Amanda Fritz, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: November 1, 2013
To: Interested Person
From: Staci Monroe, Land Use Services
503-823-0624 / staci.monroe@portlandoregon.gov

NOTICE OF A TYPE I 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 it to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, OR 97301-1283. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 13-211521 HR – SOLAR PANEL INSTALLATION ON A GARAGE ROOF

GENERAL INFORMATION

Applicant: Jennifer Hall, Synchro Solar
1339 SE 8th Ave, Suite B /Portland, OR 97214

Owner: Paul and Susan Dupont
3125 NE 27th Ave / Portland, OR 97212-2523

Site Address: 3125 NE 27th Avenue

Legal Description: BLOCK 6 TL 12500, IRVINDALE **Tax Account No.:** R419400910
State ID No.: 1N1E25BB 12500 **Quarter Section:** 2733
Neighborhood: Alameda, contact Jim Brown at 503-284-6455.Irvington, contact Dean Gisvold at 503-284-3885.
Business District: North-Northeast Business Assoc, Joice Taylor at 503-445-1321.
District Coalition: NE Coalition of Neighborhoods, Shoshana Cohen at 503-388-5004.
Zoning: R5: Single-Dwelling Residential 5000, with Historic Resource Overlay
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 is seeking Historic Resource Review approval to install new solar panels on the garage of a contributing single-family residence within the Irvington Historic District. Specifically, the proposal includes:

- Install ten (10) new solar panels, each measuring approximately 5'-0" long by 3'-5" wide by 0'-1" high on the side-facing (south) façade of the residential detached garage roof. The panels will project no more than 0'-8" off the face of the roof, and are parallel to the roof pitch. The existing detached garage is set back approximately 70'-0" from the right-of-way, and the south-facing portion of the garage roof is mostly obscured by the residence from the street. The panels are black and less reflective than vision glass.

Historic Resource Review is required because the proposal is for non-exempt exterior alteration and new construction in a historic district.

Relevant Approval Criteria:
In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The relevant approval criteria are:

- 33.846.060 G Other Approval Criteria

ANALYSIS

Site and Vicinity: The subject property is a two-story single-family house in the Twentieth Century English Cottage style. It was built in 1938 and is evaluated as a contributing resource in National Register of Historic Places documentation for the Irvington Historic District.

Platted in the late Nineteenth Century, today's Irvington Historic District represents the first additions to Portland that employed restrictive covenants from the outset. These included the exclusion of most non-residential uses from the interior of the neighborhood, and where non-residential uses were allowed, such as the fire station and the telephone exchange, the buildings were purposely disguised to appear more residential in character. Other deed restrictions excluded minority groups, established uniform front setbacks, and required minimum expenditure on new buildings. The area developed generally from southwest to northeast and its growth was greatly influenced by the installation of streetcar lines that introduced an easy commuting option to downtown.

The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival modes of the early decades of the Twentieth Century, to a few early modernist examples. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally face. The named east-west street block faces are more consistent in length, almost all being traditional 200' Portland blocks. All are lined with mature street trees. Original development in many cases included garages or other accessory structures, typically facing side streets on corner lots and accessed by a variety of driveway types on mid-block sites. Garages that were added within the historic period, were sometimes built at the sidewalk and/or out of architectural character with the house.

Zoning: The single-dwelling zones, including R5, are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing.

The Historic Resource Protection Overlay zone 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 there are no prior land use reviews for this site.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on October 10, 2013. Given the small scope of the proposal, no bureau responses were provided.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on October 10, 2013. Two written response have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Dean Gisvold (Irvington Community Association Land Use Chair), October 22, 2013, no objections to the proposal.

2. Claude Landauer (neighbor), October 13, 2013, in support of the proposal and included concerns about the review and noticing requirements for such projects.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846.060 - Historic Design 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.

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.

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 for 1, 8, and 10:** Because the proposed photovoltaic solar panel array represents a type of residential development that did not even exist during the historic period for which the Irvington Historic District is recognized, the focus of this proposal and review has been on minimizing its visibility and conspicuousness, particularly as viewed from the street. The new panels are placed on the side-facing façade of the detached garage roof which is mostly obscured by the primary residence from the street. This portion of the garage roof faces the residential backyard, and should have negligible impact on views from the street or neighboring properties. In addition, the new panels are mounted parallel to the roof surface at a modest height of 8-inches off the roof. This installation further minimizes their visual impact on the character of the garage and the residence, and makes them a compatible addition to the residential architecture of the Historic District. The careful placement of the panels on a side-facing façade of the one-story detached garage, and their low profile on the roof ensures that these new additions retain the historic character of both the residence and the Irvington Historic District. Furthermore, the panels are uniformly dark in color and set back from the roof edge in an orderly pattern. These characteristics will allow the installation to integrate with the house itself, and blend into the visually complex patterns of the neighborhood without causing a significant adverse effect on its historic character. *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 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. The project utilizes compatible materials and design elements that respect the character of the Twentieth Century English Cottage residence and the surrounding Historic District. The proposed solar panels are placed in such a manner that they should have almost no visibility from the street. This minor change to the contributing property in the Irvington Historic District supports the continued longevity of the building by helping it adapt to the residents' needs. The visual impact of the changes on the character of the residential home and the District are negligible. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of ten (10) new solar panels, each measuring approximately 5'-0" long by 3'-5" wide by 0'-1" high on the side-facing (south) façade of the residential detached garage roof in the Irvington Historic District.

Per the approved site plans, Exhibits C-1 through C-3, signed and dated 10/30/13, 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.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-211521 HR."

Staff Planner: Staci Monroe

Decision rendered by: _____ **on October 30, 2013**
By authority of the Director of the Bureau of Development Services

Decision mailed November 1, 2013

Procedural Information. The application for this land use review was submitted on October 1, 2013, and was determined to be complete on **October 8, 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 1, 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.

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. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

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.

Recording the final decision.
If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **November 1, 2013.** 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, permitees 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. Project Narrative & Responses to Approval Criteria
B. Zoning Map (attached)
C. Plans/Drawings:
   1. Site Plan (attached)
   2. Garage Elevation & Section (attached)
   3. Solar Panel Specification Sheets
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses: None.
F. Correspondence:
   1. Dean Gisvold, Irvington Community Association Land Use Chair, October 22, 2013, no objections to the proposal
   2. Claude Landauer, October 13, 2013, in support of the proposal and included concerns about the review and noticing requirements for such projects.
G. Other:
   1. Original LU Application

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).

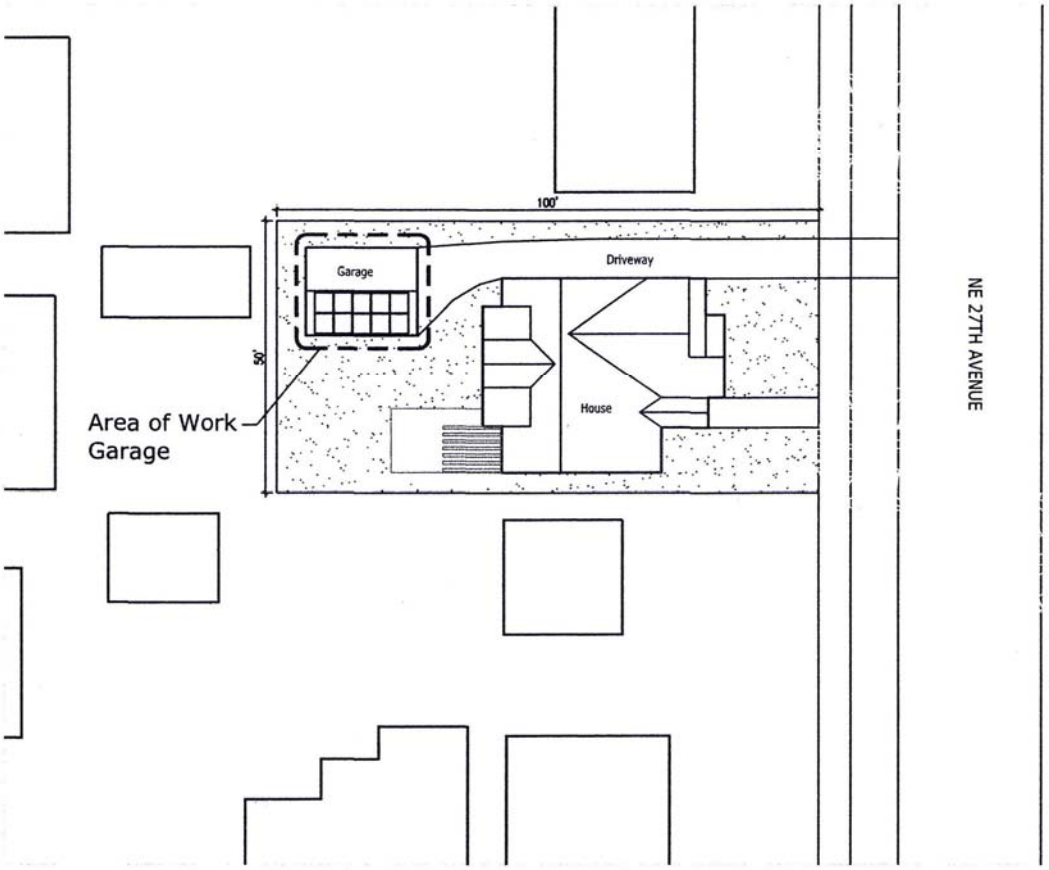
ZONING

Site

NORTH

This site lies within the:
IRVINGTON HISTORIC DISTRICT

File No. LU 13-211521 HR
1/4 Section 2733
Scale 1 inch = 200 feet
State_Id 1N1E25BB 12500
Exhibit B (Oct 03,2013)



Approved
City of Portland - Bureau of Development Services
Planner _____ Date 10/30/13
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

NORTH

1. SITE PLAN

Scale: 1" = 30'-0"

0' 15' 30' 60'

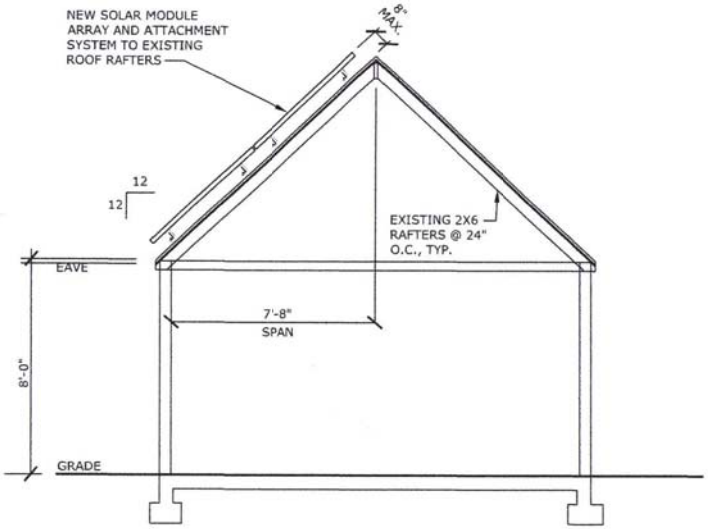
DATE
9.30.2013

PROJECT NO.

Site Plan

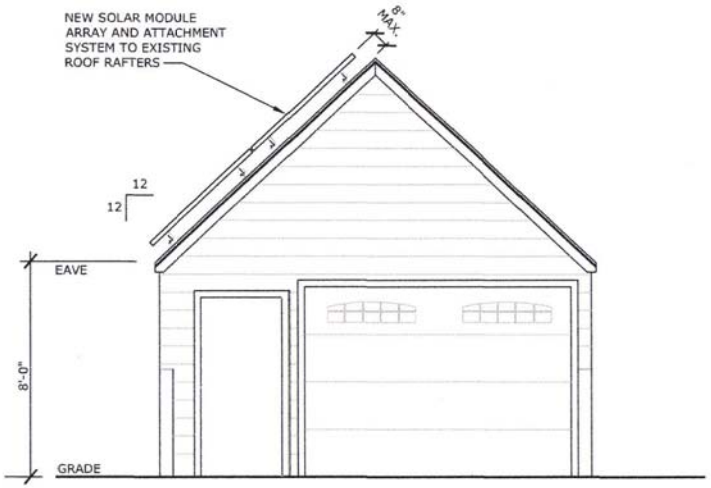
LU13-211521HR EX.C-1

Approved
City of Portland - Bureau of Development Services
Planner _____ Date 10/30/13
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



1. ROOF SECTION - GARAGE

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



2. EAST ELEVATION - GARAGE

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

LU 13-211521 HR
Ex. C-2

SYNCHRO SOLAR
SYNCHRO SOLAR LLC | OR CCB#188766
1339 SE 8th Avenue, Suite B, Portland, OR 97214
TEL: 503/ 208-4786 FAX: 503/ 232-3479

PROJECT NAME	SITE ADDRESS	DATE	PROJECT NO.
DuPONT RESIDENCE	3125 NE 27TH AVENUE PORTLAND, OR 97212	9.30.2013	

Section & Details

D.04

LU13-211521HR