



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

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Date: May 28, 2014
To: Interested Person
From: Kate Marcello, 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 reasons for the decision are included in the version located on the BDS website, via this link: <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the district coalition and 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 14-111140 HR ROOFTOP DECK AND EQUIPMENT

GENERAL INFORMATION

Applicant: Craig Kelly, 503-224-2446 / Washington High School, LLC
70 NW Couch Street Suite 207 / Portland, OR 97209

Owners: Washington High School LLC and Victoria Capital LLC
15350 SW Sequoia Parkway #300 / Portland, OR 97224-7175

Site Address: 531 SE 14th Avenue

Legal Description: BLOCK 282&283 TL 101, EAST PORTLAND
Tax Account No.: R226517160
State ID No.: 1S1E02BA 00101
Quarter Section: 3131
Neighborhood: Buckman, contact Matthew Kirkpatrick at 503-236-6350.
Business District: Belmont Business Association, contact Katie Meyer at 503-360-7814.
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.
Other Designations: Historic Landmark, Washington High School, pursuant to designation on January 31, 2014.

Zoning: Residential Multi-dwelling 1000 (R1) base zone; Historic Resource Protection overlay zone

Case Type: Historic Resource Review (HR)
Procedure: Type II, which is an administrative decision, with appeal to the Historic Landmarks Commission

Proposal:

The applicant is seeking Historic Resource Review approval for a proposal to:

- build a deck with accessing elevator and stairs, and guardrails, on the upper roof of the building;
- cut down the sill of one window to create a door for access to a small flat roof area on the south side of the building, and add a railing at the top of the parapet wall; and
- install rooftop mechanical equipment at three locations near the central light-well.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations on a Historic Landmark.

Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria specified in the Portland Zoning Code (Title 33 of the Portland City Code). The approval criteria are 33.846.060.G: *Other Approval Criteria*.

ANALYSIS

Site and Vicinity: The existing Washington High School building is the principle remnant of a larger complex that occupied much of the six block aggregation around the site until recent years. It is a four-story concrete-frame structure clad in red brick with terra cotta trims. It is detailed in Classical Revival style common for buildings of its era and type. As one of the larger buildings in the vicinity, Washington High School is already something of a physical landmark. The fact that it has occupied this site since 1924, and that it served the children of local families for many decades, also lend it special importance as a neighborhood focal point.

The open area formerly occupied by other school structures and playing fields is now in the ownership of the Portland Parks Bureau. Plans have been approved for a community center to the southwest of the school building.

Zoning: The R1 zone is a medium-density multi-dwelling zone. It allows approximately 43 units per acre. Density may be as high as 65 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouses, and rowhouses. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.

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

- LU 12-205893 HL, designating the property as a Portland Historic Landmark on January 14, 2013.
- LU 13-114078 HDZM; approving exterior alterations with a condition that additional details be worked out in a follow-up Type II case.
- LU 13-202077 HRM, approving exterior alterations and a modification to landscaped area standards.

Public Notice: A Notice of Proposal was mailed March 18, 2014.

Agency Review: The Life Safety/Building Code Section of the Bureau of Development Services responded with comments but with no objections to the proposal (Exhibit E-1).

Neighborhood Review: No written responses have been received to date from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA**Chapter 33.846.060 - Historic Resource Review****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 outside the Central City Plan District and not within in a Historic or Conservation District, and the proposal is for non-exempt treatments. Therefore the proposal requires Historic Resource Review approval. The approval criteria are those listed in 33.846.060 G – *Other Approval Criteria*.

Staff has considered all of the approval criteria and addressed only those 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.

Findings: Rooftops, and especially flat ones, are generally not considered to contribute significantly to the character of historic resources, and that is the case with the subject property. The proposed additions of an elevator penthouse and mechanical equipment are well within the range of objects that would be expected in a historic roofscape, and the proposed deck and railing are low and set back far enough from the building edge to be completely out of the public view. The cutting down of the sill to allow access to the small lower roof, and the addition of a small guardrail to the parapet, are similarly minor alterations that have only a minimal effect on historic character. *This criterion is 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 for 8 and 10: The proposed alterations will achieve compatibility in both of the referenced contexts, primarily through their inconspicuousness. Only the elevator penthouse – which, owing to recently revised safety regulations, will be taller than would have been the case historically – will be visible from the public right-of-way, and its top will only begin to come into view at a remove of several hundred feet, as demonstrated by Exhibit C-2. The proposal will not have any adverse effect on the historic character of the Washington High School building, or on adjacent properties. *These criteria 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 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. The proposal will not have any adverse effect on the historic character of the Washington High School building, or on adjacent properties. The proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.


ADMINISTRATIVE DECISION

Approval of rooftop deck and mechanical equipment on the Historic Landmark Washington High School;

Approval is per Exhibits C-1 through C-7, signed and dated May 23, 2014, 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-7. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-111140 HR. No field changes allowed."

Staff Planner: Kate Marcello

Decision rendered by:  **on May 23, 2014**
By authority of the Director of the Bureau of Development Services

Decision mailed: May 28, 2014

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on January 29, 2014, and was determined to be complete on **March 11, 2014**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 29, 2014.

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 extended the 120-day review period for 30 days, see Exhibit G-2.

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 Historic Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on June 11, 2014** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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 Historic 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 Historic 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 12, 2014**.
- 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:

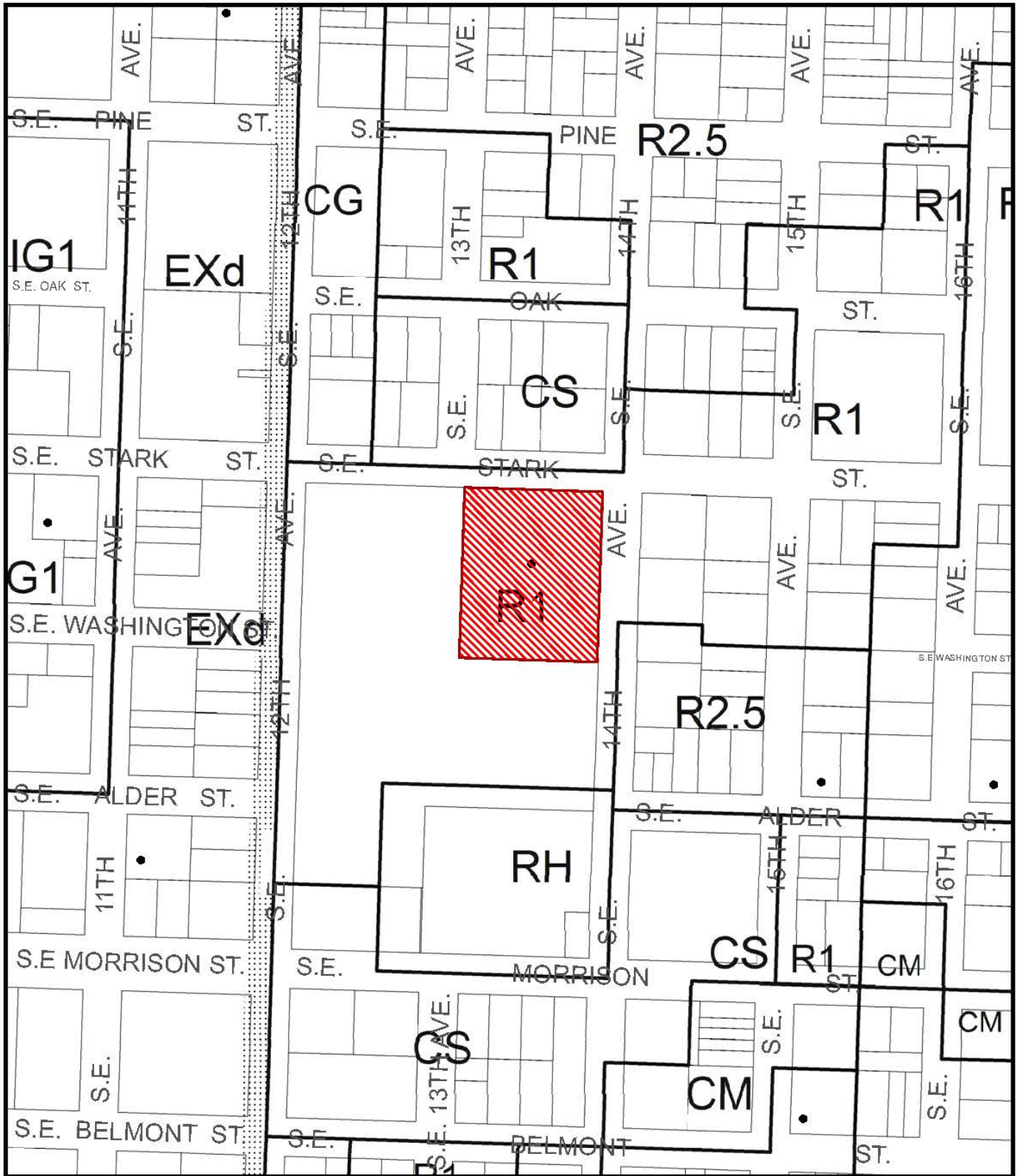
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site/Roof Plan (attached)
 - 2. Building Elevations/Sight Line Drawings (attached)
 - 3. Deck Section Drawing, Enlarged Elevation Drawing of Deck, Guardrail Drawing
 - 4. Penthouse Drawings
 - 5. Roof Section Drawing, Enlarged Drawing of Cable Railing, Lighting Section Drawing
 - 6. Manufacturer's Cutsheet for Metal Panels
 - 7. Manufacturer's Cutsheets for Rooftop Mechanical Units
- D. Notification information:
 - 1. Mailing List
 - 2. Mailed Notice
 - 3. Mailed Notice #2 (Note: The Notice was mailed a second time because there was a printing error the first time that made the document difficult to read.)
- E. Agency Responses:
 - 1. Life Safety/Building Code Section of Bureau of Development Services
- F. Correspondence: None received.
- G. Other:
 - 1. Original LU Application
 - 2. Request for Extension of 120-Day Review Period
 - 3. Site Photos

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

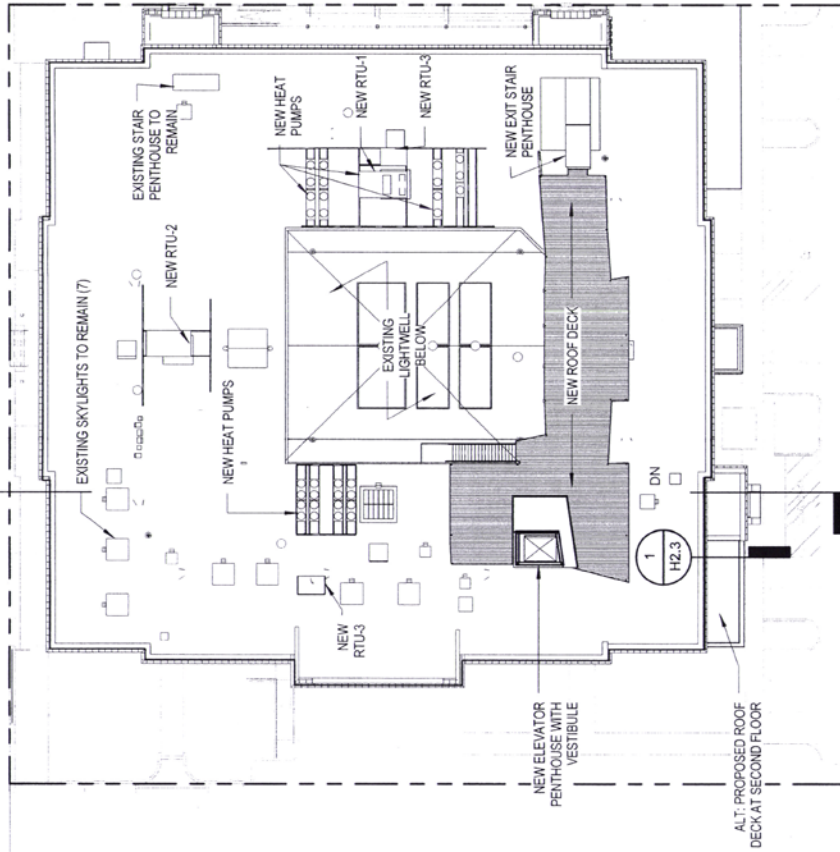


Historic Landmark



File No. LU 14-111140 HR
 1/4 Section 3131
 Scale 1 inch = 200 feet
 State_Id 1S1E02BA 101
 Exhibit B (Jan 31,2014)

SE STARK STREET



SE 14TH AVENUE

ZONING

- A. ZONING DESIGNATION: R1
- B. REFERENCE CASE FILE LU 13-114076 HP HDZ M, PC# 12-202934 AND CASE FILE LU 13-202077 HRM

Site / ROOF PLAN 1

Reduced sheet size Scale: 1" = 30'-0"

WASHINGTON HIGH SCHOOL RENOVATION
HISTORIC DESIGN REVIEW
3-MAR-14

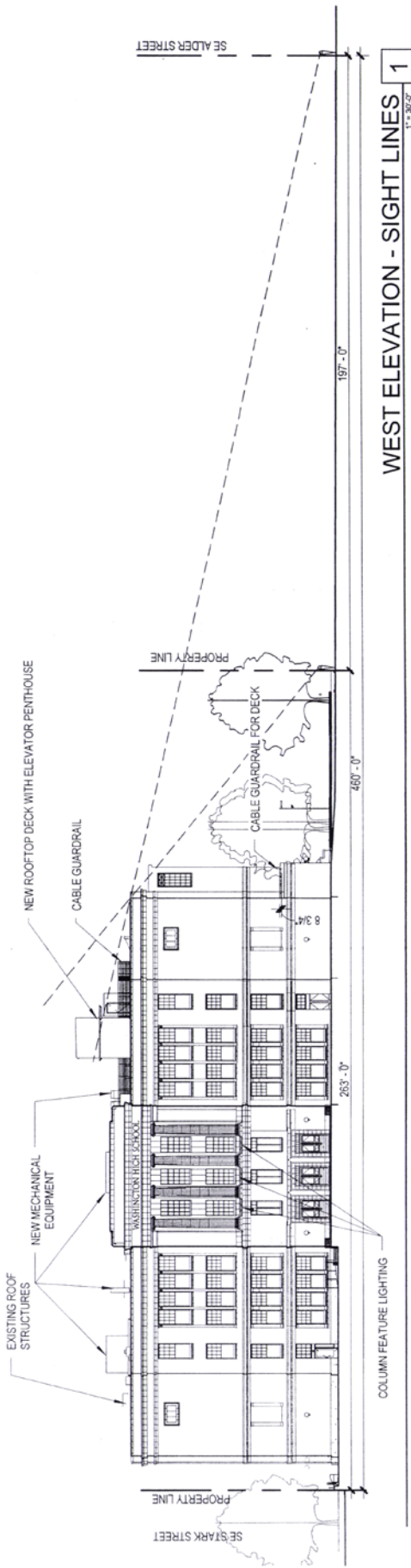


ROOF PLAN

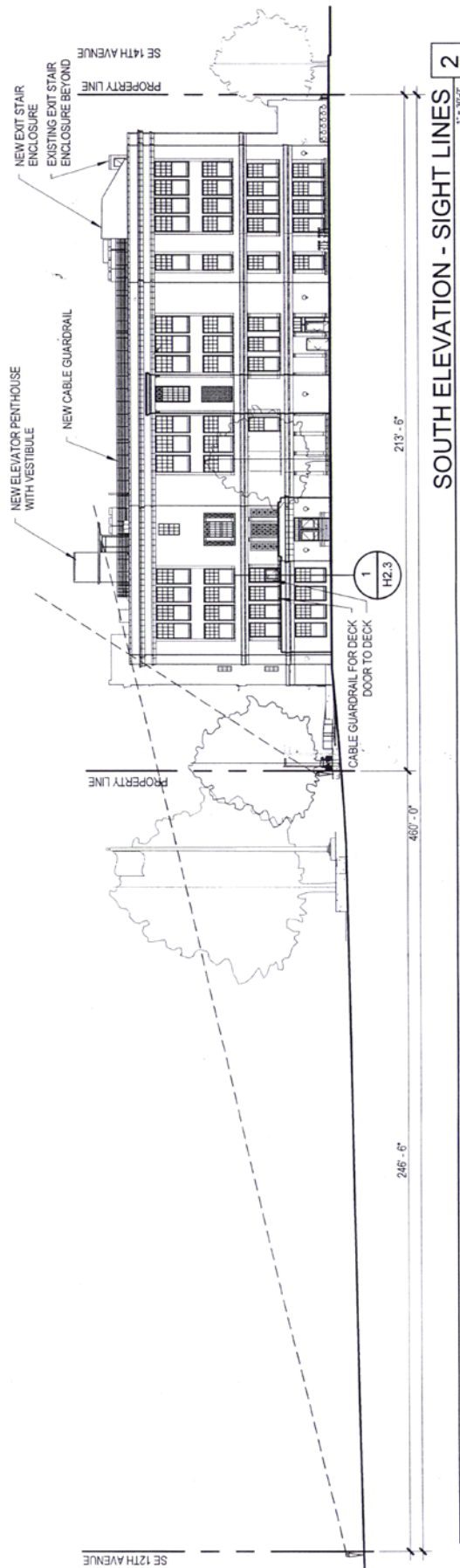
H2.1

Approved
 City of Portland - Bureau of Development Services
 Planner Kentell Date May 23, 2014
 This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

LU 14-111140 Exhibit C-1



WEST ELEVATION - SIGHT LINES 1



SOUTH ELEVATION - SIGHT LINES 2

Scale: 1" = 30'-0"

WASHINGTON HIGH SCHOOL RENOVATION
HISTORIC DESIGN REVIEW
3-MAR-14



H2.2

SITE LINES

Approved
City of Portland - Bureau of Development Services
Planner *Katell* Date *May 23, 2014*
This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply

LU-14-11140 Exhibit C-2