

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

Dan Saltzman, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

FROM CONCEPT TO CONSTRUCTION

Date: July 15, 2016

To: Interested Person

From: Megan Sita Walker, Land Use Services 503-823-7294 / MeganSita.Walker@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 <u>http://www.portlandonline.com/bds/index.cfm?c=46429</u>. 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 16-169053 HR – SOLAR PANEL CANOPIES ON ROOF OF MONTGOMERY PARK PARKING GARAGE

GENERAL INFORMATION

Applicant:	Randy Feldhaus Imagine Energy 2409 N Kerby Ave Portland, OR 97227
Owner:	Montgomery Park I LLC 2701 NW Vaughn St Portland, OR 97210
Facilities Director:	Tim Hendricks Bill Naito Company 2701 NW Vaughn St, Ste. 390 Portland, OR 97210
Site Address:	2701 NW VAUGHN ST
Legal Description:	TL 200 11.06 ACRES ALSO SEE SUBS -0291 -0292, SECTION 29 1N 1E
Tax Account No.: State ID No.: Quarter Section:	R941290290 1N1E29D 00200 2826
Neighborhood: Business District: District Coalition:	Northwest District, contact John Bradley at 503-313-7574. None Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Other Designations:	None Historic Landmark property

Zoning:	EXd – Central Employment with design overlay and historic resouce protection overlay
Case Type: Procedure:	HR – Historic Resource Review Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant is seeking Historic Resource Review approval to install two (2) new solar arrays (229 kW total) supported by two (2) new carport canopy structures on the roof an existing parking garage on the site of the Montgomery Ward & Company (Montgomery Park) Building. The Montgomery Park Building is a Historic Landmark listed on the National Register of Historic Places on June 6, 1985.

The two (2) new solar array canopies and two (2) new carport structures will be located on the roof of the existing parking garage, built in 1994. The solar arrays and underlying carport structures are to be setback a minimum of 23'-0" from the north and south roof edges and a minimum of 26'-8" from the east and west roof edges. The combined height of the array and support structure is proposed to be 16'-0" from the parking garage roof deck at its tallest point (12'-6" from the top of concrete parapet). In addition to the solar array and carport structures, two (2) charging stations are proposed on the ground level at the southwest corner of the parking garage. While the parking garage was built in 1994 and is located just outside of the historic boundary listed in the resource nomination, it is located on the landmark site and therefore requires Historic Resource Review.

Historic Resource Review is required for non-exempt exterior alteration of a Historic Landmark property site.

Relevant Approval Criteria:

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

■ 33.846.060.G Other approval criteria

ANALYSIS

Site and Vicinity: The Montgomery Ward Warehouse building, now Montgomery Park, is located between NW 27th and NW 29th extending from NW Vaughan to NW Nicolai. It is in the eastern portion of an irregularly shaped plot. The portion of the building formed an L-shaped plan and was completed in 1920. Upon completion it was the largest concrete building west of the continental divide. It was the largest building in Portland until the First National Bank Tower was completed in 1970. In 1935 a new wing was completed to create a U shape. In the 1980s the courtyard of the U was filled with an atrium and the iconic Montgomery Ward sign was changed to read Montgomery Park.

The building was listed on the National Register of Historic Places in 1985 for its association with the growth of Montgomery Ward and Company in Portland and across the west. This company was the nation's first mail-order store. The company provided the far out reaches of the west with relatively easy access to the consumer goods that were common in the urban east and changed life in the region. The Montgomery Ward Warehouse building was the point of assembly and distribution for these goods before they were shipped to Oregon, Washington, Idaho, Nevada, Alaska, Hawai'i and the Pacific Rim. The building still illustrates this use through its massive open floors and the large windows used to efficiently light the warehouse spaces.

Zoning: The <u>Central Employment (EX)</u> zone implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the

zone is to allow industrial, business, and service uses which need a central location. Residential uses are allowed, but are are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.

The <u>Design Overlay (d)</u> Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. 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 or compliance with the Community Design Standards. In addition, design review or compliance with the neighborhood and enhance the area.

The <u>Historic Resource Protection Overlay Zone</u> protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties

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

- **<u>HL 53-85:</u>** Historic Landmark Designation.
- **<u>HL 60-85:</u>** Approval for renovation.
- **<u>HL 49-86:</u>** Approval for paint color.
- HL 13-88: Approval for an ATM.
- **<u>HL 80-89:</u>** Approval for antennas and satellite dishes.
- **<u>HL 81-89:</u>** Approval for antennas and satellite dishes.
- **PC 7477:** Approval [with conditions] of an amendment to the Comprehensive Plan Map from Heavy Manufacturing/ General Manufacturing to Light Manufacturing and a Zone Change from M1/M2 to M3.
- **LUR 92-00159 DZ:** Design Review approval [with conditions] for ground level exterior alterations and infill at the north-east corner of the building.
- **<u>LUR 92-00626 DZ</u>**: Design Review approval for replacing infill between windows and door at the north-west corner of the building.
- **LUR 92-00750 DZ:** Design Review approval [with conditions] for a new 417-space parking garage.
- **LUR 94-00483 DZ:** Design Review approval for replacing infill between windows and door at the north-west corner of the building.
- **LUR 96-00448 CU DZ:** Approved [with conditions] an unmanned cellular telecommunications facility consisting of 3 "whip-style" antennas mounted on the support structure of the existing rooftop sign.
- **LUR 98-00163 DZ:** Approved [with conditions] 3 additional whip-style antennas mounted to the roof of the existing mechanical penthouse, 2 GPS antennas, 1 diagnostic antenna, and a future expansion of up to a maximum of 12 panel style antennas flush mounted to the sides of the existing mechanical penthouse.
- **<u>LUR 00-00770 HDZ:</u>** Design Review approval of eleven antennas on three metal pole masts.
- <u>LU 02-126847 HDZ</u>: Design Review approval two new antennas to the rooftop sign structure.
- **LU 05-105768 HDZ:** Design Review approval to install three (3) new PCS antennas within the "Montgomery Park" rooftop sign structure.
- **<u>LU 06-100938 HDZ:</u>** Design Review approval of one new antenna to be mounted on an existing rooftop storage tank.
- **<u>LU 07-145772 HDZ:</u>** Design Review approval of new antennas, dishes and mechanical room.

- **<u>LU 09-126115 HDZ, AD:</u>** Design Review approval of upgrades to the perimeter and interior parking lot landscaping on the site.
- **<u>LU 10-116139 HDZ:</u>** Design Review approval of monument sign.
- **LU 11-135616 HDZ:** Design Review approval to replace antennas on the "Montgomery Park" sign.
- **LUR 96-00331 DZ:** Design Review approval [with conditions] of an unmanned cellular communications facility consisting of three antenna arrays: two wall-mounted to the roof parapet and one mounted on the support structure of the existing rooftop sign.
- **LU 16-110994 HR:** Historic Resource Review approval [with conditions] for the installation of photovoltaic panels on the Montgomery Ward Warehouse building, a historic landmark, where the panels are not visible from the ground nearby or in the surrounding area.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **June 14, 2016**. The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation Engineering
- Fire Bureau
- Life Safety Division of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 14, 2016. 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, Historic Reviews

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. Therefore the proposal requires Historic Resource Review approval. The relevant approval criteria are listed in 33.846.060 G. 1.-10.

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.
- **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, 5 and 7-10: The Montgomery Ward & Company Building (now known as the Montgomery Park Building) is a Historic Landmark built in 1920 and listed on the National Register of Historic Places on June 6, 1985. The applicant is proposing to install two (2) new solar arrays (229 kW total) supported by two (2) new carport canopy structures on the roof an existing parking garage on the northern portion of the Montgomery Park site. While the parking garage was built in 1994 and is located just outside of the historic boundary listed in the resource nomination, it is located on the landmark site and therefore requires Historic Resource Review.

The two (2) new solar array canopies and two (2) new carport structures proposed on the roof of the existing parking garage (built in 1994) are to be setback a minimum of 23'-0" from the north and south roof edges and a minimum of 26'-8" from the east and west roof edges. The combined height of the array and support structure is proposed to be 16'-0" from the parking garage roof deck at its tallest point (12'-6" from the top of concrete parapet). In addition to the solar array and carport structures, two (2) charging stations, measuring 95.5" tall by 13.7" wide and 11.4" deep, are proposed on the ground level at the southwest corner of the existing parking garage adjacent to the stair tower and surface parking.

The proposed installation of two (2) solar carport canopies and two (2) electric vehicle (EV) charging stations are well integrated with the existing parking structure and while they do not contribute to the historical character of the landmark building, they do not egregiously impact or create a false sense of the physical record of the building's time, place and use.

The proposal does not involve physical impact to any historic material on site, and by setting back the proposed solar canopies from the roof edge by a minimum of 23' to the north and south and 26'-8" to the east and west, the proposed panels will not be visible from across rights-of-way and will have limited visual impact on the entire site. The proposed steel supports are to be galvanized and will match the finish on the existing south-west stair tower. The proposed alterations to the exterior of the building will not result in a loss of historic materials, and architectural integrity will be maintained by minimizing the presence of the canopies through generous setbacks and coherent placement that aligns with the structure of the existing garage. The historic character and appearance of the Montgomery Park building will remain intact, no damage will result to historic building materials, and the minimal visual impact of the arrays will clearly distinguish these contemporary elements on the existing (non-original) parking garage to the north of the historic structure. The alterations proposed respect the overall form and integrity of the building, and are compatible with the industrial feel of existing parking garage, and the original warehouse resource with which they sited.

These guidelines are therefore 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

CONCLUSIONS

The proposal includes the installation of two (2) new solar array canopies and two (2) new carport structures on the roof of the existing parking garage (built in 1994) to be setback a minimum of 23'-0" from the north and south roof edges and a minimum of 26'-8" from the east and west roof edges. As well as, two (2) electric vehicle (EV) charging stations on the ground level at the south west corner of the existing parking garage adjacent to the stair tower and surface parking. The proposed alterations are well integrated with the existing parking structure and while they do not contribute to the historical character of the landmark building, they do not egregiously impact or create a false sense of the physical record of the building's time, place and use.

The purpose of the historic resource review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposal employs durable, architecturally compatible materials, respects the original character of the resource, and allows it to remain a coherent composition. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval to install two (2) new solar arrays (229 kW total) supported by two (2) new carport canopy structures on the roof an existing parking garage and install two (2) electric vehicle charging stations on the northern portion of the Montgomery Park Building (Historic Landmark) site. Approved per, Exhibits C-1 through C-9, signed and dated 07/13/2016, 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-C.9. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-169053 HR. No field changes allowed."

Staff Planner: Megan Sita Walker

Decision rendered by: _______ Mary July ______ on July 13, 2016 By authority of the Director of the Bureau of Development Services

Decision mailed: July 15, 2016

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 May 9, 2016, and was determined to be complete on June 8, 2016.

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 May 9, 2016.

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 6, 2016.**

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 July 29, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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. 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.

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 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 1, 2016.
- 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
 - 1. Project Description and Response to Approval Criteria
 - 2. Site Photos
 - 3. Visualizations
 - 4. Example Racking, EV Charger, and Solar Modular Photos
 - 5. Montgomery Park Historic Boundary National Register of Historic Places Records
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Cover Sheet
 - 2. Overall Site Plan (attached)
 - 3. Enlarged Site Plan (attached)
 - 4. Existing & Proposed East & South Elevations (attached)
 - 5. Existing & Proposed West & North Elevations (attached)

- 6. Sections
- 7. Sight Line Studies (attached)
- 8. Panel Specifications Silfab Smart Module
- 9. Charging Station Specifications
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Transportation Engineering
 - 2. Fire Bureau
 - 3. Life Safety Division of BDS
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Oregon Historic Site Record
 - 3. Historic Resource Inventory form
 - 4. Original Land Use Review approval notes for subject Parking Garage (LUR 94-00483)
 - 5. Email correspondence from the Applicant to Staff Sent 07/1/2016

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).











