



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: July 1, 2016
To: Interested Person
From: Hillary Adam, Land Use Services
503-823-3581 / Hillary.Adam@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 mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 16-148005 HR – Mt. TABOR SUMMIT RESTROOM REHABILITATION

GENERAL INFORMATION

Applicant: Linda Barnes, Architect
Merryman Barnes Architects Inc.
1231 NW Hoyt St Suite 403
Portland, OR 97209

City Of Portland, Owner
1120 SW 5th Ave #609
Portland, OR 97204-1912

Site Address: 6325 SE DIVISION ST

Legal Description: TL 100 190.28 ACRES, SECTION 05 1S 2E
Tax Account No.: R992050130, R992050130
State ID No.: 1S2E05 00100, 1S2E05 00100
Quarter Section: 3137

Neighborhood: Mt. Tabor, contact Stephanie Stewart at 503-230-9364.
Business District: Eighty-Second Ave of Roses Business Association, contact Richard Kiely at 503-504-2273.
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.

Plan District: None
Other Designations: Contributing resource in the Mt. Tabor Park historic District, listed in the National Register of Historic Places on September 22, 2004

Zoning: OSc – Open Space with Environmental Conservation overlay zone

Case Type: HR – Historic Resource Review

Procedure: Type II, an administrative decision with appeal to the Historic Landmarks Commission.

PROPOSAL:

The applicant proposes rehabilitation of the Mt. Tabor Summit Restroom building, including new ADA-compliant landing at south restroom with existing handrails re-set in new landing, a new wood door at south restroom to match the original door, new louvered vents at east gable ends to replace non-original plywood infill, removal of non-original gates at east façade, and new informational signage to be installed at the east central window openings. A new composite shingle roof, proposed to replace the existing non-original composite shingle roof, is exempt from review.

Historic resource review is required because the proposal is for non-exempt exterior alterations on a contributing resource in the Mt. Tabor Park Historic District.

RELEVANT APPROVAL CRITERIA:

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

- 33.846.060.G *Other approval criteria*

ANALYSIS

Site and Vicinity: The project site, Mt. Tabor Park, is roughly bound by SE Division Street on the south, SE 64th Avenue and SE 60th Avenue on the east, SE Yamhill on the north, and SE 71st Avenue on the west. The project area is limited to the restroom building, known as the Summit Comfort Station, at the summit of Mt. Tabor Park. The Summit Comfort Station was built in either 1920 or 1926 in the Tudor style and is a one-story red brick structure.

Mt. Tabor Park is a 196-acre public park located in a residential area of southeast Portland. The park encompasses most of a volcanic butte, with four peaks. The tallest summit rises to an elevation of 643 feet, making it a prime landmark visible from points all around the city. Because of its elevation, the site became a distribution site for Portland's gravity-fed, mountain-source drinking water in 1894 with the construction of two open reservoirs, Reservoir 1, and the since-demolished Reservoir 2. In 1903, Mt. Tabor was identified as a potential city park in 1903 by John Charles Olmsted, adopted son of Frederick Law Olmsted, and who, along with his brother Frederick Law Olmsted Jr., operated the landscape firm Olmsted Brothers landscape firm which carried forth the legacy of their father. In 1909, voter-approved bonds were used to purchase the properties that made up the park. Emanuel Tillman Mische, who had previously worked for Olmsted Brothers, was hired the prior year at Portland's park superintendent and designed the park. Two additional open reservoirs, Reservoirs 5 and 6, were constructed in 1911 on the western slope of the park.

Zoning: The Open Space (OS) zone is intended to preserve public and private open, natural, and improved park and recreation areas identified in the Comprehensive Plan. These areas serve many functions including: providing opportunities for outdoor recreation; providing contrasts to the built environment; preserving scenic qualities; protecting sensitive or fragile environmental areas; preserving the capacity and water quality of the stormwater drainage system; and providing pedestrian and bicycle transportation connections.

The Environmental Conservation Zone "c" overlay conserves important resources and functional values in areas where the resources and functional values can be protected while following environmentally sensitive urban development.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and 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 74-000650 (ref. file: CU 007-74) – Conditional Use approval for a greenhouse;
- LU 61-001380 (ref. file: CU 029-61) – Conditional Use approval for a small storage building;
- LU 65-002285 CU (ref. file: CU 056-65) – Approval with the condition that planting be provided to screen the facilities from adjacent park and residential areas.
- LU 74-002392 (ref. file: CU 059-74) – Conditional Use approval for a picnic shelter;
- LU 64-002651 (ref. file: CU 067-64) – Conditional Use approval to construct a plant potting building on the southwest corner of Mt. Tabor Park on park warehouse land;
- LU 77-002064 (ref. file: CU 49-77) – Conditional Use approval for a water pumping station;
- LU 67-003406 (ref. file: CU 93-67) – Conditional Use approval for a maintenance building and office;
- LU 89-003906 CU (ref. file: CU 26-89) – Conditional Use approval for parking lot expansion;
- LU 89-021552 (ref. file: MP 107-89) – Approval of a 3-lot minor partition;
- LU 99-017214 EN (ref. file: LUR 99-00809) – Environmental Review approval of trail constructions and improvements in the Environmental Concern zone;
- PR 03-186237 ZC – Zoning Confirmation that the existing reservoir use in Mt. Tabor Park was a basic utility and have the status of an automatic Conditional Use;
- EA 06-173412 PC – Pre-Application conference for interim security and deferred maintenance improvements for the reservoirs;
- LU 07-139442 HDZ – Historic Design Review approval for interim security and deferred maintenance improvements;
- LU 06-178213 HDZ – Historic Design Review approval for an 8' wide accessible path on the north side of Reservoir #6;
- EA 12-183947 APPT – Early Assistance appointment for the current proposal;
- LU 13-236792 HR & LU 13-240530 EN – Withdrawn Historic Resource Review and Environmental Review upon determination that a higher level of review was necessary; and
- EA 14-118276 PC – Pre-Application Conference for disconnection of reservoirs #1, #5, and #6 from the public drinking water system; and
- LU 14-218444 HREN – Historic Resource Review and Environmental Review approval of disconnection of reservoirs #1, #5, and #6 from the public drinking water system.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **May 26, 2016**.

The **Bureau of Parks, Forestry Division** responded, noting the existence of a 38” Douglas Fir near the area of the proposed ADA ramp to the south restroom and requesting a condition of approval that the tree be protected. On June 28, 2016, Urban Forestry submitted a revised response, requesting a different condition of approval that “Urban Forestry must be involved in the planning for work around this tree.” Please see Exhibit E-1 and E-1b for additional details.

The following Bureaus have responded with no issues or concerns:

1. Life Safety Division of BDS
2. Water Bureau
3. Bureau of Environmental Services

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on May 26, 2016. 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 33.846.060 - 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 within the Mt. Tabor Park Historic District and the proposal is for non-exempt treatment. Therefore Historic Resource Review approval is required. The approval criteria are those listed in *33.846.060 G – Other Approval Criteria*.

Staff has considered all guidelines 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.
- 2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.
- 3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
- 5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.
- 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.
- 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 for 1, 2, 3, 4, 5, 7, and 9: The existing restroom building has been modified over the course of its history including the replacement of some windows and louvers with infill brick and plywood covers, replacement of one original door, as well as converting the original kitchen at the center of the building into an equipment room and storage room. The proposed alterations are minimal and do not intend to restore the building to its original condition, but to rehabilitate it so that the historic restroom building can be preserved for the foreseeable future as well as serve as a functioning restroom for park visitors. The applicant proposes to replace the non-original steel door on the south with a new wood door to match the historic wood door on the north. The approach to the south restroom will be modified to provide barrier-free access and will include reinstallation of the original railings. Steel bars and grates will be removed from the front (east) elevation to reveal the historic doors. A new information panel will be installed within the original masonry window opening which was covered on both the inside and outside long ago and will be attached to the existing plywood panel in order to minimize damage to the historic tripartite window believed to be hidden beneath. New

louvers will be installed on the front-facing gable ends, replacing the non-original plywood panels. The proposed minimal alterations will extend the life of this historic building, will restore missing elements, and will not cause further damage to historic features. *These criteria are met.*

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 significant excavation is proposed. *This criterion is not applicable.*

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 are intended to restore some missing elements of the building, including the south restroom door and the gable end louvers. The proposal also includes the removal of non-historic elements, such as the gates and bars that obscure the historic character of the building. The proposed alterations are in keeping with the historic character of the building and the Mt. Tabor Park Historic District. *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 proposed minimal alterations will extend the life of this historic building, will restore missing elements, and will not cause further damage to historic features. 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. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of rehabilitation of the Mt. Tabor Summit Restroom building, in the Mt. Tabor Park Historic District, including new ADA-compliant landing at south restroom with existing handrails re-set in new landing, a new wood door at south restroom to match the original door, new louvered vents at east gable ends to replace non-original plywood infill, removal of non-original gates at east façade, and new informational signage to be installed at the east central window openings.

This approval is per the approved site plans, Exhibits C-1 through C-5, signed and dated June 20, 2016, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 16-148005 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Urban Forestry must be involved in the planning for work around the 38" Douglas Fir tree near the proposed ADA ramp to the south restroom.

Staff Planner: Hillary Adam

Decision rendered by:  **on June 20, 2016**
By authority of the Director of the Bureau of Development Services

Decision mailed: July 1, 2016

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 April 8, 2016, and was determined to be complete on May 19, 2016.

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 April 8, 2016.

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 16, 2016.**

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 July 15, 2016** 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 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 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 **July 18, 2016 – (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:

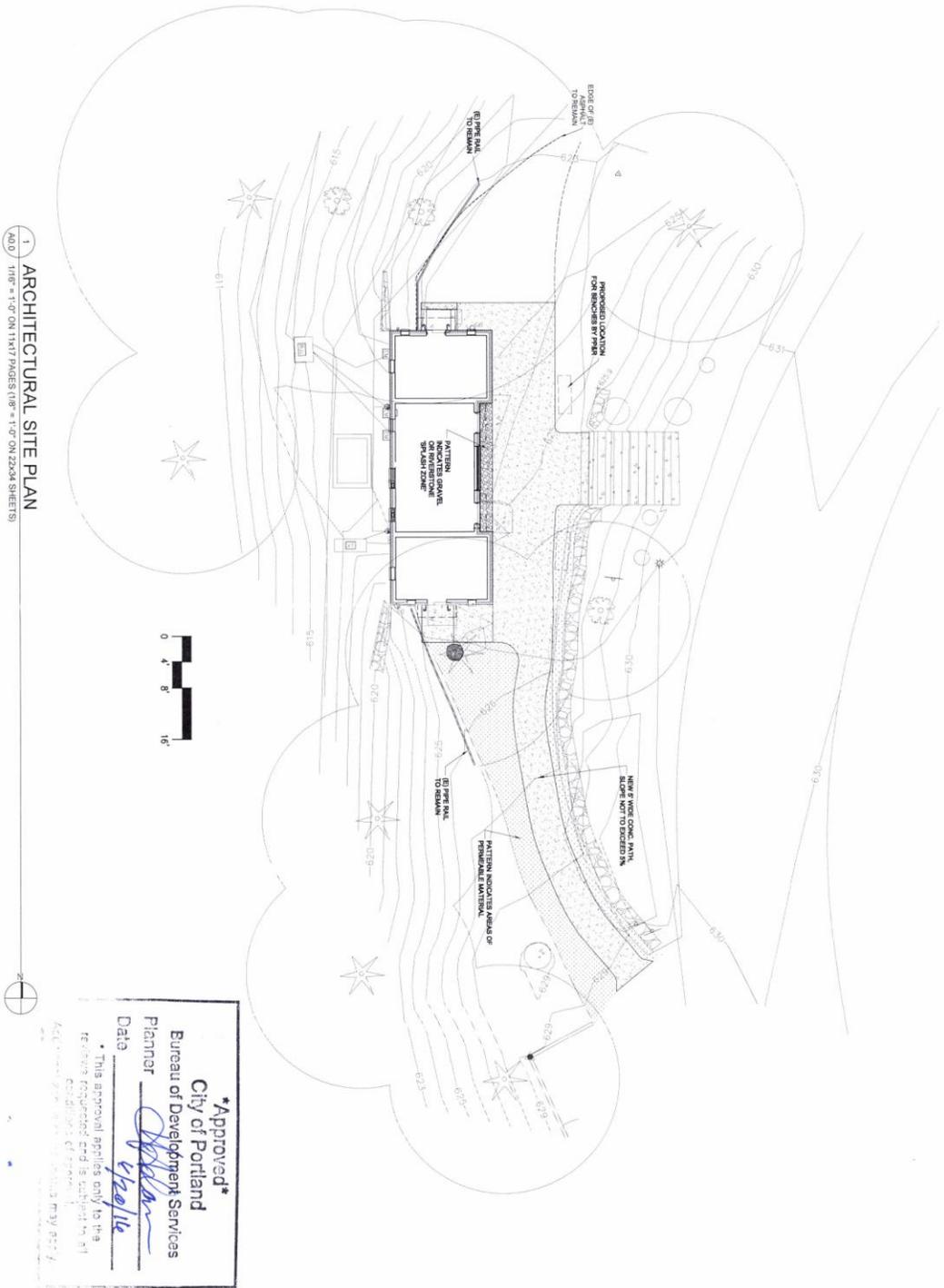
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Existing Conditions and Original Drawings
 - 3. Proposed Conditions
 - 4. Completeness Response
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Demolition Plan
 - 3. Proposed Plan (attached)
 - 4. Proposed Elevations (attached)
 - 5. Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Parks, Forestry Division
 - 2. Life Safety Division of BDS
 - 3. Water Bureau
 - 4. Bureau of Environmental Services
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter, dated May 4, 2016

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).



1 ARCHITECTURAL SITE PLAN
 A0.0 1/8" = 1'-0" ON 11x17 PAGES (1/8" = 1'-0" ON 22x34 SHEETS)

Approved
 City of Portland
 Bureau of Development Services
 Planner *Stephan*
 Date *4/26/16*

This approval applies only to the
 features requested and is subject to all
 conditions of approval.
 All other uses, plans, and details may differ.

W16-148005H

MT. TABOR SUMMIT 'COMFORT STATION'

MOUNT TABOR PARK
 6325 SE DIVISION STREET
 PORTLAND, OREGON 97206
 CLIENT: PORTLAND PARKS & RECREATION
 CONTACT: CONNIE JOHNSON - 503.823.5571

PROJECT NO. 15-0416A
 DATE 04.04.2016

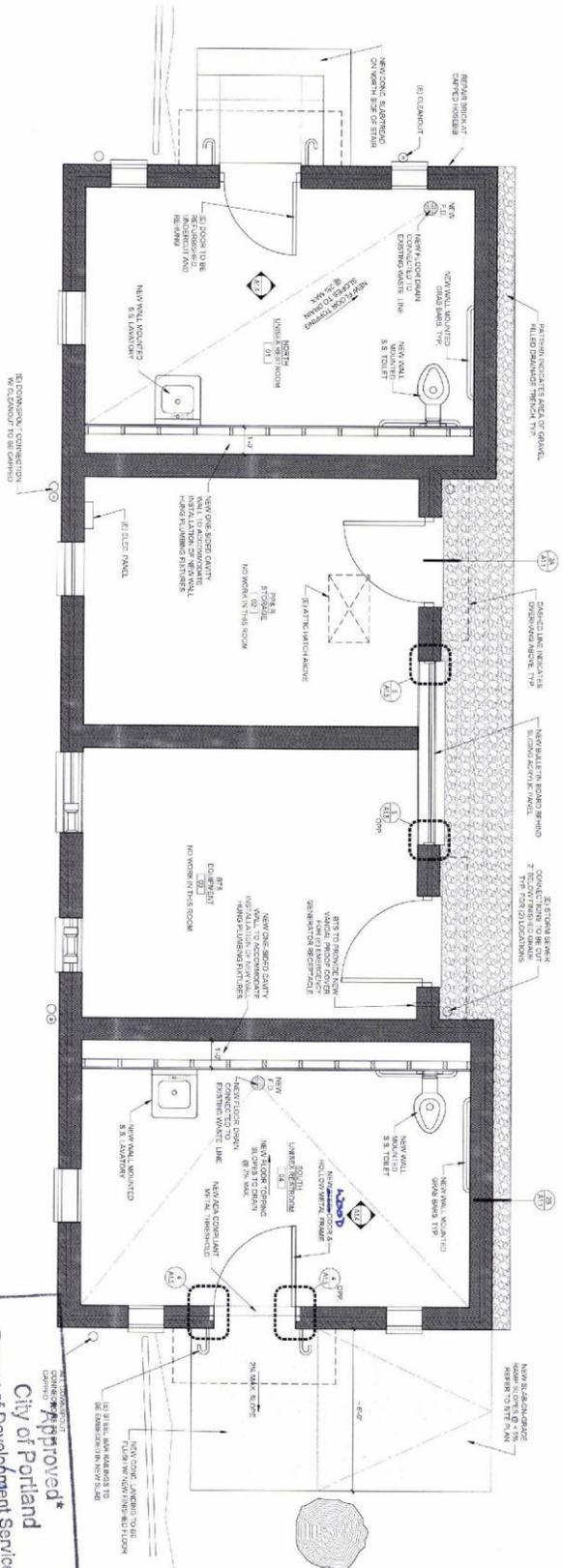
MBA
 WILHELM BARNES ARCHITECTS 2233 NW NORTH ST. SUITE 401 | PORTLAND, OR 97209 | P. 503-222-9753 | F. 503-295-4718 | www.wbarnesbarnesarchitects.com

PRELIMINARY
 © WILHELM BARNES ARCHITECTS, INC.

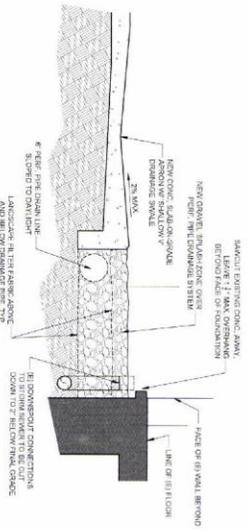
SHEET
 SITE PLAN
A0.0

0-1

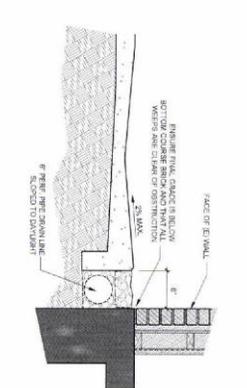
1 PROPOSED FLOOR PLAN
 A1.1 1/2" = 1'-0" ON 11x17 PAGES (1/2" = 1'-0" ON 22x34 SHEETS)



2A SECTION DETAIL @ DRAINAGE 'SPLASH ZONE'
 A1.1 1/2" = 1'-0" ON 11x17 PAGES (1/2" = 1'-0" ON 22x34 SHEETS)



2B SECTION DETAIL @ DRAINAGE TRENCH
 A1.1 1/2" = 1'-0" ON 11x17 PAGES (1/2" = 1'-0" ON 22x34 SHEETS)



City of Portland
 Bureau of Development Services
 Approved*
 Planner: *[Signature]*
 Date: *[Signature]*
 This approval applies only to the reviews requested and is subject to all conditions of approval.
 Additional zoning requirements may apply.
 PRELIMINARY
 150416A 03.19.2018

MT. TABOR SUMMIT 'COMFORT STATION'
 MOUNT TABOR PARK
 6325 SE DIVISION STREET
 PORTLAND, OREGON 97206
 CLIENT: PORTLAND PARKS & RECREATION
 CONTACT: CONNIE JOHNSON - 503.823.5571



1-3

