



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

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**Date:** 12/9/21  
**To:** Interested Person  
**From:** Staci Monroe, Land Use Services  
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## **NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has a approved proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. 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 21-049469 HR** *WINDOW REPLACEMENT & PORCH REPAIR*

#### **GENERAL INFORMATION**

**Applicant/Owner:** Edith & Sean Kahrhoff  
2005 NE 22nd Ave  
Portland, OR 97212

**Site Address:** 2005 NE 22ND AVE

**Legal Description:** BLOCK 18 S 50' OF LOT 15&16, JOHN IRVINGS 1ST ADD  
**Tax Account No.:** R430305860  
**State ID No.:** 1N1E26DD 10300  
**Quarter Section:** 2832  
**Neighborhood:** Irvington, contact Dean Gisvold at [deang@mcewengisvold.com](mailto:deang@mcewengisvold.com)  
**Business District:** Soul District Business Association, contact at [Info@nnebaportland.org](mailto:Info@nnebaportland.org)  
**District Coalition:** Northeast Coalition of Neighborhoods, contact at [info@necoalition.org](mailto:info@necoalition.org)  
**Plan District:** Albina Community  
**Other Designations:** Contributing resource in Irvington Historic District  
**Zoning:** RM2 – Multidwelling Residential zone  
**Case Type:** HR – Historic Resource Review  
**Procedure:** Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

#### **Proposal:**

The applicant requests Historic Resource Review for exterior alterations to the residence at 2005 NE 22<sup>nd</sup>, a contributing resource in the Irvington Historic District. This review is in response to a code compliance case (file number 21-009925 CC) as the work has already been done without the benefit of Historic Resource Review. The work includes:

- Replace a window at the southeast corner of the house with a new wood window; and
- On the front porch:
  - Replace majority of decking - Mahogany, 3.5"x1/2", 8' long boards

- Siding - (narrow horizontal wood board
- Handrails - Fir with 8"x8" posts with decorative knewel caps, 3"x3" spindles and 2"x10" railing.

The proposal also includes replacing the existing stair railing at the front steps to match the porch railing.

These alterations do not meet the exemptions of Section 33.445.320.B, therefore Historic Resource Review is required.

**Relevant Approval Criteria:**

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

- Other Approval Criteria - Section 33.846.060.G

## ANALYSIS

**Site and Vicinity:** The 5,000 SF lot is located on the west side of NE 22<sup>nd</sup> Avenue between Tillamook and Hancock Streets. The house sites central on the property. The 2-½ story Foursquare house was built in 1907 with a large front porch, horizontal wood cladding and wood windows. The house is considered contributing in the Irvington Historic District.

**Zoning:** The RM2 zone is a medium-scale multi-dwelling zone that is generally applied in and around a variety of centers and corridors that are well-served by transit. Allowed housing is characterized by buildings of up to three or four stories with a higher percentage of building coverage than in the RM1 zone, while still providing opportunities for landscaping and outdoor spaces that integrate with residential neighborhood characteristics. The major types of new housing development will be a diverse range of multi-dwelling structures and other compact housing that contribute to the intended urban scale of centers and corridors, while providing transitions in scale and characteristics to lower-scale residential neighborhoods.

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:

- LUR 94-011634 CU – Conditional Use approval in 1994 to operate a bed and breakfast.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on 11/2/21. Given the small scope of the work City Bureaus did not provide comments.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on 11/2/21. Two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Meryl Logue, emails dated 11/20/21, 11/10/21, 11/4/21, stating concerns with the replaced elements.
2. Dean Gisvold, representing ICA, email dated 11/14/21, stating concerns with the replaced elements and items in the record.

*Staff Response:* While findings below address the compatibility of the replaced elements (which was a concern raised in the letters), Staff wants to clarify a statement in the letters received.

- *The railing that exists on the front stair was noted as being original and should be the basis for the design of the newer porch railing. However, staff notes that the entire front porch, including stairs and railings, were all rebuilt in 2007 (see image in Exhibit G4). This rebuild was before the Irvington Historic District was designated; therefore a historic resource review did not occur nor was required. It is unlikely that the stair railing that exists is original to the house for the following reasons: the entire front porch was rebuilt and the existing stair railing and the porch railing that was replaced are/were taller than typical railing heights of this period.*

## **ZONING CODE APPROVAL CRITERIA**

### **Chapter 33.846.060 - Historic Resource Review**

#### **Purpose of Historic Resource Review**

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

#### **Historic Resource Review Approval Criteria**

Requests for Historic Resource 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 within the Irvington Historic District and the proposal is for non-exempt treatment. Therefore, Historic Resource Review approval is required. The approval criteria are those listed in 33.846.060 G – *Other Approval Criteria*.

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

### **33.846.060 G - Other Approval Criteria**

- 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.
- 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.
- 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.
- 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.
- 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.

**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.

**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 proposal meets these criteria as follows:

- The porch railing, new window, decking and porch siding complement the architectural features and materials that characterize the type (Foursquare), style and period (1907) of the house.
  - The window complements the existing windows (both original and replacement) in terms of material (wood), operation (double hung), profile, inset and trim. While there is evidence that original windows on the house included an ogee lug detail on the bottom of the upper sash, a number of windows have been replaced throughout the house over the years that do not include the sash detail. The replaced wood window matches other newer wood windows on the house and this lack of detail differentiates the newer elements from the original. The window is white while the other windows on the house are a beige/pewter color. A condition of approval has been added to paint the exterior of the window to match the color of the other windows on the house.
  - The details of the original porch railing cannot be determined as the entire front porch, including the railing was rebuilt. The railing that exists on the stairs was likely installed with that remodel. That said, there are a variety of porch railing designs for traditional Foursquares, including narrow spindles, wider spindles, and solid walls. The 8"x8" posts and 3"x3" spindles, decorative knewel caps and straightforward railing design complement the heftiness of the porch cover posts and the bracket details under the eaves and are not that dissimilar from those found on Foursquares. The applicant will replace the stair railing to match the porch railing details for a coherent treatment on the entry porch.
  - The new wood decking does not appear incongruous with decking from the early twentieth century or house type. The replacement siding on the exterior face of the porch matches that on the house.
- None of the proposed changes alter any elements of historic significance.
- No historic materials are proposed *to be* removed with this proposal. It cannot be determined if the window, porch railing, decking or siding previously removed were original.
- The property does not have any deteriorated historic features that need to be repaired or replaced. The proposed alterations will match with the existing details and retain the original features of the house.
- The integrity of the primary structure and resource will be preserved with the proposed alterations, as there are no changes proposed to the building's footprint, form, or overall massing.
- The window, decking, siding and railing reflects details of the existing house, which uses details and materials common to properties within the Irvington Historic District.

*As conditioned, these criteria are 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 requirements of Title 11 can be met, and 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 Resource 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 Resource Review criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of window replacement and front porch alterations, per the approved site plans, Exhibits C-1 through C-4, signed and dated 12/7/21, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 21-049469 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. The exterior of the replacement window at the southeast corner of the house shall be painted to match the color of the other windows on the house.
- D. No field changes allowed.

**Staff Planner: Staci Monroe**



**Decision rendered by:** \_\_\_\_\_ **on 12/7/21**

By authority of the Director of the Bureau of Development Services

**Decision mailed: 12/9/21**

**Procedural Information.** The application for this land use review was submitted on May 20, 2021, and was determined to be complete on 10/26/21.

*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 May 20, 2021.

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 extended by the applicant, **the 120 days will expire on 2/23/22.**

**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.

**This decision, and any conditions associated with it, is final.** It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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).

**Recording the final decision.**

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **12/9/21** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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 for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Existing window detailed section
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Photo (attached)
  - 3. Porch Railing details
  - 4. Window sections
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: none
- F. Correspondence:
  - 1. Meryl Logue, emails dated 11/20/21, 11/10/21, 11/4/21, stating concerns with the replaced elements.
  - 2. Dean Gisvold, representing ICA, email dated 11/14/21, stating concerns with the replaced elements and items in the record.
- G. Other:
  - 1. Original LU Application
  - 2. Letter of Incomplete dated 6/1/21
  - 3. 180-day Void Notice dated 10/14/21
  - 4. Pre-work photos
  - 5. Email correspondence between Staff and applicant
  - 6. Email correspondence between Staff and applicant
  - 7. Email correspondence between Staff and applicant

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