



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

Dan Ryan, Commissioner  
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**Date:** September 15, 2021  
**To:** Interested Person  
**From:** Staci Monroe, Land Use Services  
503-865-6516 / staci.monroe@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 21-065224 HR**  
*EXTERIOR ALTERATIONS*

**GENERAL INFORMATION**

**Applicant:** David Miller | Hayden Consulting Engineers  
12480 SW 68th Ave | Tigard, OR 97223  
(503) 968-8484 | dmiller@hayden-engineers.com

**Owner/Agent:** Harry Harmon | DBG Properties LLC  
2164 SW Park Place | Portland, OR 97205

**Site Address:** 2164 SW PARK PLACE

**Legal Description:** BLOCK 4 LOT 10-12, JOHNSONS ADD  
**Tax Account No.:** R431600500  
**State ID No.:** 1N1E33CD 04500  
**Quarter Section:** 3027  
**Neighborhood:** Goose Hollow, contact [planning@goosehollow.org](mailto:planning@goosehollow.org).  
**Business District:** Goose Hollow Business Association, contact Angela Crawford at 503-223-6376. & Stadium Business District, contact at [tina@stadiumdistrictpdx.biz](mailto:tina@stadiumdistrictpdx.biz)

**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Plan District:** NONE  
**Other Designations:** Contributing resource in the King's Hill Historic District  
**Zoning:** RM4d – Multifamily residential with Design and Historic Resource overlay zones

**Case Type:** HR- Historic Resource Review  
**Procedure:** Type II, an administrative decision with appeal to the Landmarks Commission.

**Proposal:**

The applicant requests Historic Resource Review for alterations associated with water damage to a contributing resource in the Kings' Hill Historic District. The proposal includes replacing the shingle siding, metal roof and windows with similar new materials.

Historic Resource Review is required because replacement is not exempt per Section 33.445.320.

**Relevant Approval Criteria:**

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

- King's Hill Historic District Design Guidelines

**ANALYSIS**

**Site and Vicinity:** The 15,000 SF site is located at the southwest corner of the intersection of SW Park and SW King at the eastern edge of the Kings Hill Historic District. The 11,126 SF building on the site is a primary contributing resource in the district. The one- and two-story brick residence was constructed in 1901 in the Jacobethan style. Minor additions and alterations have occurred over the years, but the overall the structure is in excellent condition. The area of the proposal is an upper floor addition at the southwestern edge of the building. It was constructed sometime in the 1960-1970's. The surrounding area consists of single and multifamily homes of the same era.

**Zoning:** The RM4 zone is a high density, urban-scale multi-dwelling zone applied near the Central City, and in town centers, station areas, and along civic corridors that are served by frequent transit and are close to commercial services. It is intended to be an intensely urban zone with a high percentage of building coverage and a strong building orientation to the pedestrian environment of streets, with buildings located close to sidewalks with little or no front setback. This is a mid-rise to high-rise zone with buildings of up to seven or more stories. The Design overlay zone is applied to this zone.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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 there following prior land use reviews for this site.

- CU 015-85: Conditional Use Review approval to use the 2<sup>nd</sup> floor of the building as an office.
- CU 7-85: Historic Landmark Review denial for an 8-car parking lot.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **August 19, 2021**. The following Bureaus have responded with no issues or concerns:

- Fire Bureau

- Site Development Section of BDS
- Life Safety Plan Review Section of BDS (see Exhibit E.1)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on August 19, 2021. 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.
- 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.
- 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.
- 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.
- 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:** The proposal meets these approval criteria as follows:

- The 2<sup>nd</sup> story addition was added sometime in the 1960-1970's. It has not gained any historical significance over the years. Since it is original or significant, removing the roofing, cladding and windows will not adversely the resource itself.
- The small scale of this previous addition (8'-6" x 16'-0"), its set back location from the streets and the upper floor location limit views and impacts on the much larger structure. The addition is clearly new and would not be mistaken for original given its tacked-on nature and materials. Recladding, reroofing and replaced windows with like materials will not adversely impact the character or integrity of the landmark itself.
- The existing two windows are aluminum sliders, representative of the material and style of windows in prior decades. The replacement windows will also be sliders within the same opening, but fiberglass exterior. The new windows will be set within the wall and trimmed out to match the recess and trim of the original windows on the house providing consistency with the window openings.
- The curved shape of the addition's roof does complement the shape of the entry awnings of the building. Retaining the roof form and replacing the standing seam metal with a similar dark bronze will allow this feature to continue to complement the historic Jacobethan elements on the landmark.
- The shingles will be replaced like-for-like and painted to match the painted brick color of the landmark. This approach continues to allow the addition to be integrated with color but be distinct in material.

*These guidelines have been 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. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## **ADMINISTRATIVE DECISION**

Approval of exterior cladding and windows per the approved site plans, Exhibits C-1 through C-7, signed and dated 9/13/21, 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 21-065224 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: Staci Monroe**



**Decision rendered by:** \_\_\_\_\_ **on 9/13/21**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: 9/15/21**

**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 July 9, 2021, and was determined to be complete on August 16, 2021.

*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 July 9, 2021.

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 extended by the applicant, **the 120 days will expire on 12/14/21.**

**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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. **Appeals must be received by 4:30 PM on 9/29/21. The completed appeal application form must be emailed to [LandUseIntake@portlandoregon.gov](mailto:LandUseIntake@portlandoregon.gov) and to the planner listed on the first page of this**

**decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIX decisions on property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

**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 **9/29/21** 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.

**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. Approval criteria responses
  - 2. Existing Elevations & Conditions
  - 3. Existing Windows details
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Enlarged Floor Plan (attached)
  - 3. Proposed North Elevation (attached)
  - 4. Proposed West Elevation (attached)
  - 5. Proposed South Elevation (attached)
  - 6. Proposed Window Spec sheet
  - 7. Proposed Window Section
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety Plan Review Section of BDS
- F. Correspondence: none
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter

**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).**