



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

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Date: July 27, 2009
To: Interested Person
From: Breah Pike-Salas, Land Use Services
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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 09-137116 DZ, 917 SW OAK STREET ROOFTOP SOLAR INSTALLATION PROJECT

GENERAL INFORMATION

Applicant: Bryan Shull, Contact
REC Solar
2633 NE 27th Ave
Portland OR 97212

Owner: 1306 NW Hoyt Ltd Partnership
906 NW 23rd Ave
Portland, OR 97209

Site Address: 917 SW OAK ST

Legal Description: BLOCK 66 E 112' OF, COUCHS ADD
Tax Account No.: R180206110
State ID No.: 1N1E34CC 01800
Quarter Section: 3029

Neighborhood: Portland Downtown, contact Jennifer Geske at 503-750-9843.
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - West End
Zoning: CXd, Central Commercial zone with a Design Overlay zone.
Case Type: DZ, Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant is requesting Design Review approval for the installation of 84 Photovoltaic Solar Panels on the rooftop of this commercial structure. The panels will be arranged in groups on the rooftop and are setback from all roof edges to maximize the quantity of panels while maintaining minimal shading the panels. The panels will project a maximum of 15 inches

above the rooftop and be screened from adjacent streets on all sides by the existing parapet wall.

Because the proposal is for exterior alterations to an existing structure in a Design Review Overlay zone, Design Review is required.

Relevant Approval Criteria:

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

- 33.825, Design Review
- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The site is located on SW Oak Street on a 8,700 square foot lot, and is a 4-story commercial building of brick with terra cotta at the ground level. The vicinity includes Powell's Bookstore one block to the northwest, and numerous Historic Landmarks within a 3-block radius of the site.

Zoning: The CX zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review.

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

1. LUR 92-00264 DZ (reference file # 92-009383): Design Review approval to fabricate and install a custom steel security gate to a fire escape entry at the north end of the building on Burnside Street.
2. LUR 94-00065 DZ (reference file # 94-010967): Design Review approval to allow painted storefront wall areas to remain.
3. LU 03-142118 DZ: Design Review approval for new awnings.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed June 29, 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
- Life Safety (Building Code) Section of the Bureau of Development Services.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 29, 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

DESIGN REVIEW, 33.825

Section 33.825.010, Purpose of Design Review

Design Review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation,

enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or are and to promote quality development near transit facilities. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure they are of a high design quality.

Section 33.825.055, Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design district guidelines.

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Central City Fundamental Design Guidelines.

Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City.

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven Central City policy areas. The nine goals for design review within the Central City are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

A2. Emphasize Portland Themes. When provided, integrate Portland-related themes with the development's overall design concept.

A6. Reuse/Rehabilitate/Restore Buildings. Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

Findings for A2 and A6: The current proposal includes the installation of 84 solar panels at the roof. Retrofitting this building for a solar energy system will allow the building to align with the city's adaptive reuse and sustainability goals. *Therefore, these guidelines are met.*

B2. Protect the Pedestrian. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

Finding: The proposed solar panels will be installed on the roof of this structure. Placing the proposed solar system on the rooftop allows the building's internal needs to be met without compromising the surrounding pedestrian environment. Furthermore, due to the relatively low profile of the proposed roof-mounted system, there will be little impact on views onto the building from the sidewalk environment. *Therefore, this guideline is met.*

C2. Promote Quality and Permanence in Development. Use design principles and building materials that promote quality and permanence.

C3. Respect Architectural Integrity. Respect the original character of an existing building when modifying its exterior.

C5. Design for Coherency. Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

C11. Integrate Roofs and Use Rooftops. Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

Findings for C2, C3, C5, and C11: The proposal will introduce a well-integrated solar energy system to the rooftop of this existing building, supporting the building's contribution to the district. A total of 84 solar panels will be installed on the roof. They will be attached via a modular reduced penetration racking system constructed of extruded aluminum rails that will not oxidize and become discolored to maintain strength. The racking system orients the panels at a 12-degree slope facing south, thus resulting in a low profile with a maximum rise of 15" above the roof. The proposed panels are a dark blue-black color and are constructed with built-in non-reflective glass. The roof-mounted panels are in rows, and are set back from all roof edges: A minimum of 2'-6" from the north parapet, 3'- 6" from the east, 3' from the west parapet, and 2' from the south parapet. These setbacks maximize the quantity of panels while maintaining minimal shading of the panels. *Therefore, 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 design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposed alteration of installing solar panels to the roof of the 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 84 new rooftop solar panels on the rooftop of an existing building, per the approved plans, Exhibits C-1 through C-4, signed and dated July 23, 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-4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File LU 09-137116 DZ. No field changes allowed."

Staff Planner: Breah Pike-Salas

Decision rendered by:  **on July 23, 2009**

By authority of the Director of the Bureau of Development Services

Decision mailed: July 27, 2009

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 June 18, 2009, and was determined to be complete on **June 29, 2009**.

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 18, 2009.

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: October 27, 2009**.

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 Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 10, 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.

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 Design 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 Design 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 **August 11, 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:

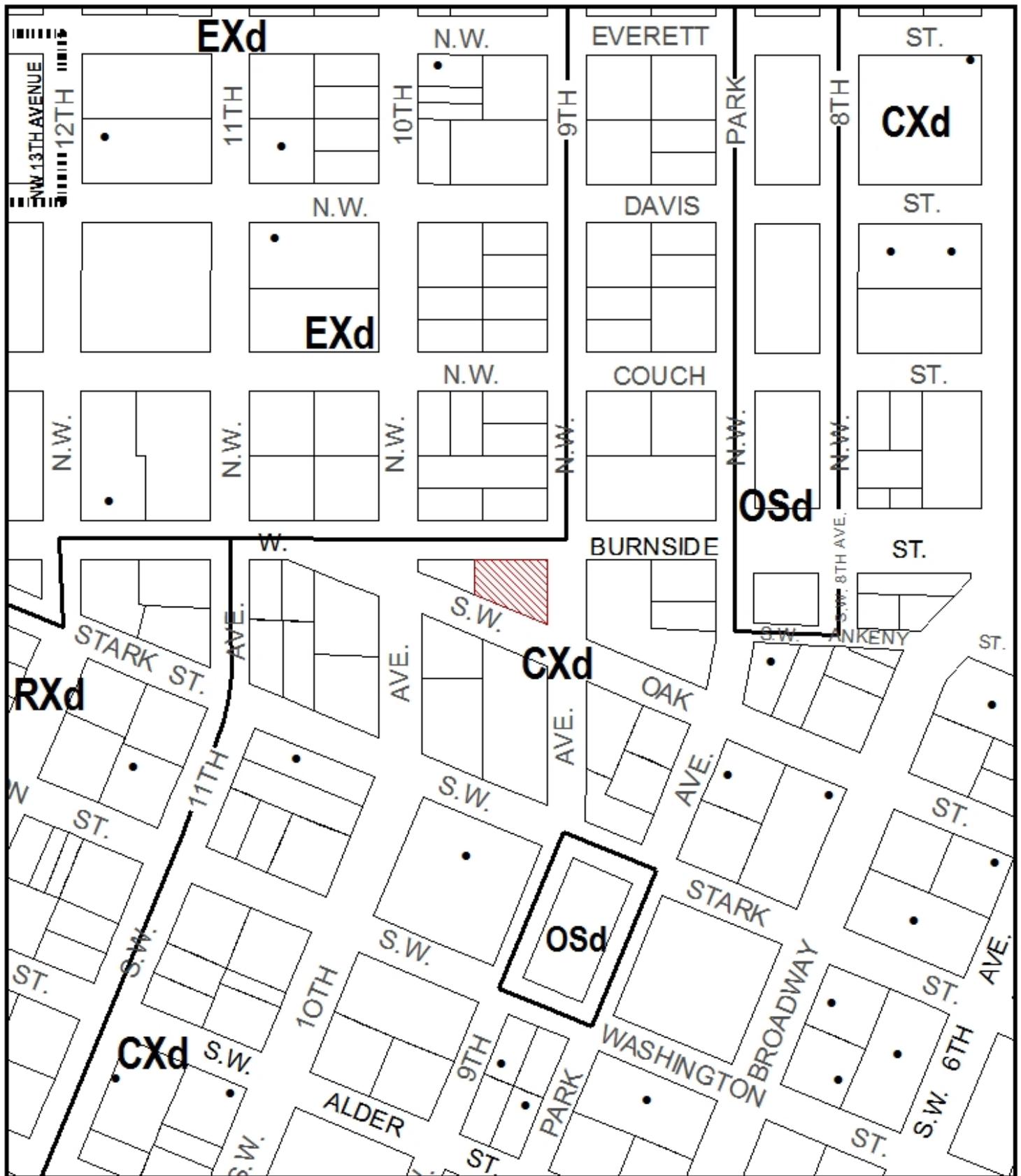
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations 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
 - 3. Manufacture Spec Sheet
 - 4. Mounting Detail (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 503-823-7300 (TTY 503-823-6868).



ZONING

 Site

 Historic Landmark

File No. LU 09-137116 DZ

1/4 Section 3029

Scale 1 inch = 200 feet

State Id 1N1E34CC 1800

Exhibit B (Jun 22, 2009)

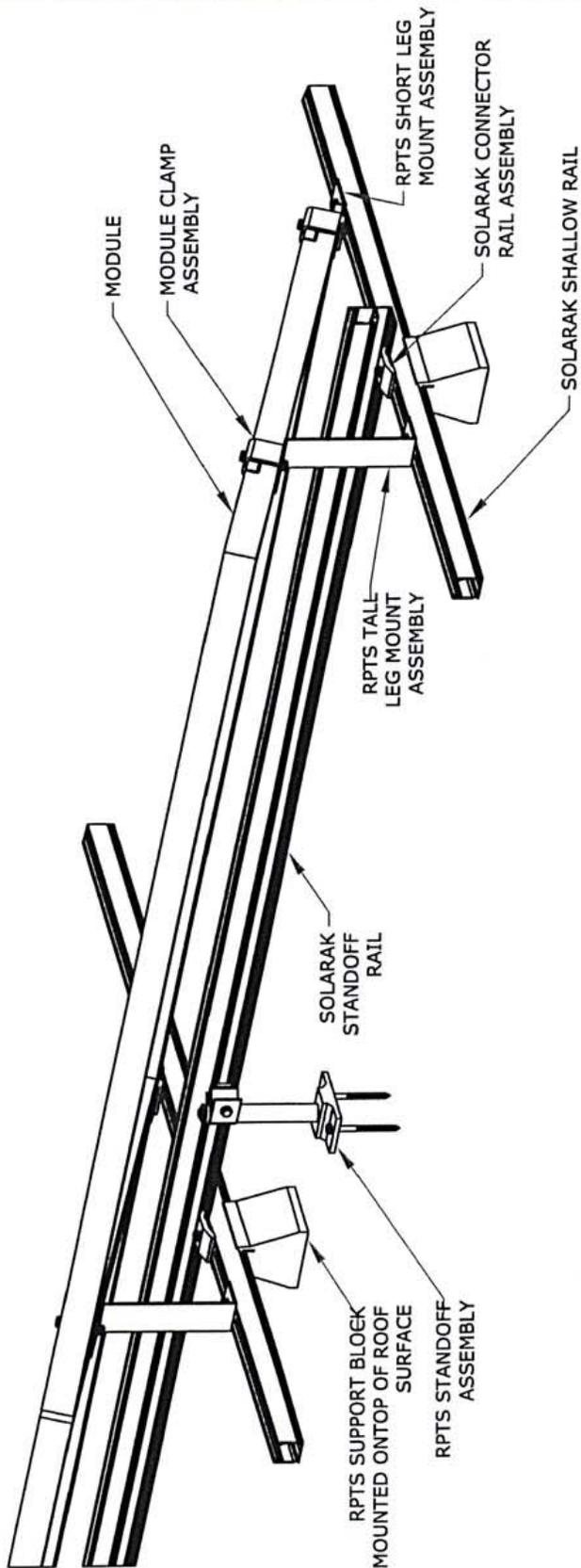


NORTH

This site lies within the:
CENTRAL CITY PLAN DISTRICT

ENGINEER	DRAFTER	DESCRIPTION
A.GRIFFITHS	A.GRIFFITHS	PHOTOVOLTAIC SYSTEM

Approved
 City of Portland - Bureau of Development Services
 Date 7/23/09
 Approval applies only to the reviews requested and is subject to change of approval. Additional zoning requirements may apply.



01 RPTS RACKING SYSTEM - 12° TILT
 NTS

	REC SOLAR, INC. 833 SE MAIN ST, MB#134 CBB 180464 PORTLAND, OR 97214 USA Phone (888)657-6527 Fax (805)528-9701	CUSTOMER APPROVAL: PLANS REVIEWED: BOM REVIEWED:	1306 NW HOYT LP 917 SW OAK ST PORTLAND, OR 97205	MOUNTING DETAIL	REV: 01 06/16/09