



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: May 29, 2020
To: Interested Person
From: Arthur Graves, Land Use Services
503.823.7803 | Arthur.Graves@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 20-123266 DZ: SOLAR PANEL ADDITION

GENERAL INFORMATION

Applicant: Robert Rathbone | Premier Solar NW | 503.828.9500
12399 NW Waker Dr | Portland OR 97229

Owner: Jonathan Brinkmann Trust
8017 N Willamette Blvd | Portland, OR 97203-4954

Site Address: 8017 N WILLAMETTE BLVD

Legal Description: BLOCK 2 LOT 3, ADAMS ADD
Tax Account No.: R004100130
State ID No.: 1N1W12AC 07500
Quarter Section: 2122

Neighborhood: Cathedral Park, contact Steve Capoccia at cpna.landuse@gmail.com
Business District: St. Johns Boosters Business, contact at info@stjohnsboosters.org.
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-8877.

Plan District: St. Johns
Zoning: R1d: Multi-Dwelling Residential 1,000 Base Zone (R1), Design (d) Overlay Zone
Case Type: DZ: Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant requests Design Review for building alterations to a site located in the St Johns Plan District. The proposal includes the installation of 14 solar panels to the roof of the existing single-story house. The installation will specifically include: 3 solar panels on the south elevation (street facing), 4 to the east elevation (side), and 7 to the east elevation (side). Each panel is 62.6" x 41.4" x 1.6" thick.

Design Review is required for proposed non-exempt alterations to development in the Design (“d”) overlay zone of the St. Johns Plan 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:

- Community Design Guidelines

ANALYSIS

Site and Vicinity:

The subject property is located in the primarily residential Hillside Neighborhood of St. Johns in the southeast quarter of the block defined by N Willamette Boulevard to the south, N Mohawk Ave to the east, N Princeton Ave to the north, and N Oswego Ave to the west. Located adjacent to the site and on the west half of the block is a City of Portland Water Bureau owned property including an elevated steel tank, above ground pipe that supplies water to the tank, and a vault. The Water Bureau no longer needs the property or structures, has decommissioned the facility, and has listed the site as potentially being for sale. Neighboring properties include late-19th to mid-20th Century single dwellings, multi-dwelling buildings from the 1960s and early 2000s. A few blocks downhill are metal-clad industrial buildings, railroad tracks, and the Willamette River. A few blocks to the north-west is the St. Johns commercial district.

Zoning:

The Residential 1,000 (R1) is a medium density multi-dwelling zone. It allows approximately 43 units per acre. Density may be as high as 65 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouse, and rowhouses. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets. Newly created lots in the R1 zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot area for development with detached or attached houses or for development with duplexes. Minimum lot width and depth standards may apply.

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. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The St. Johns Plan District provides for an urban level of mixed-use development including commercial, employment, office, housing, institutional, and recreation uses. Specific objectives of the plan district include strengthening St. Johns’ role as the commercial and civic center of the North Portland peninsula. These regulations: stimulate business and economic vitality; promote housing and mixed-use development; discourage auto-oriented uses and development; enhance the pedestrian environment and the character of buildings; and support the Willamette greenway and opportunities to celebrate the Willamette River as a unique element of the urban environment.

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 **April 14, 2020**.

1. Portland Bureau of Transportation: April 14, 2020. With no objections to the approval of the proposal. (Exhibit E-1)
2. Life Safety – Bureau of Development Services: Gail Knoll: April 29, 2020. No objections to the proposal. (Exhibit E-2)
3. Portland Parks and Recreation – Urban Forestry: Dan Gleason: May 05, 2020. With no objections to the proposal. (Exhibit E-3)
4. Site Development – Bureau of Development Services: Gail Knoll: May 05, 2020. With no concerns. (Exhibit E-4)
5. Portland Water Bureau: Michael Puckett: May 05, 2020. With no concerns. (Exhibit E-5)
6. Bureau of Environmental Services: Emma Kohlsmith: May 05, 2020. With no concerns. (Exhibit E-6).
7. Portland Fire Bureau: Dawn Krantz: May 06, 2020. With no concerns. (Exhibit E-7)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on April 14, 2020. 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 33.825 Design Review

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 area. 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 that 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 guidelines for the area.

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 Community Design Guidelines.

Community Design Guidelines

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland's urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other movement systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

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

P1. Plan Area Character. Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.

D6. Architectural Integrity. Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

D7. Blending into the Neighborhood. Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

D8. Interest, Quality, and Composition. All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

Findings for P1, D6, D7 and D8: The Community Design Guidelines note that this guideline can be met in the St. Johns/Lombard Plan District by “incorporating desired architectural and site development features to complement, rather than imitate, existing historic buildings.” Proposed solar panels are located on the roof of the existing building and ganged for optimal solar aspect/gain for the site. Panels are attached parallel to the existing hip roof so that the style, form, mass, and character of the 1905 building is not altered. In support of this: proposed panels are setback a minimum of 3 feet from all hips; the greatest number of panels are proposed on the sides (4 on the west side – facing the Water Bureau property, and 7 on the east side – facing the side access stairs of a recently completed 4-plex corner remodel); and the small dormer on the south elevation (street facing elevation) is maintained. In addition, while the proposed 14 solar panels are a new feature to the roof, they are removable and do not permanently impact the architectural character of the building, and by extension, the character of the neighborhood that the building is in. To further ensure a low profile to the panels so that the architectural character of the building is not impacted through the proposed alterations, staff has added a condition of approval that no feature of the panels, at any point, may project more than 7” from the existing roof.

With the condition of approval that no feature of the panels, at any point, may project more than 7” from the existing roof, 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 proposed alterations to the exterior of the residential building in the St. Johns Plan District, maintains the architectural integrity without impacting the uses within.

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. As indicated in detail in the findings above, the proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Design Review approval of alterations to the exterior of the residential building located in the St. Johns Plan District.

Approval, per the approved site plans, Exhibits C-1 through C-3, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) 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 20-123266 DZ." 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. With the condition of approval that no portion of the proposed solar panel installation project more than 7 inches from the roof.
- D. NO FIELD CHANGES ALLOWED.

Staff Planner: Arthur Graves



Decision rendered by: _____ **on May 27, 2020**

By authority of the Director of the Bureau of Development Services

Decision mailed: May 29, 2020

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 February 26, 2020, and was determined to be complete on April 9, 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 February 26, 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: August 07, 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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received by 4:30 PM on June 12, 2020. **Towards promoting social distancing during the COVID-19 pandemic, the completed appeal application form must be e-mailed to BDSLUSTeamTech@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations for the appeal of Type II and IIX decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional 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 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>.

Attending the hearing. If this decision is appealed, a virtual hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design / 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 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **June 15, 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 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. Initial Submittal: February 26, 2020 (superseded)
2. Revised Submittal - Drawings: March 27, 2020
3. Revised Submittal - Narrative: April 03, 2020
4. Revised Submittal – Manufactures Cut Sheet: April 09, 2020

B. Zoning Map (attached)

C. Plans/Drawings:

1. Site Plan (attached)
2. Elevations – South, East and West (attached)
3. Manufactures Cut Sheet

D. Notification information:

1. Mailing list
2. Mailed notice

E. Agency Responses:

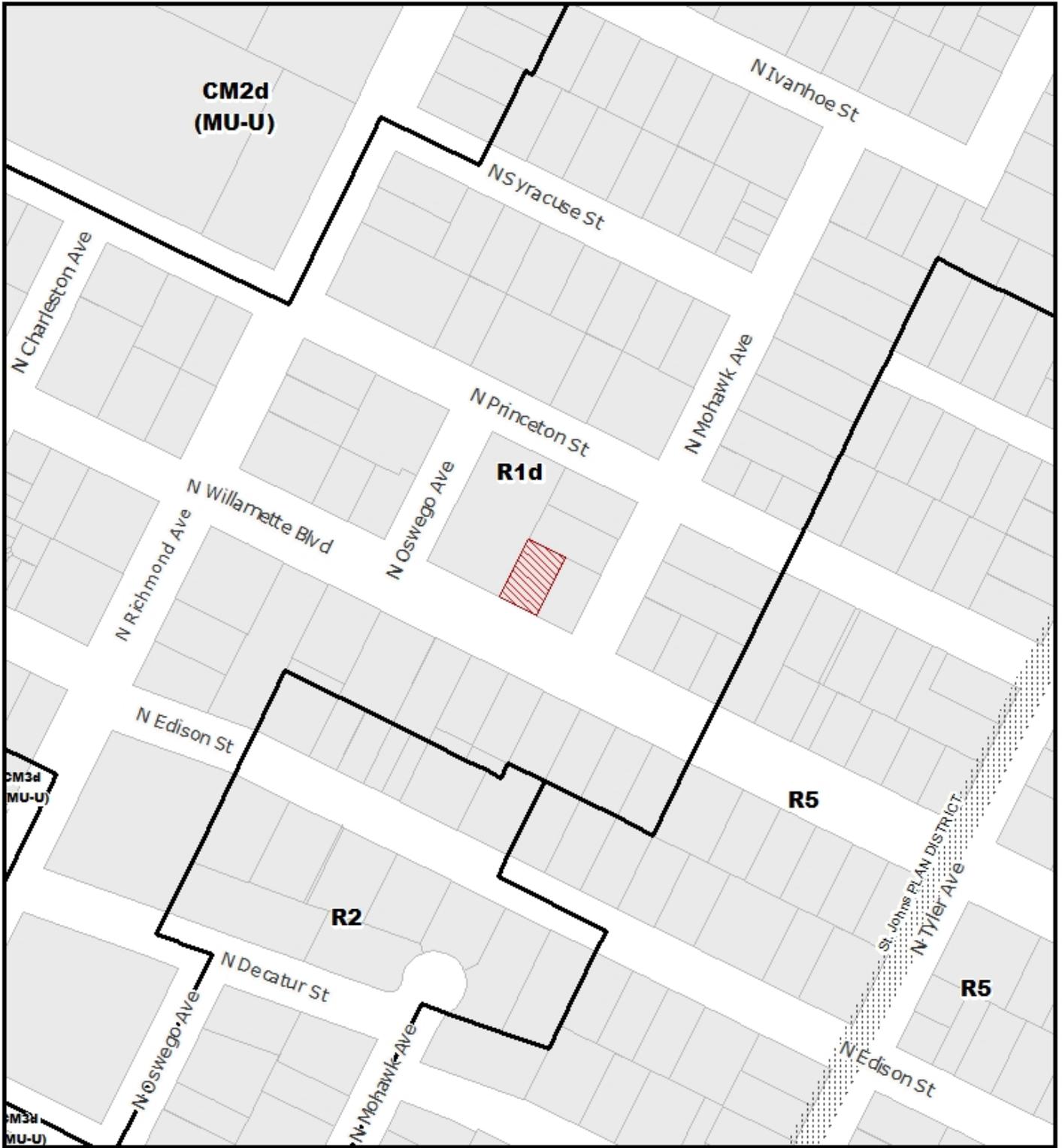
1. Portland Bureau of Transportation: April 14, 2020.
2. Life Safety – Bureau of Development Services: Gail Knoll: April 29, 2020.
3. Portland Parks and Recreation – Urban Forestry: Dan Gleason: May 05, 2020.
4. Site Development – Bureau of Development Services: Gail Knoll: May 05, 2020.
5. Portland Water Bureau: Michael Puckett: May 05, 2020.
6. Bureau of Environmental Services: Emma Kohlsmith: May 05, 2020.
7. Portland Fire Bureau: Dawn Krantz: May 06, 2020.

F. Correspondence: No responses received

G. Other:

1. Original LU Application
2. Incomplete Letter: March 11, 2020

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
 ST. JOHNS PLAN DISTRICT

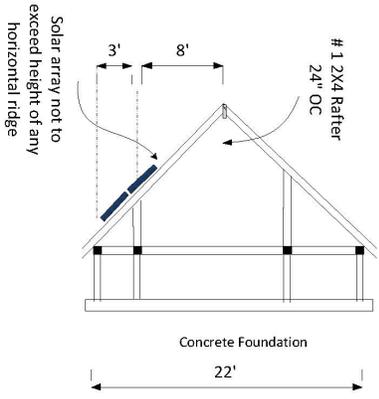
 Site

File No.	LU 20 - 123266 DZ
1/4 Section	2122
Scale	1 inch = 163 feet
State ID	1N1W12AC 7500
Exhibit	B Mar 02, 2020

Brinkman Site Plan

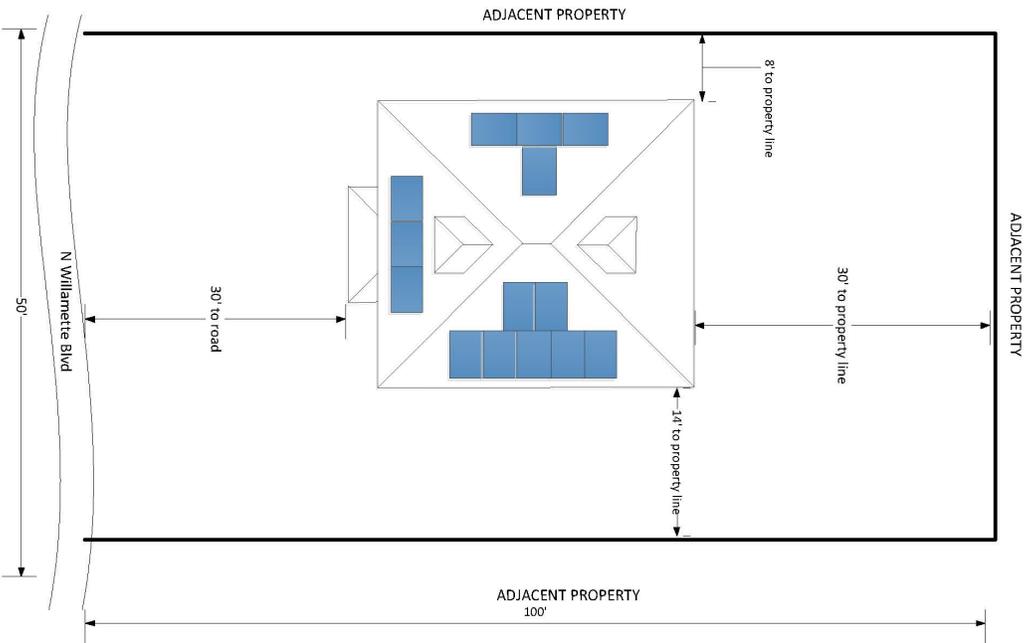
Roof Structure & Site Map

Maximum span per Table 2308.7.2(1) is 8' 7" for #1 2X4 Douglas Fir Larch at 24" OC



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

Jonathan Brinkman
8017 N Willamette Blvd.
Portland OR 97203
503 702-4421

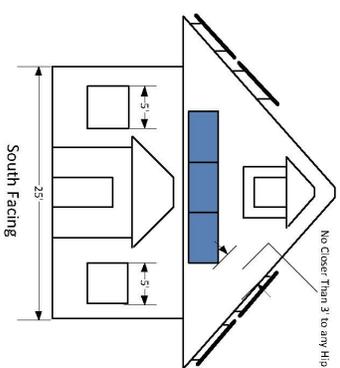
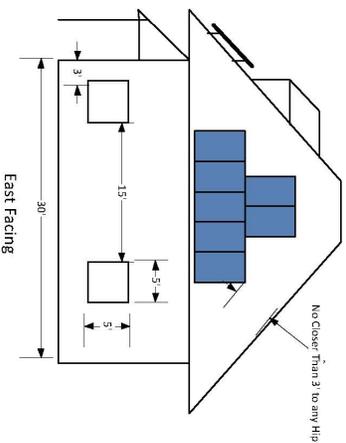
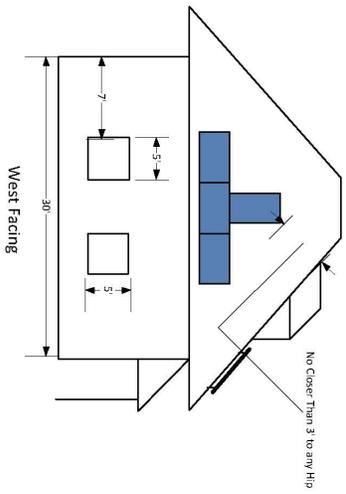


Plot Map
November 13, 2019

Scale 3/32" = 1"

Brinkman Residence

Street View Layout



February 21, 2020
Jonathan Brinkman 8017 N. Williamette Blvd. Portland OR 97203 503 702-4421
GENERAL CONTRACTOR: C&B RENEWABLE ENERGY, LLC 12399 NW WALKER DR. PORTLAND, OR, 97229 503 828-9500 CONTACT: CLIFF BARRY