



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

FROM CONCEPT TO CONSTRUCTION

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**FINAL FINDINGS AND DECISION BY THE
HISTORIC LANDMARKS COMMISSION
RENDERED ON June 23, 2014**

CASE FILE: LU 14-148251 HL
Historic Landmark Designation
Moreland/Smith/Cohn House
PC # 14-148242

BDS Staff: Hillary Adam / 503-823-3581 / Hillary.Adam@portlandoregon.gov

GENERAL INFORMATION

Applicant: Erik Opsahl, Applicant
1845 NW 23rd Pl / Portland, OR 97210

Owner: Gregg Opsahl & Hana Opsahl
1845 NW 23rd Pl / Portland, OR 97210

Site Address: 825 NW 22ND AVE

Legal Description: BLOCK 2 LOT 2, KINGS 2ND ADD
Tax Account No.: R452300220
State ID No.: 1N1E33BD 14400
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.
Plan District: Northwest
Other Designations: Contributing Resource in the Alphabet Historic District, listed in the National Register of Historic Places on November 16, 2000.

Zoning: RH – High Density Residential
Case Type: HL – Historic Landmark Designation Review
Procedure: Type III, with a public hearing before the Historic Landmarks Commission. The decision of the Historic Landmarks Commission can be appealed to City Council.

PROPOSAL

The applicant is seeking a designation of the property as a Portland Historic Landmark. Historic Designation Review is required in order to obtain this status. No physical alterations to the subject property are currently proposed.

RELEVANT APPROVAL CRITERIA

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

- 33.846.030.C *Approval criteria*

ANALYSIS

Site and Vicinity: The subject property is located on the west side on NW 22nd Avenue between NW Jonson and NW Kearney Streets. It is a 2½-story house, listed as the Edwin F. James House, a Secondary Contributing resource in the Alphabet Historic District. It is also listed as a Rank III property in the City’s Historic Resource Inventory. Designed in the Craftsman style by a yet-to-be-identified architect, the building was constructed in 1906 and has had some minor alterations, most of which were made to accommodate its adaptation to a boarding house during World War II and then a conversion to a 3-unit apartment house in 1976. Staff notes that while City records show a 1976 Variance to reduce the side yard, north, from the required 6 feet to 4 feet in order to erect a 3-unit apartment”, staff notes that the 1-story extension at the northwest corner of the building appears on the 1908-1909 Sanborn maps and is, therefore, probably original or a very early addition to the building. Exterior alterations include: a security covering over the front door and addition of porch railings at the east façade, replacement of some windows on the north façade, the addition of a rear upper level doors, and construction of an exit stair and decks which primarily affect the north and rear façades.

The following description is from the Alphabet Historic District National Register nomination:

“This multi-family residence occupies an elevated corner lot on NW 22nd Avenue and Kearney Street, facing east on NW 22nds Avenue. The two and one-half story, wood frame building has a rectilinear plan, a concrete foundation, and a gabled roof. The roof has wide, overhanging eaves, exposed rafters, and vergeboards. The exterior is surfaced with narrow, lapped wood siding at the first and second stories. The gable is shingled. The main entrance is located on the west (sic) façade under a gabled entrance portico. Wide vergeboards, exposed rafters, and half-timbering embellish the portico. The full-width porch has an open-rail balcony with square pedestals at the corners. The front door has a wood frame filled in with tongue-and-groove siding. There are several window types. At the first story, there are tripartite windows with nine-over-one, double-hung wood sash. At the second story, there are two bays with one-over-one, double-hung, wood sash windows and modillions. At the third story, there is a triangular bay with a flat, shingled roof. Two end-wall brick chimneys are present at the north and south elevations. Alterations include replacement of the front door at an unknown date.”

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 High Density Residential (RH) is a high density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are 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. Newly created lots in the RH 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 that prior land use reviews include the following:

- VZ 181-76 – Zoning Variance to reduce the north side yard from 6'-0" to 4'-0" during conversion to 3-unit apartment;
- EA 14-148242 PC – Pre-Application Conference for the current proposal to designate the property a Portland Historic Landmark.

Agency Review: A "Request for Response" was mailed **May 22, 2014**. The following Bureaus have responded with no issues or concerns:

- Site Development Division of BDS
- Life Safety Division of BDS
- Fire Bureau
- Water Bureau
- Bureau of Transportation
- Urban Forestry Division of Parks & Recreation
- Environmental Services Bureau

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 3, 2014. At the time of publication of this report, staff had not received any comments from notified neighbors or recognized organizations.

ZONING CODE APPROVAL CRITERIA

33.846.030 Historic Designation Review

Purpose. The Historic Designation Review is a process for the City of Portland to designate Historic Landmarks, Conservation Landmarks, Historic Districts, or Conservation Districts. This review does not affect a property or district's listing on the National Register of Historic Places. These provisions promote the protection of historic resources by:

- Enhancing the city's identity through the protection of the region's significant historic resources;
- Fostering preservation and reuse of historic artifacts as part of the region's fabric; and
- Encouraging new development to sensitively incorporate historic structures and artifacts.

Approval criteria. Proposals to designate a historic resource as a Historic Landmark, Conservation Landmark, Historic District, or Conservation District will

be approved if the review body finds that all of the following approval criteria are met:

1. Significant value. The resource has significant historical or architectural value, demonstrated by meeting at least three of the following:
 - a. The resource represents a significant example of a development, architectural style, or structural type once common or among the last examples in the region;
 - b. The resource represents a significant work of a developer, architect, builder, or engineer noted in the history or architecture of the region;
 - c. The resource represents a particular material, method of construction, quality of composition, or craft work which is either associated with the region's history or which enriches the region's character;
 - d. The resource is associated with culture, activities, events, persons, groups, organizations, trends, or values that are a significant part of history;
 - e. The resource is associated with broad patterns of cultural, social, political, economic, or transportation history of the region, state, or nation;
 - f. The resource significantly contributes to the historic or cultural development of the area or neighborhood;
 - g. The resource symbolizes a significant idea, institution, political entity, or period;
 - h. The resource retains sufficient original design characteristics, craft work, or material to serve as an example of a significant architectural period, building type, or style;
 - i. The resource significantly contributes to the character and identity of the neighborhood district or city;
 - j. The resource includes significant site development or landscape features that make a contribution to the historic character of a resource, neighborhood, district, or the city as a whole;
 - k. The resource represents a style or type of development which is, or was, characteristic of an area and which makes a significant contribution to the area's historic value; or
 - l. The resource contributes to the character of a grouping of resources that together share a significant, distinct, and intact historic identity.

Findings for 1: The applicant has provided responses to the approval criteria suggesting that the subject property meets the significant value criteria listed under “a”, “d”, “h”, “i”, and “k”. Staff agrees with the applicant’s reasoning and would add that the property also meets criterion “e”. As noted in the description provided by Elizabeth O’Brien, the building, particularly at its most public front façade, exhibits a nearly unadulterated Arts and Crafts/ Craftsman character. Specific features include a half-timbered half-width gable porch with an open porch extending across the south half of the façade, pairs of projecting bay 9-over-1 windows at the 2nd level which connect to a full-width projecting third floor featuring a triangular bay flanked with small wood sashes under a bracketed gable roof with flared eaves and exposed rafters. Minimal exterior alterations have occurred, excepting

the addition of a rear stair and deck with upper level rear doors and some window alterations. Because of the paved parking lot to the north of the property, these alterations are relatively visible from the street, but ultimately, do not detract from the character of the resource.

The British Arts and Crafts movement began in the mid-1800s and continued into the early 1900s as a response to, and rejection of, the industrialization of design and manufacturing. The philosophy aimed for a return to traditional craftsmanship and a reconnection of the maker to that which was made. Naturally, arts and architecture created in this manner was more costly, making it a style limited to the wealthy. In America, the movement developed more pragmatically, allowing the aesthetic of the movement to be attainable to those with more moderate incomes, notably with the development of the Craftsman bungalow. In addition, the Craftsman style was exhibited, through the construction of several homes in Northwest, as part of the 1905 Lewis and Clark Exposition and became a popular style with the wealthy as it allowed for houses with unique character. Such is the case with neighborhoods, like Northwest Portland, which developed as streetcar suburbs for wealthier residents.

The owner and tenant history of the house is a microcosm of the development of Northwest Portland. The attached nomination form describes the house as being built as a speculative venture by Judge Julius Moreland and Abigail Moreland. It was then purchased by the widow of a wealthy hotelier, Elizabeth Margaret Smith, with the longest tenancy in the first half of the 20th century being with Jennie and Eugene Cohn, who owned Cohn Brothers Furniture with his bother Marcus. During WWII, Grace Bourhill converted the house to accommodate up to five boarders. The increased density was common in larger houses in Portland during the war period, as housing was in demand for shipyard workers.

As noted in the nomination document, Jennie and Eugene Cohn began their Portland residency in South Portland, a neighborhood with a strong Jewish community, but migrated to Northwest Portland as they became more prosperous. This was a common trend in South Portland, where many people, particularly of Jewish descent, located in Portland upon their arrival, and eventually moved out of the neighborhood, as their situations improved or following large-scale public improvements projects.

Because the subject property is a unique example of the Craftsman style with a high level of integrity and has a history representative of broader social patterns in Portland, these criteria are met.

2. Appropriate level of protection. The proposed designation is appropriate, considering the historical or architectural value of the resource and other conflicting values. Levels of protection are Historic Landmark designation, Conservation Landmark designation, Historic District designation, Conservation District designation, and no designation; and

Findings for 2: The house is currently listed as a contributing resource in the alphabet Historic District. The property is zoned RH (High-Density Residential) which allows an FAR of 2:1 and a maximum height of 75 feet. While the contributing status of the building offers some protection against demolition, elevating the status of this building to a local Landmark will allow the owners to transfer FAR to an alternate property, thus alleviating any potential development pressure. Transfer of FAR is an incentive only provided to Landmark properties; contributing resources in historic districts do not have this option.

Because the property owners are seeking a higher level of protection, this criterion is met.

3. Owner consent.

- a. For Historic Landmark or Conservation Landmark designation, the property owner must consent, in writing, to the Historic Landmark or Conservation Landmark designation;
- b. For Historic District or Conservation District designation, all owners of property in the district must consent, in writing, to the Historic District or Conservation District designation at the time of designation.

Findings for 3: Both Gregg Opsahl and Hana Opsahl, the current owners of the property, have consented to this designation. *This criterion 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

As described above, the property is representative of social and development patterns in Portland, is architecturally significant, and has a high level of integrity, making it worthy of Local Landmark designation. With the designation, the property will be able to take advantage of special incentives for historic Landmarks, providing an additional level of protection to the property. The Commission noted that it was great that a property owner voluntarily took additional measures to protect this historic building.

HISTORIC LANDMARKS COMMISSION DECISION

It is the decision of the Historic Landmarks Commission to approve Historic Landmark Designation for the Moreland/Smith/Cohn house at 825 NW 22nd Avenue. The Commission clarified that the period of significance is 1906-1944, specifically excluding the rear stair as a significant feature.

Approval is per Exhibits C-1.

By: 
Brian Emerick, Landmarks Commission Chair

Application Filed: April 25, 2014
Decision Filed: June 24, 2014

Decision Rendered: June 23, 2014
Decision Mailed: July 7, 2014

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 April 25, 2014, and was determined to be complete on **May 20, 2014**.

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 April 25, 2014.

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. The **120 days expire on: September 16, 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. This report is the final decision of the Landmarks Commission with input from other City and public agencies.

Conditions of Approval. This approval 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.

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. **Appeals must be filed by 4:30 pm on July 21, 2014** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case by appointment at, 1900 SW Fourth Avenue, Suite 5000, Portland, Oregon 97201. Please call the file review line at 503-823-7617 for an appointment.

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 City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

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 City Council on that issue. Also, if you do not raise an issue with enough specificity to give City Council an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$1,049.00 will be charged (one-half of the application fee for this case).**

Neighborhood associations may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor.

Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

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 **July 22, 2014 – (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 must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

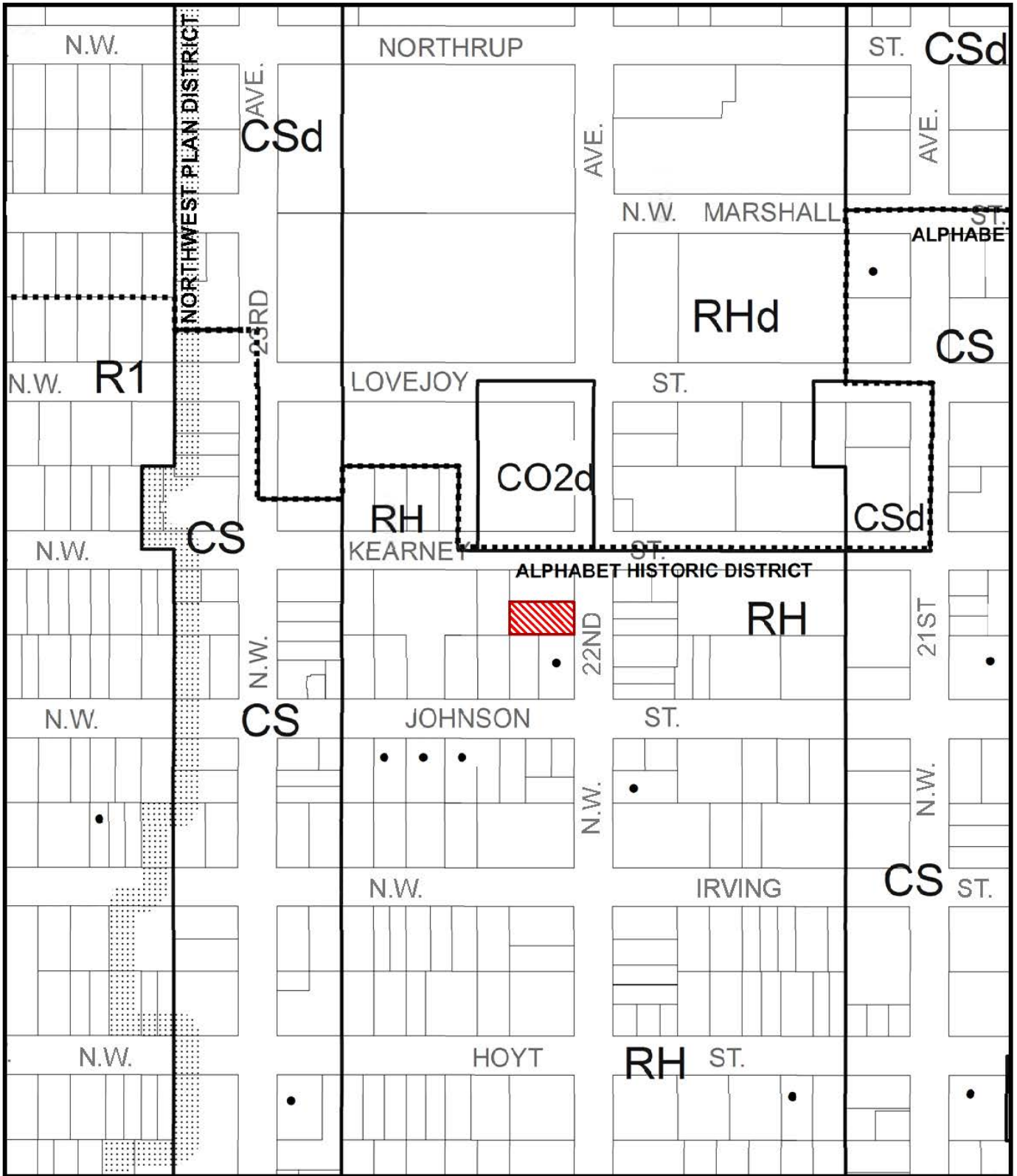
Hillary Adam
June 30, 2014

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).

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Initial Submittal
- B. Zoning Map (attached)
- C. Plans & Drawings
 - 1. Response to Approval Criteria, Photos, and National Register Form
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailed notice
 - 6. Mailing list
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation
 - 3. Portland Water Bureau
 - 4. Site Development Section of BDS
- F. Letters: none
- G. Other
 - 1. Original LUR Application
 - 2. National Register Information
- H. Hearing
 - 1. Staff Report, dated June 9, 2014
 - 2. Revised Staff Report, dated June 9, 2014
 - 3. Staff Memo, dated June 9, 2014
 - 4. Staff Presentation, June 23, 2014

cc: Applicants and Representatives
Neighborhood Associations
Those who testified, orally or in writing
City Auditor's Office



ZONING



Site



Historic Landmark



NORTH

This site lies within the:
ALHABET HISTORIC DISTRICT
NORTHWEST PLAN DISTRICT

File No. LU 14-148251 HL
 1/4 Section 2927
 Scale 1 inch = 200 feet
 State_Id 1N1E33BD 14400
 Exhibit B (Apr 29, 2014)

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Section number Photographic Continuation Sheet

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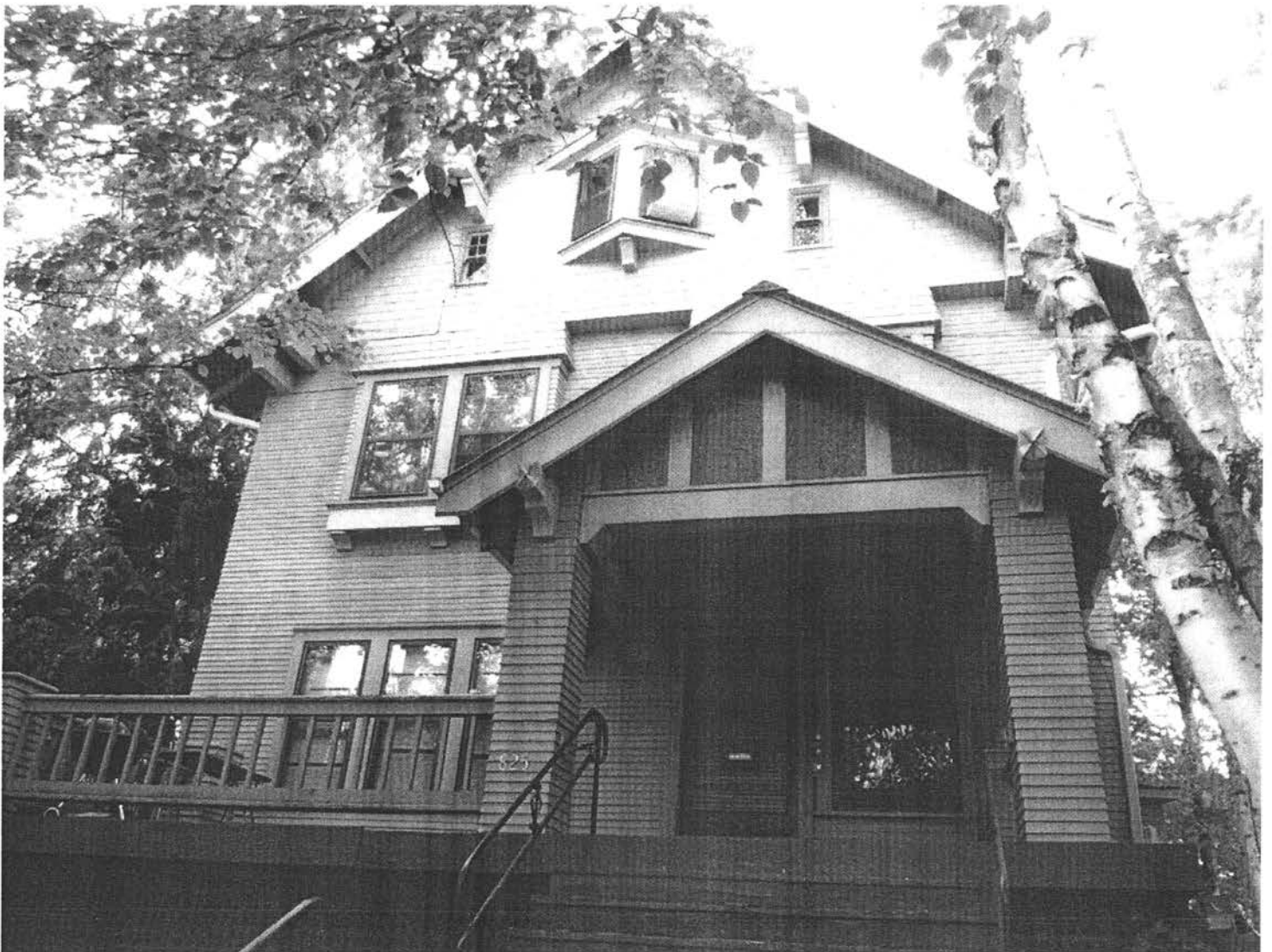


Photo 1. A view of the east façade. The view is to the west.

LW 14 -148251 HL