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 19-123480 HR: ROOF ALTERATIONS

GENERAL INFORMATION

Applicant: Samuel Chipperfield, Morrison Hershfield | 503.595.9136
5100 SW Macadam Ave #500 | Portland OR 97239

Owner: Vista St Clair Apartments LLC
1000 SW Vista Ave #114 | Portland OR 97205

Owner’s Representative: Vista St Clair Apartments LLC | Malcolm McIver / Chris Nguyen
101 SW Main St #1210 | Portland OR 97204

Site Address: 1000 SW Vista Avenue

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 planning@goosehollow.org.
Business District: Goose Hollow Business Association, contact Angela Crawford at 503-223-6376 & Stadium Business District, contact Tina Wyszynski at tina@stadiumdistrictpdx.biz

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: None
Other Designations: Noncontributing resource in the King's Hill Historic District, listed in the National Register of Historic Places on February 19, 1991.

Zoning: RH: High Density Residential with Historic Resource Protection Overlay
Case Type: HR: Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:
The applicant seeks Historic Resource Review approval for alterations to the roof of the Vista St. Clair Apartments, a 13-story reinforced concrete structure constructed in 1950 in the
International Style. The structure is a “noncontributing” resource in the King’s Hill Historic District. The applicant seeks the following roof top alterations:

- Remove existing coping at the parapet and replace with new coping to match existing.
- Remove wall scuppers and replace with new scuppers to match existing.
- Removal of existing railing to be replaced with new cable fall protection system.
- Removal of existing breezeway skylights (in 3 locations) to be replaced, in each location, with bird deterrent netting.
- Removal of entire roofing material to be replaced with new roofing material, matching existing, in the same location. (Exempt from Historic Resource Review per Portland Zoning Code 33.445.320.B.)

This subject building is “noncontributing” within the historic district (largely because it was constructed after the King’s Hill Historic District’s “period of significance” (1882-1942). However, alterations to the property require historic resource review to ensure that they are in keeping with the King’s Hill Historic District guidelines and that they do not adversely impact the historic qualities and character of the 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 **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 17-103686 HRM – Approval of alterations including new HVAC units (x2) at the
south portion of the porte cochere entry on the west elevation of the building.
• LU 16-144251 HR – Approval of exterior alterations.
• LU 03-148216 HDZ – Approval of alterations to an enclosed stairway.

The following Bureaus have responded with no issues or concerns:

1. Portland Fire Bureau: Dawn Krantz, March 14, 2019. With no comments or objection to
approval of the proposal (Exhibit E-1).

objections to the proposal. (Exhibit E-2).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 13,
2019. 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 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.

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.

A5. Historic Change to Buildings. Alterations may take on historical significance over
time. Preserve those portions or features of a building that define its historical, cultural,
or architectural value.

Findings A1, A2, A3 and A5:
The proposed alterations to the roof of the Vista St. Clair Apartments building do not
include changes to the elevations, mass or form of the original structure. The historic
character of the non-contributing resource will not be affected: existing coping and wall
scuppers to be removed will be replaced with new coping and wall scuppers (in the same
locations) that match existing, non-original translucent corrugated polycarbonate roof
covering over the existing breezeways (in three locations) will be removed and replaced
with bird deterrent netting, and existing railing will be removed and replaced with a
cable fall protection system set approximately 6 feet back from the roof edge (as opposed
to the existing railing that is approximately 2 feet back from the roof edge). - the
historic character of the non-contributing resource will not be affected.

Therefore, these guidelines are met.

P1. Stopping and Viewing Places. Place buildings to provide stopping and viewing places that contribute to the district's historic character.

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.

Findings for P1 and P2:
While the resource is a 13-story structure located at a higher elevation than the Central City, it is mid-elevation within the Historic District. Because of this, there are several other multi-story residential structures that have clear views of the Vista St. Clair Apartment's roof. The proposed alterations, most notably the removal of the non-original translucent corrugated polycarbonate roof covering over the existing breezeways (in three locations) to be replaced with bird deterrent netting, and the removal of the existing tube steel railing to be replaced with a cable fall protection system set farther back from the roof edge removes existing non-original features and unnecessary/obsolete elements on the roof resulting in less clutter while improving adjacent views.

Therefore, these guidelines are met.

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

D2. New Construction. Use siting, mass, scale, proportion, color, and material to achieve a coherent composition that adds to or builds on the characteristics of historic buildings in the immediate vicinity and the character of the King’s Hill Historic District as a whole.

D3. Differentiate New Construction. For development including new buildings and building additions, differentiate new construction from the historic structures while respecting primary site characteristics such as mass, size, scale, and setback.

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.

D10. Roof Features. Design roof features to be compatible with the detailing, scale, and pitch of historic roofs, consistent with the respective building’s style. Retain and preserve roof features that are important in defining the building’s historic character. Replace, in kind, extensively deteriorated or missing parts of the roof and/or roof line when surviving prototypes exist. When in-kind replacement is not practical, replace with elements that recreate the roof’s historic character.

Findings D1, D2, D3, D5, D8 and D10:
Proposed alterations to the roof do not affect the essential form or mass of the building. As mentioned previously, proposed alterations to the roof of the non-contributing structure include the removal of non-original additions (i.e. translucent corrugated polycarbonate roof covering over the existing breezeways), obsolete safety features (i.e. existing railing), and features to be replaced in kind (i.e. wall scuppers and coping). All proposed alterations are consistent with the existing design vocabulary of the 1950’s era.
non-contributing resource. Original features on the roof (i.e. masonry chimney; mechanical shed; and exhaust and plumbing vents) will be preserved and protected throughout the project.

*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 requirements of Title 11 can be met, and 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 rooftop alterations to the Vista St. Clair Apartments building maintains the architectural integrity of the non-contributing building located in the King’s Hill Historic District through removing non-original features and replacing existing features that have failed or are obsolete.

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. As indicated in detail in the findings above, this proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

**ADMINISTRATIVE DECISION**

Historic Resource Review approval of exterior alterations to the roof of the 13-story apartment building known as the Vista St. Clair Apartments, a non-contributing resource in the King’s Hill Historic District.

Approval, per the approved site plans, Exhibits C-1 through C-6, signed and dated April 05, 2019, subject to the following conditions:

A. As part of the building permit application submittal, the following development-related conditions (B through C) 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 19-123480 HR" All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

B. At the time of building permit submittal, a signed Certificate of Compliance form (https://www.portlandoregon.gov/bds/article/623658) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.

C. NO FIELD CHANGES ALLOWED.

**Staff Planner:** Arthur Graves

**Decision rendered by:** ____________________________ on April 05, 2019.

By authority of the Director of the Bureau of Development Services

**Decision mailed:** April 11, 2019.
**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 February 21, 2019, and was determined to be complete on **March 07, 2019**.

*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 February 21, 2019.

*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: July 05, 2019.**

**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 April 25, 2019** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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](http://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 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 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 will be recorded with the Multnomah County Recorder.

- Unless appealed, the final decision will be recorded after April 26, 2019 by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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 Submittal
   1. Applicant’s Initial Statement: February 21, 2018
   2. Initial Drawings: February 21, 2018
   3. Bird deterrent netting (sample): March 08, 2019
B. Zoning Map (attached)
C. Plans/Drawings:
   1. Site Plan: Proposed (attached)
   2. Plan: Proposed Roof Plan (attached)
   3. Plan: Proposed Penthouse Plan (attached)
   4. Plan and Elevation: Proposed Fall Arrest System
   5. Details
   6. Manufactures cut sheets
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses:
F. Correspondence: None received.
G. Other:
   1. Original LU Application
   2. Historic information
   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).