



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

FROM CONCEPT TO CONSTRUCTION

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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** November 26, 2013  
**To:** Interested Person  
**From:** Chris Caruso, Land Use Services  
503-823-5747 / [Chris.Caruso@portlandoregon.gov](mailto:Chris.Caruso@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 13-212028 HR - ALTERATIONS**

#### **GENERAL INFORMATION**

**Applicant:** Allison Elliott/Hennebery Eddy Architects  
921 SW Washington St Suite 250/Portland, OR 97205

**Owner:** Wendy Robertson/2387 NW Kearney LLC  
6321 SW Capitol Hwy Suite 505/Portland, OR 97239

**Site Address:** 2387 NW KEARNEY ST

**Legal Description:** BLOCK 25 W 1/2 OF LOT 18, KINGS 2ND ADD  
**Tax Account No.:** R452304100  
**State ID No.:** 1N1E33BC 10800      **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:** Alphabet Historic District  
**Zoning:** R1 - Multi-Family Residential  
**Case Type:** HR – Historic Resource Review  
**Procedure:** Type II, an administrative decision with appeal to the Landmarks Commission.

#### **Proposal:**

The applicant seeks historic resource review approval for alterations to the Charles H Korell House #3, built in 1894 in the Stick/Queen Anne style, which is a compatible non-contributing resource in the Alphabet Historic District. The proposed alterations include the following:

- Replacing the front steps, porch and non-original porch railings with a new wood porch, wood steps, and wood railing in the original historic style;
- Adding a new narrow metal railing behind the porch railing, attached to the floor and columns, to comply with current Life Safety railing height regulations;
- New concrete pavers and planting strips in the driveway, in place of existing asphalt;
- Rebuilding the existing steps at the top of the driveway to allow for better access to and from the rear of the building;

- Adding a new set of wooden steps, wood railings, and narrow metal Life Safety-compliant railing at the top of driveway to allow access to and from the building's ground level; and
- New wood lattice skirting below all the new and rebuilt steps.

**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:

- 33.846 Historic Review
- Alphabet Design Guidelines
- Community Design Guidelines

**ANALYSIS**

**Site and Vicinity:** The subject property is a compatible non-contributing resource within the Alphabet Historic District, a two-and-a-half story Queen Anne style structure originally called the Charles H. Korell House #3, and built in 1894. The house is part of a pair of houses constructed in the same era. The exterior of the house remains largely intact in terms of its historic character although a number of windows were replaced at some point. The site is a corner lot located in the midst of the dense Alphabet Historic District. The 2,500 square foot site is developed with a large Queen-Anne style residence with surface parking on its eastern portion. Mature vegetation exists amongst the streets and on this particular lot a mature plantings are located on both the west and south yards, facing both streets.

The Alphabet Historic District is an area of Portland significant for its concentration of intact late 19<sup>th</sup> and early 20<sup>th</sup> Century middle class housing stock and small-scale commercial buildings. Of special note are the many mid-sized apartment and institutional buildings. Many of these are in the various Period Revival styles, e.g. Tudor, Spanish Colonial, Byzantine, etc. The area is also characterized by a grid work of narrower, tree-lined, residential streets crossed by occasional more robust commercial avenues.

The City of Portland Transportation System Plan (TSP) designates NW 23<sup>rd</sup> Avenue as a City Walkway and City Bikeway and NW Kearney Street is designated as a City Walkway and Local Service Bikeway. The site is also located within the Northwest Pedestrian District

**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 proposed residential use is allowed by-right in this zone.

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 the following:

- LU 11-143300 HDZ – Historic Design Review approval for restoration of front door, new windows, roof shingles, re-installed original roof cresting, re-built brick stair wall, and new chimneys.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **October 29, 2013**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Fire Bureau
- Bureau of Transportation Engineering
- Water Bureau (Exhibit E-1)
- Site Development Section of BDS (Exhibit E-2)
- Life Safety Review Section of BDS (Exhibit E-3)

The Bureau of Parks-Forestry Division responded with the following comment: Please see Exhibit E-4 for additional details.

*At this time, existing street trees are to be protected and preserved. A written permit from the City Forester is required to remove, destroy, cut (including roots), break, injure, or plant any tree of any size in or upon any street, park, or public area.*

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on October 29, 2013. 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:** None of the features being changed are original to the house as they have all been added on to the house or replaced with newer materials at some point in time. *This criterion is therefore 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.

**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 for 2 & 3:** The proposed replacement wood balusters, cap rail, lattice panels, porch flooring, and wood steps are all reasonable facsimiles of historic features and will match the original materials and finish treatments in scale and detailing. All surrounding historic material will be retained. The proposed rear stairs, railings, and driveway pavers while new, will match features present on the building, on the site, and in the neighborhood, making these new elements compatible with the resource itself, with adjacent properties, and with the rest of the District. The new features will also be readily identifiable as new due to their materials and lack of weathering. *These criteria are therefore met.*

### **Community Design Guidelines**

**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.

**D7. Blending into the Neighborhood.** Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

**Findings for P2, D3 & D7:** The proposed exterior alterations to the building are detailed at a fine scale to match the Queen Anne style house with which they are associated. The proposed design features of wood porch flooring, wood front steps, wood balusters, wood cap rail, metal railings, wood lattice panels, and cement driveway pavers are all elements present within the Historic District. These features, since they are used on similar houses in the area, reinforce and complement the Alphabet Historic District. *These guidelines are therefore met.*

**D2. Main Entrances.** Make the main entrances to houses and buildings prominent, interesting, pedestrian-accessible, and transit-oriented.

**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 D2, D6 & D8:** The proposed front porch railings, lattice panels, and new steps create a more historically accurate entry sequence to the house. The main entrance will remain oriented to the street and accessible to the public right-of-way. All elements of the proposal are of long-lasting quality and durable materials such as painted wood, metal, and concrete. The proposed elements are compatible with the style of the house, matching historic materials and details, as well as adding new materials that are visually secondary to the architecture, all of which work together to create a cohesive composition. *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 additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. The renovation of the house will bring the building closer to its original look with historically accurate features and site improvements which will in turn enhance the historic district. This proposal meets the applicable Historic Design Review criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of historic resource review for alterations to the Charles H Korell House #3, built in 1894 in the Stick/Queen Anne style, which is a compatible non-contributing resource in the Alphabet Historic District which include the following:

- Replacing the front steps, porch and non-original porch railings with a new wood porch, wood steps, and wood railing in the original historic style;
- Adding a new narrow metal railing behind the porch railing, attached to the floor and columns, to comply with current Life Safety railing height regulations;
- New concrete pavers and planting strips in the driveway, in place of existing asphalt;
- Rebuilding the existing steps at the top of the driveway to allow for better access to and from the rear of the building;
- Adding a new set of wooden steps, wood railings, and narrow metal Life Safety-compliant railing at the top of driveway to allow access to and from the building's ground level; and
- New wood lattice skirting below the new and rebuilt steps.

Approved, per the approved site plans Exhibits C-1 through C-11 signed and dated November 21, 2013, 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.11. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-212028 HR. No field changes allowed."

**Staff Planner: Chris Caruso**

**Decision rendered by:**  **on November 21, 2013**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: November 26, 2013**

**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 2, 2013, and was determined to be complete on October 24, 2013.

*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 2, 2013.

*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 further extended by the applicant, **the 120 days will expire on: February 21, 2014.**

**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 December 10, 2013** 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](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 775 Summer St. NE, Suite 330, 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 **December 11, 2013**.
- 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**

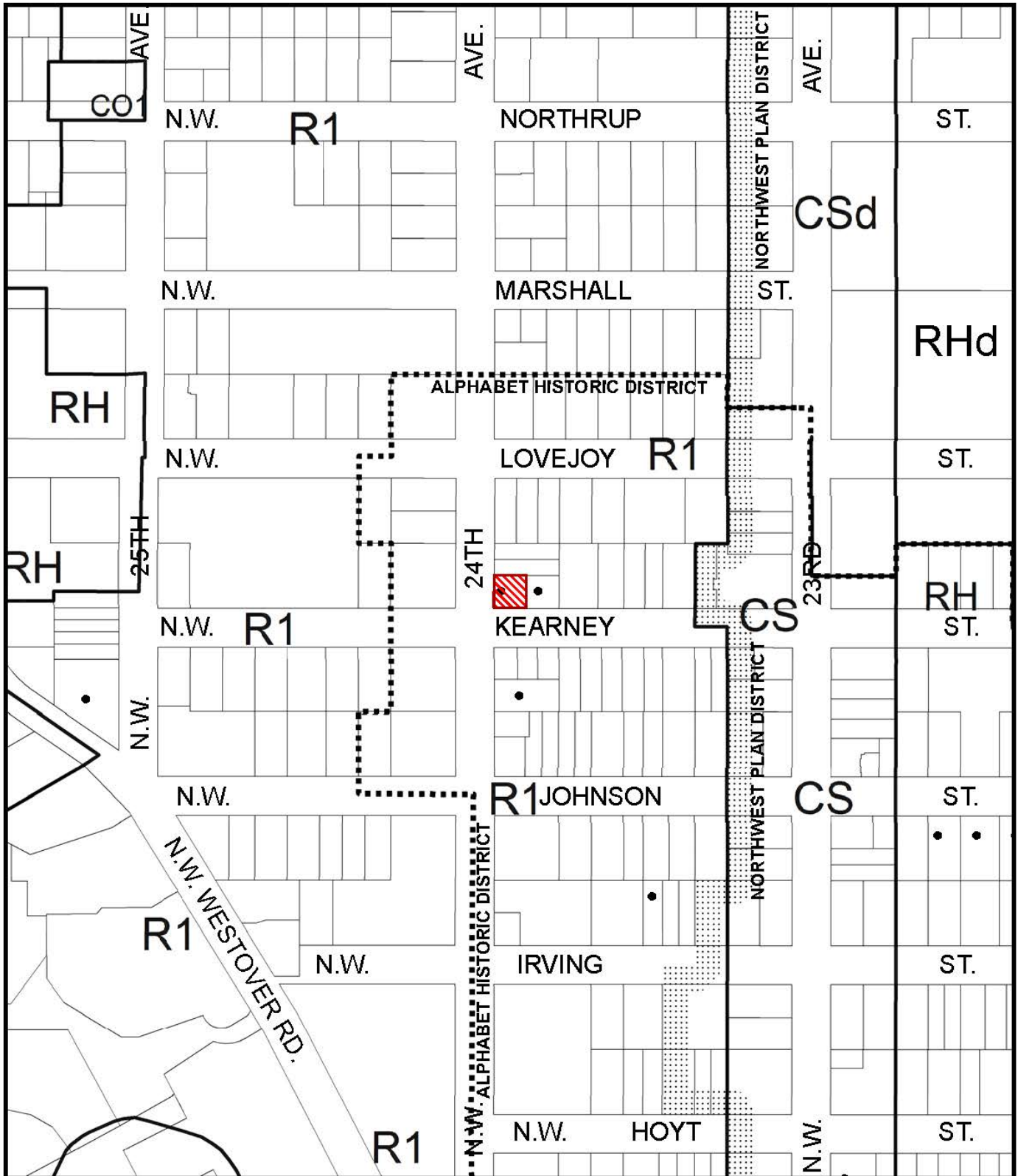
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site Plan (attached)
  2. East Elevation Demolition
  3. East Elevation (attached)
  4. East Elevation – Detail
  5. South Elevation Demolition
  6. South Elevation (attached)
  7. Rail Details
  8. Newel Post and Fence Details
  9. Existing and New Rail Details
  10. New Guardrail Details
  11. Eco-Priora paver information
- D. Notification information:

1. Mailing list
  2. Mailed notice
- E. Agency Responses:
1. Water Bureau
  2. Site Development Review Section of BDS
  3. Life Safety Review Section of BDS
  4. Bureau of Parks, Forestry Division
- F. Correspondence: none received
- G. Other:
1. Original LU Application
  2. Incomplete Letter

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**





# ZONING



Site



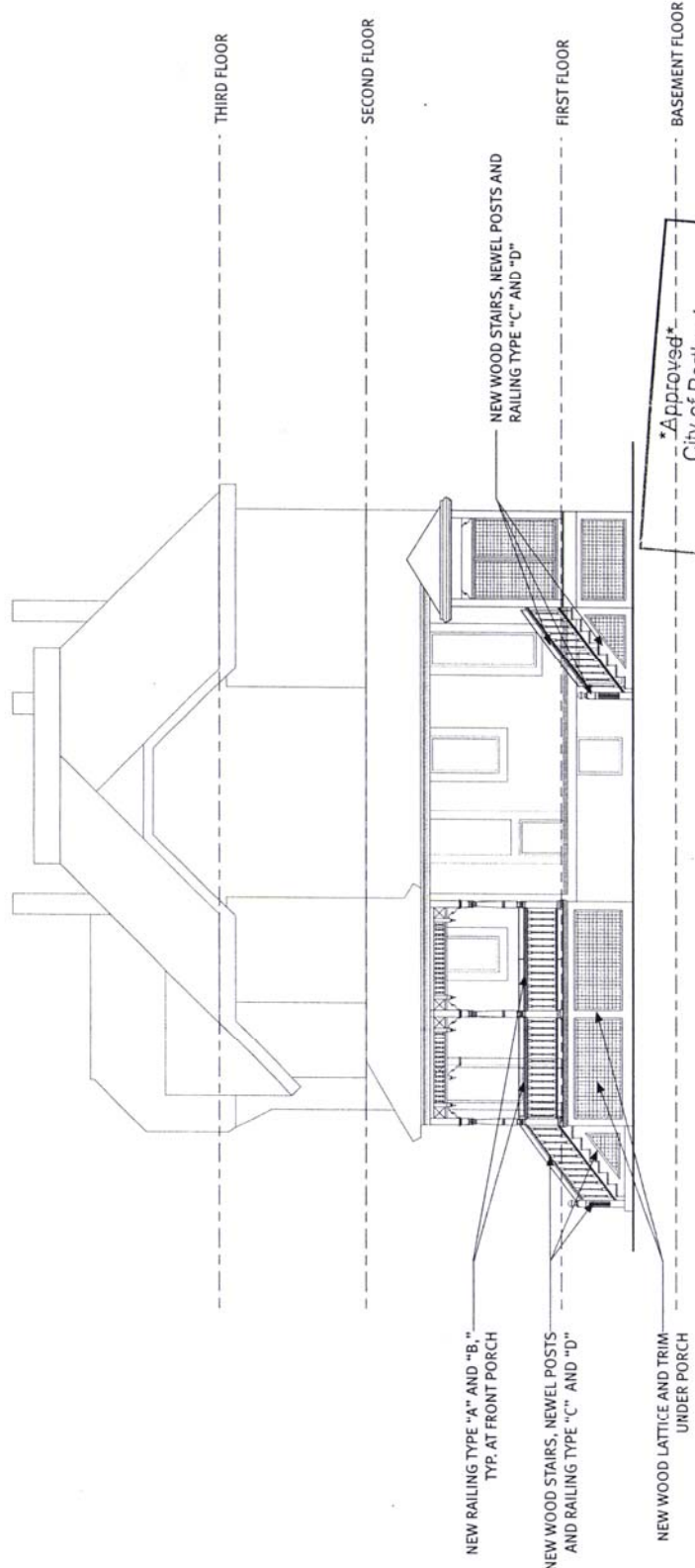
Historic Landmark



This site lies within the:  
**ALPHABET HISTORIC DISTRICT**

File No. LU 13-212028 HR  
 1/4 Section 2927  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E33BC 10800  
 Exhibit B (Oct 10, 2013)





EAST  
ELEVATION

A8.0

**\* Approved \***  
 City of Portland  
 Bureau of Development Services  
 Planner *[Signature]*  
 Date 11/21/13

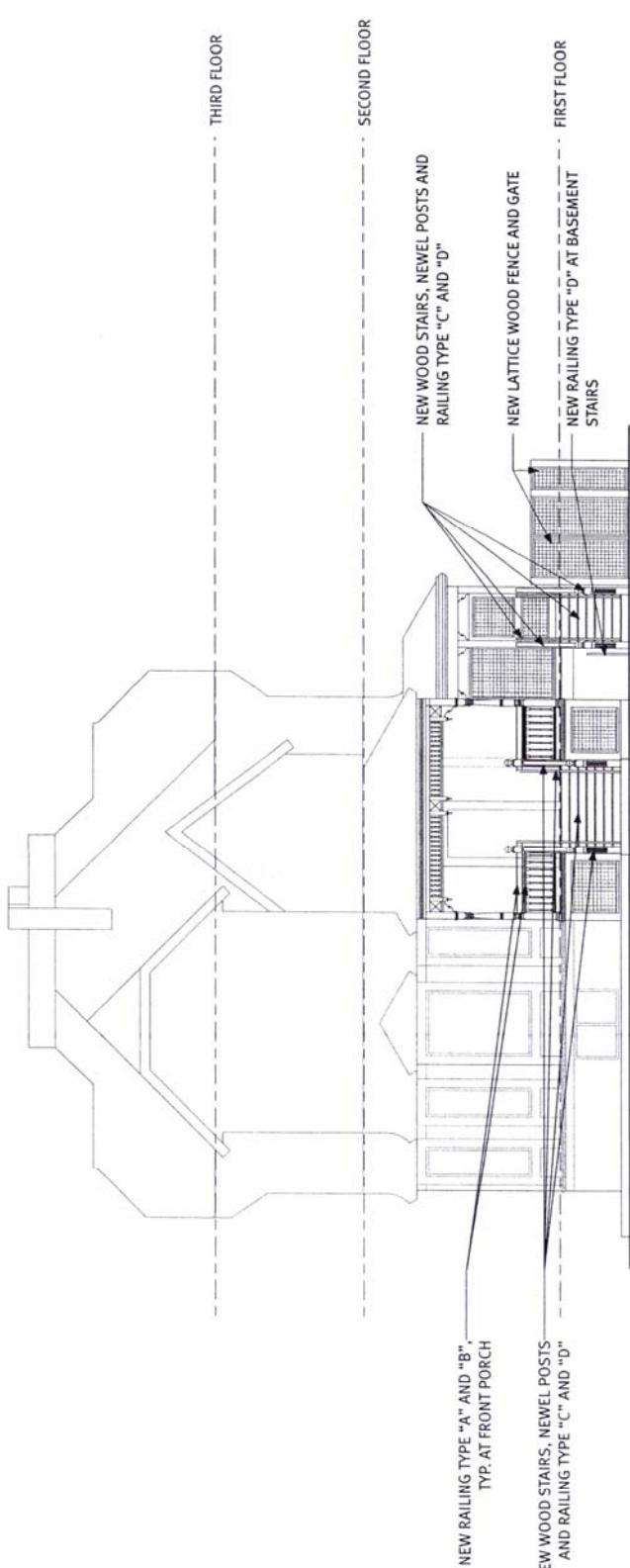
\* This approval applies only to the reviews requested and is subject to all applicable zoning requirements may apply.

Kearney House Exterior Improvements  
 2387 NW Kearney Street, Portland, OR

30 September 2013

**Hennebery Eddy  
 Architects**

CASE NO. CU 13-212028HR  
 EXHIBIT C3



CASE NO LU13-212028 HP  
 EXHIBIT CG

\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner [Signature]  
 Date 11/2/13

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

SOUTH ELEVATION

A9.0

30 September 2013

Hennebery Eddy Architects

Kearney House Exterior Improvements  
 2387 NW Kearney Street, Portland, OR