



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

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Portland, Oregon 97201  
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TTY 503-823-6868  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** October 21, 2009  
**To:** Interested Person  
**From:** Abigail Fowle, Land Use Services  
503-823-0624 / [FowleA@ci.portland.or.us](mailto:FowleA@ci.portland.or.us)

## **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 09-157369 HDZ NEW MECHANICAL FLUE AT KING TOWER**

#### **GENERAL INFORMATION**

**Applicant:** Malcom Melver  
King Tower Holdings, LLC, Owner  
1000 SW Vista Ave #114  
Portland, OR 97205

**Representative:** Sean Murray, Contact 503-619-4044  
Alliant Systems  
1600 NW 167th Place, Suite 330  
Beaverton, OR 97006

**Site Address:** 901 SW KING AVE

**Legal Description:** LOT 2&3 BLOCK 5 E 50' OF LOT 6&7 BLOCK 5, JOHNSONS ADD  
**Tax Account No.:** R431600560  
**State ID No.:** 1N1E33CD 02500  
**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.  
**Plan District:** None  
**Zoning:** RH, High Density Residential  
**Case Type:** HDZ, Historic Design Review  
**Procedure:** Type II, an administrative decision with appeal to the Landmarks Commission.

#### **Proposal:**

The applicant seeks Historic Design Review approval for a new 16" diameter, stainless steel exterior flue on King Tower, an existing, non-contributing building in the King's Hill Historic District. The flue will be located on the west façade and will span from the basement level of the

building up to the parapet. The flue will extend 2'-0" above the parapet edge, as required by building code.

Exterior alterations to a property within a historic district require Historic Design Review.

**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 Guidelines

## ANALYSIS

**Site and Vicinity:** On a 40,000 sq. ft. lot along SW King Avenue, King Tower was constructed in 1949 and is listed on the National Register as a non-compatible/non-contributing building within the King's Hill Historic District due to its date of construction and modern style. The building is of a crucifix form and consists of masonry walls with metal windows.

King's Hill was designated in 1990 as a Portland Historic District and a National Register District. It is one of the city's oldest residential districts. Notable Portland architects designed many of the buildings within the District. The historic landscape features contribute to the ambiance of the District.

**Zoning:** The RH zone is a high density multi-dwelling zone. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use is 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.

The Historic Resource Protection Overlay Zone serves to protect 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.

King's Hill Historic District:

An Historic District is a special designation for areas where the preservation of an historic built environment is the declared City policy and the desire of the district residents and owners. The historic district designation is intended to provide the City and district residents with control over those architectural and community features which are essential to the preservation of the district character.

**Land Use History:** City records indicate that prior land use reviews include the following:

- LU 09-126089 HDZ – Approval of new aluminum windows to replace existing.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed on September 23, 2009. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau

- Site Development Section of BDS
- Bureau of Parks-Forestry Division

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on September 23, 2009. 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, Historic Reviews**

#### **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. Therefore the proposal requires historic design review approval. The relevant approval criteria are the King's Hill Historic District Design Guidelines.

#### **King's Hill Historic District Guidelines**

The guidelines for the King's Hill Historic District were adopted on November 15, 2001. King's Hill was locally designated as a historic district, then listed in the National Register of Historic Places in 1991. The guidelines are designed to maintain and preserve those qualities that make the King's Hill Historic District a unique historic neighborhood. They promote the continued integrity and identity of the district in three broad areas, which are addressed under the following guideline headings:

- Area Character
- Pedestrian Emphasis
- Project Design

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

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

**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.

**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.

**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, P2, D1, D3, D5, D8 and D10:**

- The new metal flue will be attached to the west façade of the existing building within the inner corner of the crucifix form.
- The existing building is non-contributing in the district due to the date of construction and modern style.
- The new metal flue is a simple 16" diameter element that extends from the basement level to the roof. The vent's clean installation, tightly mounted up against the building wall, and minimal massing is compatible with the simple modern style of the building and will be inconspicuous on the building's large west façade.
- Additionally, the stainless steel material of the flue is a durable and quality material that maintains the building's sense of permanence, as well as corresponds to the metal material of the existing windows.
- The flue is located on a rear facing façade and thus will not be visible from the adjacent street, minimizing the impact on the district's historic character and streetscapes.
- The flue will extend up above the roof 2'-0." Because of the flue's minimal size, simple appearance, and its small mass and height compared to the existing rooftop elements, it is respectful the existing building and corresponds to the structure's modern architectural style.

*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**

The purpose of the historic design review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposed alteration to King Tower respects the building's architectural style and will not detract from the character of the King's Hill Historic District. The design proposed meets the approval criteria, and therefore warrants an approval.

## **ADMINISTRATIVE DECISION**

Approval of new exterior metal flue on west façade of King Tower within the King's Hill Historic District per the approved plans, Exhibits C.1 through C.5, signed and dated October 19, 2009, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 09-157369 HDZ. No field changes allowed."

**Staff Planner: Abigail Fowle**



**Decision rendered by:** \_\_\_\_\_ **on October 19, 2009.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: October 21, 2009**

**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 September 11, 2009, and was determined to be complete on September 21, 2009.

*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 September 11, 2009.

*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 Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on November 4, 2009** 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](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 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 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 **November 5, 2009 – (the day following the last day to appeal)**.
- 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:

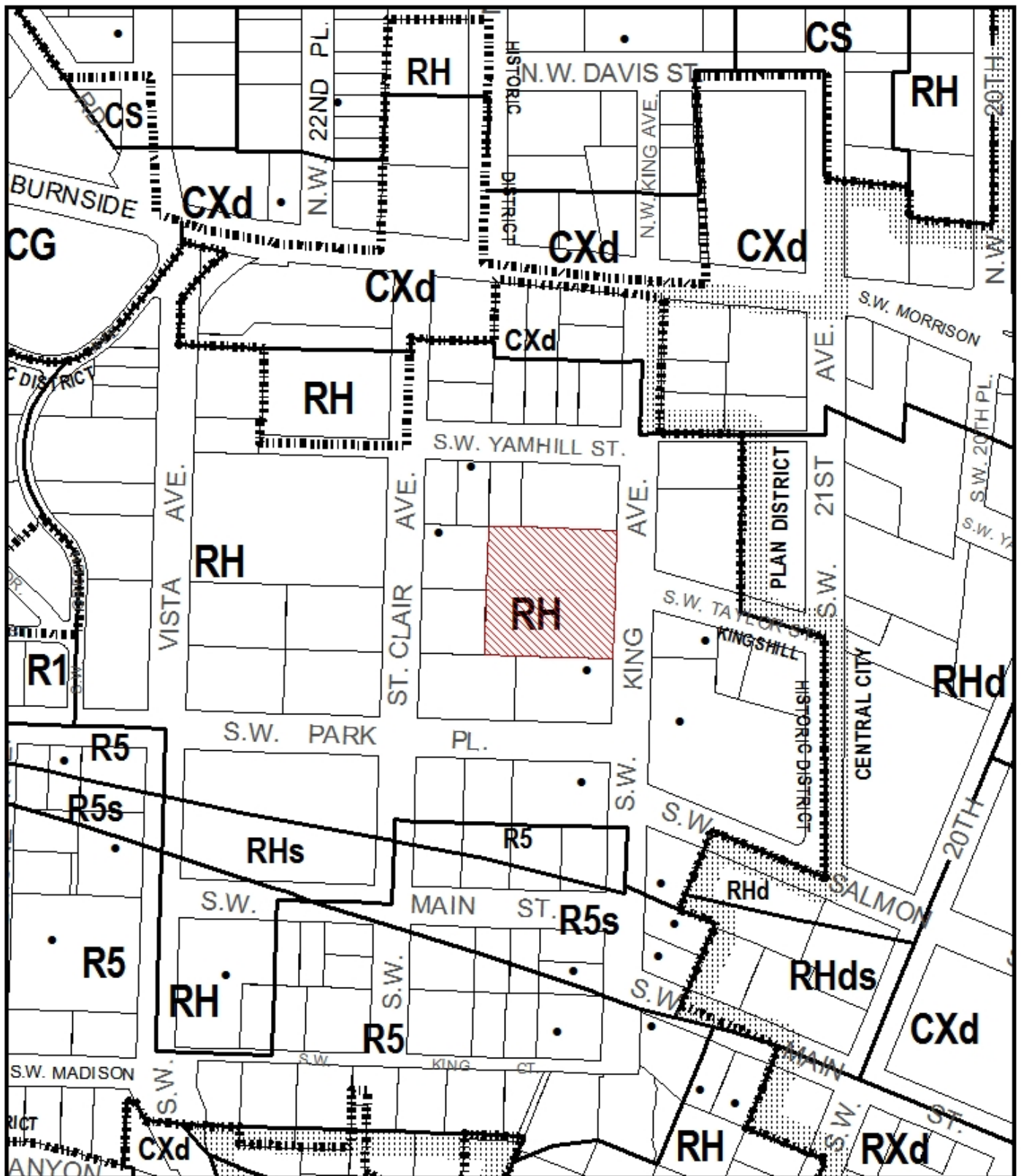
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Aerial Photo (attached)
  - 3. Elevation (attached)
  - 4. Flue Details
  - 5. Manufacturer's Cutsheet
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: none
- F. Correspondence: none
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research
  - 3. Correspondence with applicant

**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



NORTH

This site lies within the:  
KING'S HILL HISTORIC DISTRICT

File No. LU 09-157369 HDZ

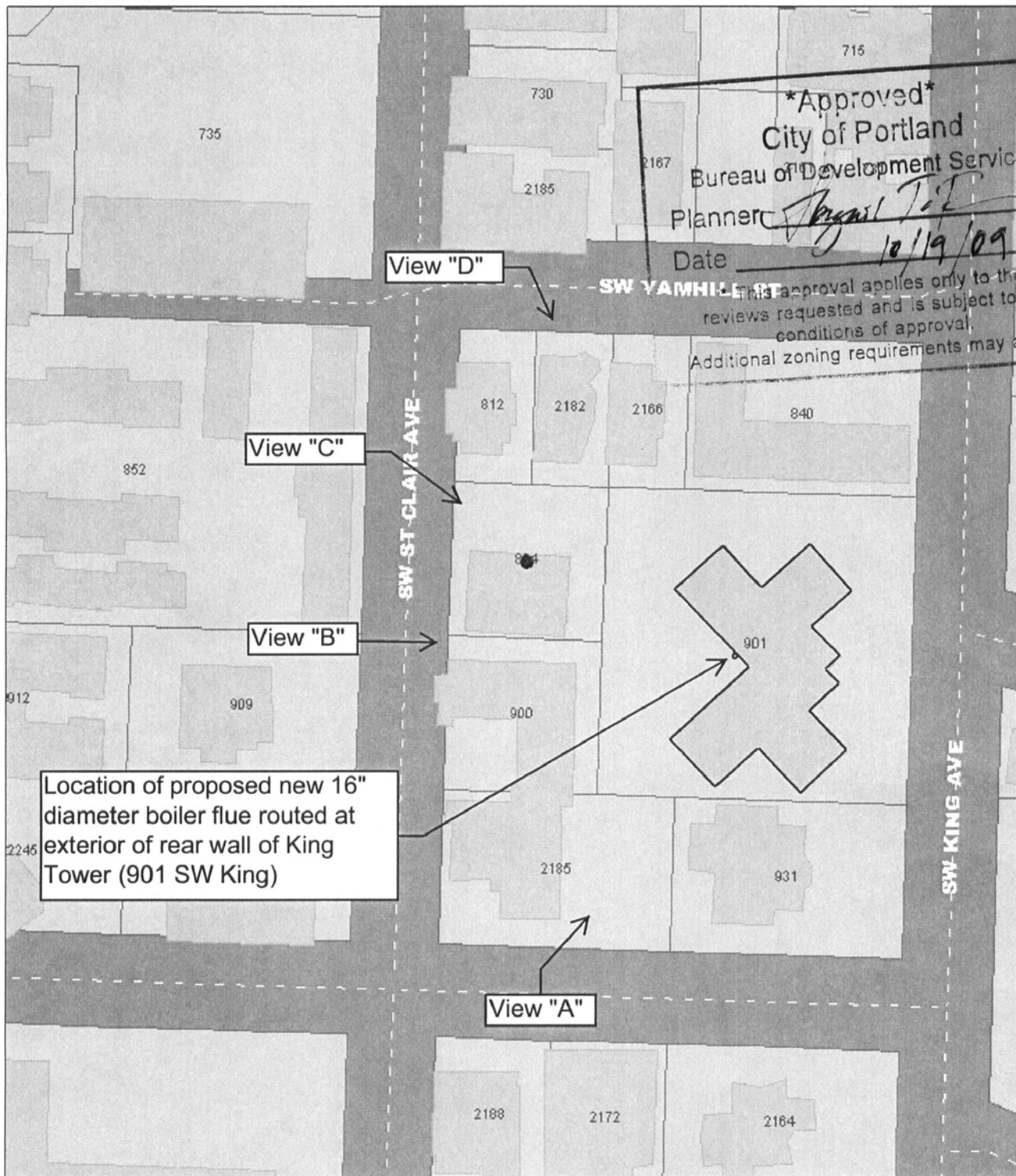
1/4 Section 3027

Scale 1 inch = 200 feet

State\_Id 1N1E33CD 2500

Exhibit B (Sep 16,2009)





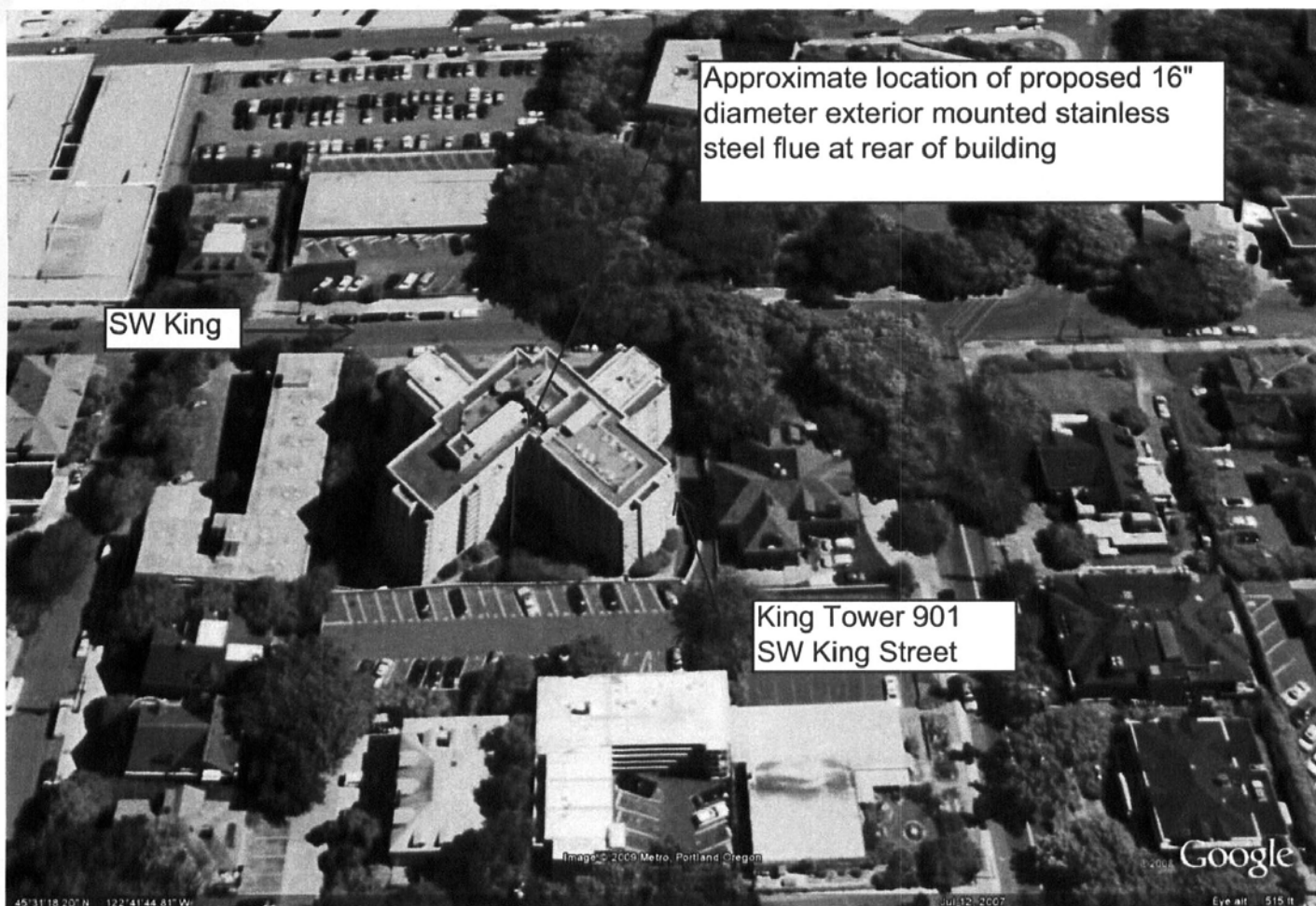
**\*Approved\***  
City of Portland  
Bureau of Development Services  
Planner *[Signature]*  
Date *10/19/09*  
This approval applies only to the reviews requested and is subject to all conditions of approval.  
Additional zoning requirements may apply.

SITE PLAN - 900 BLOCK OF SW KING AVENUE  
SCALE - 1" = 100'



*Lu 09-157369 HPZ  
C-1*

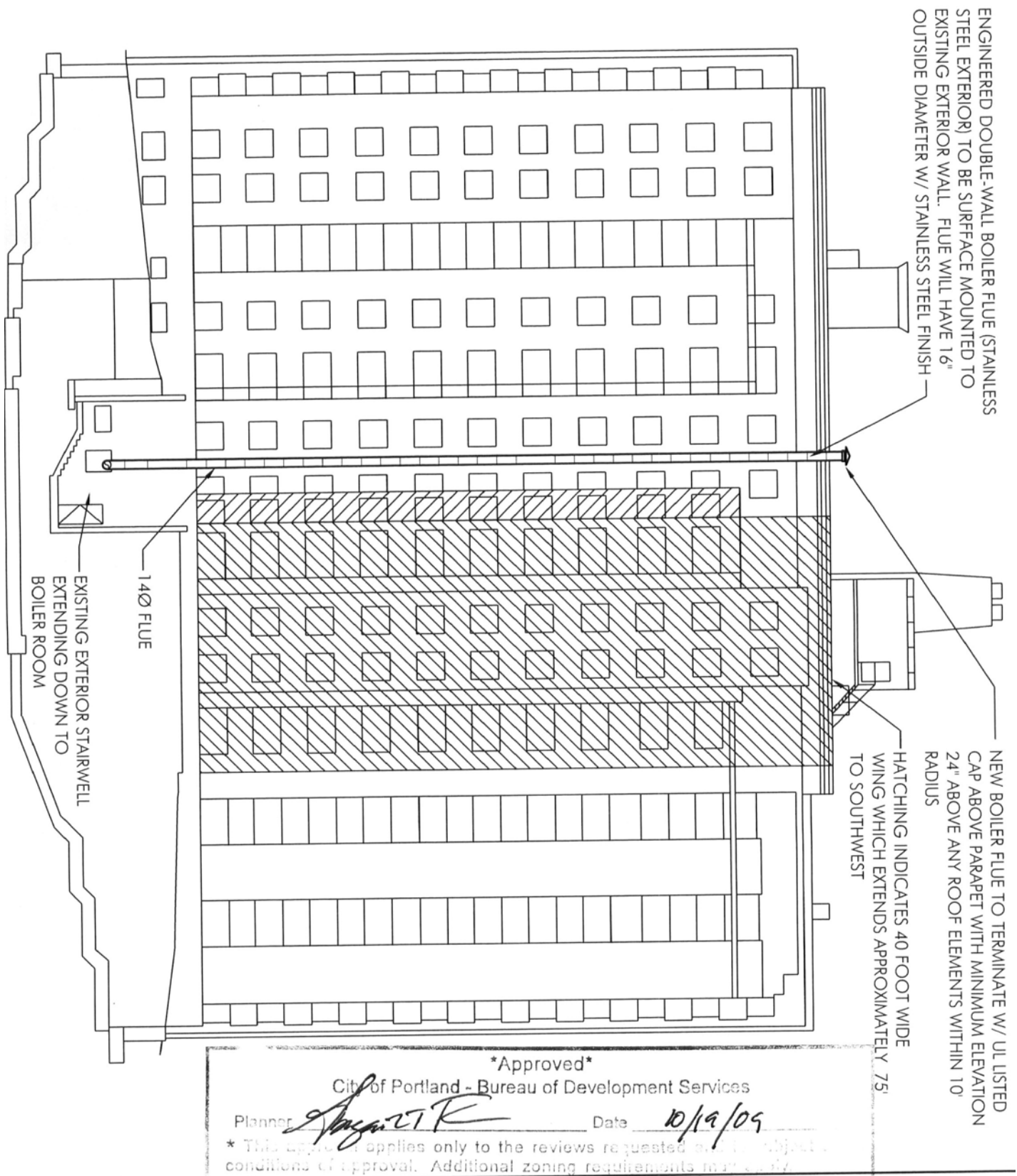
Alliant Systems  
9.10.09



3D View of King Tower w/ Proposed Exterior Boiler Flue Indicated



C-2  
 LU 09-157569#2



# PHO-KING TOWER RETROFIT PROJECT

901 SW KING AVE.  
 PORTLAND, OR

C-3