



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

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FINAL FINDINGS AND DECISION BY THE LANDMARKS COMMISSION RENDERED ON November 22, 2021

CASE FILE NUMBER: LU 21-033674 HR
PC # 20-153737

King's Hill Condominium Cladding Replacement

BUREAU OF DEVELOPMENT SERVICES STAFF: Megan Sita Walker 503-865-6515 / MeganSita.Walker@portlandoregon.gov

The Historic Landmarks Commission has **approved** a proposal in your neighborhood. This document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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.

GENERAL INFORMATION

Applicant: James Riley | Certa Building Solutions
1510 SE 44th Ave #102
Portland, OR 97215
(206) 399-8335

Owner's Representative: Pieter Vermeulen | King's Hill Condominium Owner's Association
731 SW King Ave #14
Portland, OR 97205

Owner: Association of Unit Owners of Kings Hill Condominiums
731 SW King Ave #14
Portland, OR 97205

Site Address: 731 SW KING AVE

Legal Description: GENERAL COMMON ELEMENTS, KINGS HILL CONDOMINIUMS
Tax Account No.: R452400010
State ID No.: 1N1E33CD 70000
Quarter Section: 3027

Neighborhood: Goose Hollow, contact Jerry Powell or Scott Schaffer 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: Contributing resource in the King's Hill Historic District

Zoning: RM4d – Residential Multi-Dwelling 4 with Design and Historic Resource Protection Overlays

Case Type: HR – Historic Resource Review
Procedure: Type III, with a public hearing before the Landmarks Commission. The decision of the Landmarks Commission can be appealed to City Council.

Proposal:

Type III Historic Resource Review for alterations to a 4-story multi-dwelling building, the Elizabeth Spencer Apartment also known as the King's Hill Condominiums, at the northwest corner of SW King Avenue and SW Yamhill Street. The property is listed as a contributing resource in the King's Hill Historic District. The resource, constructed in 1907, consists of a bearing brick foundation and first floor with levels 2-4 consisting of wood-frame with stucco cladding. The proposed alterations include the wholesale replacement of the existing stucco cladding on all exterior elevations to be replaced with a new plywood shear wall beneath a new rainscreen stucco system. The proposal also includes the refurbishment of all existing/ original single-hung wood windows to be repaired, reglazed and reinstalled with new weather stripping and flashing, the replacement of the wood belt course detailing, wood trim, and new gutters.

Note: The scope of work also includes new roofing with an architectural shingle which is considered exempt from review per Portland Zoning Code, 33.445.320.B.7.

Historic Resource Review is required for non-exempt exterior alterations in a Historic District. A Type III procedure is required because the proposed project valuation exceeds the value of \$481,300 (See Portland Zoning Code, Chapter 33.846, Table 846-3).

Approval Criteria:

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

- *King's Hill Historic District Design Guidelines*

ANALYSIS

Site and Vicinity: The 6,700 SF site is located at the northwest corner of the intersection of SW Yamhill and SW King at the northern edge of the Kings Hill Historic District, just south of the Central City Plan District boundary along W Burnside. The existing 21,280 SF building on the site is a primary contributing resource in the district. The structure faces east on SW King and consists of a 4-story Craftsman Style apartment building built in 1907. The foundation and first floor consist of brick and the upper floors are wood frame with stucco. The low-pitched hipped roofs have wide overhanging eaves with exposed brackets. There are hipped roof dormers with exposed brackets and single-pane wood double hung windows. The central entrance is recessed within the "U" shape of the resource. Windows of the ground floor consist of a segmental arch with single-pane double hung wood sash. A wood belt course separates the ground floor from the upper floors. The projecting wings of the third and fourth floor consist of paired single-pane windows, flanked by single-pane windows. On the fourth floor, the central paired windows are recessed behind a balcony of wrought iron, supported by curvilinear wrought iron brackets. The balcony is flanked by single-pane, double hung wood sash windows. The Spencer Apartments are one of only two multi-family dwellings in the King's Hill Historic District in the Craftsman style. The nomination notes that the building has the style's characteristic hipped roof, and wide overhanging eaves with exposed rafter tails. The remainder

of the exterior is nearly devoid of detailing and clad in stucco. This simplicity of the style corresponds to the turn of the century reformist ideals emphasizing utility, affordability, and honesty in construction.

The King's Hill Historic District, within which the subject property is located, contains a significant concentration of historic upper middle-class houses and apartment buildings from the period 1882 to 1942. The majority of the contributing resources in the district were built during the great upswing in population and construction following the successful Lewis & Clark Exposition of 1905.

As the name King's Hill implies, topography plays a significant role in the character of this neighborhood. Because of the relatively steep grade of the land, buildable lots had to be created by terracing, which resulted in historic retaining walls along many street frontages.

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 that prior land use reviews include:
EA 20-153737 PC: Pre-Application Conference submitted for the subject proposal.

Agency Review: A "Notice of proposal in Your Neighborhood" was mailed **November 1, 2021**.

The following Bureaus have responded with comments expressing no issues or concerns with the approval of the proposal.

1. Bureau of Environmental Services (See Exhibit E-1)
2. Bureau of Transportation Engineering (See Exhibit E-2)
3. Fire Bureau (See Exhibit E-3)
4. Site Development (See Exhibit E-4)

The following Bureaus have responded with comments expressing concerns with the approval of the proposal.

5. Urban Forestry. See Exhibit E-5. Urban Forestry responded stating that they do not yet recommend approval of the proposed alterations as additional information is needed to ensure the protection of existing street trees.

Staff is recommending Condition of Approval 'D' stating that assuming adequate information to address the stated concerns is provided prior to the hearing on November 22, 2021, the approval criteria are met (see findings below for additional information).

Note: Staff has not yet received comments from the Life Safety Division of BDS.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **November 1, 2021**.

One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Bill Leslie, an owner of one of the units wrote in on October 29, 2021 requesting additional information regarding the proposal and findings relative to the approval criteria. See Exhibit F-1 for more information on the comments received and Staff's response.
2. Lawrence Cwik, an owner of one of the units wrote in on November 17, 2021 noting concerns with the proposed scope of work. See Exhibit F-2 for more information.

Staff Response: Staff ensured all comments were provided to Commissioners for review prior to the hearing. Staff replied to Mr. Cwik to clarify that window replacement was no longer part of the proposed scope of work and that the original wood windows are proposed to be repaired and retained. Staff also noted shared concerns with the original proposal to replace all windows, and in response to staff concerns the applicant submitted revised drawings showing that all windows are proposed to be repaired and retained with new glazing and weatherstripping. At the hearing Commissioners asked the applicant to further describe the investigation methods used that led to the recommendation of wholesale cladding replacement rather than additional patching. The Commissioners noted that based on the types of failures seen that they agree that whole sale replacement of the cladding is necessary in this case.

Procedural History:

- The proposal had Pre-Application Conference (EA 20-153737 PC), dated August 26, 2020.
- The Land Use Review application was submitted on April 6, 2021.
- Staff issued an Incomplete letter on May 5, 2021 and a 180-day Notice Memo on September 27, 2021.
- The applicant requested that the case be deemed complete on October 1, 2021.
- A hearing was scheduled for November 22, 2021, 52 days after being deemed complete.
- First Land Use Hearing with the Design Commission was held on November 22, 2021 where the Historic Landmarks Commission unanimously approved 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.

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 for A1, A2, A3, D1, D5, D8, D9, and D10: The proposal addresses the above-mentioned guidelines in the following ways:

- The proposal includes alterations to the existing, 4-story multi-dwelling building, the Elizabeth Spencer Apartment also known as the King's Hill Condominiums, a primary contributing resource in the King's Hill Historic District. The proposed alterations include the wholesale replacement of the existing stucco cladding on all exterior elevations to be replaced with a new plywood shear wall beneath a new rainscreen stucco system consisting of a traditional 3-coat stucco over a drainage layer. The proposal also includes the refurbishment of all existing/ original single-hung wood windows to be repaired, reglazed and reinstalled with new weather stripping and flashing, the replacement of the wood belt course detailing, wood trim, and new gutters.
- As noted in the narrative provided by the applicant (Exhibit A-3) and seen in the pictures associated with the assessment of the existing cladding system, the existing/ original cladding system has been repaired multiple times and is at the end of its service life. The applicant notes that existing failures of the existing/ original cladding include cracking that has resulted in water intrusion, corrosion and deteriorations of the metal lath and metal anchors supporting the stucco

assembly, and failure of the stucco matrix itself. A visual summary of the applicant's assessment of damage to the cladding system labeled, "Existing Damage Evaluation", can be found for each elevation on sheets C-10 through C-13. Seeing as the observed system failures are not localized to limited areas, the applicant asserts that a holistic replacement is needed to address the issues and protect the structure of the resource. The intent of the proposal is to retain and repair salvageable historic material (such as the existing wood windows and casings) and to replace the stucco cladding with a new rainscreen stucco cladding to match the historic condition as closely as possible.

- The proposed cladding replacement is proposed to maintain the same 2-7/8" thickness of the existing cladding system which is critical to ensure that the proposal retains the integrity of the relationship between the existing/ original cladding to be replaced and the existing/ original architectural features and details to remain in place such as existing wood windows and casings. Existing wood trim at the transition between the brick and the stucco cladding at level 1 and the existing wood band at level 4 are proposed to be removed and a wood replacement reinstalled with proper flashing.
- As mentioned above, the current proposal calls for the removal of the existing/historic stucco cladding to be replaced with an entirely new stucco system wrapping the exterior of the building. While new stucco systems are a common method of cladding today, the presence of expansion joints in these systems are distinctly different from traditional stucco application.
- In order to address concerns with a visibility of expansion joints, necessary in the proposed rainscreen stucco system, that are not present in the existing/ historic condition, the applicant team has proposed that vertical expansion joints be concealed by a scrim coat of stucco applied over the expansion joint. Additionally, all vertical expansion joints will be located aligned with window jambs and will be concealed (see Elevations on Exhibits C-15 through C-20 and the section detail on Exhibit C-26 showing the expansion joint). The proposal will need one horizontal expansion joint which is proposed to be located at Level 4 so that it can be concealed behind the wood banding that occurs on the North, South, and East Elevations. The proposed conditions adequately conceal the expansion joints within the fields of new stucco cladding and ensures that the proposed new stucco cladding is both compatible with the resource and differentiated through the means of contemporary materials and construction.
- The horizontal expansion joint is proposed to be visible on the West (rear) Elevation (shown on Exhibits C-19 and C-27) as wood banding does not occur on this elevation. Condition of Approval 'C' that the limited through-wall metal flashing be a minimum thickness of 22-gauge and be painted to match the cladding system, in order to minimize the visibility of this element on the rear façade. Additionally, this condition is also added to ensure the visibility of flashing added at window casings and trim is limited and the flashing is an adequate thickness to not detract from the detailing of the resource.
- Seeing as the proposed stucco cladding consists of a traditional 3-coat stucco system over a drainage layer, the applicant has affirmed that the proposal includes the replication of the heavily textured painted stucco surface of the original stucco which has a tall field texture.
- While the exterior stucco work is designed to defer to the historic condition to ensure compatibility with the resource, the proposed cladding will utilize new materials and will therefore be differentiated from the original/ historic construction through the use of contemporary materials and construction methods.
- Windows are proposed to be rehabilitated by retaining and repairing existing/ original wood sashes, and installing new dual-pane glazing and weather

- stripping.
- Historic features such as fire escapes, support brackets, corbels and railings will be reinstalled as they are in good condition. Where these systems and components interface with the new cladding, detailing will be done so as to limit the amount of modification needed for reinstallation while significantly improving the ability of the connections to shed water, increasing the durability of the new cladding system.
 - The proposal preserves the historic character of the resource and the District and achieves a coherent composition that builds on the characteristics of historic buildings in the immediate area by incorporating quality detailing. The proposal retains the expressed integrity of a simplified well-detailed stucco cladding that defers to the historic condition and retains the historic wood windows, eaves, and decorative brackets.
 - The proposal utilizes high quality materials and building techniques to maximize compatibility with the resource and the District and is designed to ensure the longevity of the resource.
 - Given the documentation provided, showing that wholesale replacement of the cladding is necessary, the subject proposal is a long-term solution that would ensure the continued life of the resource. The proposal achieves the desired outcome of addressing cladding system failures and water intrusion issues, while maintaining the historic aesthetic of the resource and adequately responding to approval criteria.

With Condition of Approval 'C' that all unbacked metal flashing including, but not limited to, through-wall flashing and flashing at casings shall be 22-gauge metal or thicker and have a baked on or prefinished coating to match the cladding or the wood trim where applicable, these guidelines are met.

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: No alterations to the building have taken on historical significance over time. Therefore, this guideline is not applicable.

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: The proposal will maintain the existing stopping and viewing places, such as the recessed entry courtyard, that contribute to the district's historic character. Street trees are elements of the district that help to embellish the street level of the resource and will be protected.

These guidelines are met.

A4. Gateways. Strengthen the transitional role of the neighborhood's gateways.

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.

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.

Findings for A4, D2, D3 and P3: The proposal includes exterior alterations to an existing contributing resource with no building additions proposed. The subject site is also not located at a mapped gateway location and does not including any existing or proposed on-site parking.

Therefore, these guidelines are not applicable.

D4. Integrate Barrier-Free Design. Retrofit buildings or sites to improve accessibility for persons with disabilities using design solutions that preserve the architectural integrity of the historic resource. Such retrofits should utilize proportion and materials compatible with the historic building. Design exterior alterations and new construction to minimize material loss and visual change to a historic building while ensuring equal access, to the extent practicable.

D6. Site and Landscape Characteristics. Site new construction to respect and complement historic development patterns in the King's Hill Historic District. Incorporate landscaping as a design element that integrates with the built and natural environment. When incorporating lighting, integrate it with mature plantings, landscaping, parking area, and special district features.

D7. Elevated Lots, Fences, and Retaining Walls. Use changing grades and site elevation as design elements. Site new buildings and make site modifications in a way that reinforces the existing pattern present in surrounding historic buildings and the topography. Maintain existing garden walls at or near the property line. Replace retaining walls where they previously existed.

D11. Main Entrances. Main entrances, including doors, porches, and balconies, should be prominent features, compatible with the detailing, style, and quality of historic main entrance features of nearby buildings. Retain and preserve main entrance features that are important in defining the building's historic character. Replace, in kind, extensively deteriorated or missing parts of the main entrance when surviving prototypes exist. When in-kind replacement is not practical, replace with elements that recreate the historic character of the main entrance.

Findings for D4, D6, D7, and D11: The proposal includes no changes to the existing entry sequence of the resource. The proposal also does not include alterations to retaining walls, or to established existing landscaping which will be protected during construction.

The proposed cladding replacement is proposed to maintain the same 2-7/8" thickness of the existing cladding system to ensure that the proposal retains the existing proportions and relationship to cladding at casings to remain around the entry and at windows. are proposed by this project that will revise the existing buildings compliance with this guideline. As such, the proposal will maintain and rehabilitate existing architectural features.

Therefore, these guidelines are met.

D12. Parking Areas and Garages. Design surface parking to be consistent with the design of the building it serves. Modify historic parking structures to be compatible with the accompanying building by retaining their defining architectural characteristics. Where possible, share parking areas to reduce disruption of the historic sidewalk landscape pattern.

Findings: The property does not have on-site parking and no on-site parking is proposed. *Therefore, this guideline is not applicable.*

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. With the recommended Conditions of Approval, this proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

LANDMARKS COMMISSION DECISION

It is the decision of the Landmarks Commission to approve Historic Design Review for exterior alterations to a primary contributing resource in the King's Hill Historic District, to include the following:

- Wholesale replacement of the existing stucco cladding on all exterior elevations to be replaced with a new plywood shear wall beneath a new rainscreen stucco system consisting of a 3-coat stucco over a drainage plane with stucco texture to match existing condition.
- Refurbishment of all existing/ original single-hung wood windows to be repaired, reglazed and reinstalled with new weather stripping and flashing; and
- Replacement of the wood belt course detailing, wood trim, and new gutters.

Approvals per Exhibits C-1 through C-2 and C-10 through C-28, signed, stamped, and dated November 22, 2021, subject to the following conditions:

- A.** As part of the building permit application submittal, the following development-related conditions (B – D) 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 21-033674 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.** All unbacked metal flashing including, but not limited to, through-wall flashing and flashing at casings shall be 22-gauge metal or thicker and have a baked on or prefinished coating to match the cladding or the wood trim where applicable
- D.** No field changes allowed.

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By: 

Kristen Minor, Landmarks Commission Chair

Application Filed: April 6, 2021
Decision Filed: November 23, 2021

Decision Rendered: November 22, 2021
Decision Mailed: December 9, 2021

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 6, 2021, and was determined to be complete on October 1, 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 April 6, 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 expire on: January 29, 2022.**

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. This report is the final decision of the Landmarks Commission with input from other City and public agencies.

Conditions of Approval. This approval 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.

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. Appeals must be filed by 4:30 pm on December 23, 2021. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. **Towards promoting social distancing during the COVID-19 pandemic, the completed appeal application form must be e-mailed to BDSLUSTeamTech@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.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file

are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

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 City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

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 City Council on that issue. Also, if you do not raise an issue with enough specificity to give City Council an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$5,513 will be charged (one-half of the application fee for this case).**

Neighborhood associations may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

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 on or after **December 27, 2021** 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 must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

Megan Sita Walker
November 29, 2021

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).

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Original Project Description and Narrative
 - 2. Original Drawing Packet
 - 3. Response to Incomplete Letter, Updated Narrative – October 1, 2021
 - 4. Response to Incomplete Letter, Updated Drawing Packet – October 1, 2021
 - 5. Updated Drawing Packet, Final Hearing 1 Packet – November 2, 2021
- B. Zoning Map (attached)
- C. Plans & Drawings
 - 1. Cover
 - 2. Site Plan & Vicinity Plan (attached)
 - 3. Zoning Context – Not Used
 - 4. Narrative – Not Used
 - 5. Photo w/ Call Outs – Not Used
 - 6. Photo w/ Call Outs – Not Used
 - 7. Photo w/ Call Outs – Not Used
 - 8. Photo w/ Call Outs – Not Used
 - 9. Photo w/ Call Outs – Not Used
 - 10. Existing Damage Evaluation – East
 - 11. Existing Damage Evaluation – South
 - 12. Existing Damage Evaluation – West
 - 13. Existing Damage Evaluation – Courtyard
 - 14. Existing Window Conditions
 - 15. Proposed East Elevation – B&W (attached)
 - 16. Proposed East Elevation – Color
 - 17. Proposed South Elevation – B&W (attached)
 - 18. Proposed South Elevation – Color
 - 19. Proposed West Elevation – B&W (attached)
 - 20. Proposed West Elevation – Color
 - 21. Detail – Existing and Proposed @ Eave
 - 22. Detail – Typical wall penetration & Base of Upper Wall Transition
 - 23. Detail – Existing and Proposed @ Window Head
 - 24. Detail – Existing and Proposed @ Window Jamb
 - 25. Detail – Existing and Proposed @ Window Sill
 - 26. Detail – Proposed Concealed Control Joint
 - 27. Detail – Proposed Through Wall Horizontal Transition for the West Elevation
 - 28. Materials
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailed notice
 - 6. Mailing list
- E. Agency Responses:

1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering
 3. Fire Bureau
 4. Site Development Section of BDS
 5. a. Original Urban Forestry Response
b. Amended Urban Forestry Response
 6. Life Safety
- F. Letters:
1. Bill Leslie, wrote in on October 29, 2021 requesting more information.
 2. Lawrence Cwik, an owner of one of the units wrote in on November 17, 2021 noting concerns with the proposed scope of work.
- G. Other
1. Original LUR Application
 2. Pre-Application Conference Summary Notes (EA 20-153737 PC)
 3. Incomplete Letter dated May 5, 2021
 4. Example Packet Provided with Incomplete Letter
 5. 180-day Notice Memo dated September 27, 2021
 6. Email correspondence between staff and the applicant
 7. Staff report and recommendation to the Historic Landmarks Commission
 8. Staff memo to the Historic Landmarks Commission
- H. Hearings
1. Staff Presentation, November 22, 2021
 2. Applicant Presentation, November 22, 2021
 3. Testifier Sheet – Hearing 1
 4. Notice of Final Findings and Decision, dated December 7, 2021