



June 5, 2014

Jessy Olson
Guardian Real Estate Development, LLC
PO Box 5668
Portland, OR 97228

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Laws*
Project: Miracles Central Affordable Housing
Requested by: Guardian Real Estate Development, LLC

Dear Ms. Olson:

On June 4, 2014, you submitted a request asking whether a proposed project is subject to the prevailing wage rate law. Sufficient information to make a determination was received June 4, 2014, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. Guardian Real Estate Services, LLC, a domestic limited liability company (LLC), plans to develop two continuous parcels of land in NE Portland into a drug and alcohol free apartment building known as "Miracles Central".
2. The completed project will be owned by a joint venture LLC that has yet to be registered. The members of the LLC will be Central City Concern and the Miracles Club, both registered as domestic public benefit non-profit corporations.
3. The completed project will include one level of resident support and service space, and five levels consisting of 47 units of drug and alcohol free affordable housing.
4. One hundred percent of the residential units will be restricted to households at or below 60% of the area median income.
5. The total project cost will be \$12,471,236. Funding for the project includes the following sources:
 - a. Funds of a public agency: \$7,205,331
 - i. Portland Housing Bureau tax increment financing: \$7,000,000
 - ii. Oregon Housing and Community Services Low Income Weatherization Program: \$205,331

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- b. Other Funds: \$5,265,905
 - i. Deferred development fee: \$455,938
 - ii. City of Portland System Development Charge (SDC) waivers: \$700,000
 - iii. Oregon Housing and Community Services Low Income Housing Tax Credit (LIHTC) equity: \$3,409,967
 - iv. Federal Home Loan Bank (FHLB) of Seattle Affordable Housing Program (AHP) Grant: \$700,000

CONCLUSIONS OF LAW

1. The Miracles Central project meets the definition of “public works” under ORS 279C.800(6)(a)(B), because the project will be privately owned and will use funds of a private entity and \$750,000 or more of funds of a public agency.
2. The exemption under ORS 279C.810(2)(d) for residential construction that is privately owned and predominantly provides affordable housing will not apply, because the proposed project is more than four stories in height and therefore does not meet the definition of “residential construction”.
3. No other exemptions under ORS 279C.810(2) will apply.

DETERMINATION

Based on the foregoing, the prevailing wage rate laws, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, will apply to the Miracles Central project.

This determination is based on the agency’s file as of the date of this determination. The commissioner may make a different determination if any of the project information is incorrect, or if the project or project documents are modified or supplemented after the date of this determination.

REQUEST FOR A RECONSIDERATION

After the commissioner issues a determination, the requestor or any public agency served with a copy of the determination may request that the commissioner reconsider the determination. A request for reconsideration must be submitted in writing to the Prevailing Wage Rate Unit, must include the reason or reasons for the request and any documents in support of the request, and must be received within 15 calendar days of the date the determination was mailed. A request for reconsideration does not toll the time period for requesting a contested case hearing on the determination.

RIGHT TO A HEARING

The requestor and any person adversely affected or aggrieved by this determination are entitled to a hearing as provided by the Administrative Procedures Act (ORS 183.413 to 183.470) and ORS 279C.817. If you want a hearing, the Bureau of Labor and Industries, Wage and Hour Division must receive your written request for hearing within 21 days from the date this notice was mailed. Hearing requests should be addressed and delivered to:

Administrator
Wage and Hour Division
Bureau of Labor and Industries
800 NE Oregon St. Suite 1045
Portland, Oregon 97232

If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

If you request a hearing, you will be notified of the date, time, and place of the hearing. You have the right to be represented by legal counsel at a hearing. However, if you are a government agency, corporation, partnership, or unincorporated association, you must be represented either by legal counsel or an authorized representative. If you request a hearing, you will receive information on Contested Case Rights and Procedures before the hearing. After the hearing, an order confirming, modifying, or reversing this determination will be issued. This determination shall remain in effect until the final order is issued.

If you request a hearing, but fail to appear at any scheduled hearing, you will have waived your right to hearing, and the commissioner may issue a final order by default. If the commissioner issued a final order by default, the agency file on this matter shall serve as the record for purposes of proving a prima facie case. You are not entitled to judicial review of this determination order unless you have made a timely request for a hearing.

Date: June 5, 2014

Brad Avakian, Commissioner
Bureau of Labor and Industries



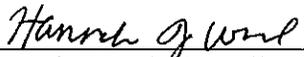
Gerhard Taeubel, Administrator
Wage and Hour Division
Bureau of Labor and Industries

Certificate of Service

On June 5, 2014, I mailed, by certified mail, the Prevailing Wage Rate Determination for the Miracles Central project to the requestor and any public agencies identified by requestor as being associated with this project, as follows:

Jessy Olson
Guardian Real Estate Services, LLC
PO Box 5668
Portland, OR 97228

Marlo Medellin
Portland Housing Bureau
421 SW 6th Ave, Suite 500
Portland, OR 97204



Hannah Wood, Compliance Specialist
Wage and Hour Division
Bureau of Labor and Industries