



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

Chloe Eudaly, Commissioner
Rebecca Esau, Director
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Date: December 26, 2017
To: Interested Person
From: Cassandra Ballew, Land Use Services
503-823-7252 / Cassandra.Ballew@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 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 17-259902 HR – SOLAR PANEL INSTALLATION

GENERAL INFORMATION

Applicant: Shelly Roof | Elemental Energy, LLC
6819 SE Foster Road | Portland, OR 97206

Owner: Gloria Halper & Jay Moskovitz
6214 N Williams Avenue | Portland, OR 97217-2176

Site Address: 6214 N Williams Avenue

Legal Description: BLOCK 36 LOT 9, PIEDMONT

Tax Account No.: R657805550

State ID No.: 1N1E15DA 18200

Quarter Section: 2430

Neighborhood: Piedmont, contact landuse@piedmontemerald.com.

Business District: Soul District Business Association, contact at outreach@nnebaportland.org

District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

Other Designations: Contributing Resources in the Piedmont Conservation District.

Zoning: R5ah- Residential 5,000. Single-Dwelling Zone with Alternative Design Density Zone and Aircraft Landing Zone Overlays.

Case Type: HR – Historic Resource Review.

Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant seeks Historic Resource approval for the addition of two new solar arrays to the roof of the detached garage on this contributing property in the Piedmont Conservation District. The solar panel arrays are proposed on the east and west facing roof surfaces (facing the alley and the street). Both measure 110 square feet in area and will be placed within 4" of the roof surface.

Historic Resource Review is required because proposals for an alteration to the exterior of a structure in a Conservation District require a Type II Historic Resource Review, per Section 33.846.060, Table 846-4 of the Portland Zoning Code.

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:

- Community Design Guidelines

ANALYSIS

Site and Vicinity: The subject property is a 1.5 story bungalow house, built in 1914, and is considered a contributing resource in the Piedmont Conservation District, a mostly residential area of the city which developed in the early decades of the Twentieth Century. There is also a detached garage on the rear (east) portion of the property which takes access from the alleyway.

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.

Zoning: The Residential 5,000 (R5) 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 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 5,000 square feet of site area.

The Alternative Design Density "a" overlay is in place to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements.

The Aircraft Landing Zone "h" overlay provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation. A height contour map is available for review in the Development Services Center.

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 there are no prior land use reviews for this site.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **November 17, 2017**. The following Bureaus have responded with no issues or concerns:

- Life Safety Plan Review Section of BDS (See Exhibit E-1)
- Site Development Section of BDS (See Exhibit E-2)
- Fire Bureau (See Exhibit E-3)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 17, 2017. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Donna Alfano, Neighbor, November 28, 2017, wrote in support of the application. See Exhibit F-1 for details.

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 located within the Piedmont Conservation District and the proposal is for a non-exempt treatment. Therefore, Historic Resource Review approval is required. The approval criteria are the *Community Design Guidelines*.

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

Community Design Guidelines

P1. Plan Area Character. Enhance the sense of place and identity by incorporating site and building design features that respond to the area’s desired characteristics and traditions.

P2. Historic and Conservation Districts. Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area’s historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.

Findings for P1 & P2: The proposal is for two new solar arrays on the garage of this contributing property in the Piedmont Conservation District. One solar panel array, measuring 110 square feet, will be located on the eastern sloping portion of the gable roof on the garage (facing the alley). The second solar panel array, measuring 110 square feet, will be located on the western sloping portion of the gable roof on the garage (facing the N Williams Avenue). Since the garage is setback over 80 feet from N Williams Avenue, and almost 20 feet from NW Holman Street, the location and orientation of these panels on the eastern and western portions of the garage will be minimally visible. The incorporation of these elements on to an existing accessory structure responds to the area’s desired characteristics by ensuring that the main resource is not affected, and these elements are minimally visible from the street, better complementing this historic area and resource. *These guidelines are met.*

D6. Architectural Integrity. Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details,

material proportion, and character with the existing building.

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

D8. Interest, Quality, and Composition. All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

Findings for D6, D7 and D8: The proposed solar arrays will follow the pitch of the existing east and west-roof on the detached garage. They will also be mounted no more than 4 inches above the roof, thus meeting this guideline. This proposed minimal distance will ensure the arrays do not project far above the roof lessening their visibility from N. Williams Avenue, NE Holman Street the alley way. Additionally, the arrays will be setback 1'-0" from all roof edges, and the ridgeline. Therefore, this proposal is careful to respect the scale and character of the house and the surrounding district.

Furthermore, the proposed black color of all the elements of the arrays, the frame, modules, and rails, will help the arrays better blend with the existing roof, which is a dark grey shingle. With this proposal, the essential roof shape will remain intact, reducing their impact on the historic resource and the district. These alterations are proposed of high quality, durable materials (metal and wood) and therefore will not detract from the beautiful characteristics of this resource in the Piedmont Conservation District. *These guidelines 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 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

Because of the smaller extent of the arrays, their location related to the edge of the roof, their small mounting distance to the roof, their direction following the pitch of the existing roof, and their proposed color, the essential building shape and roof shape will be minimally impacted, and thus this proposal meets Community Design Guidelines. The proposal will also not detract from the bungalow characteristics of this resource in the Piedmont Conservation District, and will have minimal impact on the public realm. The proposed solar arrays will also provide renewable power to the homeowner. Furthermore, if homeowner decides to remove the solar arrays, the resource will sustain no permanent damages.

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 exterior alterations to a non-contributing resource in the Piedmont Conservation District, including:

- A solar panel array on the detached garage, measuring 110 square feet, will be located, 4" above the roof line, on the western sloping portion of the gable roof (facing the street).

- A solar panel array on the detached garage, measuring 110 square feet, will be located, 4” above the roof line, on the eastern sloping portion of the gable roof (facing the alleyway).

This approval is per Exhibits C-1 through C-4, signed and dated December 20, 2017, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 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 17-259902 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. No field changes allowed.

Staff Planner: Cassandra Ballew



Decision rendered by: _____ **on December 20, 2017**
By authority of the Director of the Bureau of Development Services

Decision mailed: December 26, 2017

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on October 23, 2017, and was determined to be complete on November 14, 2017.

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 23, 2017.

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: March 14, 2018.**

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 January 9, 2018** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **January 10, 2018** 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.

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:

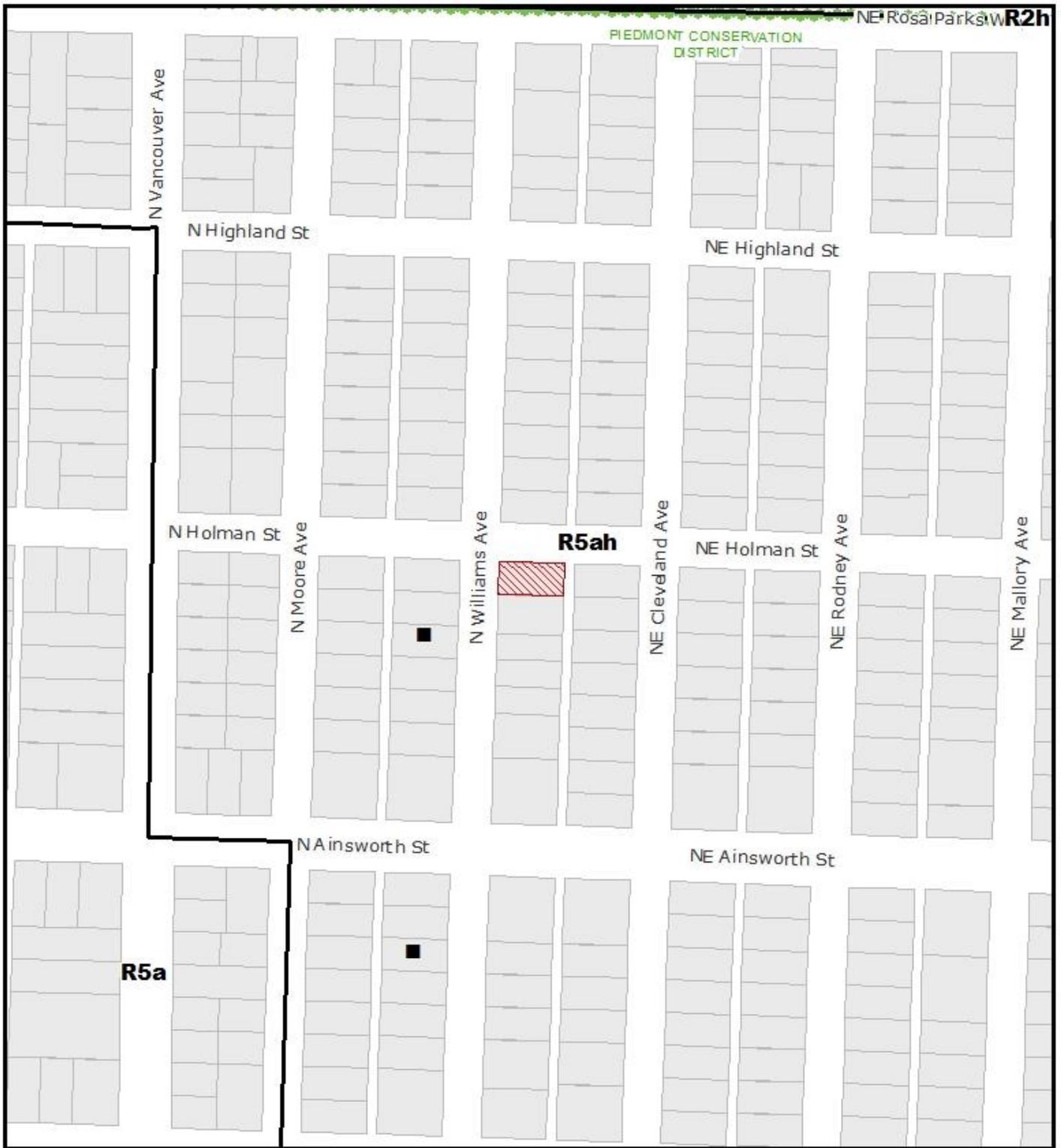
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Original Narrative
 2. Supplemental information – revised design/drawings, received December 20, 2017
 3. Copy of email correspondence regarding solar panel height, December 20, 2017
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. PV-01 Site Plan (attached)
 2. PV-02 Racking Layout-Roof Plan and Section (attached)
 3. PV-03 Racking Details
 4. PV-04 Single Line Diagram
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Life Safety Plan Review Section of BDS
 2. Site Development Review Section of BDS
 3. Fire Bureau
- F. Correspondence:
 1. Donna Alfano, Neighbor, November 28, 2017, wrote in support of the application. See Exhibit F-1 for details.
- G. Other:
 1. Original LU Application
 2. Site Research
 3. Copy of email correspondence regarding design issues, November 14, 2017
 4. Copy of email correspondence regarding solar panel height, December 20, 2017

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 
 NORTH
 THIS SITE LIES WITHIN THE:
 PIEDMONT CONSERVATION DISTRICT

-  Site
-  Historic Landmark

File No.	LU 17-259902 HR
1/4 Section	2430
Scale	1 inch = 200 feet
State ID	1N1E15DA 18200
Exhibit	B Oct 25, 2017

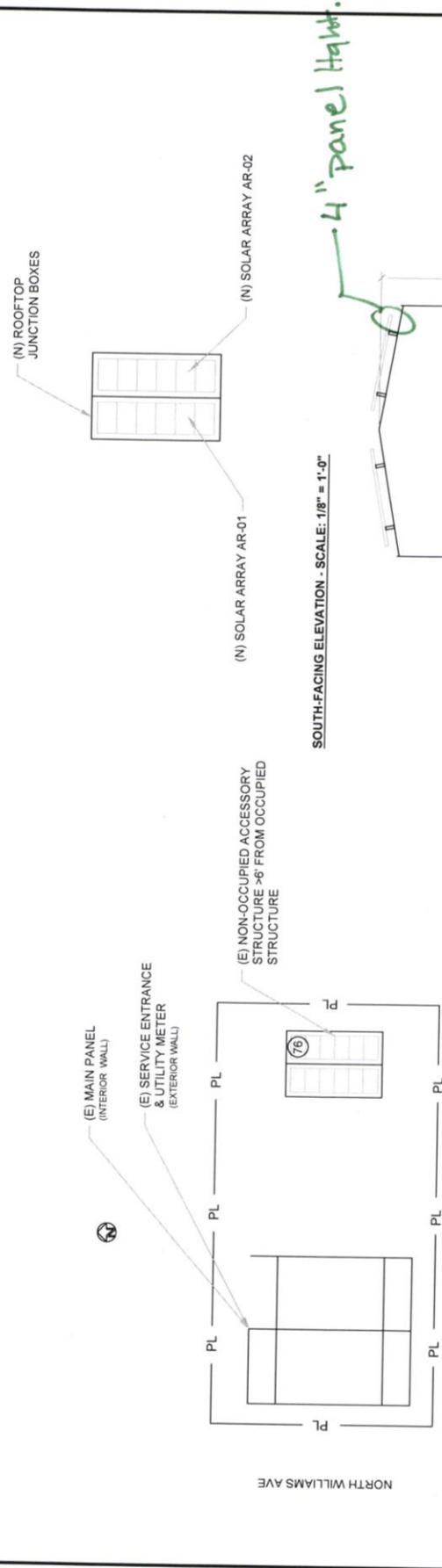
PROJECT NOTES:		SYSTEM INFORMATION		TABLE OF CONTENTS	
1. 3.940 KW DC, 3.000 KW AC SOLAR PHOTOVOLTAIC SYSTEM	ARRAY	PITCH	MAGNETIC ORIENTATION	TRUE ORIENTATION	PAGE #
2. 2 STORY COMP SHINGLE ROOF AT 10° PITCH.	AR-01	10°	285°	270°	PV-01
3. CONSULT WITH THE ARCHITECT/ENGINEER TO CONFIRM FINAL CONDUIT RUN PLACEMENT WITH CUSTOMER.	AR-02	10°	105°	90°	PV-02
4. CONTACT C. BOYCE PHONE: 503-967-5786					PV-03
5. DESIGN CRITERIA					PV-04
5.1. SYSTEM WEIGHT: 3.8LBS/SQFT.					
5.2. WIND SPEED: 90 MPH 3-SEC GUST.					
5.3. WIND EXPOSURE CATEGORY: B					
5.4. SNOWLOAD: 25 PSF					
5.5. OCCUPANCY CATEGORY: II					

OSSC 3111

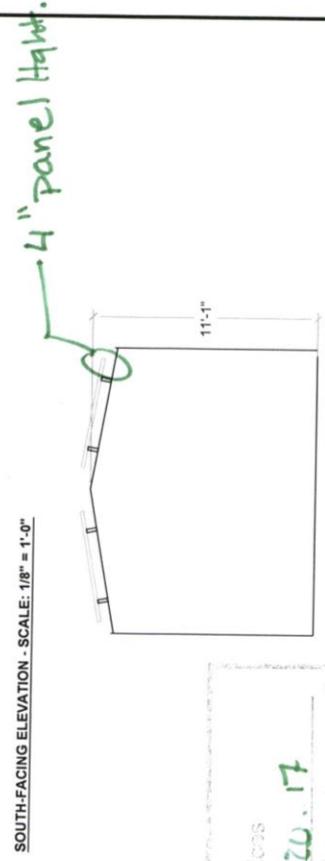
TOTAL PV ARRAY AREA: 220 FT²
 LARGEST PV SECTION: 20 FT
 ROOF SLOPE: 10°
 PV ARRAY/ROOF AREA: 82.09 %

PROPERTY LINE PLAN - SCALE: 3/64" = 10'

SITE PLAN - SCALE: 1/16" = 1'-0"



Approved by:
 Date: 12.20.17
 This plan is for review only. The reviewer is not responsible for the design or construction of the project. Additional zoning requirements may apply.



SOUTH-FACING ELEVATION - SCALE: 1/8" = 1'-0"

XX INDICATES TSRF PERCENTAGE ELECTRICAL EQUIPMENT LOCATIONS NTS

lee-long.jpg

DESIGNED BY: C. BOYCE
 CHECKED BY: J. GRIESER
 ELEMENTAL ENERGY
 OR CCB#- 195141

GLORIA HALPER
 6214 NORTH WILLIAMS AVE, PORTLAND, OR 97217

SITE PLAN & MECHANICAL
 PV-01

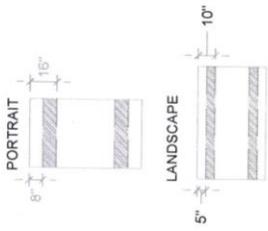
REV: B
 12/20/2017

17-259902 HE

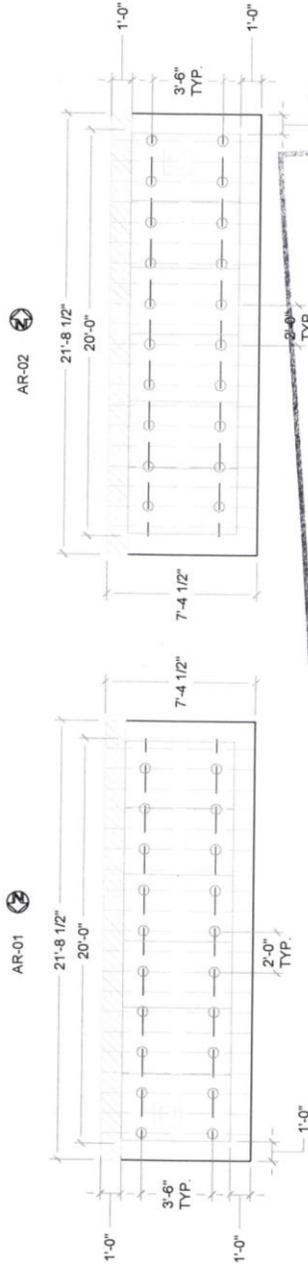
EXHIBIT C-1

RACKING & ATTACHMENT LAYOUT - SCALE: 3/16" = 1'-0"
IN-PLANE VIEW

ALLOWABLE RAIL LOCATIONS
 LG 320N1C-G4
 typ. 40" x 65" (Including Clamp Spacing)

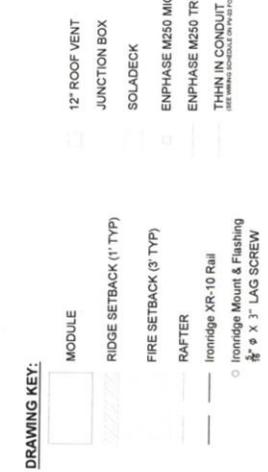


- MATERIALS NOTES TO INSTALLER:**
- (40) MOUNTING ASSEMBLIES
 - (8) END CLAMPS
 - (20) MID CLAMPS
 - (2) SOLADECKS
 - 132" RAILS
 - 168" RAILS
 - 204" RAILS
 - SPICES



Approved
 City of Portland - Bureau of Development Services
 Date 12.20.17
 Plans e. Bell
 # 17-259902
 CCB# 195141
 This drawing is valid only to the reviews requested and is subject to all City of Portland approvals. Additional zoning requirements may apply.

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



4" PANEL HEIGHT MUST BE MAINTAINED

DRAWING KEY:

- MODULE
- RIDGE SETBACK (1' TYP)
- FIRE SETBACK (3' TYP)
- RAFTER
- Ironridge XR-10 Rail
- Ironridge Mount & Flashing
- 1/8" x 3" LAG SCREW
- 12" ROOF VENT
- JUNCTION BOX
- SOLADECK
- ENPHASE M250 MICROINVERTER
- ENPHASE M250 TRUNK CABLE
- THHN IN CONDUIT
- SEE PARTS MANUAL FOR PARTS

.lee-long.jpg

DESIGNED BY: C. BOYCE
 CHECKED BY: J. GRIESER

ELEMENTAL ENERGY
 OR CCB#: 195141

GLORIA HALPER
 8214 NORTH WILLIAMS AVE, PORTLAND, OR 97217

RACKING LAYOUT

PV-02

REV. B
 12/20/2017

17-259902 HR