



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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Date: October 14, 2011
To: Interested Person
From: Mark Bello, Land Use Services
503-823-7810 / Mark.Bello@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 11-173588 HDZ
TARPLEY HOUSE EXTERIOR ALTERATION

GENERAL INFORMATION

Applicant: Keith Davis
10740 SW Lancaster
Portland, OR 97219

Barbee Lyon
2520 NW Westover Rd
Portland, OR 97210-3109

Joan Kruse
2520 NW Westover Rd
Portland, OR 97210-3109

Matthew Roman
Roman Design LLC
107 SE Washington St
Suite#227
Portland, OR 97214

Site Address: 2520 NW WESTOVER RD

Legal Description: TL 5800 0.20 ACRES HISTORIC PROPERTY 15 YR 2008 POTENTIAL
ADDITIONAL TAX, SECTION 32 1N 1E

Tax Account No.: R941320080

State ID No.: 1N1E32AD 05800

Quarter Section: 2926

Neighborhood: Hillside, contact Mark Lerner at 503-241-4825, Northwest District,
contact John Bradley at 503-313-7574.

Business District: None

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

Other Designations: Listed in the National Register of Historic places, as the Louse and
Bessie Tarpley House, on August 23, 2007.

Zoning: R7, residential 7000 with Historic Resource Protection overlay
Case Type: HDZM, Historic Design Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission

PROPOSAL: The applicant is seeking Historic Design Review approval to install a new guardrail that will replace an existing deteriorated guardrail at the existing second floor deck. No original historic material would be altered. A drawing is attached to this notice.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are contained in zoning code section 33.846.060 G – Other Approval Criteria.

ANALYSIS

Site and Vicinity: The Tudor Revival style Louis and Bessie Tarpley house was completed in 1907. The house is significant as a well preserved and locally distinctive example of the Tudor Revival style with Arts and Crafts style element. The primary (east-facing) entrance faces NW Westover Road. (Proposed exterior alterations are planned on this façade.) The façade is symmetrical with a central one and one-half story porch covering about one-half of the central part of the house. The first floor porch has full height paneled posts and a low balustrade with arched cut-out blusters and fir floor. A wide crown moulding finishes the porch interior. Above the low pitched roof, the open second story level has shorter paneled posts and a plain balustrade with square wooden baluster. (It is this architectural element that is proposed for alteration.) However, the existing railing is constructed with modern materials and there are no historic drawings or photographs available to indicate changes over the years. See Exhibit C-3 for more details.

The site is located where NW Westover Road doubles back, forming a V. The house is thus located on a through lot that overlooks Portland and Mt. Hood to the east. The Tarpley House is just to the west of the grid plan in NW Portland. Much of this area is contained within the Alphabet Historic District and is zoned medium and high density residential or storefront commercial. This site and the hillside behind to the west is zoned and developed single family residential. The Hillside neighborhood now consists of many century-old houses distinguished by fine design and craftsmanship.

Zoning: The Residential 7,000 (R7) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. Minimum lot size is 4,200 square feet, with a minimum width and depth dimensions of 40 feet and 55 feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 7,000 square feet of site area.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **September 16, 2011**. The following Bureaus or Agencies have responded with no issues or concerns:

1. Bureau of Environmental Services
2. Bureau of Transportation Engineering and Development Review
3. Water Bureau
4. Fire Bureau
5. Site Development Review Section of BDS
6. Bureau of Parks, Forestry Division
7. Life Safety Plans Examiner, BDS

8. State Historic Preservation Office

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on September 16, 2011. 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 a designated Historic Landmark. Therefore the proposal requires historic design review approval. The relevant approval criteria are listed in 33.846.060 G. 1-10.

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

G. Approval criteria based on the Standards of the Secretary of the Interior:

1. Historic character. The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided;

Findings: No historic building fabric will be altered. The existing deteriorated railing is a contemporary installation which replaced the original design. Elements of the railing, such as the top rail and pickets are constructed of modern stock dimensional lumber. Exhibit C-3 lists other aspects that indicate that this is not the historic railing. There may be an original structural post still remaining. There are no photographs available to determine the original condition so new designs shall refer to equivalent architectural elements still extant on the first floor. *This criterion is therefore met.*

2. Record of its time. The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided;

3. Historic changes. Most properties change over time. Those changes that have acquired historic significance will be preserved;

Findings for 2 & 3: The original historic rail was replaced some time ago. Inappropriate construction details not in keeping with the historic resource are noted on Exhibit C-3. No changes which have historic significance are being altered by the proposal. There are no photographs to document the original railing design or construction. As the applicant can confirm that the original door remains, there was likely a railing here, but not up to current building code standards. No conjectural features or architectural elements are proposed. No changes with historic significance are being altered. *These criteria are therefore met.*

4. Historic features. Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and

other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence;

5. Historic materials. Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used;

6. Archaeological resources. Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken;

Findings for 4, 5, & 6: Architectural element design, color and other features will take clues from existing appropriate elements on the ground floor with the exception that like the existing railing, the new railing will conform to building code height and spacing requirements.

The structural support posts for the railing newel posts may be original. These posts are concealed behind layers of contemporary finish. The structural posts will be retained if found to be in good condition. All other material is clearly not original and in poor condition. No alterations of historic features are proposed.

Historic materials will be protected during construction. The proposed work does not require alteration to surrounding original finishes. No archeological materials are present on site. *These criteria are therefore met.*

7. Differentiate new from old. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old;

Findings: Unfortunately, with the possible exception of concealed support posts there are no historic materials to preserve. However, the new rail will conform to modern building code required dimensions. The railing will be higher and the picket spacing will be closer than historic dimensions. A modern railing height of 36" off the finished deck will be maintained. A maximum 4" opening will be used for the picket space clearly differentiating it from the original first floor historic standards (see Exhibit C-4). The pickets will be milled from standard 2 x 4 dimensional cedar. Modern concealed fasteners will be used. *This criterion is therefore met.*

8. Architectural compatibility. New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource;

Findings: The new railing incorporates details found on the existing first floor historic standards. The rail cap and base will match the original detail. The picket design is an adaptation of the first floor picket profile. The scale of the picket is intended to reflect the Tudor/Craftsman architectural style of the house. *This criterion is therefore met.*

9. Preserve the form and integrity of historic resources. New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired; and

Findings: No changes to the form and integrity of the resource are proposed. The existing railing is a replacement of an earlier design. The proposed new rail can be

replaced in the future without affecting the historic character of the building. *This criterion is therefore met.*

10. 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.

Findings: The proposed alterations are designed to be compatible with the primary resource. The proposal is of comparable high construction quality typical of adjacent properties. The house is not located in an historic district. *This criterion is 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 proposed alteration of the James Hickey House is presented in a thoughtful manner, careful to maintain the historic and architectural integrity of the house while correcting a contemporary treatment of the second story railing. Material that can be preserved will be preserved. This proposal meets the applicable Historic Design Review guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a new second story balcony on the east façade of the Tarpley House, a Portland Historic Landmark; per the approved site plans, Exhibits C-1 through C-4, signed and dated October 13, 2011, 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.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-173588 HDZ . No field changes allowed."

Staff Planner: Mark Bello

Decision rendered by:  **on October 10, 2011**

By authority of the Director of the Bureau of Development Services

Decision mailed: October 14, 2011

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 2, 2011, and was determined to be complete on **September 14, 2011.**

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 2, 2011.

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: January 12, 2012.**

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 October 28, 2011** 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 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 **October 31, 2011**.
- 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. Proposed Railing Detail and Plan View (attached)
 3. Existing Railing Report (attached)
 4. Original Railing Detail, 1st Floor and Proposed Railing (attached)
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 3. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of BDS
 6. Bureau of Parks, Forestry Division
 7. Life Safety Plans Examiner, BDS
 8. State Historic Preservation Office
- F. Correspondence: none
- G. Other:
1. Original LU Application
 2. Site History Research
 3. National Register of Historic Places Registration Form

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).

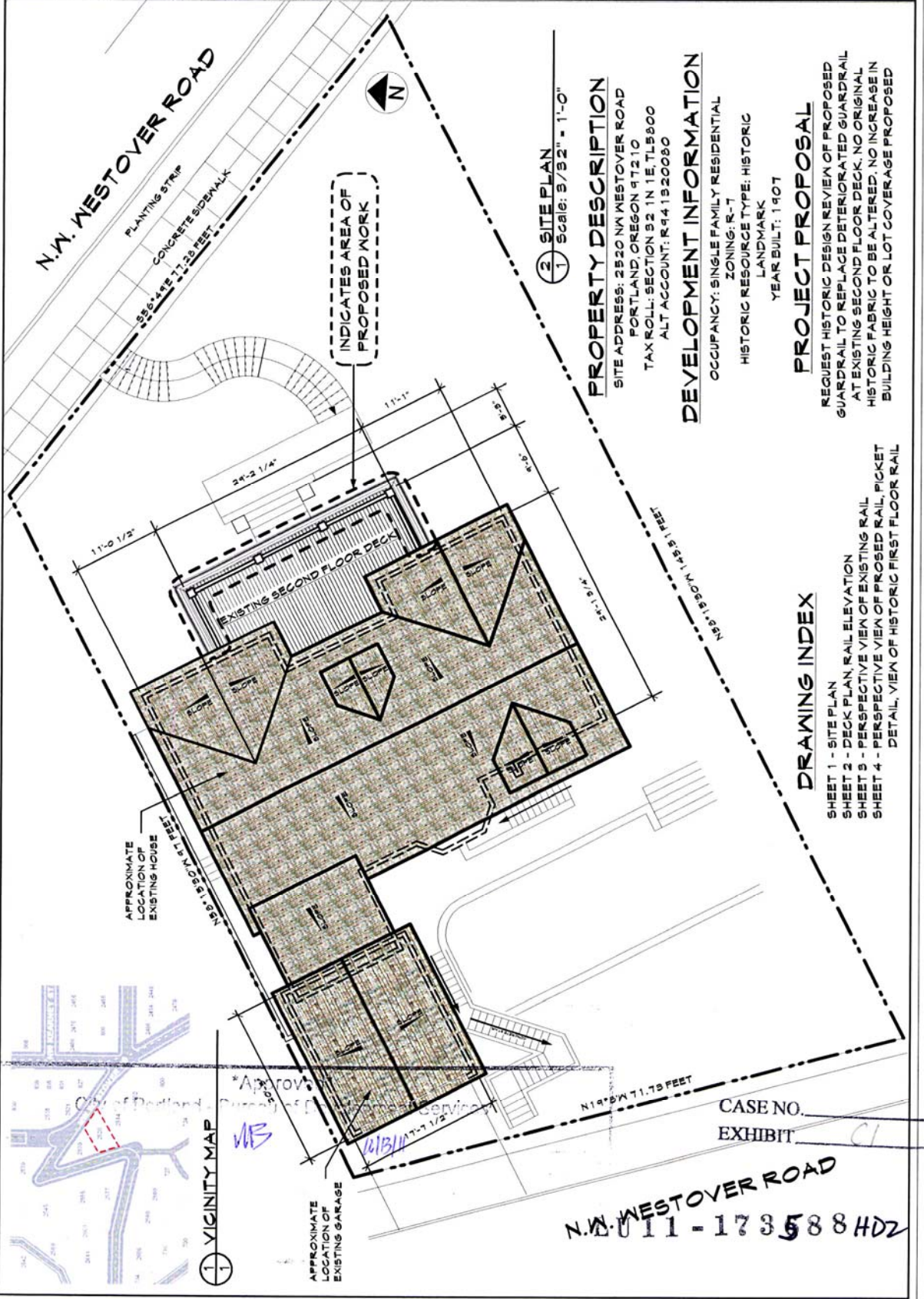


Historic Landmark

Exhibit B (Sep 12, 2011)

(Sep 12, 2011)

ISSUE NOTES FOR CONSTRUCTION FOR DESIGN REVIEW - NOT	NO. DATE A 8-30-11	NO. DATE A 8-30-11	PROJECT NO. 107 SE WASHINGTON ST. # 227 PORTLAND, OREGON 97214 ROMAN DESIGN LLC 503-498-6045	PROJECT NO. 107 SE WASHINGTON ST. # 227 PORTLAND, OREGON 97214 ROMAN DESIGN LLC 503-498-6045	DRAWING NO. 1 SHEET 1 OF 4
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CUSTOM NENEL CAP WITH PROFILE AS NOTED. PROVIDE PAINTED METAL FLASHING GAP

NEW METAL FLASHING CAP WITH HEMMED DRIP EDGE. PANT TO MATCH EXISTING WOOD TRIM TYPICAL.

CUSTOM TOP RAIL TO MATCH PROFILE OF EXISTING FIRST FLOOR HOUSE STANDARD

CEDAR PICKETS AS NOTED WITH 4" MAXIMUM SPACE BETWEEN. SEE PICKET DETAIL S ON SHEET 4

CUSTOM CEDAR NENEL POST WRAP 7 1/8" X 7 1/8" SQUARE (NO RECESSED PANEL) VERIFY CONDITION OF ORIGINAL STRUCTURAL POST.

CUSTOM CEDAR BOTTOM RAIL WITH CHAMFERED EDGES AS PER FIRST FLOOR HOUSE STANDARD. SLOPE TOP TO PREVENT STANDING WATER.

EXISTING 2 X 6 NOOD DECKING MODIFIED AS REQUIRED AT NEW NENEL POSTS AND RE-PAINT AS REQUIRED.

EXISTING CONCEALED GUTTER, NO CHANGE PROPOSED

DECK AND MEMBRANE CONDITION TO BE VERIFIED

*** Approved ***

PROPOSED RAILING - DETAIL

Approved: 10/13/14
Date: 10/13/14

**CASE NO. 16-173588
EXHIBIT C2**

1 PROPOSED RAILING - DETAIL
2 Scale: 2" = 1'-0"

**2 PLAN VIEW CASE NO. 16-173588
EXHIBIT C2**
Scale: 1/4" = 1'-0"

Issue Notes

No. Date

A 8-30-11 ISSUE FOR DESIGN REVIEW - NOT FOR CONSTRUCTION

Project Title: RAILING DESIGN FOR PORTLAND OREGON 97210

Design Firm: ROMAN DESIGN LLC

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PROJECT # 903-498-60495

DRAWN BY: ROMAN

CHECKED BY: ROMAN

DATE: 8-30-11

DESIGNED BY: ROMAN

REVISIONS: NONE

PROJECT ID: B-20-11

PROJECT NAME: PORTLAND OREGON 97210

PROJECT LOCATION: 107 SE WASHINGTON ST., # 227

PORTLAND OREGON 97210

SECOND FLOOR RAILING DESIGN PROPOSAL

AS NOTED

PLAN VIEW

SCALE: 1/4" = 1'-0"

CASE NO. 16-173588

EXHIBIT C2

APPROVED: 10/13/14

Date: 10/13/14

LU11-1735884D-2

THE NEWEL POST FINISH MATERIALS
APPEAR TO BE MODERN
DIMENSIONAL LUMBER AND TRIMS

THE EXISTING TOP RAIL IS
CONSTRUCTED OF MODERN STOCK
DIMENSIONAL LUMBER. NOTE THE
BOARD HAS CONCEALED CUPPED
FACE WHICH COLLECTS WATER. NOT
AN ORIGINAL HISTORIC DETAIL

THE PICKETS ARE MODERN
DIMENSIONAL LUMBER SPACED
EXACTLY 4" APART. THE SPACINGS
AT THE END OF EACH SECTION IS
REDUCED AS REQUIRED FOR
STOCK CONSTRUCTION. NOT AN
ORIGINAL HISTORIC DETAIL

NOTE THE DADO CUT INTO THE
BOTTOM RAIL CAP TO SECURE THE
PICKETS. THE EXISTING FILLETS ARE
INSTALLED TOO LOW ALLOWING
WATER TO COLLECT. NOT AN
ORIGINAL HISTORIC DETAIL.

THE EXISTING BOTTOM RAIL IS A
COMPOSITE CONSTRUCTION OF
MODERN STOCK DIMENSIONAL
PARTS. THERE IS NO RESEMBLANCE
TO THE ORIGINAL FIRST FLOOR
RAIL.

THE EXISTING GUARDRAIL IS
INSTALLED 96" ABOVE THE
FINISHED LEVEL OF THE 2 X 6
DECKING. THE DECKING IS NOT AN
ORIGINAL FINISH MATERIAL. THE
RAIL HEIGHT CORRESPONDS TO A
MODERN CODE STANDARD



1 EXISTING 2ND FL. RAILING



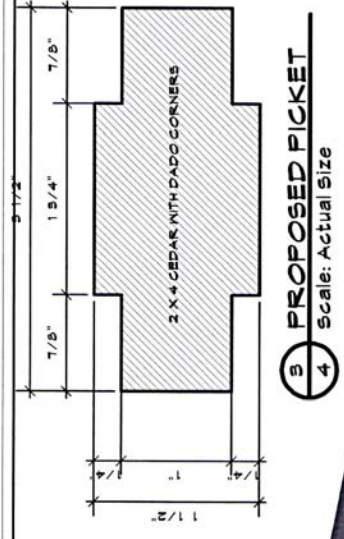
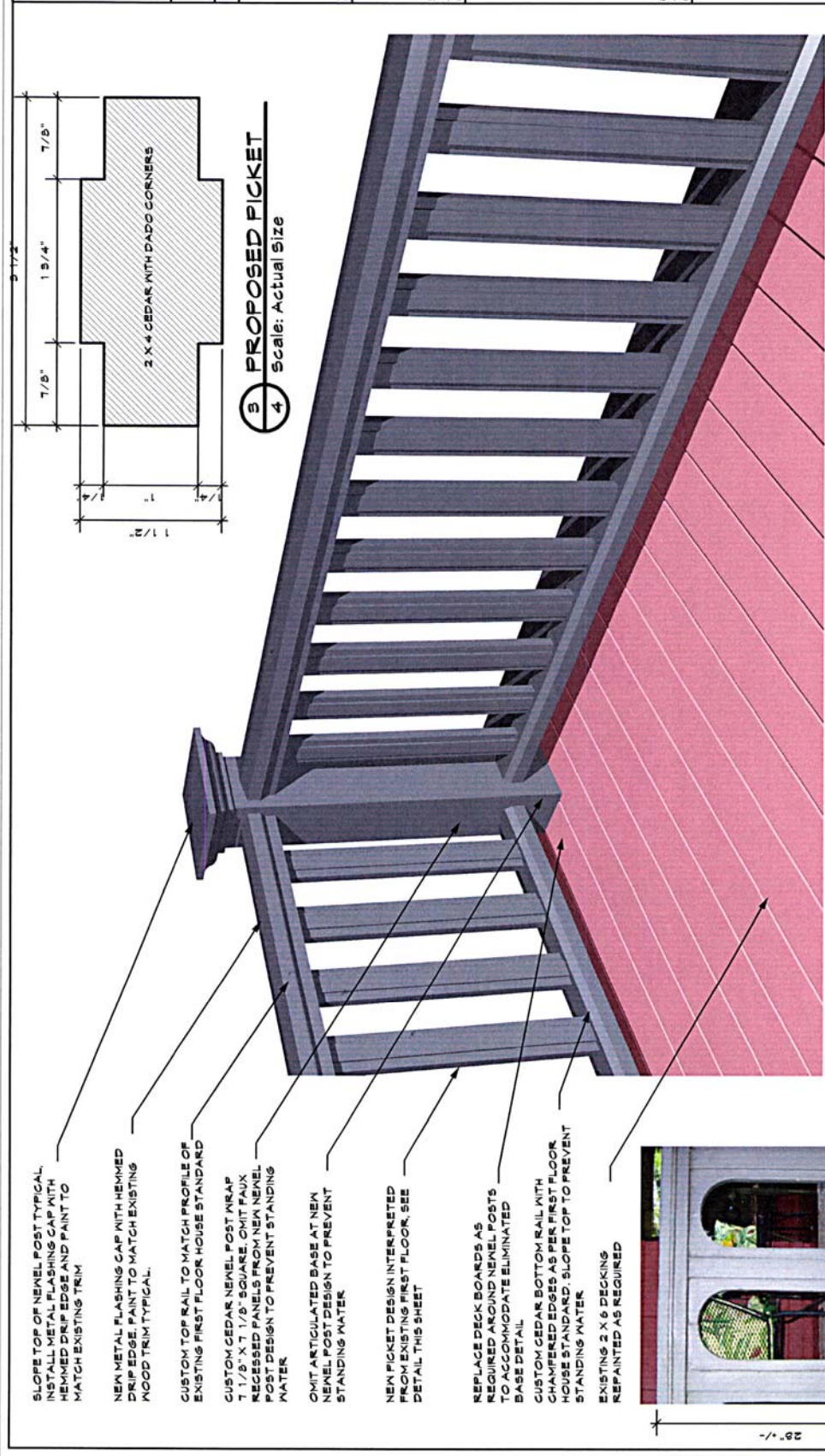
2 EXISTING RAILING - PERSPECTIVE VIEW NOTING CONTEMPORARY MATERIALS

City of Portland - Bureau of Development Services
Planner: WB Date: 10/13/11
* This is a preliminary drawing and is not to be used for construction.

LU 11-173588
HDZ

CASE NO. 11-173588
EXHIBIT C3

Project Title RAILING DESIGN FOR 1230 NW WESTOVER ROAD PORTLAND OREGON 97210		Drawing No. AS NOTED	
Project Location 107 SE WASHINGTON ST. # 227 PORTLAND, OREGON 97214		Revision 4	
Project Manager ROMAN DESIGN LLC		Revision 3	
Designed By ROMAN		Revision 2	
Approved By ROMAN		Revision 1	
Checked By ROMAN		Revision 0	
Project ID B-50-11		Revision 0	
Issue Notes ISSUE FOR DESIGN REVIEW - NOT FOR CONSTRUCTION		Issue Notes ISSUE FOR DESIGN REVIEW - NOT FOR CONSTRUCTION	



2 PROPOSED RAILING - PERSPECTIVE VIEW

1 ORIGINAL RAIL DETAIL @ 1ST FL.

Project Title RAILING DESIGN FOR PORTLAND WESTOVER ROAD PORTLAND OREGON 97210	Design Firm ROMAN DESIGN LLC 107 SE WASHINGTON ST. # 227 PORTLAND, OREGON 97214 503-498-6049	Copyright © 2011 ROMAN DESIGN LLC - THESE DRAWINGS ARE THE PROPERTY OF ROMAN DESIGN LLC AND ARE NOT TO BE REPRODUCED OR REPRODUCED WITHOUT WRITTEN PERMISSION OF ROMAN DESIGN LLC	Project Manager Submitted By Checked By Drawing Code Project ID Revision Date B-20-1	No. A	Date 8-20-11	Issue Notes ISSUE FOR DESIGN REVIEW - NOT FOR CONSTRUCTION
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AS NOTED

4 of 4

Planner: WB Date: 10/13/11

City of Portland - Bureau of Development Services

LU 11 - 173588HDZ

CASE NO. 24

* This application applies only to the reviews requested and to any conditions of approval. Additional zoning requirements may apply. EXHIBIT