



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

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Date: October 02, 2020
To: Interested Person
From: Arthur Graves, 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 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 20-160856 HR: PATIO ROOF ALTERATIONS

GENERAL INFORMATION

Applicant: Laura Migliori | Laura Migliori Architect | 503.228.4921
812 NW 17th Ave | Portland, OR 97209

Owners: Janet M Madill and William G Madill Tr
2717 NE 12th Ave | Portland, OR 97212

Site Address: 2717 NE 12th Avenue

Legal Description: BLOCK 88 LOT 9 N 2 1/2' OF LOT 10, IRVINGTON
Tax Account No.: R420420510
State ID No.: 1N1E26BD 11200
Quarter Section: 2731

Neighborhood: Irvington, contact Dean Gisvold at deang@mcewengisvold.com
Business District: Soul District Business Association, contact at info@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Jessica Rojas at jessica@necoalition.org

Plan District: None
Other Designations: Contributing Resource in the Irvington Historic District, listed in the National Register of Historic Places on October 22, 2010.

Zoning: R5: Residential 5,000 (Base Zone), 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 seeks Historic Resource Review for alterations to the west (rear) elevation of the 1925 English Cottage Style contributing resource in the Irvington Historic District.

Proposed alterations include the removal and replacement of the west elevation patio cover with a new projecting roof supported by three round columns similar to those on the east (front) façade. The extended south slope of the roof gable is intentional, to accommodate 3 new solar panels (each approximately 4' x 6' in size).

Historic resource review is required for non-exempt alterations to structures within the Irvington Historic District.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

- 33.846.060.G – *Other Approval Criteria*

ANALYSIS

Site and Vicinity:

The subject property is located on an approximately 5,200 square foot lot fronting NE 12th Avenue in the Irvington Historic District. The existing one and a half story house, built in 1925, is a contributing resource in the Irvington Historic District. There is no garage on the site.

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. 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 Irvington area developed intensely with a mix of middle class housing types and sizes during the first two decades of the Twentieth Century. 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. These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

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.

Land Use History: City records indicate no prior land use reviews for the site.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **July 24, 2020**. There were no Bureau responses.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **July 24, 2020**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Dean Gisvold, Chair of the Irvington Community Association (ICA) Land Use Committee, wrote on August 07, 2020, with comments requesting clarification on the proposal regarding solar panels and the form of the proposed canopy cover. (see Exhibit F-1)
- Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, forwarded comments from ICA member Jim Heuer on August 11, 2020. Comments focused on the form of the proposed new canopy cover in comparison to the form and symmetry of the contributing resource and front entrance portico roof. (see Exhibit F-2)

Staff Response: The findings below discuss how the project meets applicable Historic Resource Review Guidelines. Staff notes the unique roof form that is proposed on the largely symmetrically balanced contributing resource and understands the ICA member's concerns on this point. However, when staff discussed the ICA member's comments with the applicant it was felt that a 6" inset would not be well served in this instance for a few reasons: it would force the proposed three columns to go out of alignment; and it would give the impression that the addition was not a single addition added to the resource at one point in time – meaning the inset would give the impression that the recessed portion was a separate addition to the roof form that was not recessed. In addition, staff feels that the proposed patio cover better meets Guidelines #7 and #9 in that the proposal is clearly differentiated from the existing resource through its structure and single roof form and could be removed in the future without impacting the integrity or architectural character of the resource.

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.

Findings for 1, 2, 3, 4 and 5:

The proposed addition of the rear patio cover will not damage or negatively affect the historic character of the contributing resource. No changes are being proposed to the original building's overall form, mass, roofline or building footprint. Alterations to the structure will not unnecessarily remove or cause damage to previous historic changes that have been made and require preservation.

The proposed new patio cover is to the rear of the contributing resource, replacing a non-original flat roof patio cover, that will not be visible from the adjacent sidewalk right-of-way. The existing contributing resource's roof will not be damaged or altered with the installation of the proposed new patio roof, which is being integrated into the existing resource's roof form without removing the existing roof for the addition.

Alterations are for the continued adaptive use of alternative energy on the building (existing solar panels are currently located on the west facing roof pitch), with the proposed new patio cover accommodating three new solar panels on the south facing portion of the gable.

There are no historic changes or historic features that will be impacted on the garage. Historic materials will be protected and no chemical or physical treatments, such as sandblasting, that cause damage to historic materials will be used.

Therefore, these criteria have been met.

- 6. Archaeological resources.** Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

Findings:

No ground disturbance is proposed.

Therefore, this criterion does not apply.

- 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 for 7, 8, 9, and 10:

The proposed patio cover alterations and three proposed solar panels to the rear of the contributing resource will not affect the form, footprint or architectural integrity of the house. While the canopy cover is compatible with the existing resource in: its overall mass being similar to the canopy cover at the front of the resource; its matching eave and soffit detailing seen on the front entrance porch roof; and in its columns matching those seen on the front of the house; it will clearly read as a separate addition to the resource that if removed in the future would allow the essential form and integrity of the historic resource and its environment to be unimpaired. In addition, the canopy cover allows the three proposed solar panels to be installed in a way that there are internal to the site and not visible from the adjacent public right-of-way.

Specific characteristics that differentiate the proposed addition from the existing resource include the gable pitch and the exaggerated south roof extension to accommodate proposed solar panels. While the proposed canopy cover is an asymmetrical form unique to the house, it clearly reads as a single addition to the house that serves multiple utilitarian purposes (weather protection, solar aspect, etc.) and could be removed in the future without impact to the contributing resource.

Lastly, although the proposed patio cover is differentiated from the front (east elevation) gables and main entrance portico, it does echo the overall cascading form and asymmetry of the two east elevation gables when viewed together: an off-center dominant pitch with eaves extending to dissimilar heights above grade.

Collectively, this proposal is compatible and complimentary to this site, the adjacent properties and the neighborhood at large. The proposed alterations will not negatively impact the contributing resource on site, adjacent neighbors or the Irvington Historic District as a whole.

Therefore, these criteria have been 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 proposed canopy cover and three solar panels installed to the rear of the contributing resource maintains the architectural integrity of the building while providing weather protection and solar aspect for proposed solar panels.

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. As indicated in detail in the findings above, this proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of proposed alterations including the addition of a new patio cover to the west elevation (rear) of the 1.5 story contributing resource in the Irvington Historic District.

Per the approved site plans, Exhibits C-1 through C-7, signed and dated September 29, 2020, 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 20-160856 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: Arthur Graves



Decision rendered by: _____ **on September 29, 2020.**

By authority of the Director of the Bureau of Development Services

Decision mailed: October 02, 2020.

Procedural Information. The application for this land use review was submitted on June 25, 2020, and was determined to be complete on July 21, 2020.

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 June 25, 2020.

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: November 18, 2020.**

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.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to paper files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

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 **October 02, 2020** 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.

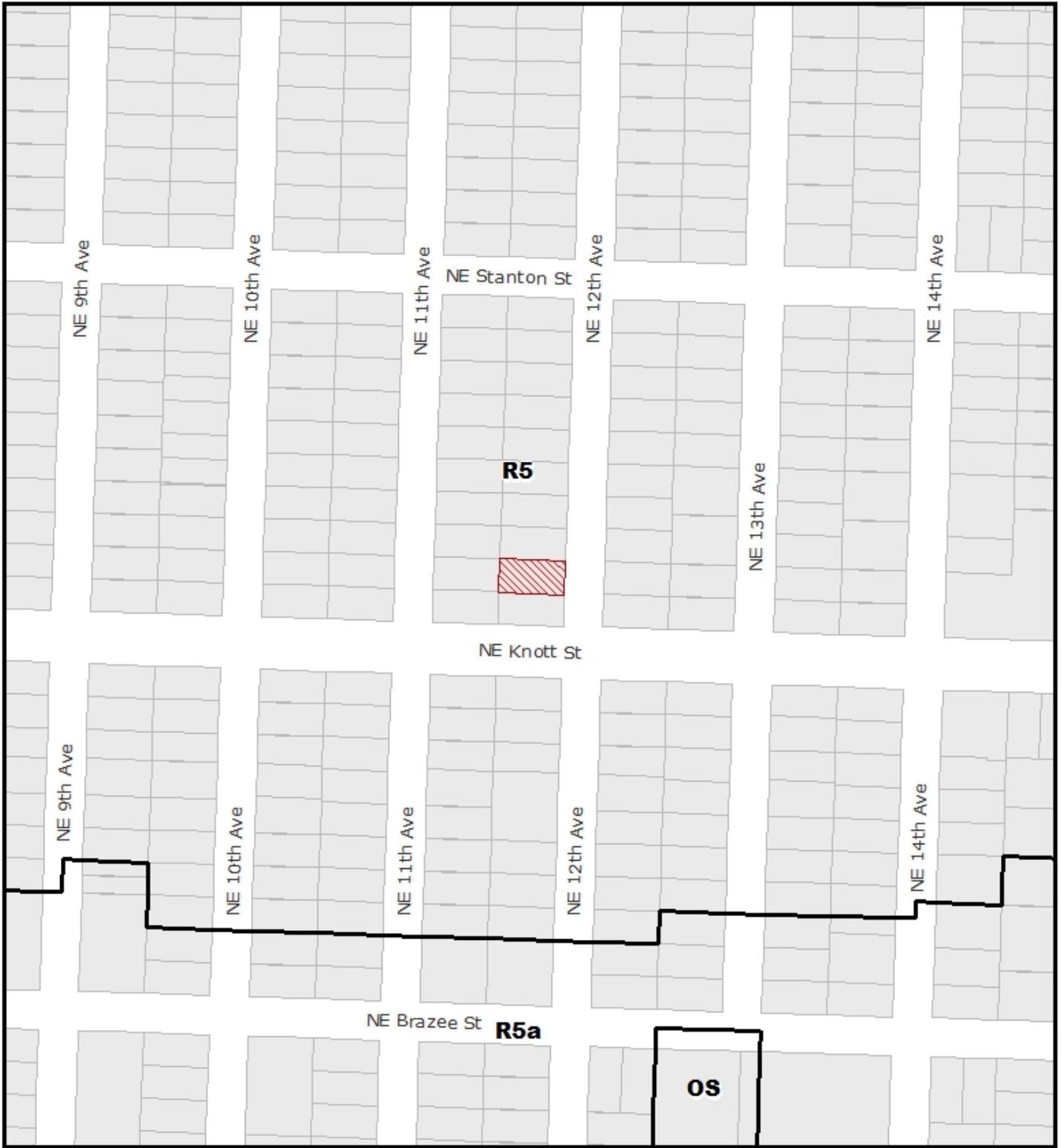
EXHIBITS

NOT ATTACHED UNLESS INDICATED

A. Applicant’s Submittal

1. Initial Drawings: 06.25.2020 (superseded)
 2. Revised Drawings: 07.06.2020
 3. Revised Drawings: 07.28.2020
 4. Revised Drawings: 07.31.2020
 5. Revised Drawings: 08.14.2020
- B. Zoning Map (attached)
- C. Plans/Drawings:
1. Site Plan (attached)
 2. Roof Plan
 3. Elevation: West (attached)
 4. Elevation: North and South (attached)
 5. Section Drawing
 6. Details: Overhang
 7. Details: Column / Roof
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence:
1. Dean P. Gisvold, on behalf of the Irvington Neighborhood Association (ICA): August 07, 2020.
 2. Dean P. Gisvold, on behalf of the ICA member Jim Heuer: August 11, 2020.
- G. Other:
1. Original LU Application
 2. Historic Information
 3. Site Pictures

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).

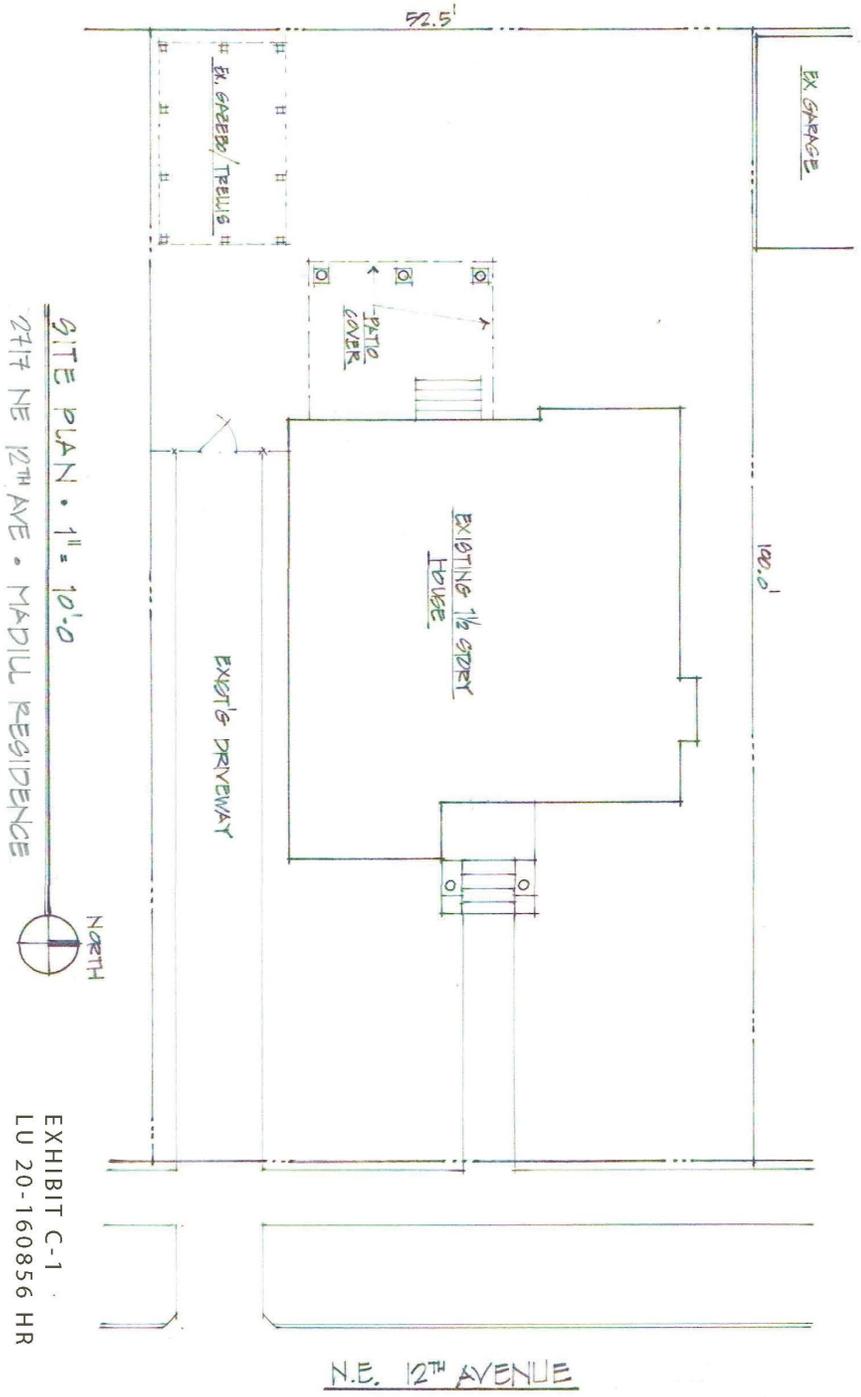


ZONING



THIS SITE LIES WITHIN THE:
IRVINGTON HISTORIC DISTRICT

File No.	LU 20 - 160856 HR
1/4 Section	2731
Scale	1 inch = 200 feet
State ID	1N1E26BD 11200
Exhibit	B Jul 01, 2020



SITE PLAN • 1" = 10'-0"

EXHIBIT C-1
 LU 20-160856 HR

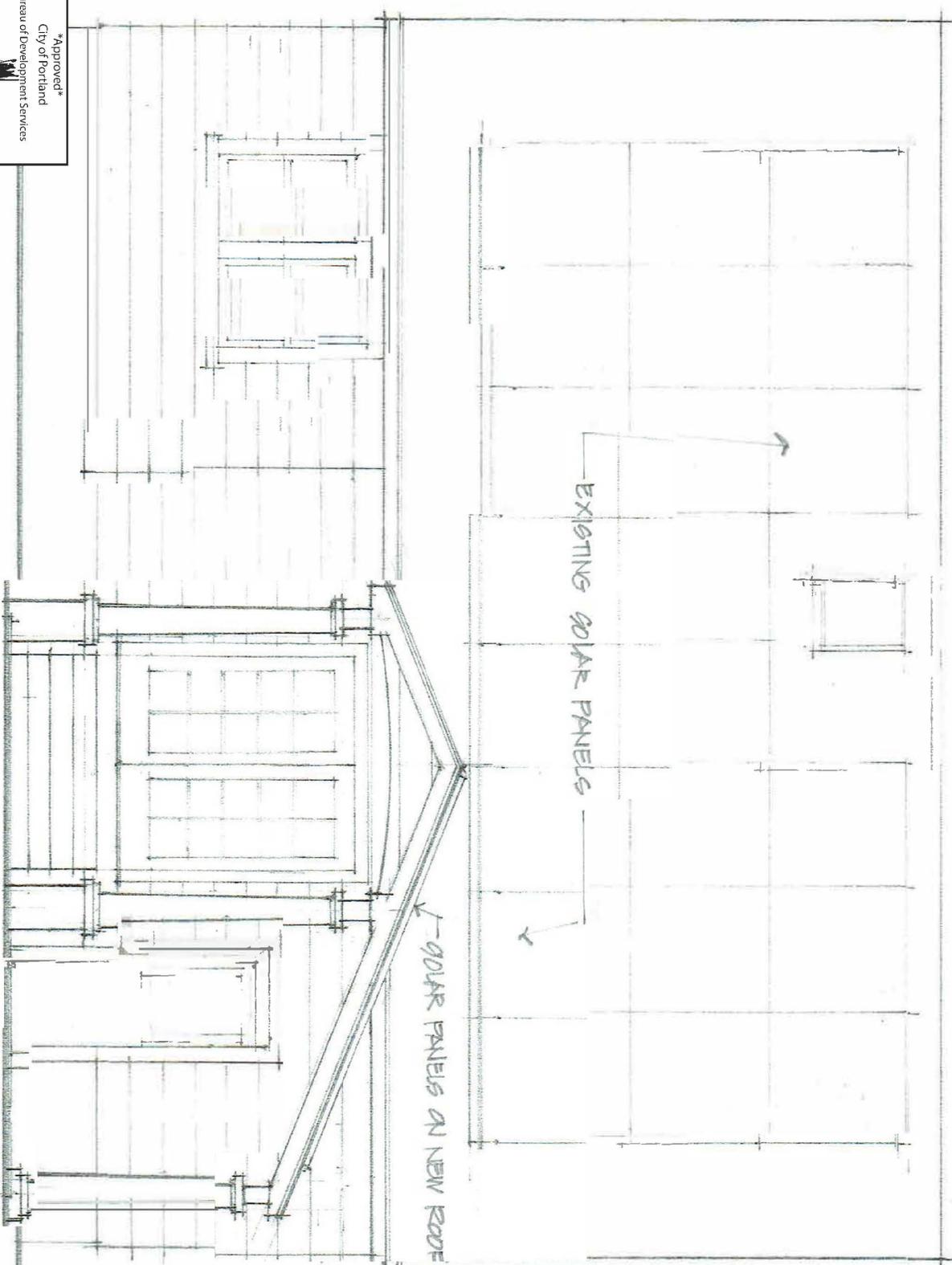
Approved
 City of Portland
 Bureau of Development Services
 Planner: 
 Date: 08-26-2000

This approval applies only to the review requested. Additional zoning requirements may apply.

LU 20-160856 HR

Laura Migliori
 Architect

812 N.W. 7th
 Portland, OR
 97209
 503.238.4921



Approved*
 City of Portland
 Bureau of Development Services
 Planner

Date: 08-28-2020

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

EXHIBIT C-3
 LU 20-160856 HR

WEST ELEVATION • 1/4" = 1'-0"



SOUTH ELEVATION



NORTH ELEVATION • 1/8" = 1'-0"

Approved
 City of Portland
 Bureau of Development Services
 Planner _____
 Date 09-29-2020
 *This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

EXHIBIT C - 4
 LU 20-160856 HR