



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

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**Date:** February 16, 2018  
**To:** Interested Person  
**From:** Meriam Rahali, Land Use Services  
503-823-5363 / [Meriam.Rahali@portlandoregon.gov](mailto:Meriam.Rahali@portlandoregon.gov)

## **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 17-281555 HR – PERGOLA ALTERATIONS**

**Applicant:** Holly Moore | Holly Moore Design, LLC  
3560 Tempest Drive | Lake Oswego, OR 97035

**Owners:** Joseph L Squires and Stacey Marie Squires  
2711 NE 23rd Avenue | Portland, OR 97212

**Site Address:** **2711 NE 23<sup>rd</sup> Avenue**

**Legal Description:** BLOCK 11 LOT 9&10, IRVINGTON  
**Tax Account No.:** R420402250  
**State ID No.:** 1N1E26AD 12500  
**Quarter Section:** 2732  
**Neighborhood:** Alameda, contact Dave Johansen at [johansendr@gmail.com](mailto:johansendr@gmail.com), Irvington, contact Dean Gisvold at 503-284-3885.

**Business District:** Soul District Business Association, contact at [outreach@nnebaportland.org](mailto:outreach@nnebaportland.org)

**District Coalition:** Northeast Coalition of Neighborhoods, contact Jessica Rojas at 503-388-5030.

**Plan District:** None  
**Other Designations:** Contributing Resource in the Irvington Historic District  
**Zoning:** **R5**, Residential 5,000 with Historic Resource Protection 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 downsize an existing pergola from 486 square feet to 285 square feet, on the site of the 1911 William J Hofmann house, a contributing resource in the Irvington Historic District

The pergola is proposed to be 15'-3<sup>3</sup>/<sub>4</sub>" wide x 18'-7<sup>3</sup>/<sub>4</sub>" long x 9'-7" high heavy timber. It is proposed to be outside the side setback with the face of the north posts located 5'-0" from the north property line, and the edge of the rafter tail 4'-0" from the property line. The pergola is located north of the contributing house, between the contributing garage and the exterior brick wall, and 45'-3" from the east property line. It is proposed to be covered with a new clear polycarbonate honeycomb material. The applicant is also proposing to remove the existing garbage and recycling shed attached to the contributing garage, and plant additional tall shrubs along the north side of the pergola.

Historic Resource Review is required because the proposal is for a new accessory structure over 200 square feet within a Historic District.

*Note: This application is in response to an unresolved 2016 code compliance case with the previous owners of the residence. For more detail, refer to Procedural History below.*

**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:

- Criteria in Section 33.846.060.G of the Portland Zoning Code

## ANALYSIS

**Site and Vicinity:** The subject property, located at the northwest corner of the intersection of NE Knott Street and NE 23<sup>rd</sup> Avenue, is identified as a contributing resource in the National Register of Historic Places documentation for the Irvington Historic District. The residence is a two and half-story Craftsman, designed by Stokes and Zeller, and constructed in 1912. The house is mainly sided with horizontal board wood lap siding, and shake siding at the upper level only. It sits on a 10,000-square foot corner lot. The main entrance to the house is on the east side facing NW 23<sup>rd</sup> Avenue. A contributing garage sits in the northwest corner of the property.

The Portland Transportation System Plan designates NE Knott Street as a Community Transitway, City Walkway, City Bikeway, and Minor Emergency Response; and NE 23<sup>rd</sup> Avenue as Local Service Walkway, Local Service Bikeway, and Minor Emergency Response Street.

The immediate neighborhood contains a collection of predominantly single-dwelling homes with detached garages. As in other parts of the neighborhood, styles vary and include, among other styles, Craftsman, Foursquare, Arts & Crafts, colonial revival styles, and Prairie Style homes.

**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 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.

Irvington Historic District Platted in the late Nineteenth Century as the first addition to Portland that employed restrictive covenants, the Irvington area developed intensely with a mix of middle class housing types and sizes during the first two decades of the Twentieth Century. 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. These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

**Land Use History:** City records indicate that prior land use reviews include the following:

LU 17-105754 HRM - Withdrawn application of a Historic Resource Review for a 16'-4" wide x 29'-9" long x 9'-7" high pergola, and Modification to the side setback from 5'-0" to 4'-0".

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **December 28, 2017**. Two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Graig Spolek, neighbor, on December 31, 2017, wrote that the removal of the original brick wall facing NE 23<sup>rd</sup> Ave dramatically affected the appearance of the property more so than the addition of the pergola, and that the current proposal does not address those wall changes. He stated that the pergola is not consistent with the historic appearance of the property, and if historic review routinely disallows thermopane windows and solar panels visible from street, then a pergola cannot be allowed if visible from a street. Refer to Exhibit F-1 for further details.

*Staff's Response: The 2016 complaint received by BDS referred to the pergola only with its associated electrical and mechanical connections. Subsequently, the pergola was the only element reviewed in this Historic Resource Review. No original elements of the house or garage were altered or removed from the resources to allow the construction of the pergola, and the pergola would not directly affect the integrity of the resources. The only element affecting the garage was the trash and recycling shed which is proposed to be removed.*

2. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on January 10, 2018, wrote that the Land Use Committee appreciates the 40% reduction in the size of the pergola, and the fact that the pergola is outside the setback. The committee expressed concerns on the type of roof material proposed. Refer to Exhibit F-2 for further details.

*Staff's Response: Staff has addressed the approvability of the roof materials in the findings below.*

**Procedural History:**

In 2012, the previous owners of the contributing house built a 16'-4" wide x 29'-9" long x 9'-7" high heavy timber pergola, as well as installed associated gas and electrical connections, without the required Historic Resource Review, Building, Electrical, and Mechanical Permits. The accessory structure, located north of the house and between the exterior masonry fence along NE 23<sup>rd</sup> Avenue and the contributing garage, was setback 45'-3" from the front property line, and was within the 5'-0" side setback. It was covered with a dark corrugated roofing.

In 2016, the Bureau of Development Services (BDS) received a complaint about the pergola. BDS asked the owner to apply for the required land use reviews and permits. During the Historic Resource Review process, and before the decision was issued, the house was sold. The applicant, in this case the architect, withdrew the application.

After the ownership change, BDS asked the new owners to apply for the required land use reviews and permits.

## **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.

**Findings:** The designated resource is the Irvington Historic District, to which the subject property contributes historic character. Because the proposed pergola is a separate modest structure, it will not compromise the historic character of the property and thus the Irvington Historic District. In addition, the contributing structures on the property will not be negatively affected by the proposed pergola because of the adequate distance separating them from it, over 10 feet away from the residence and over 15 feet away from the garage. The trash and recycling shed, currently attached to the garage, is proposed to be removed, and no removal of historic materials is proposed. This removal will help retain the original character of the contributing garage. The location of the pergola, behind the brick wall and over 45 feet away from the sidewalk and the quality of the heavy timber will have a negligible impact on the property when seen from the sidewalk. And though the proposed pergola will still be visible from the north side of the property, its relatively small footprint, at 285 square feet, and clear cover will help mitigate any negative visual impact for the northern neighboring property. *This criterion is met.*

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

**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 8 and 10:** The rafter tail detailing, similar in design to the main contributing residence's rafter detailing but applied differently, the appropriate height of the pergola that does not obstruct the roof form of the contributing garage, and the clear roofing material, all respect the historic significance of the subject property, and do not compromise the architectural integrity of both resources.

In addition, the proposed size of the pergola, relative to the size of the contributing residence and garage, will not compromise the form, integrity, and architectural compatibility of both historic resources on the property. *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 development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

The proposed pergola in the Irvington Historic District is compatible in detailing, proportion, size, and materials with the contributing house. With its relatively small footprint, the pergola has minimum impact on the resource and no adverse effect on the Irvington Historic District. 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 a 15'-3 $\frac{3}{4}$ " wide x 18'-7 $\frac{3}{4}$ " long x 9'-7" high heavy timber pergola, located 45'-3" from the east (front) property line, and 5'-0" from the north property line to the face of the posts and 4'-0" to the edge of the rafter tails, a clear polycarbonate honeycomb roof material, tall shrubs along the north side of the pergola, and the removal of the trash and recycling shed; per the approved site plans, Exhibits C-1 through C-6, signed and dated February 12, 2018, 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 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 17-281555 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: Meriam Rahali**

*Meriam Rahali*

**Decision rendered by:** \_\_\_\_\_ **on February 12, 2018**

By authority of the Director of the Bureau of Development Services

**Decision mailed February 16, 2018**

**Procedural Information.** The application for this land use review was submitted on December 11, 2017, and was determined to be complete on December 25, 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 December 11, 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: April 24, 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.

**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 **February 16, 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.

**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:

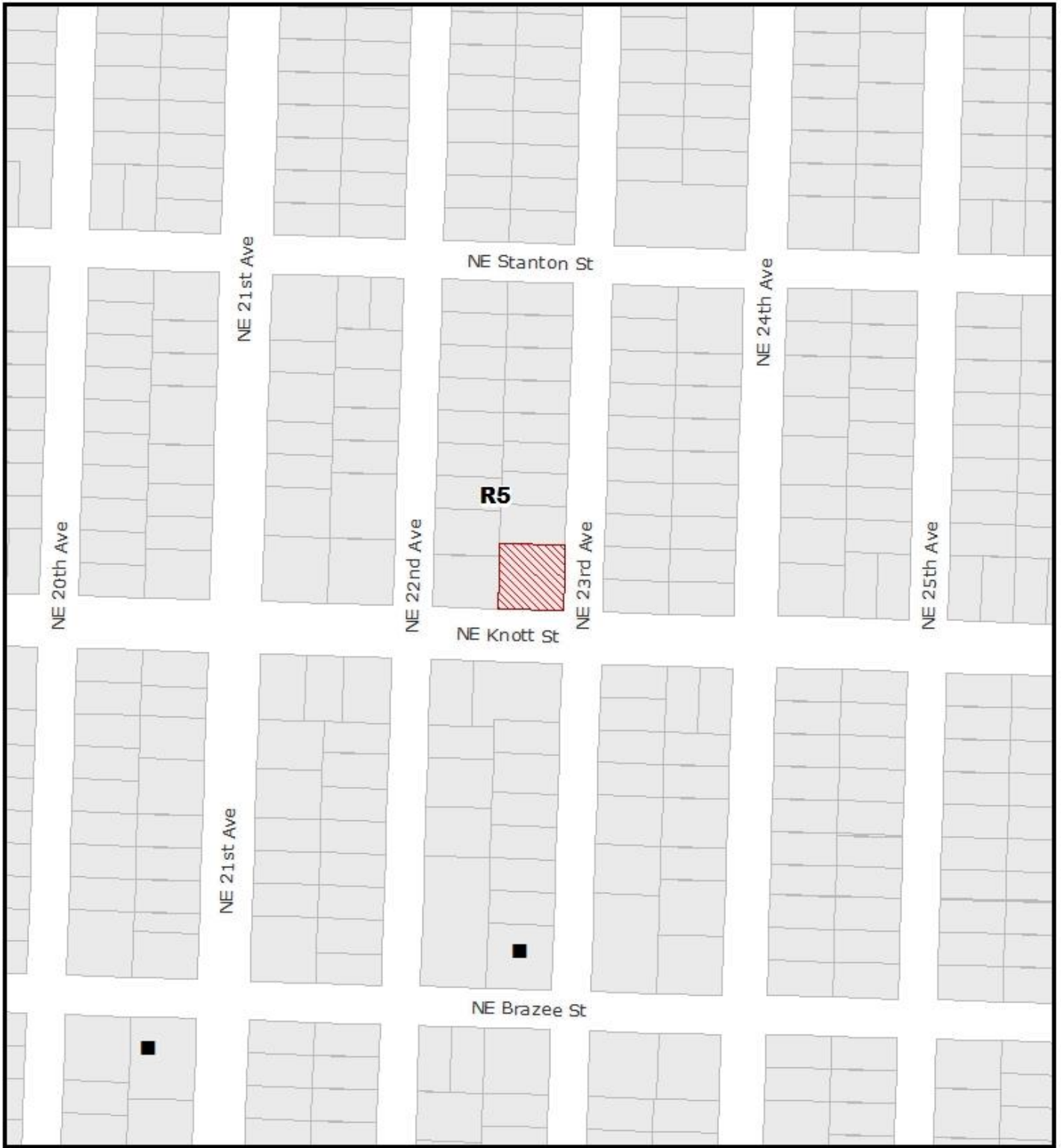
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's:
  - 1. Statement
  - 2. Original Drawings
  - 3. Email Correspondence
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Enlarged Pergola Plan
  - 3. North and South Elevations
  - 4. East Elevation
  - 5. Views
  - 6. Plan, Elevation, Section of Pergola (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. None
- F. Correspondence:
  - 1. Graig Spolek, neighbor, on December 31, 2018, wrote that he had issues with previous changes to the fence that were not addressed in this proposal.
  - 2. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on January 10, 2018, wrote that the Committee was pleased with the changes made to the pergola but had an issue with the proposed roof material.
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research
  - 3. Architectural Survey Data for Irvington Historic District
  - 4. Photos.
  - 5. Email Correspondence

**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

THIS SITE LIES WITHIN THE:  
IRVINGTON HISTORIC DISTRICT

-  Site
-  Historic Landmark

File No.	LU 17-281555 HR
1/4 Section	2732
Scale	1 inch = 200 feet
State ID	1N1E26AD 12500
Exhibit	B Dec 12, 2017

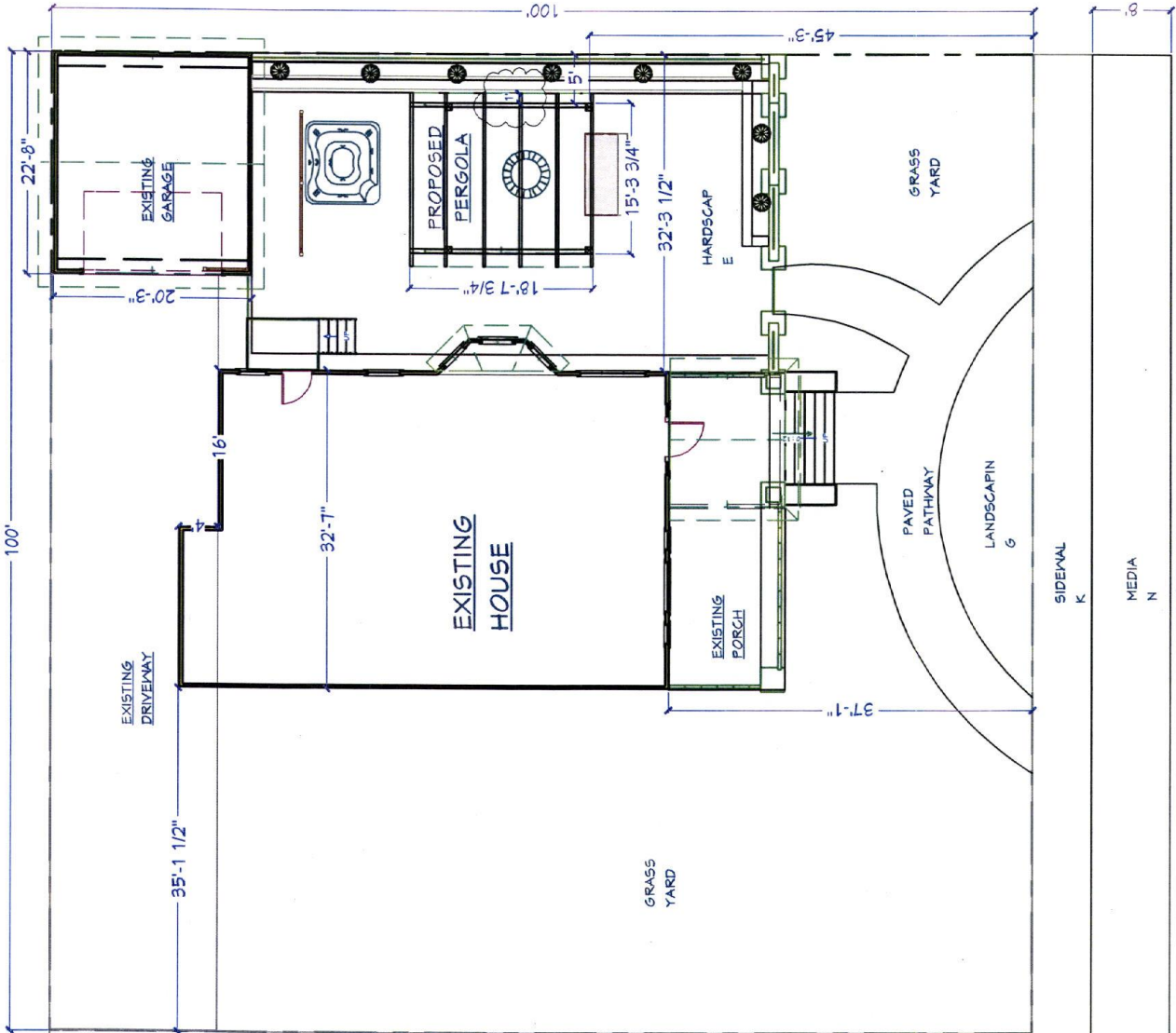


A1

SITE PLAN

DATE: 11.9.17  
REVISED: 12.20.17  
DESIGNER: Holly Moore

SQUIRES RESIDENCE  
2711 NE 23RD AVENUE  
PORTLAND OR 97212



LV 17-281655 HR

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

\*Approved\*  
City of Portland - Bureau of Development Services

Planner Meriam Rahali Date February 12, 2018  
\*This approval applies only to the reviews requested and is subject to all other applicable approvals. Additional zoning requirements may apply.

Exh.C.1