



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

1900 SW 4th Avenue, Suite 5000 Portland, Oregon 97201 503-823-7300 Fax 503-823-5630 TTY 503-823-6868 www.portlandonline.com/bds

Date: March 17, 2010

To: Interested Person

**From:** Noelle Elliott, Land Use Services

503-823-0624 / Noelle.Elliott@ci.portland.or.us

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

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

### CASE FILE NUMBER: LU 10-108456 DZ – SOLAR PANEL INSTALLATION AT 150 SW HARRISON STREET

#### **GENERAL INFORMATION**

**Applicant:** Harrison & First LLC

150 SW Harrison St Ste 200

Portland, OR 97201

**Representative:** Adam Ward, Rec Solar Inc

833 SE Main #134 Portland OR 97214

**Site Address:** 150 SW Harrison Street

**Legal Description:** SOUTH AUDITORIUM ADD, BLOCK B, LOT 2 TL 500

**Tax Account No.:** R777500640 **State ID No.:** 1S1E03CB 00500

Quarter Section: 3229

Neighborhood:

Business District:

District Coalition:

Portland Downtown, contact Jennifer Geske at 503-750-9843.

Downtown Retail Council, contact Lisa Frisch at 503-552-6740.

Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District:

Central City/South Auditorium Plan District; Downtown Sub-District

**Zoning:** Cxd: Central Commercial zone with a design overlay

Case Type: DZ: Design Review

**Procedure:** Type II, an administrative decision with appeal to the Design

Commission.

#### Proposal:

The applicant seeks design review approval to install ninety (90) 224 Watt PV modules on the roof of a two-story building located in the South Auditorium Plan District of the Central City. The roof measures 206'-8" by 132'-8" and the panel modules each measure approximately 5'-6" long by 3'-3" wide by 0'-6" deep. The modules will be mounted with a south-facing 26-degree tilt to a low-profile racking system, with the bottom of each panel projecting 0'-7" above the roof and the top of the panel projecting 2'-3" above the roof surface. The modules will be arranged

in the NE corner of the roof. In addition, three inverters with an associated meter will be mounted to the roof-facing side of an existing stair tower located on the southwest side of the building, and will not project above the top of the wall. The inverters each measure approximately 1'-6" wide by 2'-0" tall and will be located 2'-7" above the surface of the roof, reaching a height of 5'-10" above the roof surface. The inverters project 0'-8" from the vertical surface of the stair tower, towards the roof.

Because the proposal is for a site with a design overlay zone and exterior alterations are proposed, 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 approval criteria are:

■ Chapter 33.825 Design Review

 Central City Fundamental Design Guidelines

#### **ANALYSIS**

**Site and Vicinity:** The site includes a full 'block' of 40,520 square feet in the South Auditorium District, bordered by SW Harrison Street on the north, SW 1<sup>st</sup> Avenue on the east, and landscaped pedestrian walkways and stairs on the south and west. The property is slightly larger than the standard (40,000 square foot) downtown block, and is developed with a single-story office building and three floors of structured parking. Constructed in the International Style in 1967, the office floor includes a large central, open courtyard and pedestrian access from the west, via a pedestrian walkway in alignment with SW 2<sup>nd</sup> Avenue. Garage entries are located in both SW Harrison Street for the upper floors, and in SW 1<sup>st</sup> Avenue for the lower floor. A row of storefront windows occupy the center of the building on the lowest side, abutting SW 1<sup>st</sup> Avenue. The property is surrounded, like others in the district, by a landscaped perimeter of trees, shrubs, and groundcover.

Nearby development includes the three-building high-rise Portland Center Towers, recently reconfigured into the Harrison Condominiums and Apartments. Other nearby development includes several office buildings, apartment buildings, and directly south of the site is the Portland Center Shopping Plaza, a strip mall with some second-story office space. The site is located near the center of the South Auditorium District, characterized by contemporary architecture from the 1960's and 1970's, a network of landscaped public pedestrian-only walkways, and award-winning public parks. The site is immediately adjacent on the southwest corner to Lawrence Halprin's (1968) Lovejoy Fountain Plaza.

Adjacent frontages in both SW Harrison Street and SW 1<sup>st</sup> Avenue are improved with paved roadways, curbing, and public sidewalks. Southwest Harrison includes a landscaped center median and streetcar tracks heading in both directions. The adjacent pedestrian walkways on the south and west edges of the site include wide paved walkways and landscaping. The City of Portland Transportation System Plan (TSP) designates SW Harrison as a Major Transit Priority Street, Central City Pedestrian/Transit Street, and City Bikeway. The TSP designates SW 1<sup>st</sup> Avenue as a Local Access Transit Street, City Walkway, and City Bikeway. The entire site lies within the Downtown Pedestrian District.

**Zoning:** The Central Commercial (CX) base 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. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape. The Design ("d) overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or

cultural value. Because this site is located in the Central City, all the proposed exterior alterations require prior approval through the Design Review process.

The Central City plan district seeks to address unique circumstances and opportunities existing in the Central City through various use regulations and development standards. The Central City plan district implements various adopted plans for the area, including the Downtown Plan, the River District Plan, and the Central City Plan, among others. The South Auditorium plan district protects the unique character of the former South Auditorium urban renewal district. The district is an award-winning development, with its high-rise buildings, generous setbacks and landscaping, numerous plazas and fountains, and elaborate pedestrian walkway system. Maintenance of this character is achieved by requiring additional landscaping standards, preserving existing trees, screening roof-top equipment, and additional regulations limiting the type, number, and size of signs.

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

- DZ 11-85 Design review for Jade West Restaurant signage;
- DZ 125-86 Design review for security gates;
- *DZ 41-87* Design review for signage;
- LUR 93-00285 DZ Design review for signage and landscaping alterations;
- LUR 94-00934 DZ Design review for a garage door;
- LUR 95-00591 DZ Design review for a garage door, signage, fencing, and an awning;
- LUR 96-00349 DZ Design review for iron security panels; and
- LUR 96-01094 DZ Design review for an awning adjacent to a garage entry.
- LU 09-127394 DZ Design review for a renovation to the exterior of the building

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed February 19, 2010. The following Bureaus have responded with no issues or concerns:

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

The <u>Water Bureau</u> responded with the following comment: "The Water Bureau has no objections to the proposed PV (Photovoltaic) system installation on the existing building rooftop at 150 SW Harrison St." *Please see Exhibit E-1 for additional details*.

The <u>Life-Safety Plans Examiner of BDS</u> responded with the following comment: "A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. *Please see Exhibit E-2 for additional details*.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on February 19, 2010. 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 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.

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

**Findings:** The proposal involves alterations to an existing 1967 office building in the South Auditorium District. The installation of new roof-mounted solar equipment improves the building's energy efficiency, and aids in its continued re-use and vitality. This effort was spurred by the recent building restoration reviewed under Design Review LU 09-127394 DZ. The proposed alterations respect the building exterior, including the modernist aesthetic of the structure designed by Skidmore, Owings and Merrill (SOM). No change is proposed to the exterior façade or to the relationship of the building to surrounding streets, which is characterized by deep landscaped setbacks from the adjacent sidewalks, as found elsewhere in the district. The proposed work provides for a substantial number of new solar panels on the building roof, while having little or no impact on the building façade or its appearance when viewed from the street or surrounding pedestrian walkways. *This quideline is therefore 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.

**Findings:** No changes are proposed to the pedestrian environment surrounding the building, and the new equipment is housed exclusively on the roof in locations that will be fully shielded from pedestrian view by the building parapet. Deep eaves overhang the structure, particularly in the pedestrian-accessible office courtyard entry on the west. The adjacent walkways and sidewalks, especially on the west and south sides of the structure, include pedestrian alcoves and bench seating, allowing opportunities for people to stop, view, socialize, and rest. These pedestrian paths and seating areas are protected from the impact of the new equipment by the building's existing parapet and the low profile of the proposed solar panels. *This quideline is therefore 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. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.
- **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.

**Findings for C2, C3 & C5:** The proposed new solar equipment is of a high quality construction and is mounted on the rooftop in an organized manner that limits its visual impact on the surrounding environment, including views from the sidewalks and neighboring buildings. A total of ninety (90) solar panels will be installed on the roof and attached via a modular reduced penetration racking system constructed of extruded aluminum components and stainless steel fasteners, neither of which will oxidize and become discolored over the lifetime of the system. The racking system orients the panels at a 26-degree slope facing south, resulting in a low profile that rises a maximum of 2'-3" above the surface of the roof. The proposed panels are a dark blue-black color and are constructed with built-in non-reflective glass and a clear anodized aluminum frame. The roof-mounted panels are set back from south, east and west parapet walls a significant distance, and from the north parapet wall by 1'-8", which further limits their visibility from the surrounding environment. In addition, the panels are organized and grouped together to minimize their visual disturbance from views onto the roof from surrounding buildings. *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 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. By limiting the visibility of the new equipment on the surrounding environment, the proposed additions respect the building's clean, midcentury architecture and functional relationship between the

building's central courtyard and the surrounding public pedestrian walkways. The proposal meets the applicable design guidelines and therefore warrants approval.

#### ADMINISTRATIVE DECISION

Approval of roof-mounted solar equipment to the roof of a two-story office building located within the Downtown Sub-District and the South Auditorium Plan District of the Central City Plan District, including approval of:

- Ninety (90) 224 Watt PV modules placed on NE corner of the roof. Each panel module measures approximately 5'-6" long by 3'-3" wide by 0'-6" deep.
- Solar modules are mounted with a south-facing 26-degree tilt to a low-profile racking system, with the bottom of each panel projecting 0'-7" above the roof and the top of the panel projecting 2'-3" above the roof surface.
- Three (3) inverters with an associated meter mounted to the roof-facing side of the existing stair tower on the southwest side of the building, not projecting above the top of the wall. The inverters each measure approximately 1'-6" wide by 2'-0" tall and will be located 2'-7" above the surface of the roof, reaching a height of 5'-10" above the roof surface. The inverters project 0'-8" from the vertical surface of the stair tower.

Approval per the approved site plans, Exhibits C-1 through C-11, signed and dated March 15, 2010, subject to the following conditions:

A. As part of the building permit application submittal, each of the 4 required drawings and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.11. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-108456 DZ. No field changes allowed."

Staff Planner: Noelle Elliott

Decision rendered by: \_\_\_\_\_\_ on March15, 2010

By authority of the Director of the Bureau of Development Services

Decision mailed: March 17, 2010

**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 2, 2010, and was determined to be complete on **February 16, 2010.** 

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 2, 2010.

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: June 16, 2010.** 

#### 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 March 31, 2010 at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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 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 <a href="https://www.portlandonline.com">www.portlandonline.com</a>.

**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 April 1, 2010 – (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

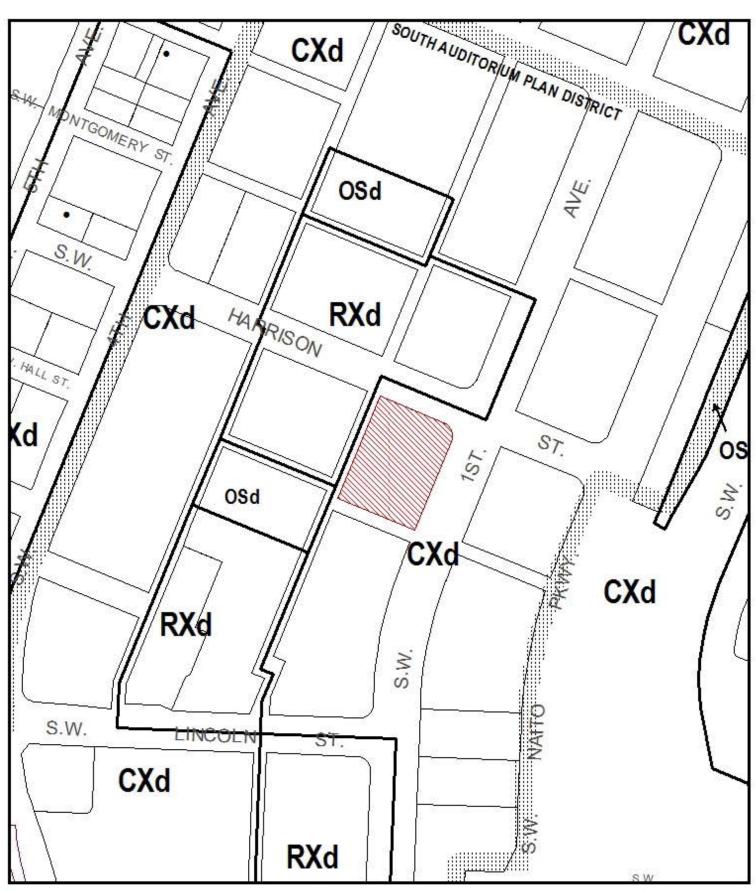
- A. Applicant's Statement
  - 1. Statement & Drawings
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Array Layout
  - 3. Racking Plan

- 4. East Elevation (facing SW 1st Ave) and North Elevation (facing SW Harrison St) (attached)
- 5. Stair Tower Elevation with Inverters (facing roof) (attached)
- 6. Equipment Details
- 7. Circuit Diagram
- 8. Electrical Notes and Labels
- 9. Single Line Diagram
- 10. Solar Panel Manufacturer's Cutsheet
- 11. Inverter Manufacturer's Cutsheet
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Water Bureau
  - 2. Life-Safety Plans Examiner of BDS

Correspondence: None

- G. Other:
  - 1. Original LU Application
  - 2. Site History Research

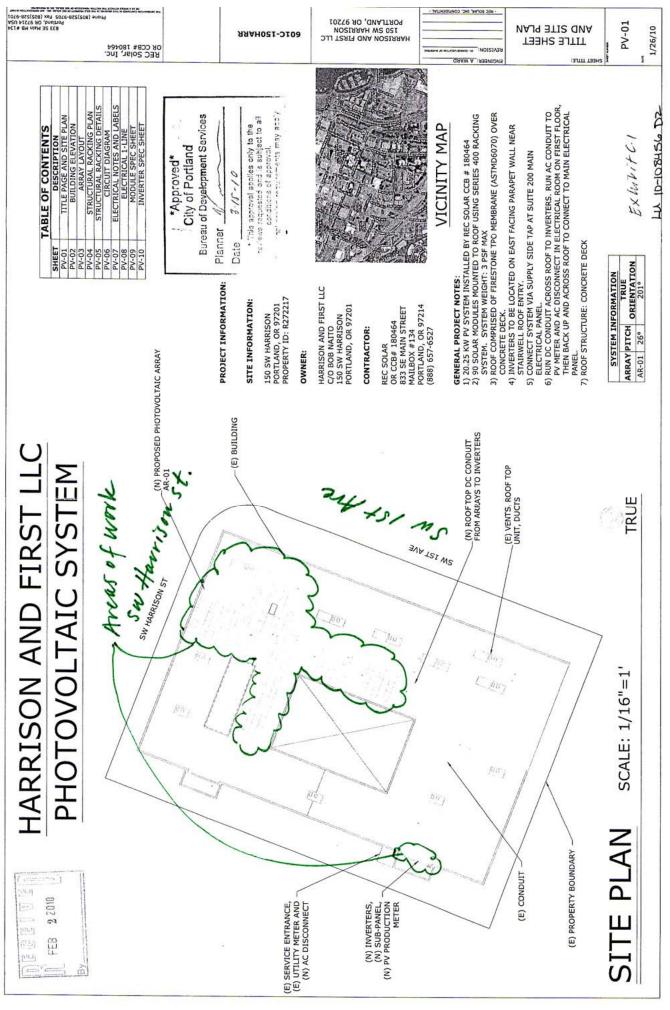
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



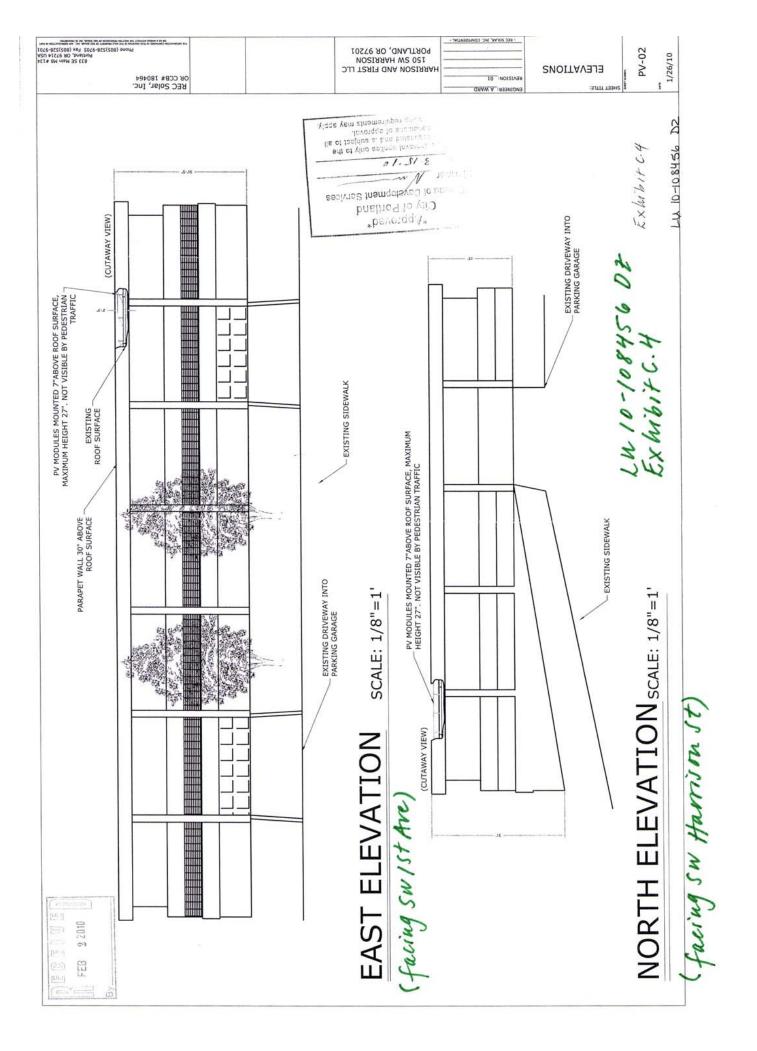
## ZONING Site



LU 10-108456 DZ File No. 3229 1/4 Section 1 inch = 200 feet Scale -1S1E03CB 500 State Id . (Feb 03,2010) Exhibit.



Lu 10-108456 DZ Exhibit C.1





LW 10-108456 DZ Exmisite.5

(facing Roof + 5w 1st Are)