



City of Portland, Oregon
Bureau of Development Services
Land Use Services

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Portland, Oregon 97201
503-823-7300
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Date: December 2, 2010
To: Interested Person
From: Dave Skilton, Land Use Services 503-823-0660
dave.skilton@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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 10-188433 HDZ – DECK RAILINGS

GENERAL INFORMATION

Applicant: Jeff Miller
2330 SW Cactus Dr
Portland, OR 97205

Representative: Will Carter 503-706-3940
Association of Unit Owners
2330 SW Cactus Drive
Portland, OR 97205

Site Address: 2330 SW Cactus Drive

Legal Description: BLDG A LOT 1, TERRACE PARK CONDOMINIUM; BLDG A LOT 2, TERRACE PARK CONDOMINIUM; BLDG A LOT 3, TERRACE PARK CONDOMINIUM; BLDG A LOT 4, TERRACE PARK CONDOMINIUM; BLDG A LOT 5, TERRACE PARK CONDOMINIUM; BLDG A LOT 6, TERRACE PARK CONDOMINIUM

Tax Account No.: R824550020, R824550040, R824550060, R824550080, R824550100, R824550120

State ID No.: 1N1E33CC 50011, 1N1E33CC 50010, 1N1E33CC 50009, 1N1E33CC 50007, 1N1E33CC 50008, 1N1E33CC 50006

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.

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

Other Designations: Non-contributing resource in the King's Hill Historic District, which was listed in the National Register of Historic Places on February 19, 1991

Zoning: R1, Residential 1000 with Historic Resource Protection Overlay

Case Type: HDZ, Historic Design Review

Procedure: Type II, an administrative decision with appeal to the Historic Landmarks Commission.

Proposal:

The applicant is seeking Historic Design Review approval for a proposal to replace existing non-compliant guardrails on six decks with new, code compliant rails employing stainless steel cables to provide the required enclosure. Historic Design Review is required because the site is within the King's Hill Historic District and the proposal is for a non-exempt exterior alteration.

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 subject property is a non-contributing resource within the King's Hill Historic District, built in 1978 prior to designation of the surrounding area as a historic district. 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 the 1905. The building is designed in a minimalist Modern style.

The King's Hill Historic District, within which the subject property is located, contains a significant concentration of historic middle-class houses and apartment buildings from the period 1882 to 1942. Many of the surviving houses in the district are the work of prominent local architects, representing a broad spectrum of styles from Italianate to Moderne. As the name Kings 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. The area also includes several independent plats, so that some streets misalign and others are only separated by a block of one lot's depth. Streets tend to be lined with mature deciduous trees.

Zoning: The R1 zone is a medium density multi-dwelling zone. It allows approximately 43 units per acre. Density may be as high as 65 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouses, and rowhouses. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.

The Historic Resource Protection overlay zone recognizes 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.

Public Notice: A "Notice of Proposal in Your Neighborhood" was mailed **November 5, 2010**.

Agency Review: The following Bureaus have responded with no issues or concerns:

- Water Bureau
- Life Safety Review Section of the Bureau of Development Services

Neighborhood Review: 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 Design Review

Purpose of Historic Design Review

Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Design Review Approval Criteria

Requests for historic design 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 Design 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.

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

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.

Findings for A1, D1, and D8: The proposal is to replace all the deck guardrails on the subject property with new guardrails that are better detailed to avoid water infiltration. Although the existing condition is compatible with the character of the historic district by virtue of its consistency and inconspicuousness, neither the guardrails nor the building are contributing historic fabric. The proposed system, a powder-coated, brown, aluminum framework like the existing, but with horizontally stretched cable infill, would also be unobtrusive. They would be compatible with the modernist aesthetic of the building design because of their simple, unadorned, and functional character. To the extent that they were noticeable, the guardrails would be similar in visual character to the many other horizontal elements on the building, including the siding and the flat roofline. *These guidelines are therefore 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

This straightforward proposal achieves the goals of the applicant, namely a more watertight construction and better code compliance, without adversely affecting the character of the King's Hill Historic District. The purpose of the Historic Design 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 Design Review guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alteration, new brown-framed deck guardrails, on a noncontributing resource in the King's Hill Historic District;

Approval per Exhibits C-1 through C-4, signed and dated November 29, 2010, subject to the following condition:

- 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 through C-4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-188433 HDZ. No field changes allowed."

Staff Planner: Dave Skilton

Decision rendered by:  **on November 29, 2010.**
By authority of the Director of the Bureau of Development Services

Decision mailed: December 2, 2010

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 October 28, 2010, and was determined to be complete on **November 3, 2010**.

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 October 28, 2010.

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.

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 Historic Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on December 16, 2010** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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.

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 Historic 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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 Historic 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 must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed,* The final decision may be recorded on or after **December 17, 2010**.
- A building or zoning permit will be issued only after the final decision is recorded.

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 503-823-0625.

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:

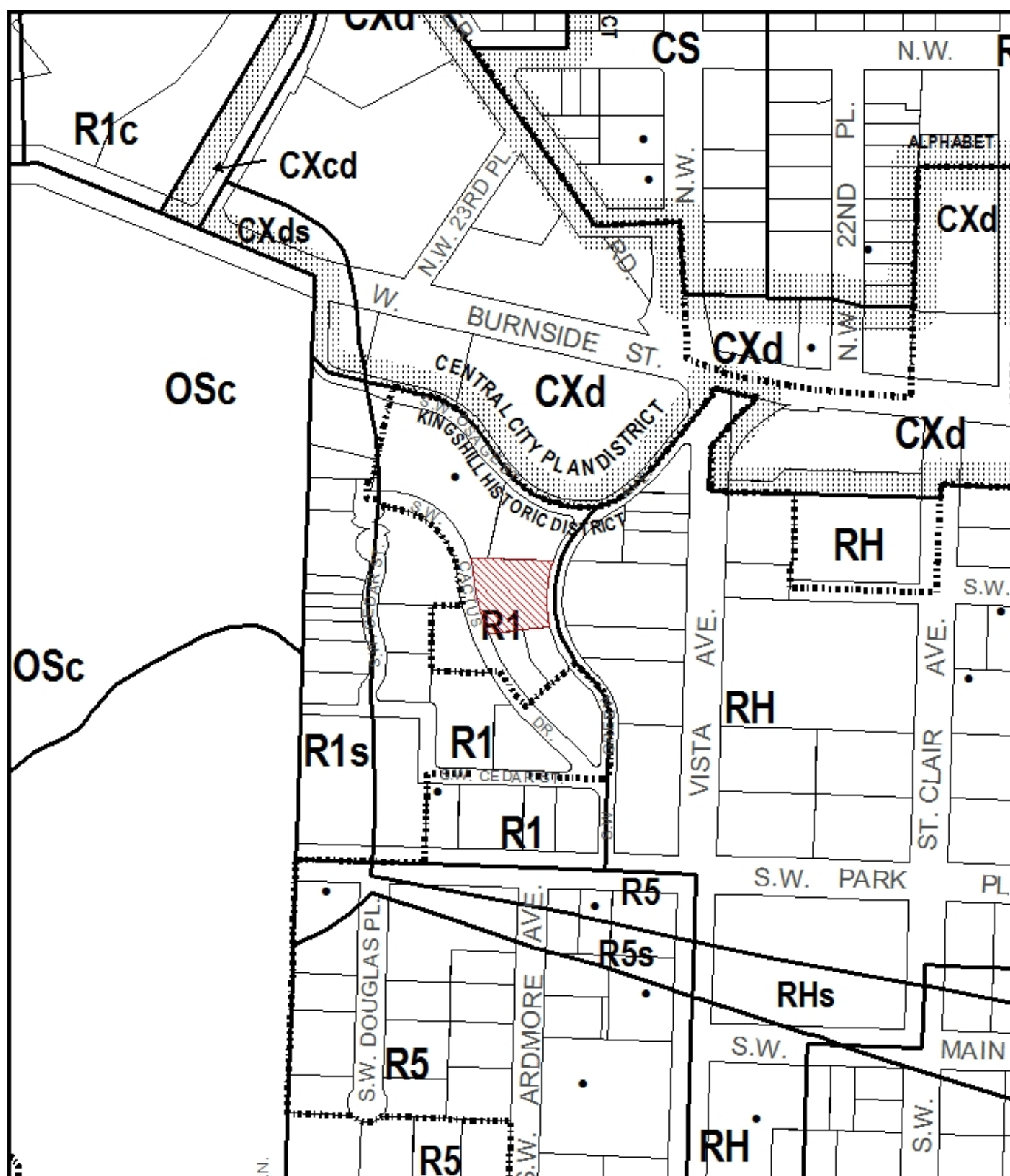
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED


- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Vicinity and Site Plans (attached)
 - 2. Existing and Proposed Railing Systems (attached)
 - 3. Diagrammatic Building Section
 - 4. Railing Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Water Bureau
 - 2. Life Safety Review Section of the Bureau of Development Services
- F. Correspondence: none
- 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.	<u>LU 10-188433 HDZ</u>
1/4 Section	<u>3027</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E33CC 50000</u>
Exhibit	<u>B</u> (Nov 02,2010)

PROJECT INFORMATION:

- A0 COVER SHEET
- A1 DECK PLANS, DECK ISOMETRIC
- A2 UNIT SECTIONS - LIMITS OF WORK
- A3 DETAILS

LIMITS OF WORK:

- 1) REPLACE EXISTING DECK RAILINGS WITH TENSIONED HORIZONTAL STAINLESS STEEL CABLE SYSTEM SPANNING BETWEEN VERTICAL ALUMINUM FRAMING MEMBERS ATTACHED TO THE EDGE OF THE NEWLY FRAMED DECK FASCIA.
- 2) FOR GRAPHIC REPRESENTATION OF "LIMITS OF WORK" SEE DRAWING 1 AND 2 ON SHEET A2

CODE INFORMATION:

CONST TYPE: V-A
OCC GROUP: R-2

PROJECT SCOPE:

Project includes replacing existing painted metal (non code compliant) "guard rails" at six (all) north-east facing balcony decks at the Terrace Park Condominiums on Cactus Drive in SW Portland. New replacement railing will be powder coated aluminum, code compliant balcony deck "guard railing". A new railing is necessary due to extensive deck and wall dry rot and dry rot at existing structural support of railing at attachment points. Spacing of existing railing elements exceed 4 inch maximum code spacing dimension of elements for new railing replacement.

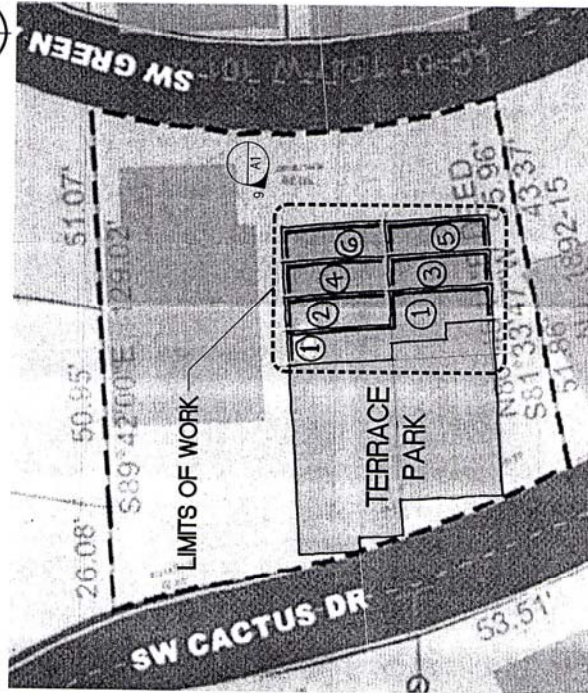
Dry rot repair work is permitted with the City building permit number 10-178620-000-CO and is underway. Dry rot repair and railing work will proceed on a unit by unit basis over the next 18 months until the work is complete.

New, replacement, code compliant powder coated aluminum "guard railing" will be a unifying element and treatment for all 6 north-east facing condominium units. Views both to and from the deck areas will be enhanced by the new railing design.

Proposed new railing design (see attached drawing) is constructed of fascia mounted 42 inch high powder coated aluminum tubular frames with horizontal, 1/8 inch stretched stainless steel cables spaced at 3.125 inches.



VICINITY MAP



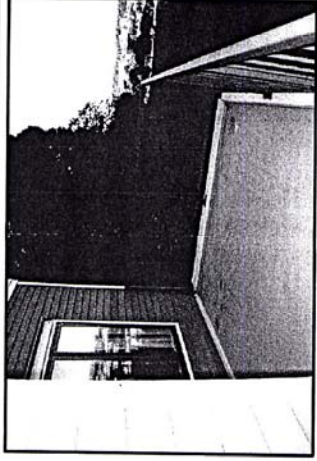
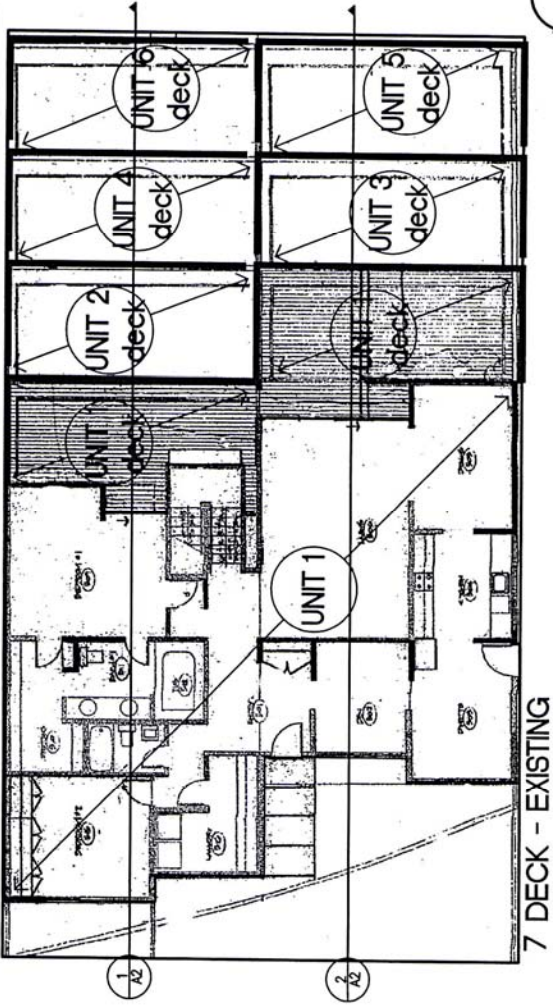
SITE PLAN

Approved: *[Signature]*
City of Portland - Bureau of Development Services
Date: 11.29.10
Carter Miller
2330 SW Cactus Drive
Portland, OR 97205

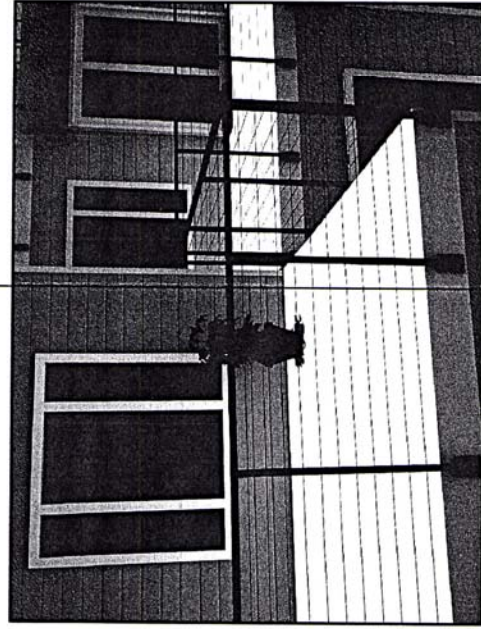
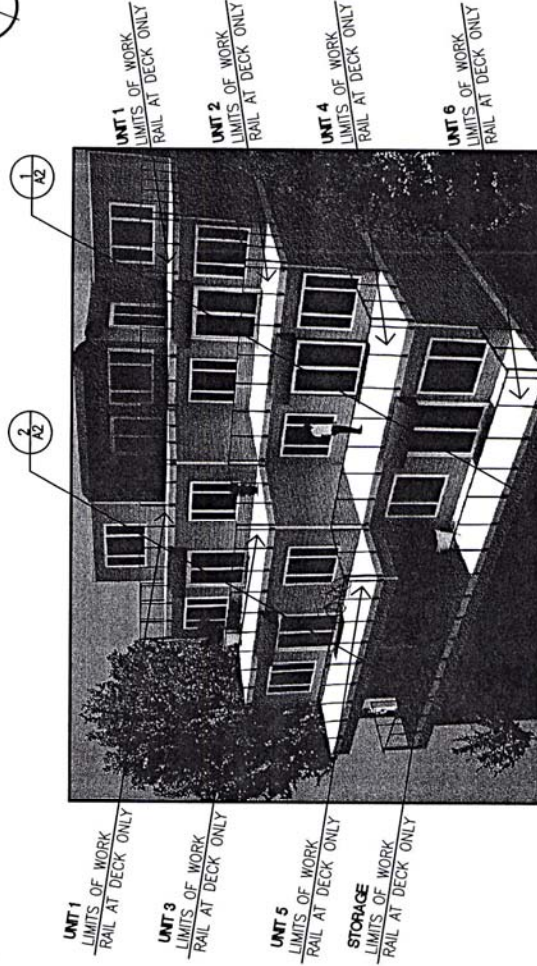
REVISIONS
DATE
Oct 17, 2010
PERMIT NUMBER: 10-178620-000-CO
SHEET TITLE
Cover Sheet
SCALE
A0

C-1

LI 10-188423 HD2



1 EXISTING DECK RAILING



City of Portland - Bureau of Development Services
Approved: *[Signature]*
Planner: *[Signature]*
Date: 11/29/10
* This approval applies only to the conditions of approval and is subject to additional zoning requirements that may apply.

PERMIT NUMBER: 10-178620-000-00-CO
SHEET TITLE: Elevations Details
SCALE: A1
DATE: Oct 19, 2010
REVISIONS: