



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

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Date: February 7, 2017
To: Interested Person
From: Mike Gushard, Land Use Services
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NOTICE OF A TYPE I 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 16-280837 HR – MOVING A SMALL WINDOW. INSERTING VENT IN ITS LOCATION

GENERAL INFORMATION

Applicant:

Vista St Clair Apartments LLC 1000 SW Vista Avenue #114 Portland, OR 97205	Jennifer Hughes, Commerce Properties 1000 SW Vista Ave #114 Portland, OR 97205
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Representative:

Alex Brooks, Ankrom Moisan
Architects
38 NW Davis Street #300
Portland, OR 97209

Site Address:

1000 SW VISTA AVE

Legal Description:

BLOCK 3 LOT 1-12, JOHNSONS ADD

Tax Account No.:

R431600260

State ID No.:

1N1E33CD 04200

Quarter Section:

3027

Neighborhood:

Goose Hollow, contact Jerry Powell at 503-222-7173.

Business District:

Goose Hollow Business Association, contact Angela Crawford at 503-223-6376 & Stadium Business District, contact Tina Wyszynski at Tina.wyszynski@gmail.com

District Coalition:

Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District:

None

Other Designations:

King's Hill Historic District

Zoning:

RHs, High Density Residential with Scenic Resources Overlay

Case Type:

HR, Historic Resource Review

Procedure:

Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant proposes to relocate a small rectangular window from the southern corner of the east elevation. The proposal would reintegrate the window nearby to the north of the loading dock on the east elevation. The original location of the window would be filled in with a vent and louvers. This proposal requires historic resource review because the subject building is in the King's Hill Historic District.

Relevant Approval Criteria:

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

- King's Hill Historic District Guidelines

ANALYSIS

Site and Vicinity: The site is a 13-story apartment building on a long block within the Kings Hill Historic District, located between SW Vista and SW St. Clair, and SW Park Place and SW Main. The building is an early modernist high-rise apartment building and is not a contributing resource to the King's Hill Historic District. It has strong rectilinear concrete design with flat roofs, and a plan with three short wings and a long (east) wing. It sits within a landscaped lot among the tree-lined streets and historic landmarks of the district.

Zoning: The High Density Residential (RH) is a high density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage. The major types of new housing development will be low, medium, and high-rise apartments and condominiums. Generally, RH zones will be well served by transit facilities or be near areas with supportive commercial services. Newly created lots in the RH zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot area for development with detached or attached houses or for development with duplexes. Minimum lot width and depth standards may apply.

The Scenic Resource Zone "s" overlay is intended to protect Portland's significant scenic resources as identified in the Scenic Resources Protection Plan; enhance the appearance of Portland to make it a better place to live and work; create attractive entrance ways to Portland and its districts; improve Portland's economic vitality by enhancing the City's attractiveness to its citizens and to visitors; and implement the scenic resource policies and objectives of Portland's Comprehensive Plan. The purposes of the Scenic Resource zone are achieved by establishing height limits within view corridors to protect significant views and by establishing additional landscaping and screening standards to preserve and enhance identified scenic resources.

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 2003-148216HDZ – Approval of alterations to an enclosed stairway.
- LU 16-144251 HR – Approval of alterations to the porte-cochere area and rear decks.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **January 5, 2017**. No agencies responded.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **January 5, 2017**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Jim Wazlaw, January 18, 2017, Questions about interior modifications and their likelihood to impact the exterior of the building. Staff corresponded with Mr. Wazlaw to answer his question.

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 located within the King's Hill Historic District and the proposal is for a non-exempt treatment. Therefore, Historic Resource Review approval is required. The approval criteria are the *King's Hill Historic District Guidelines*.

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

King's Hill Historic District Guidelines

A1. Historic Character. Retain and preserve the diverse historic character of the King's Hill Historic District.

A2. Architectural Styles. Maintain the architectural integrity of historic building façades. Respect the essential forms and styles of the historic buildings in the district.

A3. Historic Material, Features, and Color. During exterior rehabilitation, protect, maintain, and preserve historic materials, color, and architectural features.

P2. Embellish the Different Levels of Buildings. Embellish the different levels of a building that are visible from the streets or public open spaces. Enhance the pedestrian network by forming visual connections from buildings to adjacent streets. Incorporate building equipment, mechanical exhaust systems, and/or service areas in a manner that does not detract from the pedestrian environment.

P3. Landscaping of Off-Street Parking Lots. Incorporate landscaping as an integral element of design in and around surface parking lots. Use landscaping to enhance the site and unity it with adjacent sites. Define surface lots by creating clear edges.

D1. Exterior Alterations. Exterior alterations should complement the resource's massing, size, scale, and architectural features.

D5. Building Context and Composition. In new construction, complement the characteristics of the site and architectural features of contextual building by borrowing from, and building on, the design vocabulary of the district's historic buildings. When adding to or altering the exterior of existing development, respect the character of the original structure as well as adjacent structures.

D8. Exterior Materials and Features. Retain or restore original exterior finishing materials. Use materials and design features that promote permanence, quality, and visual interest. Use materials and design features that are consistent with the building's style and with the existing vocabulary of the historic district.

D9. Window Features. Retain and preserve window features that are important in defining the building's historic character. Replace, in kind, extensively deteriorated or missing parts of the window casement when surviving prototypes exist. When in-kind replacement is not practical, replace with elements that recreate the window's historic character.

Findings A1-A3, P3 and D1, D5, D8 and D9: The subject building is a modernist high-rise that is a non-contributing resource and is not compatible with the King's Hill Historic District's houses and turn of the century apartment buildings. For this reason, alterations to the property are considered for their impact to the historic district as a resource. The alteration is very small and its ability to impact the historic character of the district are minor. Moving the window reuses existing material which is a goal of the guidelines. While the building is out-of character with King's Hill its design embellishes different levels through its extensive landscaping and the terrace level. The alteration does not affect this massing or landscaping. The overall context and composition of the building will remain largely unchanged. The replacement of the moved window with a vent will preserve the window opening visually and physically. *Therefore 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 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. Because the changes are minimally visible and do not effect the King's Hill Historic District. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of installation of a new louver and moving a window, per the approved site plans, Exhibits C-1 through C-8 signed and dated January 31, 2017, 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-C.8. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-280837 HR."

Staff Planner: Mike Gushard

Decision rendered by:  **on (January, 31, 2017)**

By authority of the Director of the Bureau of Development Services

Decision mailed February 7, 2017

Procedural Information. The application for this land use review was submitted on December 2, 2016, and was determined to be complete on December 14, 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 December 2, 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: April 13, 2017.**

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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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.

Recording the final decision.

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **February 8, 2017**. 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 503-823-7617.

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:

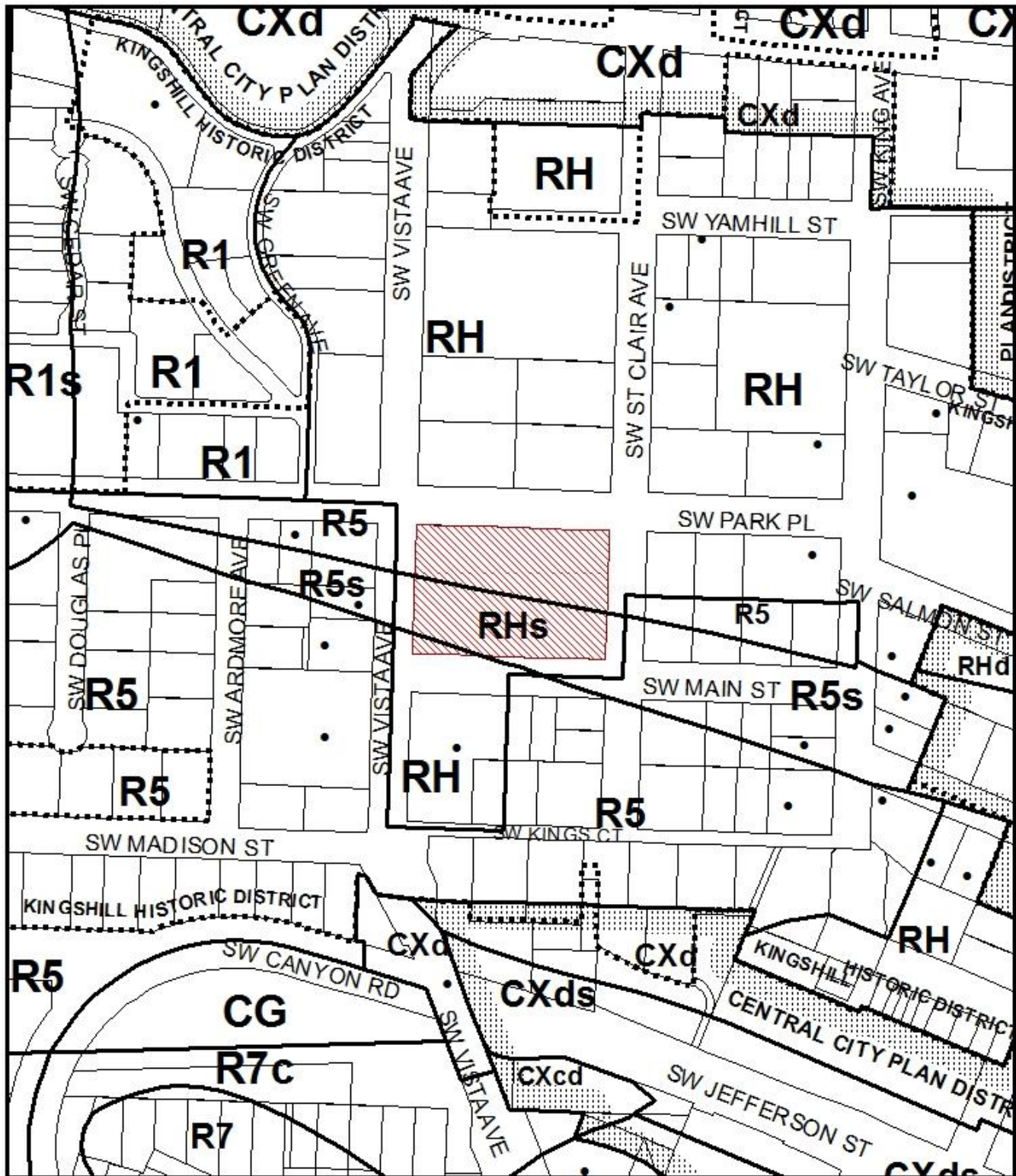
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan
 - 2. Street Facing Elevation (attached)
 - 3. Existing Elevation
 - 4. Existing Elevation
 - 5. Louver Specifications
 - 6. Rendering
 - 7. Rendering
 - 8. Hood details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No agency responses
- F. Correspondence:
 - 1. Jim Wazlaw, January 18, 2017, Questions about interior modifications and their likelihood to impact the exterior of the building.
- G. Other:
 - 1. Original LU Application

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:
KING'S HILL HISTORIC DISTRICT

File No.	LU 16-280837 HR
1/4 Section	3027
Scale	1 inch = 200 feet
State_Id	1N1E33CD 4200
Exhibit	B (Dec.05, 2016)

