”(l) x 40.5”(w) x 47.5”(h) new exhaust fan will be located above the tenant space in the northwest quadrant of the building. The overall height of the unit, as installed on a 3.5” curb, will be 51” and will be painted to match the other rooftop units. It will be set back 32’-1” from SE Water and 84’-10” from SE Taylor roof edges. The metal louver to vent the interior unit will be located within the soffit of the recessed entry alcove along SE Water Street.

Because the proposal alters a historic landmark, and exterior alterations are proposed, Historic Design Review is required.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines
- Central Eastside Design Guidelines
- Other Approval Criteria - Section 33.846.060.G

ANALYSIS

Site and Vicinity: The two-story building with a basement occupies the southwest quarter of the block on a 10,000 square foot lot. The building contains a mixture of retail, office and industrial uses including wholesale, distributing and manufacturing. Built in 1930 as a supporting adjunct to the Auto Freight Transport Building across SE Water Street to the west, the Auto Freight Terminal Service Station is a utilitarian concrete structure which functioned as a vehicle repair and storage facility in the 1930s. The complex is listed in the National Register of Historic Places under Eligibility Criterion “A” for its association with early Twentieth Century trends in commerce and transportation. The building’s very plain exterior defines its historic character, that of a servant building in support of the movement of freight by motor vehicle.

The area known today as the Central Eastside was, up until its 1892 annexation into Portland proper, the working waterfront of the separate City of East Portland. This area developed independently before the Steel Bridge was constructed allowing train traffic on the main Southern Pacific Railroad line to reach the west bank of the Willamette River. Unlike the downtown side of the river, it combined access to river, road, and rail transport systems. Long after the annexation, and indeed throughout the Twentieth Century, industrial and transportation-related uses have dominated the area. This historic character is reflected by the presence of many small scale industrial sites and rail spurs throughout the neighborhood. The current zoning also encourages the continuation of the historic pattern.

Zoning: The General Industrial 1 (IG1) zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. 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. Minimum lot area is 10,000 square feet.

The Historic Resource Protection chapter 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 10-139862 HDZ: Approval of a 2010 historic design review for a 5 square foot projecting sign.
- LU 09-172611 HDZ: Approval of a 2009 historic design review for a new entry and new awnings.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **August 11, 2011**.

The following Bureaus have provided responses with no issues:

- Bureau of Environmental Services (see Exhibit E.1)
- Water Bureau (see Exhibit E.2)
- Life Safety Review Section of BDS (see Exhibit E.3)

The following Bureaus responded with no concern:

- Bureau of Transportation Engineering
- Bureau of Parks-Forestry Division
- Site Development Review Section of BDS
- Fire Bureau

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on August 11, 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 Eastside subdistrict of the Central City, the relevant approval criteria are the Central City Fundamental Design Guidelines and the Central Eastside Design Guidelines.

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.

Findings: No removal of historic materials is proposed. The alteration, installation of a low profile mechanical unit on the rooftop and metal louver in the soffit of the recessed entry, will not be readily visible and thus have no impact on the historic character of the landmark building. *This criterion is therefore met.*

2. **Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.

Findings: The proposed changes are utilitarian in nature, and while compatible with the industrial character of the building, they will not create a false sense of history because it will be distinguishable as a modern alteration. *This criterion is therefore met*

- 3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.

Findings: The proposal will not effect any historic alterations that have achieved significance in their own rite. *This criterion is therefore not applicable.*

- 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.

Findings: No replacement of deteriorated or missing features is proposed. *This criterion is therefore not relevant.*

- 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: No chemical or physical treatments are proposed. *This criterion is therefore not relevant.*

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

Findings: No ground-disturbing activity is proposed. *This criterion is therefore not relevant.*

- 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.

Findings: The proposed installation of rooftop mechanical equipment will not affect any significant historic materials. Roof penetrations will be fully reversible. *This criterion is therefore met.*

- 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: The proposed addition of rooftop mechanical equipment will be out of view from the street level due to its low profile of 51" (as installed), partially screened by 3'-0" parapet, generous setbacks from both streets (32'-1" from SE Water and 84'-10" from SE Taylor), and painted to match the rooftop and other mechanical units. The louver location, set within the soffit of the recessed entry on SE Water, will not be visible along the street elevations as the soffit is above the upper edge of the recessed opening as demonstrated in

Exhibit C-3. The design and locations of both features are compatible with the historic character of the utilitarian landmark building and are similar elements historically found on the adjacent and surrounding industrial buildings. *These criterion are therefore met.*

- 9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

Findings: No additions or adjacent new construction is proposed. *This criterion is there not relevant.*

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.

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 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.

Central City Plan Design Goals

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

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;

7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

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.

Findings: The low profile, partial parapet screening, generous setbacks from both roof edges and painted exterior will ensure the rooftop unit has minimal impact on the pedestrian environment. In addition, the louver vent is not visible from the street with its recessed location in the soffit and its setback within the entry alcove. *This guideline is therefore met.*

C2. Promote Quality and Permanence in Development. Use design principles and building materials that promote quality and permanence.

Findings: Both the mechanical unit and louver are painted metal and designed to withstand the elements as they are both exterior features. In addition, they can be easily painted to restore the finish. *This guideline is therefore met.*

C3. Respect Architectural Integrity. Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

C5. Design for Coherency. Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

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 storm water management tools.

Findings: As stated in the above findings, the new rooftop mechanical unit and louver have been designed and located in a manner that respects the architectural integrity of this utilitarian landmark building. In addition, the mechanical unit is integrated with the other rooftop units by being painted to match the other units and the roof as well as being similarly located back from the building's street edge. The low profile of the mechanical unit, only 1'-6" of will sit above the parapet, on this two-story building will have no impact on the Central City skyline. *These guidelines 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 addition of rooftop mechanical equipment and louver, well screened from general view, and appropriate to a historic industrial building, allows a restaurant use in the building which will help to support its continued preservation.

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 design guidelines criteria and therefore warrants approval.

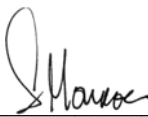
ADMINISTRATIVE DECISION

Approval of a 48”(l) x 40.5”(w) x 47.5”(h) mechanical unit the rooftop (overall 51” with 3.5” curb) and painted to match the roof and metal louver in the soffit of the recessed entry on the western façade of the Auto Freight Terminal Service Station Building, a Historic Landmark in the Employment Opportunity Sub-Area in the Downtown Sub-District of the Central City Plan District.

Per the approved site plans, Exhibits C-1 through C-6, signed and dated 9/14/2011 subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-162130 HDZ HDZ."

Staff Planner: Staci Monroe

Decision rendered by:  **on September 14, 2011**
By authority of the Director of the Bureau of Development Services

Decision mailed: September 16, 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 July 28, 2011, and was determined to be complete on August 9, 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 July 28, 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.

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 September 30, 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 **October 1, 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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All 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. Project Summary and Responses to Approval Criteria
 - 2. Clarification Email dated 8/8/2011
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site & Roof Plan (attached)
 - 2. Ground Floor Plan
 - 3. West Building Elevation and Louver Detail & Section (attached)
 - 4. Building Section
 - 5. Rooftop Unit Detail
 - 6. Occupancy Summary of Uses
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services

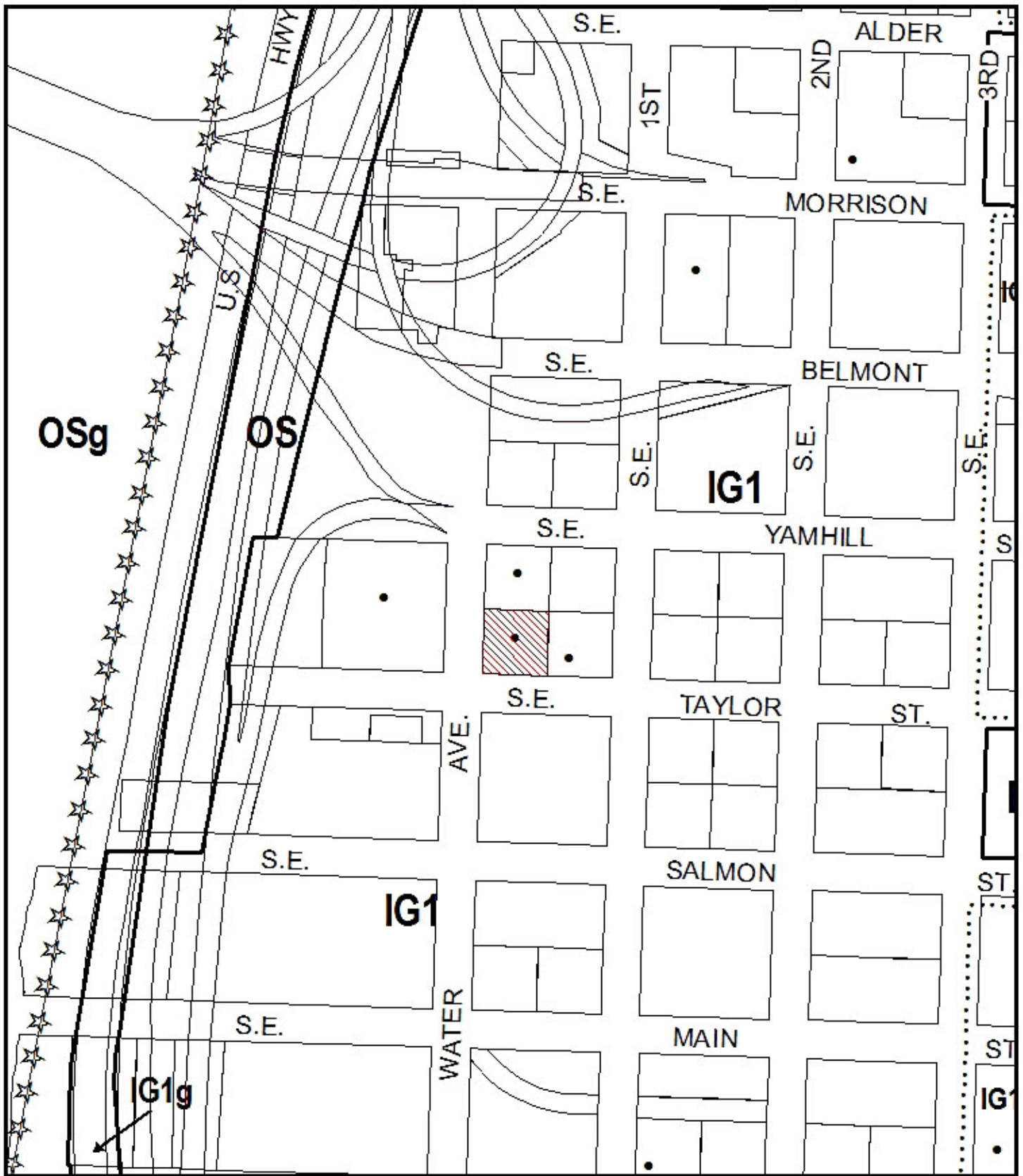
2. Water Bureau
3. Life Safety Review Section of BDS

F. Correspondence: none

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

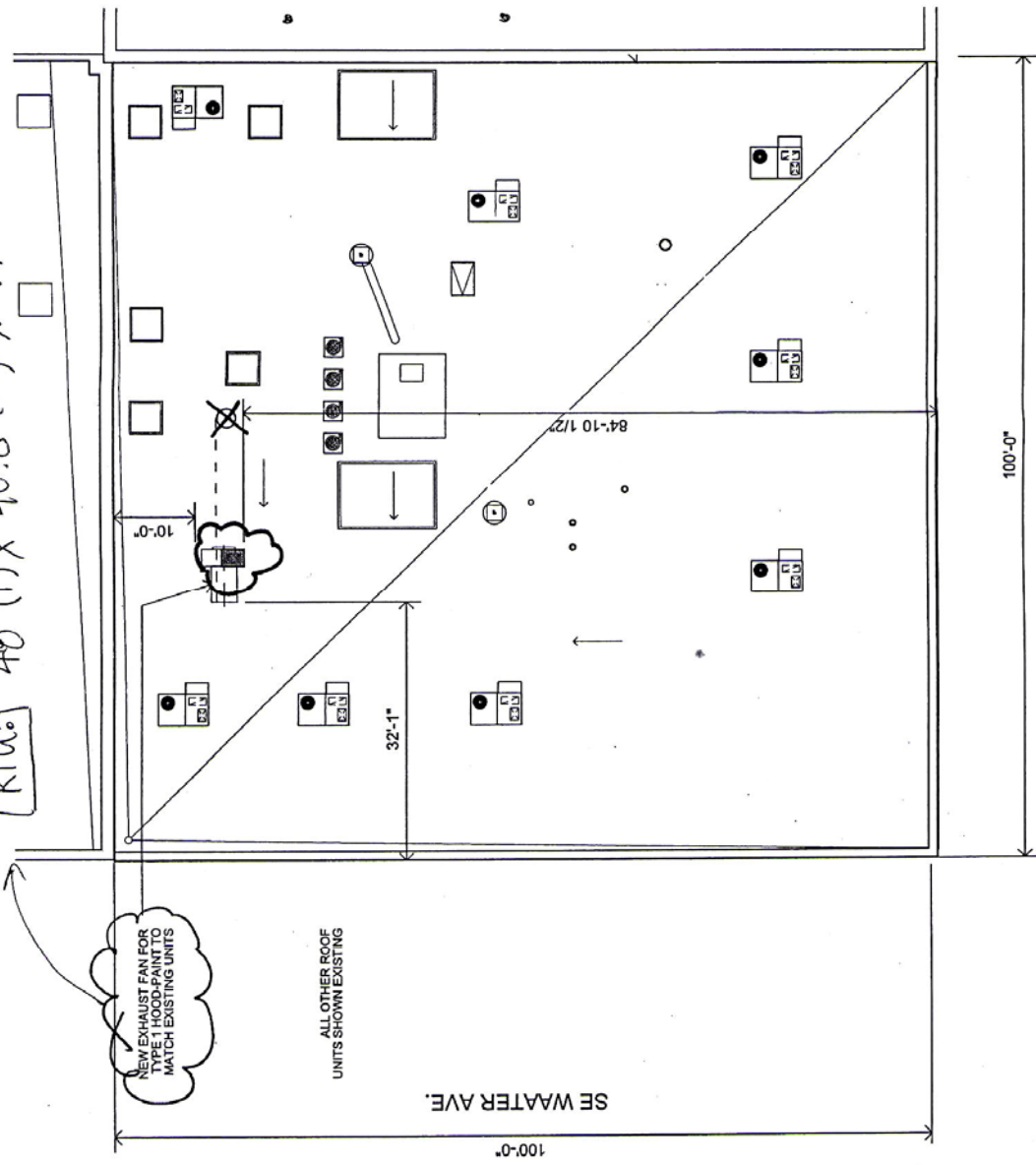
 Historic Landmark



This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	<u>LU 11-162130 HDZ</u>
1/4 Section	<u>3130</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E03AD 1200</u>
Exhibit	<u>B</u> (Jul 29,2011)

[RTU:] 48" (l) x 40.5" (w) x 47.5" (h)



- INSTALLED ON 3.5" CURB, OVERALL HEIGHT OF 51"
- PAINTED TO MATCH ROOFTOP & OTHER UNITS.



SITE & ROOF PLAN

Proposed Roof Plan
SCALE: 1/16" = 1'-0"

Lu 11-162130
EX-C-1

