



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

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Portland, Oregon 97201  
503-823-7300  
Fax 503-823-5630  
TTY 503-823-6868  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** February 9, 2009  
**To:** Interested Person  
**From:** Breah Pike-Salas, Land Use Services  
503-823-6825 / [Breah.Pike-Salas@ci.portland.or.us](mailto:Breah.Pike-Salas@ci.portland.or.us)

## **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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

### **CASE FILE NUMBER: LU 08-178206 HDZ, WALSH CONSTRUCTION ROOFTOP SOLAR PANELS**

#### **GENERAL INFORMATION**

**Applicant:** Charlie Macdonald,  
Walsh Construction Co  
2905 SW First Ave  
Portland OR 97201  
503.222.4375

**Owner:** First Avenue Investors LLC  
2905 SW 1st Ave  
Portland, OR 97201-4705

**Site Address:** 2905 SW 1ST AVE

**Legal Description:** BLOCK 57 LOT 1-4 E 6' OF N 25' OF LOT 7 & E 6' OF LOT 8,  
CARUTHERS ADD

**Tax Account No.:** R140905690  
**State ID No.:** 1S1E10BB 09300  
**Quarter Section:** 3329

**Neighborhood:** South Portland NA., contact Jim Davis at 503-248-9820.  
**Business District:** None  
**District Coalition:** Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.  
**Other Designations:** South Portland Historic District  
**Zoning:** CS, Storefront Commercial  
**Case Type:** HDZ, Historic Design Review  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

#### **Proposal:**

The applicant is requesting Historic Design Review for the installation of 150 Photovoltaic Solar Panels on the rooftop of an existing structure. The panels will be grouped and arranged into 9

rows spanning the length of the rooftop. Proposed photovoltaic roof panels will measure 37.5” x approximately 5’-1” x approximately 1-1/2,” set at a 20-degree pitch mounted on a rack that sits 12 inches from the roof plane. The maximum projection of the panels will be 4 inches above the existing parapet wall which is 2 feet in height.

Exterior alterations to a building in a Historic Districts requires Historic Design Review.

**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 Historic Reviews
- Lair Hill Conservation District Design Guidelines

## ANALYSIS

**Site and Vicinity:** The subject site is a three-story office building on a corner lot located along S.W. 1<sup>st</sup> Avenue, S.W. Porter Street and S.W. Hooker Street in the heart of the Lair Hill Conservation District. Nearby are several single dwelling residences as well as small office and commercial uses.

The Lair Hill District character remains full of visual interest. The architecturally rich street facades, with their ornate detailing and celebration of entrances serve to provide the visual cohesiveness and quality of neighborliness characteristic to the district. Today, the neighborhood is still primarily made up of small-scale residences and businesses. In 1977, the Portland City Council designated the Lair Hill neighborhood as the Lair Hill Historic Conservation District. It became the adopted policy of the City to encourage the conservation and maintenance of the historical and architectural integrity of this district.

**Zoning:** The CS zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone allows a full range of retail, service and business uses with a local and regional market area. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

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

**LUR 98-00257DZ:** Historic Design Review approval for a new office building on this same property for the same owner.

**LUR 99-00253DZ:** Historic Design Review approval for alterations to a previously approved design.

**LUR 00-0000073HDZ:** Historic Design Review approval for alterations to a previously approved entry tower.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **January 5, 2009**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on January 5, 2009. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### I. Chapter 33.846, Historic Reviews

#### **Purpose of Historic Design Review**

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

#### **Historic Design Review Approval Criteria**

Requests for historic design 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 a Historic District. Therefore, the proposal requires Historic Design review approval. In addition, because the site is located within the South Portland Historic District, the relevant approval criteria are the Lair Hill Conservation District Design Guidelines.

**II. Lair Hill Conservation District Design Guidelines:** These guidelines, adopted by City Council on August 7, 1977, are intended to guide development within the Lair Hill Conservation District. Staff has only addressed those guidelines considered applicable to this project. The following approval criteria were considered and found to be applicable to this proposal:

**1. Components-Building Shape Goal:** To avoid buildings with long, flat facades, as such facades are inconsistent with the broken facade pattern of numerous small buildings.

**4. Guideline:** Buildings that are fifty feet or longer should be divided into modules of twenty-five feet, or less, in length. This modulation can be created by changes in the façade plane.

**iii. Roofscape:** The predominant street façade shape is that of a rectangular capped with a triangle. The triangular portion is the roof structure. Roof pitches are generally steep, ranging from 6/12 to 12/12. In a single building, several roofs will intersect to form an elaborate system of ridges and valleys. Commercial and apartment buildings often present just a rectangle to the street. A false front, or parapet wall, conceals a flat or shallow pitched roof. In the case of a small building, this parapet serves to create the image of a larger, more imposing, structure. It also helps to differentiate the building from a single family residence.

**2. Concerns – (C) Energy Conservation Goal:** The neighborhood recognizes the need to evolve towards energy systems of greater efficiency and less waste. It wishes to encourage energy conservation and the use of alternative/appropriate energy technologies that may deviate from historical/traditional forms.

**Findings for 1. and 2.:** The subject building is three stories tall and is designed with a 2-foot tall parapet along the edge of the roofline. Careful attention has been paid to the placement of the 150 solar panels so as not to impact the views from the nearby properties. The proposed 150 photovoltaic roof panels shall be located behind the existing parapet grouped and arranged into 8 rows spanning the entire rooftop of the existing office structure. The photovoltaic panels are constructed with 108 poly-crystalline silicon solar cells, anti-reflective tempered solar glass, EVA encapsulant, polymer back-skin and a double-walled anodized aluminum frame. The panels will measure 37.5” x approximately 5’-1” x approximately 1-1/2,” set at a 20-degree pitch mounted on a rack that sits 12 inches from the roof plane. The roofline is level moving north to south, but is angled 2.5 degrees and increases moving east to west. Therefore, the maximum projection of the panels above the roof will be 4 inches above the existing parapet wall on the west side of the building with other views being obscured by the existing parapet.

*With the minimal impact on the views from the adjacent properties to the west, and the embracing of an alternative energy technology, 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**

The purpose of the historic design review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposed alteration of installing solar panels to the roof of the office building respects the style and character of the original structure while evolving towards greater energy conservation and efficiency. The proposal meets the applicable design guidelines and therefore warrants approval.

## **ADMINISTRATIVE DECISION**

Approval of 150 new rooftop solar panels on the rooftop of an existing office building, per the approved plans, Exhibits C-1 through C-3, signed and dated February 5 2009, 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 through C-3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-178206 HDZ. No field changes allowed."



**Decision rendered by:** Breah Pike-Salas **on February 5, 2009.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: February 9, 2009**

**Staff Planner: Breah Pike-Salas**

**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 November 17, 2008, and was determined to be complete on **December 16, 2008.**

*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 November 17, 2008.

*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.

**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 February 23, 2009** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 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).

**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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **February 24 2009 – (the day following the last day to appeal)**. A building or zoning permit will be issued only after the final decision is recorded.

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.

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
- B. Zoning Map (attached)
- C. Plans/Drawings:

1. Site Plan (attached)
2. Elevation Plan (attached)
3. Spec sheet of Photovoltaic Panel (attached)

D. Notification information:

1. Mailing list
2. Mailed notice

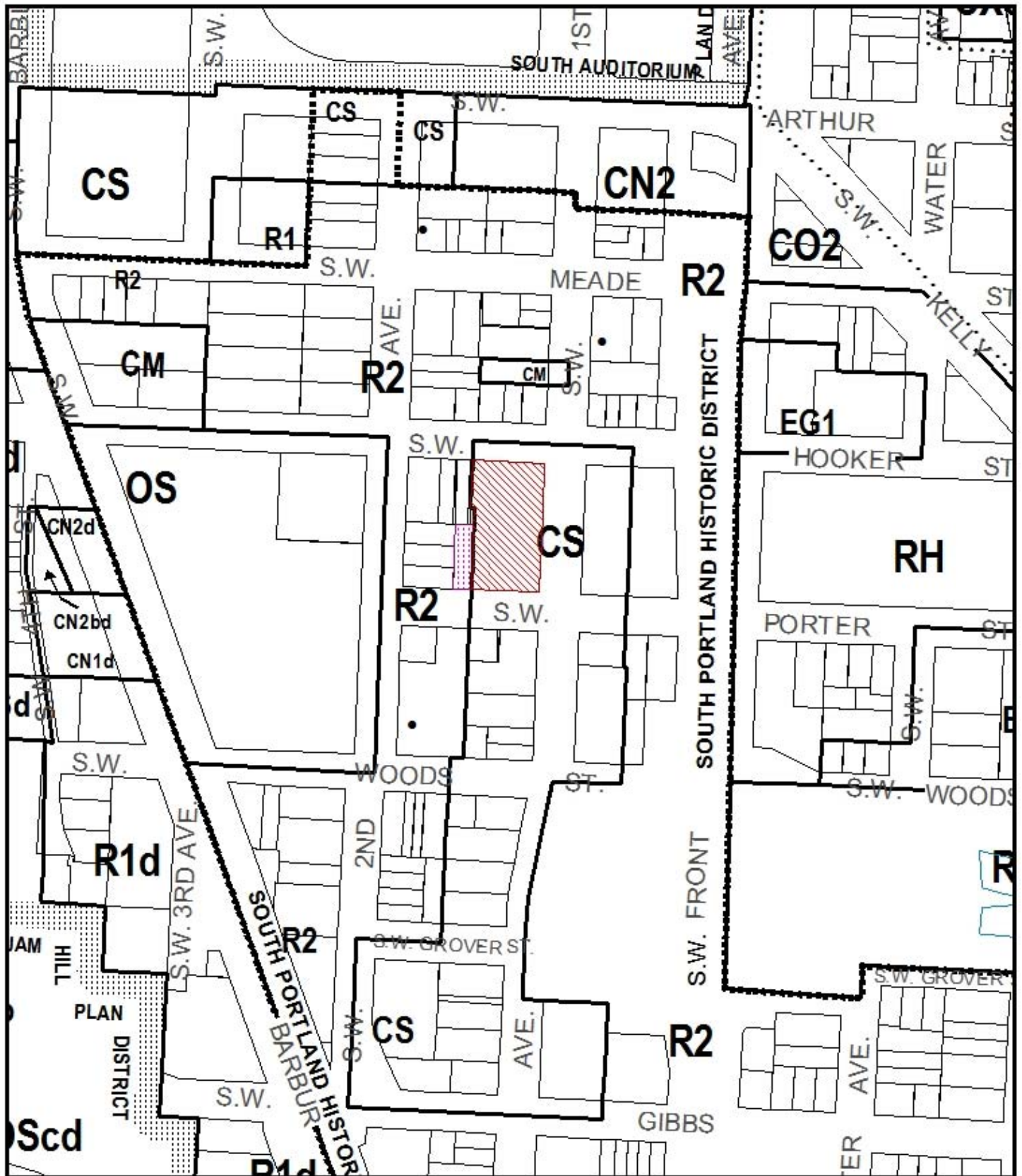
E. Agency Responses: None

F. Correspondence: None

G. Other:

1. Original LU Application
2. Site History Research

**The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).**



# ZONING

-  Site
-  Also Owned
-  Historic Landmark



This site lies within the:  
SOUTH PORTLAND HISTORIC DISTRICT HISTORIC DISTRICT

File No.	LU 08-178206 DZ
1/4 Section	3329
Scale	1 inch = 200 feet
State_Id	1S1E10BB 9300
Exhibit	B (Nov 24, 2008)





**ELECTRICAL**  
 CONSULTING & DESIGN  
 1000 NE Oregon Street, Suite 200  
 Portland, Oregon 97232  
 Phone: 503.255.1111  
 Fax: 503.255.1112  
 Website: www.ec-electrical.com



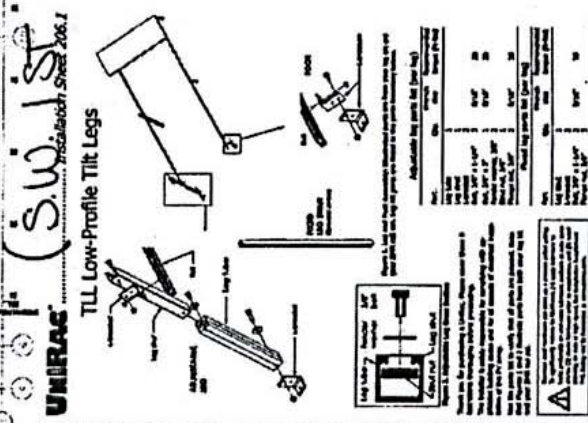
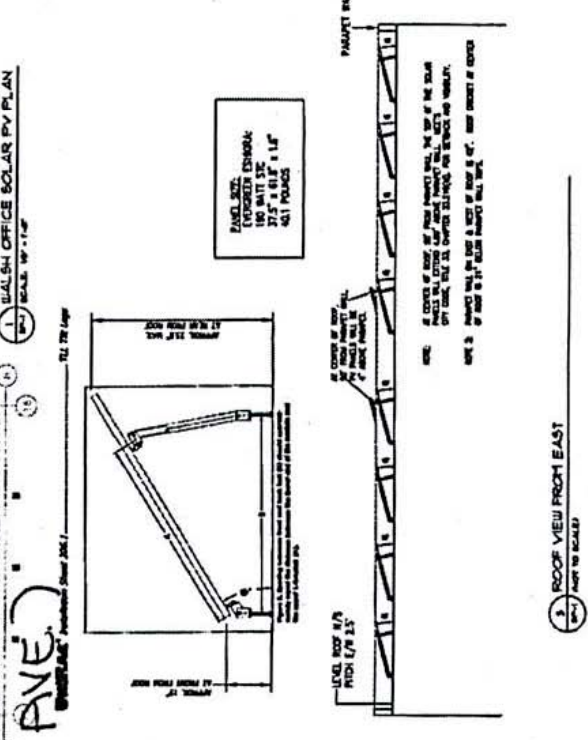
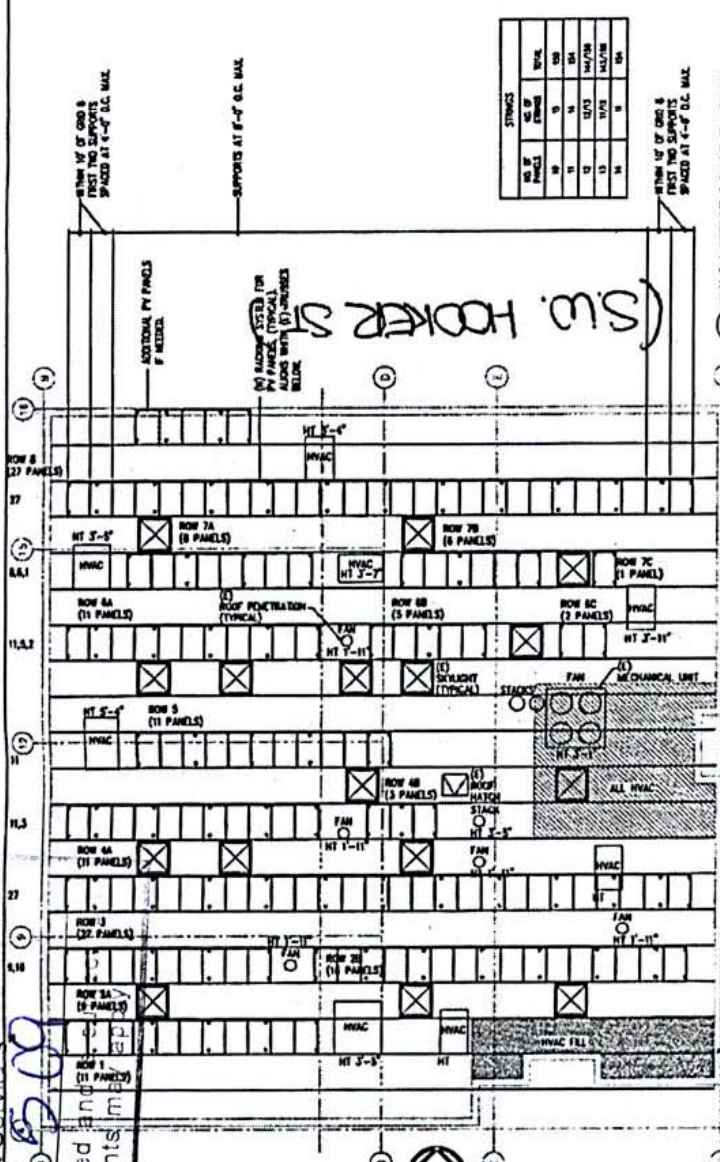
**WALSH CONSTRUCTION, CO. (OREGON)**  
 2905 SW FIRST AVENUE  
 PORTLAND, OR 97201  
 CHARLES WALSH, PROJECT COORDINATOR 908-222-1878

Revision	REV 1	08/25/2009
	REV 2	10/02/2009
	REV 3	10/13/2009
	REV 4	10/24/2009
	REV 5	11/07/2009
	REV 6	12/10/2009

3/10/2008  
 AS NOTED  
 10/10/08  
 10/10/08  
 10/10/08

**SP-1**

**ROOF SOLAR PV DETAILS**



\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner *[Signature]* Date *2/25/10*  
 This approval applies only to the reviews requested in the conditions of approval. Additional zoning requirements may apply.

(SW PORTER ST.)

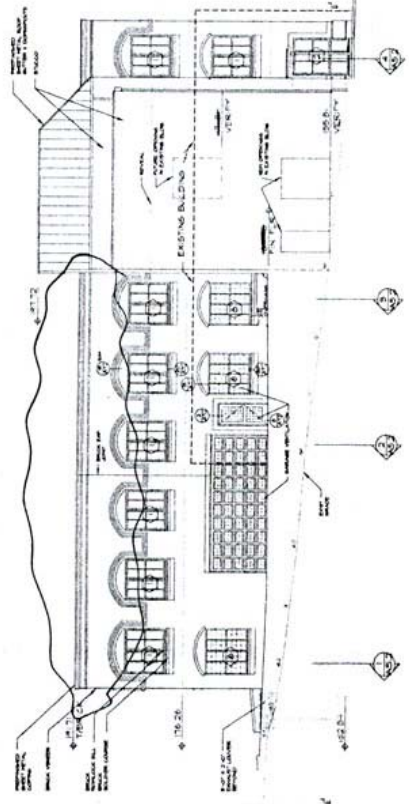
CASE NO. *08-178200-H02*  
 EXHIBIT *C-1*

ROOF VIEW FROM EAST  
 SCALE: 1/4" = 1'-0"

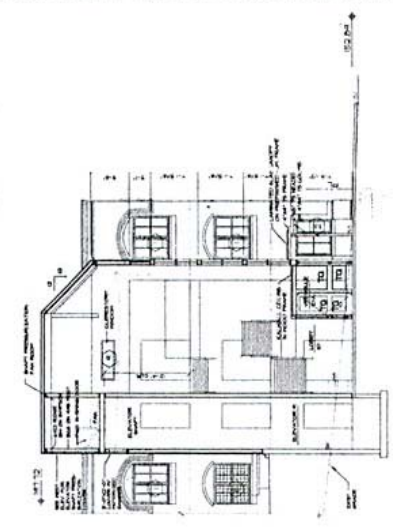
BRACKETING & ROOF PENETRATION DETAIL  
 SCALE: 1/4" = 1'-0"

City of Portland - Bureau of Development Services  
 Approved\*  
 Brian P. S. SLOTT Date: 2.5.09

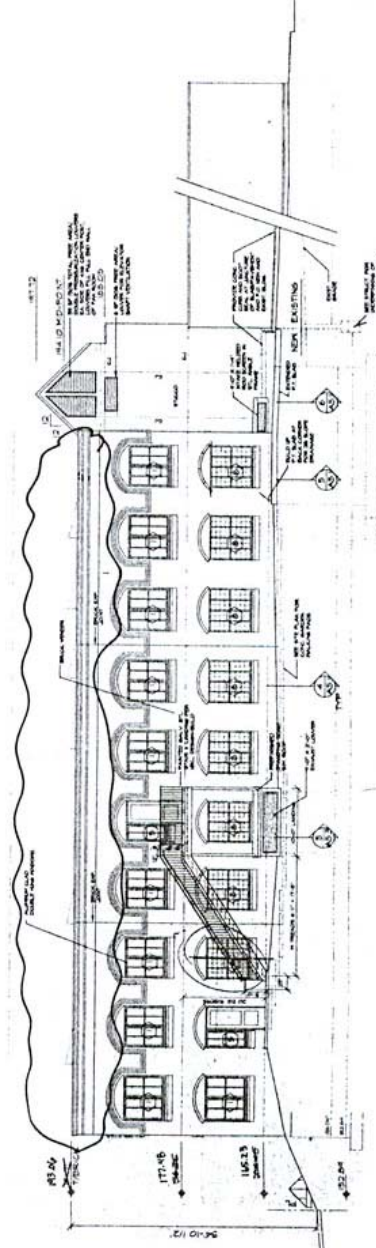
This approved copies only to the reviews requested and is subject to change. Additional zoning requirements may apply.



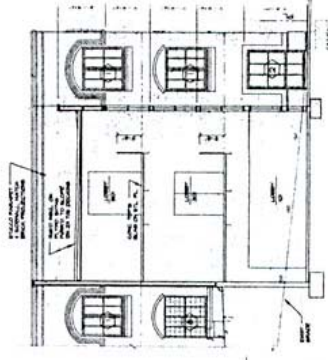
1 SOUTH BUILDING ELEVATION  
 1/8" = 1'-0"



3 ENTRY VESTIBULE SECTION  
 1/8" = 1'-0"



2 WEST BUILDING ELEVATION  
 1/8" = 1'-0"



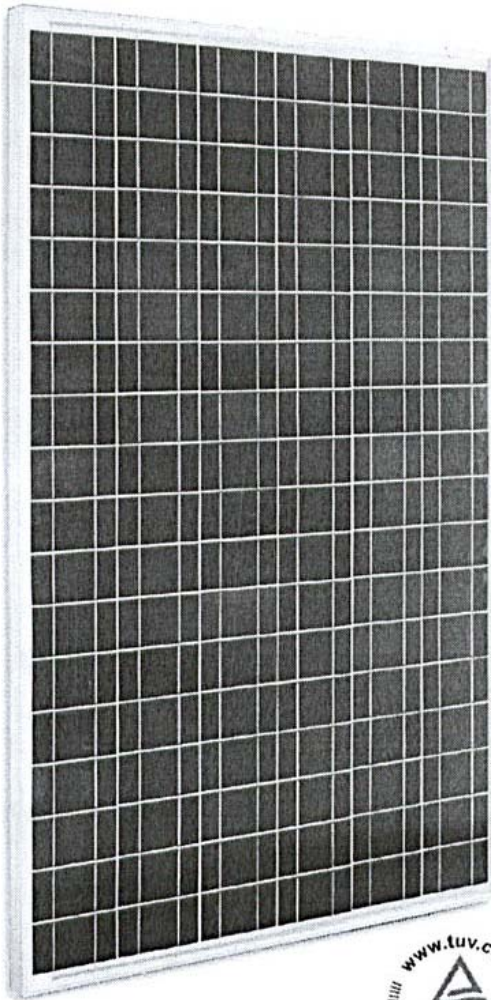
4 LOBBY SECTION  
 1/8" = 1'-0"

ARCHITECTS Walsh & Associates, Inc.	DATE: 11/08	REV: 2/2009	REV: 07/09	REV: 07/09
WALSH OFFICE 1000 SW 10TH AVE PORTLAND, OREGON 97205	DATE: 02/09	SCALE: 1/8" = 1'-0"	BUILDING ELEVATIONS	
A4.2				

CASE NO. 08-178200  
 EXHIBIT C-2



ES-SERIES  
photovoltaic modules



A range of high quality poly-crystalline solar panels for on-grid markets offering exceptional performance, extraordinary versatility and industry-leading environmental credentials based on our cutting-edge String Ribbon™ wafer technology.

- Best-in-class performance ratings proven by field installations
- 98% of rated power guaranteed for 180, 190W product; 100% guaranteed for 195W product
- 5 year workmanship and 25 year power warranty for ultimate peace of mind\*
- More installation versatility with our extensive range of mounting options
- Higher strength with wind and snow loads guaranteed up to 80 lbs/ft<sup>2</sup>
- Tested to all major industry certifications and regulatory standards
- Smallest carbon foot-print leading the fight against global warming
- Quickest energy payback time for the maximum energy conservation
- Cardboard-free packaging for minimal on-site waste and disposal cost



CASE NO. 08178206102  
EXHIBIT E-3

\*For full details see the **Evergreen Solar Limited Warranty** available on request or online.  
This product is designed and tested to UL 1703, UL Fire Safety Class C, IEC 61215 Ed.2 and TÜV Safety Class 2 standards.  
String Ribbon is a patented technology and registered trademark of Evergreen Solar, Inc.