



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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Date: December 11, 2012
To: Interested Person
From: Hillary Adam, Land Use Services
503-823-3581 / Hillary.Adam@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 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 12-200467 HDZ – BALCONY RAILINGS AND CARRIAGE DOORS

GENERAL INFORMATION

Applicant: Kathy Johnson, Architect / Hennebery Eddy Architects, Inc.
921 SW Washington St, Suite 250 / Portland, OR 97205

831 NW 24th Avenue LLC, Owner
6312 SW Capitol Hwy #505 / Portland, OR 97239

Site Address: 831 NW 24TH AVE

Legal Description: BLOCK 4 LOT 1&2, KINGS 2ND ADD
Tax Account No.: R452300710
State ID No.: 1N1E33BC 15000
Quarter Section: 2927
Neighborhood: Northwest District, contact John Bradley at 503-313-7574.
Business District: Nob Hill, contact Mike Conklin at 503-226-6126.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Other Designations: Primary Contributing resource in the Alphabet Historic District, listed in the National Register of Historic Places on November 16, 2000.

Zoning: R1 – Residential, 1,000
Case Type: HDZ – Historic Design Review
Procedure: Type II, an administrative decision with appeal to the Historic Landmarks Commission.

Proposal:

The applicant proposes to make exterior alterations to the Orange M. Clark House, including:

- Replacement of metal balcony railings on the 2nd and 3rd front façades with wood guardrails and turned balustrades;
- Removal of two non-historic metal fire escapes; and
- Replacement of two overhead garage doors and a swinging door with two partially-glazed wood carriage doors.

Historic design review is required because the proposal is for non-exempt alterations to a contributing resource in the Alphabet Historic District.

Relevant Approval Criteria:

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

- Community Design Guidelines
- Historic Alphabet District: Community Design Guidelines Addendum

ANALYSIS

Site and Vicinity: The subject property is a 2½-story Colonial Revival house built in 1903 and purchased by Orange M. Clark in 1907 from Ida B. Peters, at which time Mr. Clark had the existing two-car garage constructed. Orange Clark was president of the Clark & Wilson Lumber Company, chairman of the Panama Pacific Exposition Commission and president of the Portland Chamber of Commerce. In 1949 the single-family residence was divided into apartments, and fire escapes were added to the north and south sides of the building. Since that time, additional apartment units have been added, including one in the garage.

The property is in the Northwest Pedestrian District and is located at the southwest corner of NW 24th Avenue and NW Kearney Street. NW 24th Avenue is designated a City Bikeway in the City's Transportation System Plan. Directly to the south is a 1950 two-story courtyard apartment building and to the west is a 1964 two-story apartment building. Across NW Kearney, is the 1905 August & Josephine Klosterman House, a 2½-story Colonial Revival house now used as a social services facility, a Primary Contributing resource in the district. Across NW 24th are single-family residences, including the 1894 Queen Anne Charles H Korell House #3 which is a Portland Historic Landmark, the 1900 Colonial Revival W.J. Jacobson House, and the 1912 Portland Fire Station No. 17, now used as a single-family residence.

The Historic Alphabet District is located at the base of the West Hills, roughly bounded by W Burnside Street to the South, NW 17th Avenue to the East, NW Marshall Street to the North and NW 24th Avenue to the West. The district is predominantly residential in character but also has two main commercial corridors along NW 21st and NW 23rd Avenues, as well as institutional properties. Originally platted as a residential district for the upper class, the Lewis and Clark Exposition of 1905 prompted the construction of several apartment buildings by notable Portland architects. The neighborhood is still one of the city's more densely populated historic neighborhoods.

Zoning: The Residential 1,000 (R1) 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, townhouse, 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. Newly created lots in the R1 zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot area for development with detached or attached houses or for development with duplexes. Minimum lot width and depth standards may apply.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

Land Use History: City records indicate the following prior land use reviews for this site:

LU 78-003135 (ref. file #CU 082-78) – A conditional use to operate a residential care facility, terminated on 12-17-80 due to lack of action by the applicant;

LU 90-025510 (ref. file #PC 7238C) – An ordinance granting a revocable permit to use a portion of the main floor for a weekly luncheon meeting;

LU 02-108006 HDZM – Approval of an exterior stair, balcony, and door at the north side of the garage and approval of a modification to allow the existing garage in the required west and south lot line setbacks.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **November 14, 2012**.

The Life Safety Division of BDS responded with the following comment:

“A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. More information regarding building code requirements can be obtained by visiting the Bureau of Development Services Development Services Center - 1900 SW 4th Ave, 1st floor. The Development Services Center is open Tuesday through Friday from 8:00 a.m. to 3:00 p.m. (closed on Mondays). No appointment is necessary. Building Code information is also available online at: <http://www.portlandonline.com/bds/>, or by calling (503) 823-1456.” See Exhibit E-1 for more details.

The Fire Bureau responded with the following comment:

“The applicant shall obtain separate building and fire permits for approval of the proposed work. Removal of the fire escape requires approval from the Fire Marshal’s Office prior to removal. Please contact Dave Flood, Sr. Fire Inspector at 503-823-0827 to determine requirements from the removal of the fire escape.” See Exhibit E-2 for more details.

The Parks and Recreation Urban Forestry Division responded with the following comment:

“Portland Parks and Recreation has no objections to this Land Use application if all City tree code regulations are observed.” See Exhibit E-3 for more details.

The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Site Development Section of BDS
- Bureau of Transportation
- Water Bureau

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 14, 2012. 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 Alphabet Historic District and the proposal is for a non-exempt treatment. Therefore Historic Design Review approval is required. The approval criteria are the *Community Design Guidelines* and the *Historic Alphabet District Community Design Guidelines Addendum*.

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

Historic Alphabet District - Community Design Guidelines Addendum

1. Historic Changes. Most properties change over time; those changes that have acquired historic significance will be preserved.

Findings: While no evidence can be found with regard to when the metal railings at the balconies were installed, they do not appear to be original and their removal will not constitute the removal of significant material. The north and south fire escapes, similarly, are not considered historically significant. Rather their removal will improve the aesthetic appearance of the historic resource. On the accessory building, the existing garage doors and swinging door are also later alterations not considered historic. *This guideline is met.*

2. Differentiate New from Old. New additions, exterior alterations, or related new construction will retain historic materials that characterize a property to the extent practicable. Replacement materials should be reasonable facsimiles of the historic materials they replace. The design of new construction will be compatible with the historic qualities of the district as identified in the Historic Context Statement.

Findings: The proposed balcony railings are in character with the historic resource in their scale and proportion, but will be differentiated from the original resource by the relatively modern material. The proposed carriage doors are in keeping with the architecture of the building's era of construction and will also be differentiated from the historic resource by their relatively new material and method of construction. Proposed alterations will also be differentiated from the original resource by this record. *This guideline is met.*

3. Hierarchy of Compatibility. Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a historic or conservation district, with the rest of the District. Where practical, compatibility will be pursued on all three levels. New development will seek to incorporate design themes characteristic of similar buildings in the Historic Alphabet District.

Findings: The proposed alterations, removal of the non-historic fire escapes, replacement of the non-historic balcony railings with new wood turned balustrade and rail, and replacement of non-historic garage doors and swinging door with partially-glazed wood carriage doors is compatible with the historic resource, nearby historic properties, and with the district as a whole. The proposed alterations will remove previous alterations that detract from the property's historic character and will instead strengthen this character, as the proposed alterations are based on remnant original materials and characteristics of the era. *This guideline is met.*

Community Design Guidelines

P1. Plan Area Character. Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.

P2. Historic and Conservation Districts. Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area's historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.

Findings for P1 and P2: The proposed alterations seek to strengthen the historic resource's position in the neighborhood by removing architectural elements that do reflect the character of the building's era and restoring certain previously-removed

elements more in keeping with the building's era, as well as the neighborhood's period of significance. *This guideline is met.*

D5. Crime Prevention. Use site design and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground level uses, and outdoor areas.

Findings: Removal of the fire escapes will reduce the number of access points to the building from the ground and will therefore reduce the potential for certain crimes against this building and its occupants. *This guideline is met.*

D6. Architectural Integrity. Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

D8. Interest, Quality, and Composition. All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

Findings for D6 and D8: The proposed alterations, specifically the partially-glazed carriage doors and turned balusters on the balconies are in keeping with the historic character of the resource, in material, scale, proportion and detail. The proposed alterations will form a cohesive composition by removing non-historic alterations which are primarily metal and re-introducing wood elements which is more in keeping with the historic character and will help convey the property's sense of permanence. *This guideline is 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 proposed alterations, including removal of the metal fire escapes, balcony railings, and garage doors and the reintroduction of wooden turned balustrade and rail and wood carriage doors will restore historic character and create a more cohesive composition for the property. 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 criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations to the Orange M. Clark House in the Alphabet Historic District, including:

- Replacement of metal balcony railings on the 2nd and 3rd front façades with wood guardrails and turned balustrades;
- Removal of two non-historic metal fire escapes; and
- Replacement of two overhead garage doors and a swinging door with two partially-glazed wood carriage doors.

This approval is per the approved site plans, Exhibits C-1 through C-14, signed and dated December 10, 2012, 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 through C-14. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-200467 HDZ. No field changes allowed."

Staff Planner: Hillary Adam

Decision rendered by:  **on December 10, 2012.**
By authority of the Director of the Bureau of Development Services

Decision mailed: December 11, 2012

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 31, 2012, and was determined to be complete on **November 9, 2012.**

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 31, 2012.

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 26, 2012** 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

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 27, 2012**.
- 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.

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;

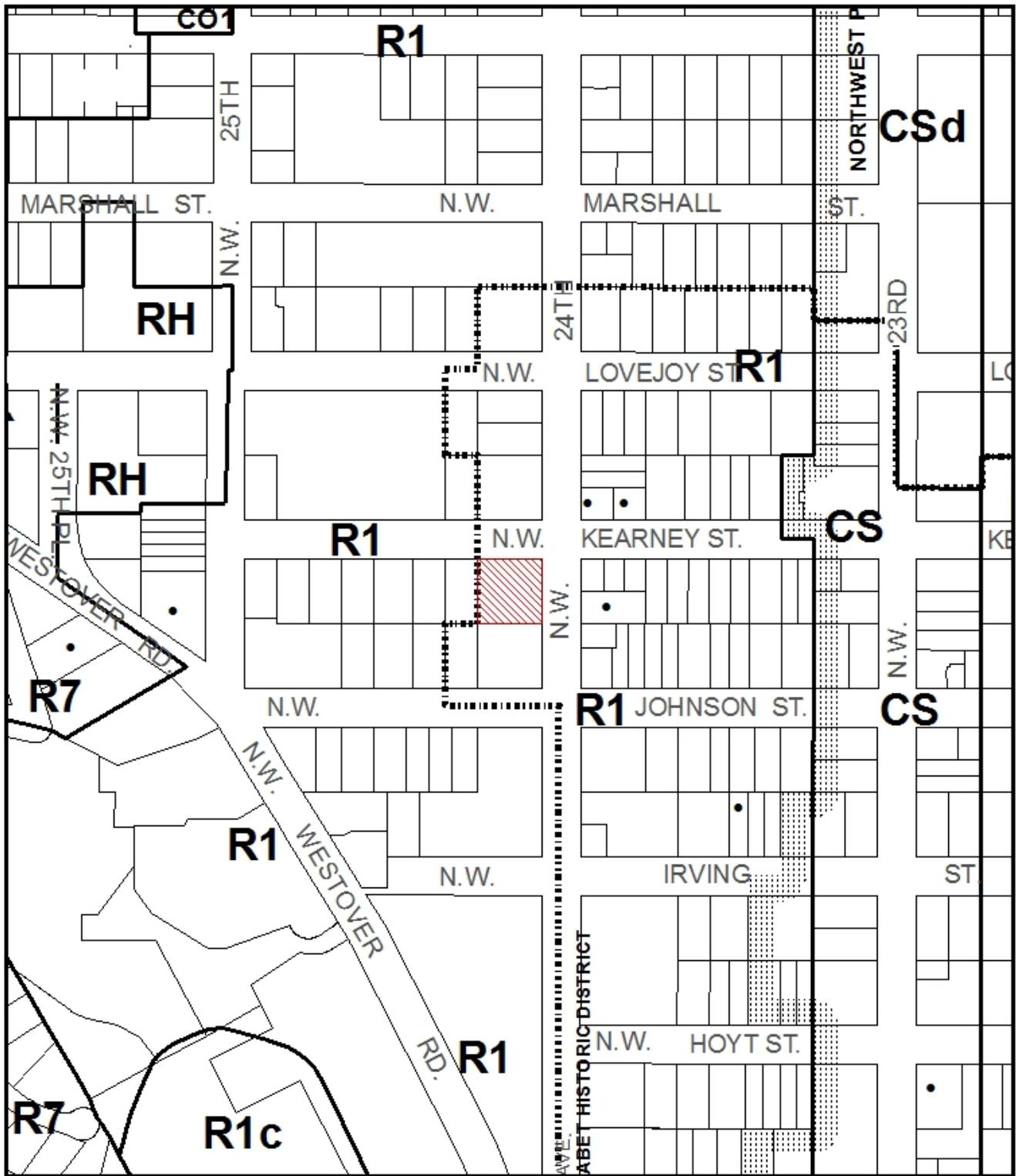
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Exterior Conditions of Existing Building
 - 3. Exterior Conditions of Existing Building
 - 4. East Elevation Demolition
 - 5. North Elevation Demolition
 - 6. South Elevation Demolition
 - 7. East Elevation (attached)
 - 8. North Elevation
 - 9. South Elevation
 - 10. Rail Details
 - 11. Carriage House Plan and Elevation Demolition
 - 12. Carriage House Plan and Elevation (attached)
 - 13. Carriage Door Elevations
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Division of BDS
 - 2. Fire Bureau
 - 3. Parks and Recreation Urban Forestry Division
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. National Register Information

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

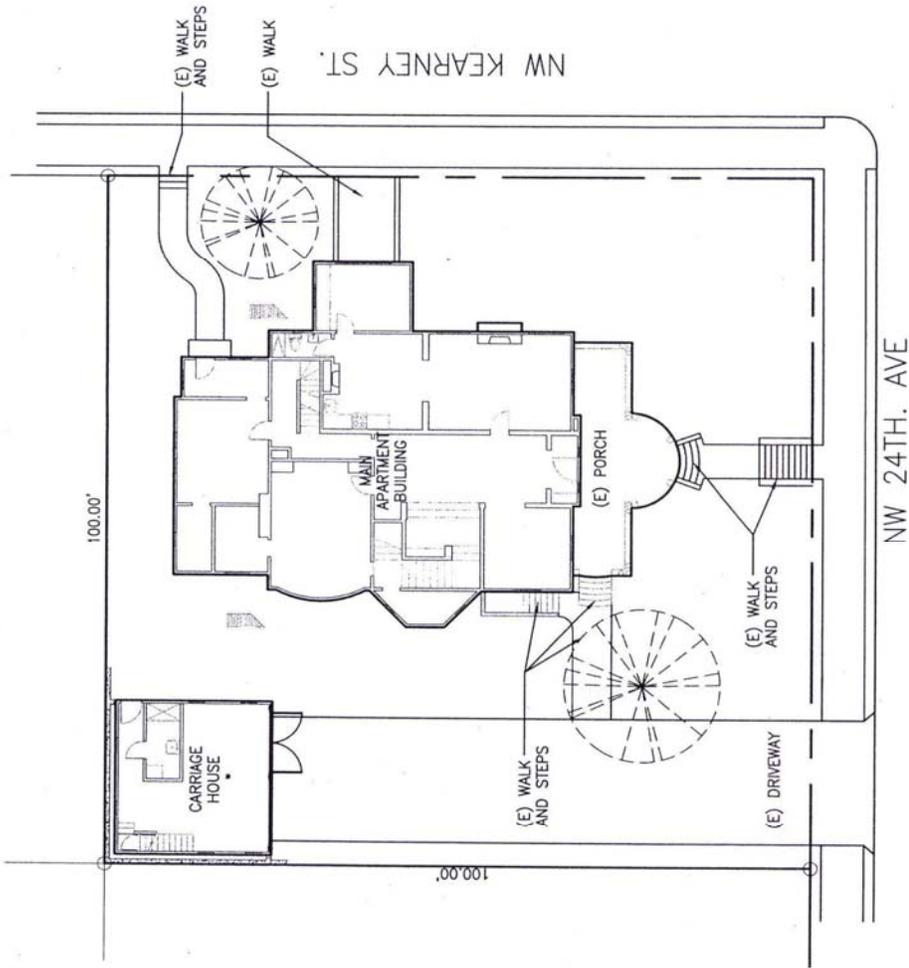
 Site

 Historic Landmark

This site lies within the:
ALPHABET HISTORIC DISTRICT



File No. LU 12-200467 HDZ
 1/4 Section 2927
 Scale 1 inch = 200 feet
 State_Id 1N1E33BC 15000
 Exhibit B (Oct 31, 2012)



Approved
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 12/10/12

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

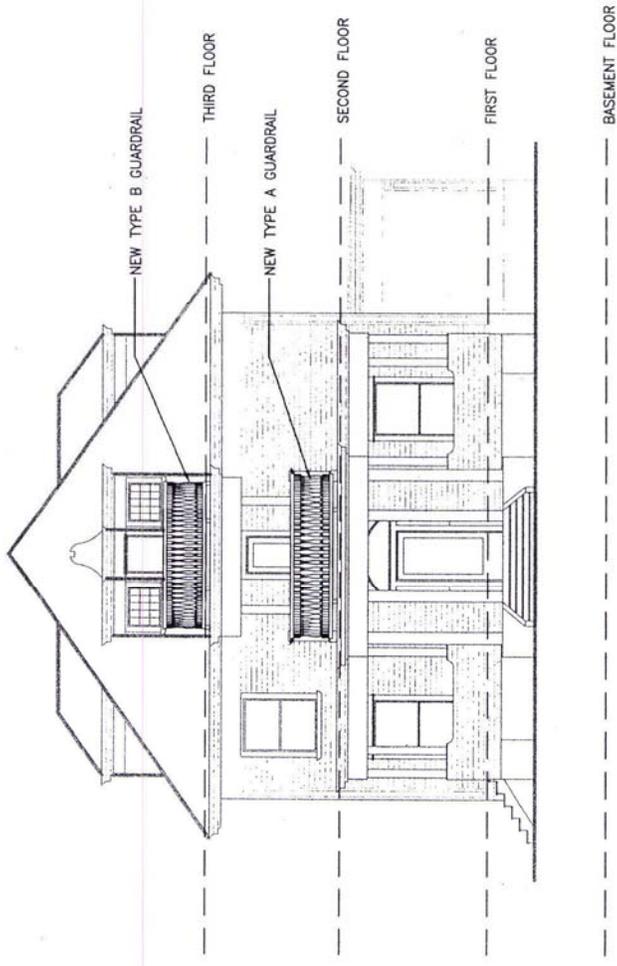


A1.0

30 October 2012
 Hennebery Eddy
 Architects

Clark House Exterior Improvements
 831 NW 24th Avenue, Portland, OR

LW 12-20,0467 HDZ



Approved
 City of Portland
 Bureau of Development Services
 Planner ADD
 Date 12/10/12

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

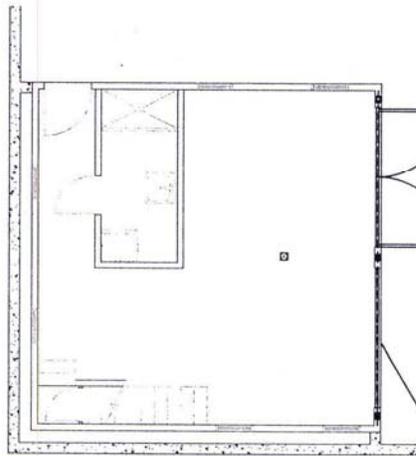
EAST
 ELEVATION

A7.0

Clark House Exterior Improvements
 831 NW 24th Avenue, Portland, OR

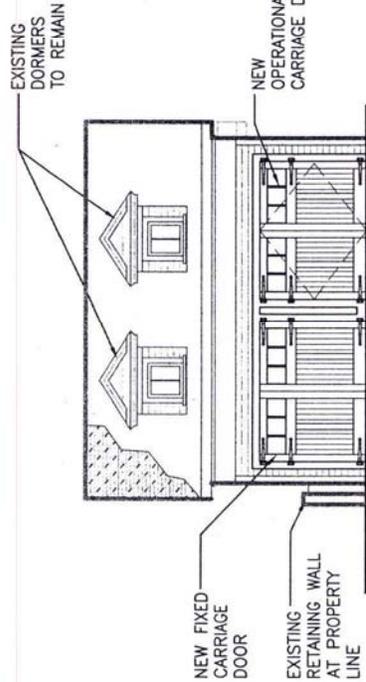
30 October 2012
 Hennebery Eddy
 Architects

3



NEW FIXED CARRIAGE DOOR

NEW OPERATIONAL CARRIAGE DOOR



EXISTING DORMERS TO REMAIN

NEW FIXED CARRIAGE DOOR

EXISTING RETAINING WALL AT PROPERTY LINE

NEW OPERATIONAL CARRIAGE DOOR

Approved
 City of Portland
 Bureau of Development Services
 Planner [Signature]
 Date 12/10/12

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

CARRIAGE HOUSE PLAN AND ELEVATION



30 October 2012

Hennebery Eddy Architects

Clark House Exterior Improvements
 831 NW 24th Avenue, Portland, OR

A12.0

0-12