



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

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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** 11/26/2019  
**To:** Interested Person  
**From:** Tanya Paglia, Land Use Services  
503-823-4989 / [Tanya.Paglia@portlandoregon.gov](mailto:Tanya.Paglia@portlandoregon.gov)

## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has **approved** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

### **CASE FILE NUMBER: LU 19-232029 HR – SOLAR PANELS ON LANDMARK BUILDING**

#### **GENERAL INFORMATION**

**Applicant:** Bob Rathbone | Premier Solar NW  
12399 NW Waker Dr | Portland, OR 97229  
[rrathbone@premiersolarnw.com](mailto:rrathbone@premiersolarnw.com)

**Owner:** Everest Sports LLC  
4200 NE Sandy Blvd | Portland, OR 97213-1432

**Site Address:** **4200 NE SANDY BLVD**

**Legal Description:** BLOCK 4 W 50' OF LOT 14 W 50' OF LOT 15 EXC PT IN ST, MENEFEE ADD

**Tax Account No.:** R560000250  
**State ID No.:** 1N2E30CC 03900  
**Quarter Section:** 2835

**Neighborhood:** Hollywood, contact Jo Schaefer at [jaschaef@comcast.net](mailto:jaschaef@comcast.net)  
**Business District:** Hollywood Boosters, contact [hollywoodboosters@gmail.com](mailto:hollywoodboosters@gmail.com).  
**District Coalition:** Central Northeast Neighbors, contact Alison Stoll at 503-823-2778.

**Plan District:** Hollywood - Subdistrict A  
**Other Designations:** Historic Landmark – Building constructed in 1927 and individually listed on the National Register on 07/12/2000.

**Zoning:** **CM2d, m** – Commercial/Mixed Use 2 zone with Design Review and Historic Resource Protection Overlays

**Case Type:** **HR** – Historic Resource Review  
**Procedure:** **Type II**, an administrative decision with appeal to the Landmarks Commission.

**Proposal:**

The applicant is seeking Historic Resource Review approval for a proposal to install solar panels on the roof of the landmark *Oregon State Bank Building*. The roof's existing parapet wall is 36" high at its lowest point and 50" high at its highest point. The proposed solar arrays will stand off the roof by 18", well below the lowest height of the parapet.

Historic Resource Review is required because the subject property is a Portland Historic Landmark pursuant to its listing in the National Register of Historic Places on July 12, 2000.

**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:

- 33.846.060.G *Other approval criteria*

**ANALYSIS**

**Site and Vicinity:** The one-story building is a Historic Landmark that was built in 1927 in the Renaissance Revival style and features brick as its primary cladding with terra cotta as a decorative accent. It was designed by Chester A. Houghtailing and built by L. L. Hickok. The *Oregon State Bank Building* was listed on the National Register of Historic Places on July 12, 2000. The landmark occupies a 3,350 square foot trapezoidal site in the Hollywood Plan District. It is located at the intersection of NE Sandy Blvd and NE 42<sup>nd</sup> Ave, close to the center of the Hollywood business district which was historically a commercial center and transfer point for bus lines. The commercial area that was built up around the neighboring Hollywood theater became known as the Hollywood neighborhood because of the theater's presence at the heart of the district. The area encompassing the theater, bank and neighboring buildings remains the heart of the Hollywood neighborhood with many of the smaller one- and two-story structures remaining while larger mixed-use buildings have begun to be constructed further east.

The following is taken from the National Register nomination for the Bank (Exhibit G-3):

*The 1927 Oregon State Bank Building is a one-story, Renaissance Revival structure with a modified-wedge plan and a flat roof. The walls are constructed of reinforced concrete and are faced with brick, with terra cotta ornamentation. Exterior architectural details such as the large round-arched windows, the pilasters and keystone of the original entrance portico, and the decorative parapet and cornice reflect the Renaissance Revival style. This style, with its dignified classical elements, was especially popular for banks and other public buildings during the early twentieth century. The open floor plan of the building reflects the building's original use as a bank. The building is located at the center of the Hollywood's Historic Commercial District. It occupies a prominent corner lot at the busy intersection of NE Sandy Boulevard and 42nd Avenue. The property is in fair condition and has been moderately altered since the 1927-1949 period of significance.*

Later in the nomination, regarding the bank's developer, D.G. Wilson, a prominent Sandy Boulevard developer:

*One important example of that planning effort was Wilson's collaboration with Claude Jensen and John Von Herberg, the original owners of the Hollywood Theatre, in realizing his community plan. Completed in 1926, the Hollywood Theatre, from which the district takes its name, is the most prominent landmark in the district. Once the Hollywood Theatre is factored into Wilson's plan, the development of the district can be viewed as one of careful and premeditated planning. The cooperation of the local landowners in the development of Hollywood's Historic Commercial District was critical to the subsequent success of the area and its businesses. D. G. Wilson's dreams were also in perfect harmony with the plans of the founders of the Oregon State Bank. According to N. U.*

*Carpenter, founding president of the bank, We hunted all along Sandy boulevard for a location when we decided to form the Oregon State bank, ...and after careful consideration decided on the site at East forty-second street north and Sandy as the best suited to our needs. This, in our opinion, is one of the very best suburban districts in Portland and its continued growth is assured. People would be surprised at the immense amount of business transacted in this vicinity daily. It is an ideal location, we believe, for a bank, and here we will offer to depositors banking facilities the equal of any to be found in the city.*

**Zoning:** The Commercial/Mixed Use 2 (CM2) zone is a medium-scale zone intended for sites in a variety of centers, along corridors, and in other mixed use areas that have frequent transit service. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to four stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.

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.

The Centers Main Street "m" overlay zone encourages a mix of commercial, residential and employment uses on the key main streets within town centers and neighborhood centers identified in the Comprehensive Plan. The regulations are intended to encourage a continuous area of shops and services, create a safe and pleasant pedestrian environment, minimize conflicts between vehicles and pedestrians, support hubs of community activity, and foster a dense, urban environment with development intensities that are supportive of transit.

**Land Use History:** City records indicate there are no prior land use reviews for this site.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **October 11, 2019**. The following three Bureaus, Divisions and/or Sections responded with no objections and two of these included comments found in Exhibits E1-E2:

- Life Safety Division of the Bureau of Development Services (Exhibit E-1)
- Fire Bureau (Exhibit E-2)
- Site Development Section of BDS

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on October 11, 2019. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## **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 a designated Historic Landmark outside the Central City Plan District and not within in a Historic or Conservation District, and the proposal is for non-exempt treatments. Therefore the proposal requires Historic Resource Review approval. The approval criteria are those listed in *33.846.060 G – Other Approval Criteria*.

*Staff has considered all of the approval criteria 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.
- 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 1, 2, 3, 4, 5, 7, 8, 9, and 10:** The proposed solar array will not detract from the historic character of the landmark property, and no original historic features are being altered. The single-story building has a sizable parapet and the proposed solar panel array will be lower than even the lowest area of the parapet limiting its visibility from the street and adjacent properties. The panels will stand 18" off the roof while the parapet wall is 36" high at its lowest- and 50" high at its highest- point, where it is unlikely to be visible from any vantagepoints from neighborhood streets.

The visual impact of the solar panels will be negligible and no conjectural features or architectural elements from other buildings that create a false sense of historical development are to be added. The new solar panels will be differentiated from the

existing building elements as they are clearly not original to the building. The integrity of the resource will be preserved with the proposed alterations. The historic property shall remain a physical record of its time, place and use and the project will not alter any changes made over time that have acquired historic significance. If the solar panels were to be removed in the future, the form and integrity of the building would remain intact.

The proposed alterations will not take away from the historical significance of the resource, while allowing the property to become more energy independent, sustainable, and resilient. The design and layout for the proposed solar panels is compatible with the building. The new panels are not at a scale or design that would adversely impact the character defining features of the property. Their minimal profile will allow them to fit harmoniously with the scale of the existing building. The new panels are designed and located so as not to call attention to themselves. The proposed location, below parapet height, will limit visibility from the street and adjacent properties, thus maintaining compatibility with the surrounding area. In addition, the property is not located within a Historic or Conservation District.

*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 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 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. The proposed alterations will be compatible with the massing, size, scale and architectural features of the landmark. The proposed location will limit visibility from the street and adjacent properties with the array located below the parapet's height. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## **ADMINISTRATIVE DECISION**

Approval to install solar panels on the roof of the historic *Oregon State Bank Building*, per the approved site plans, Exhibits C-1 through C-2, signed and dated 11/20/2019, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 19-232029 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: Tanya Paglia**



**Decision rendered by:** \_\_\_\_\_ **on 11/20/2019**

By authority of the Director of the Bureau of Development Services

**Decision mailed: 11/26/2019**

**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 September 25, 2019, and was determined to be complete on October 9, 2019.

*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 September 25, 2019.

*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: February 6, 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.

**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 12/10/2019** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing

the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **12/10/2019** 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 of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

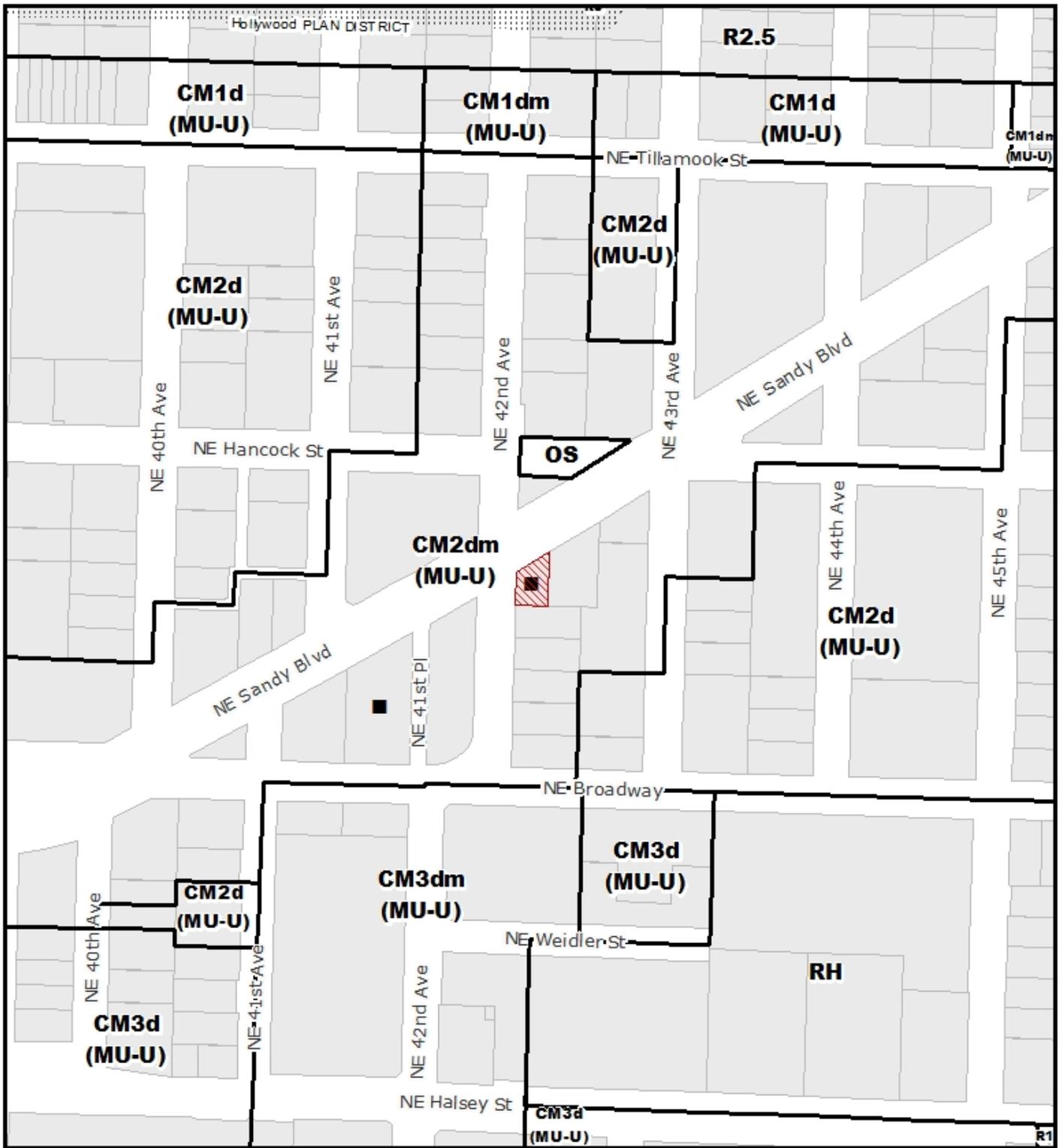
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

A. Applicant's Submittal

1. Photos showing existing conditions including parapet height on landmark roof
  2. Photos of existing conditions from the ground
- B. Zoning Map (attached)
- C. Plans/Drawings:
1. Site Plan and Solar Array section (attached)
  2. Roof Plan (attached)
- D. Notification information:
1. Mailing list
  2. Mailed notice
- E. Agency Responses:
1. Life Safety Division of the Bureau of Development Services
  2. Fire Bureau
- F. Correspondence: None received
- G. Other:
1. Original LU Application
  2. Oregon Historic Site Record
  3. National Register of Historic Places Registration Form

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



# ZONING

↑ NORTH

HOLLYWOOD PLAN DISTRICT  
SUBDISTRICT A

-  Site
-  Historic Landmark

File No.	LU 19 - 232029 HR
1/4 Section	2835
Scale	1 inch = 200 feet
State ID	1N2E30CC 3900
Exhibit	B Sep 27, 2019

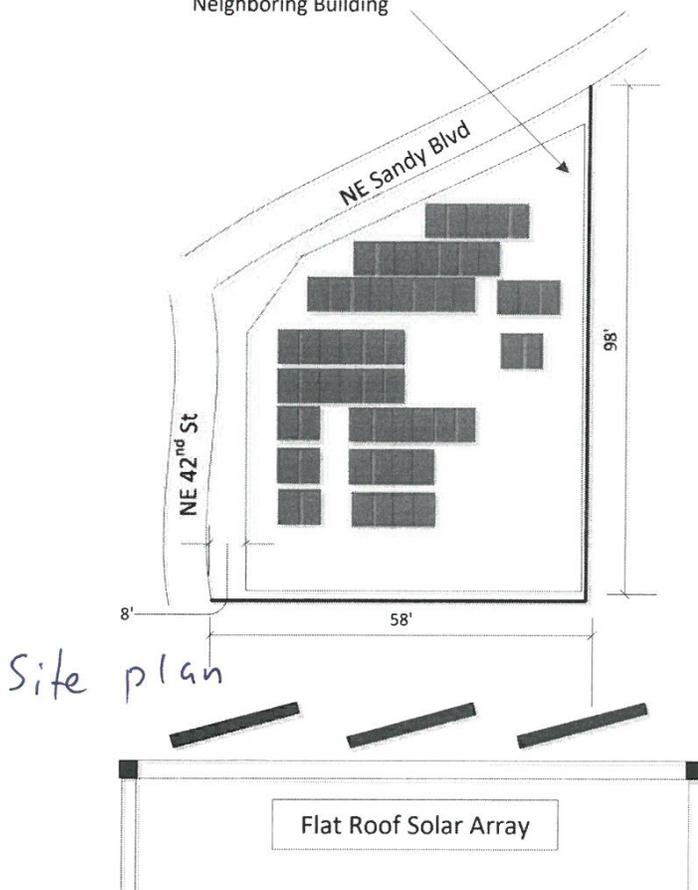
# Everest Sports LLC

Design Overview

DESIGN
DC Nameplate: 17.1 kW
AC Nameplate: 15.2 kW
April 19, 2019

EQUIPMENT
(57) QCells Q.PEAK G4.1 300 Modules
(2) SolarEdge SE7600H-US Inverter
(57) SolarEdge P320 DC Optimizers
Aluminum PV Roof Flashings
Iron Ridge Mounting System

East Side Abuts  
Neighboring Building



### Mounting Notes

1. 2x6 Joists @ 16" O.C.
2. Roof penetrations: 16" - 32" O.C.
3. TPO Roofing
4. Panel height off roof < 18 inches
5. Weight of PV modules and assembly less than 4.5 lbs per sq. ft.
6. Azimuth: 180°
7. Module Tilt: 10°
8. Integrated Grounding Hardware
9. All installations comply with manufacturer's installation instructions
10. All horizontal ridges kept clear of PV components at least 1 ft. either side
11. PV array to cover more than 25% of total roof area
12. Solar Code 305.4 #3.2: Attachments shall be spaced no greater than 24" O.C. in any direction when located within 36" of roof edge, hip, eave, or ridge.
13. Solar array not to exceed height of any horizontal ridge line.

\* Approved\*  
 City of Portland - Bureau of Development Services  
 Date 11/20/2019  
 Planner  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



**GENERAL CONTRACTOR:**  
 C&B RENEWABLE ENERGY, LLC  
 12399 NW WAKER DR.  
 PORTLAND OR., 97229  
 503 828-9500  
 CONTACT: CLIFF BARRY

Everest Sports LLC  
 Diwakar Mahajan  
 4200 NE Sandy Blvd.  
 Portland Or. 97213  
 503 421-7848

LU 19-232029 HR C-1

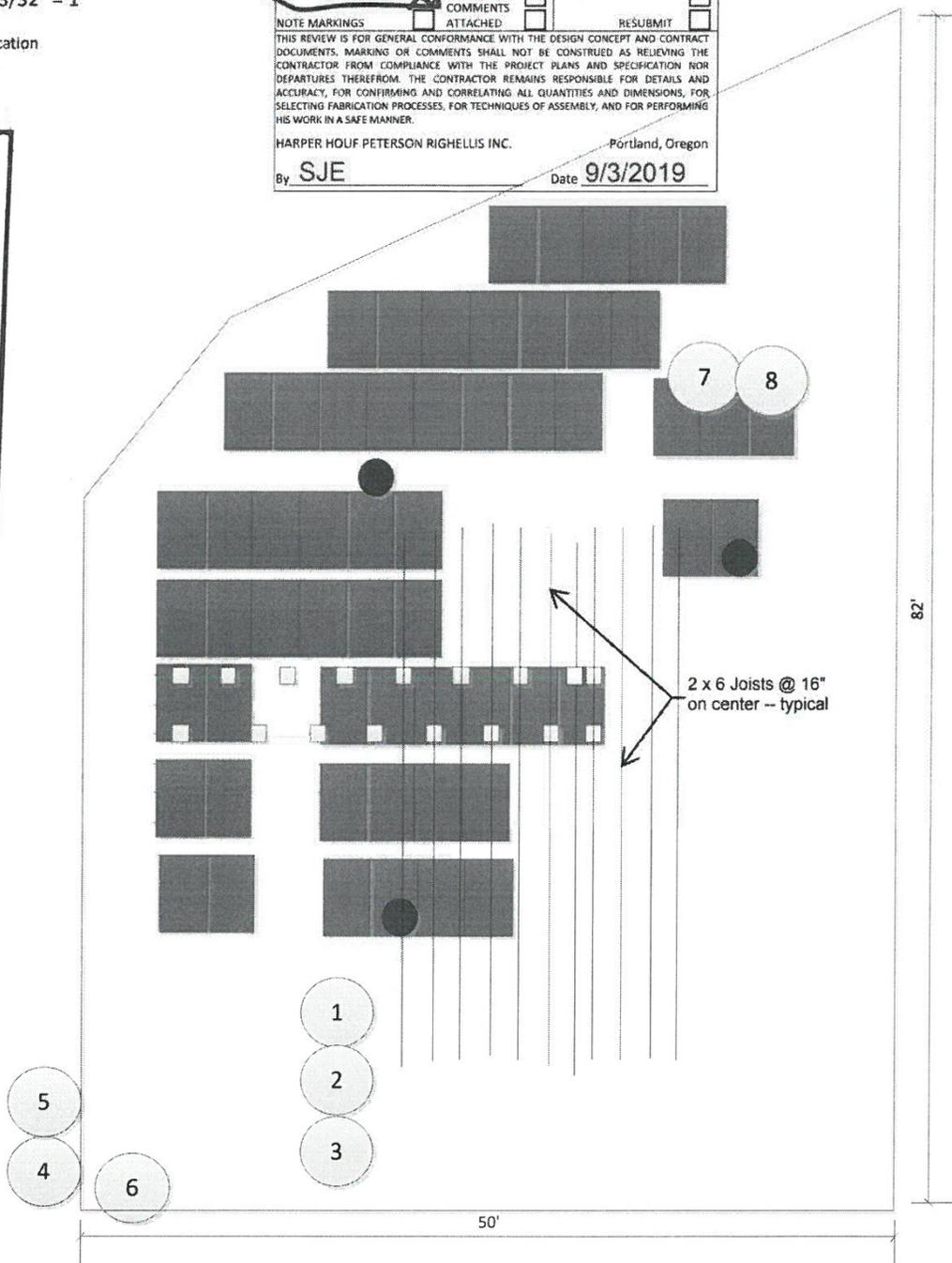
**Legend:** ● = Sun Eye Reading Location

Drawing Scale 3/32" = 1"

□ = Standoff Location

SUBMITTAL REVIEW		
HARPER HOUF PETERSON RIGHELLIS INC. REVIEW	RESPONSE REQUIRED OF CONTRACTOR	
<input checked="" type="checkbox"/> NO EXCEPTIONS TAKEN	<input type="checkbox"/> REJECTED COMMENTS	<input type="checkbox"/> CONFIRM IN WRITING
<input type="checkbox"/> NOTE MARKINGS	<input type="checkbox"/> ATTACHED	<input type="checkbox"/> RESUBMIT
THIS REVIEW IS FOR GENERAL CONFORMANCE WITH THE DESIGN CONCEPT AND CONTRACT DOCUMENTS. MARKING OR COMMENTS SHALL NOT BE CONSTRUED AS RELIEVING THE CONTRACTOR FROM COMPLIANCE WITH THE PROJECT PLANS AND SPECIFICATION NOR DEPARTURES THEREFROM. THE CONTRACTOR REMAINS RESPONSIBLE FOR DETAILS AND ACCURACY, FOR CONFIRMING AND CORRELATING ALL QUANTITIES AND DIMENSIONS, FOR SELECTING FABRICATION PROCESSES, FOR TECHNIQUES OF ASSEMBLY, AND FOR PERFORMING HIS WORK IN A SAFE MANNER.		
HARPER HOUF PETERSON RIGHELLIS INC. Portland, Oregon		
By <b>SJE</b>	Date <b>9/3/2019</b>	

**\*Approved\***  
 City of Portland - Bureau of Development Services  
 Planner \_\_\_\_\_  
 Date **11/20/2019**  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



Roof Plan

**Callouts**

- 1) Inverter
- 2) Inverter
- 3) 125A Combiner Panel
- 4) Fused AC Disconnect Switch -Mounted within 10' of existing Electric Meter
- 5) Existing Electric Meter
- 6) Main Service Panel: 240V 200A
- 7) Modules
- 8) Optimizers

*LU 19-232029 HR*

