



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

Dan Saltzman, Commissioner
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Date: March 16, 2016
To: Interested Person
From: Megan Sita Walker, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The 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 16-105368 HR – AMERICAN CAN COMPLEX ROOFTOP SOLAR

GENERAL INFORMATION

Applicant: Randy Feldhaus, Applicant
Imagine Energy
2409 N Kerby Ave
Portland, OR 97227

Tim Hendricks, Facilities Director
Bill Naito Company
2701 NW Vaughn, #390
Portland, OR 97210

Site Address: 2635 NW WILSON ST

Legal Description: TL 1100 1.92 ACRES, SECTION 29 1N 1E; TL 1300 3.50 ACRES, SECTION 29 1N 1E

Tax Account No.: R941291520, R941291530

State ID No.: 1N1E29DA 01100, 1N1E29DA 01300

Quarter Section: 2826

Neighborhood: NW/NW, Northwest District, contact John Bradley at 503-313-7574.

Business District: None

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

Plan District: Guilds Lake Industrial Sanctuary - Subdistrict B

Other Designations: Historic Landmark

Zoning: IH – Heavy Industrial, and
EXd – Central Employment with a design overlay zone

Case Type: HR – Historic Resource Review

Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant requests historic resource review approval for exterior alterations to the Historic American Can Complex, to include the installation of a 374.1 kW solar energy system on two

buildings of the complex. A portion of the proposal (a 207kW array) is to be located at 2635 NW Wilson Street, flush mounted/in plane with an existing saw tooth roof, with the highest part of the system being approximately 4'-5" from the main roof deck, not exceeding the height of the saw tooth. The remaining array is proposed to be flush mounted on to the building immediately to the west, 2120 NW Wilson which is relatively flat and has a parapet which is approximately 1'-6". The second array is proposed to be mounted to a ballasted racking system and the tallest point of the panels will not project more 14" from the roof deck.

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 American Can Complex is located in the Guild's Lake Industrial Sanctuary District on NW Wilson Street between NW 26th and NW 27th Avenues. The area is generally industrial, with ESCO to the East; the Montgomery Park building to the West and the Schmitt Foundry to the south. Slightly to the South is residential development. Remnant rail spurs of the Northern Pacific Terminal Company are located on Wilson Street near the complex and within the complex on what is now a paved parking area. There are several buildings on the site with the three-story office building on the Southeast side of the complex, facing NW 26th Avenue. Adjacent to the North of the office building is the brick smokestack. The stack is connected to the one-story service building.

Zoning: The western third of the site is zoned Central Employment with design overlay (EXd) and the eastern portion of the site is zoned Heavy Industrial (IH). Seeing as the site is a registered Historic Landmark, the site is also in the Historic Resource Protection overlay zone.

The Heavy Industrial Zone (IH) is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where all kinds of industries may locate including those not desirable in other zones due to their objectionable impacts or appearance. The development standards are the minimum necessary to assure safe, functional, efficient, and environmentally sound development.

The Central Employment Zone (EX) 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 and commercial uses which need a central location. Residential uses are allowed, but 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 Historic Resource Protection Overlay Zone 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.

The Design Overlay Zone (d) designation also ensures that exterior alterations to existing development conserve and enhance the identified historic, scenic, architectural, and cultural values of each design district and designated Historic Landmark.

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

- **LUR 92-00750 DZ** Design Review approval of the exterior alterations, including awnings and canopy.
- **LUR 99-00795 AD** Adjustment Review to reduce the widths of compact parking stalls, was withdrawn before a decision was issued.
- **LU 04-043240 HDZ** Historic Design Review approval for the demolition of a smokestack.

- **LU 09-126115 HDZ AD** Historic Design Review approval with Adjustments to the interior and perimeter parking lot landscape standards

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **February 17, 2016**. The following Bureaus have responded with no issues or concerns:

- Life Safety Division of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 17, 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

33.846 Chapter Historic Resource Review Approval Criteria

Section 33.846.060 Purpose

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources. 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 Historic Landmark and the proposal is for non-exempt treatment, therefore, Historic Resource Review approval is required. The approval criteria are 33.846.060.G – *Other Approval Criteria*.

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.
- 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.

Findings for 1, 2, 3, 4, 5, and 9: No alterations to the historic materials, features, or spaces that contribute to the historic significance of the American Can Company Complex are proposed. The proposal includes the installation of a 374.1 kW solar energy system on two buildings of the complex. A portion of the proposal (a 207 kW array) is to be located at 2635 NW Wilson Street, flush mounted/in plane with an existing saw tooth roof, with the highest part of the system being approximately 4'-5" from the main roof deck, not exceeding the height of the saw tooth. The remaining array is proposed to be mounted on to the building immediately to the west, 2120 NW Wilson which is relatively flat and has a parapet which is approximately 1'-6". The second array is proposed to be mounted to a ballasted racking system and the tallest point of the panels will not project more 14" from the roof deck.

As all proposed work will take place at the roof surface only, the proposed 374.1 kW solar arrays will not be visible from the street, will not alter the historic materiality or

spaces of the resource, and will not affect how the historic significance of the resource is perceived in the district. *These criteria are met.*

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.

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 7, 8, and 10: The installation of the proposed 374.1 kW solar array will not destroy historic materials, as all proposed work will take place at the roof surface only. The proposed exterior alterations will be differentiated from the historic resource, seeing that all proposed solar panels and racking system new material to have a dark finish. The proposed solar array on the building to the west will be screened behind the parapet and out of view, and the proposed array on the building to the east will be mounted directly onto an existing saw tooth roof (not to exceed the height of the saw tooth roof forms). Therefore, the proposed arrays will not compromise the architectural integrity of the historic resource. *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 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 applicant seeks Historic Resource Review approval for the installation of a 374.1 kW solar array on two buildings of the American Can Company Complex. A portion of the proposal (a 207 kW array) is to be located at 2635 NW Wilson Street, flush mounted/in plane with an existing saw tooth roof, with the highest part of the system being approximately 4'-5" from the main roof deck, not exceeding the height of the saw tooth. The remaining array is proposed to be mounted on to the building immediately to the west, 2120 NW Wilson which is relatively flat and has a parapet which is approximately 1'-6". The second array is proposed to be mounted to a ballasted racking system and the tallest point of the panels will not project more 14" from the roof deck. The proposal respects the architectural integrity of the American Can Company Complex. The proposal meets the applicable design guidelines and therefore warrants approval.

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. This proposal meets the applicable Historic Resource Review guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

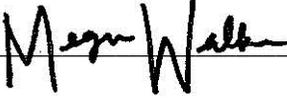
Approval of a 374.1 kW solar array on two buildings of the American Can Company Complex. A portion of the proposal (a 207 kW array) is to be located at 2635 NW Wilson Street, flush mounted/in plane with an existing saw tooth roof, with the highest part of the system being approximately 4'-5" from the main roof deck, not exceeding the height of the saw tooth. The remaining array is proposed to be mounted on to the building immediately to the west, 2120

NW Wilson which is relatively flat and has a parapet which is approximately 1'-6". The second array is proposed to be mounted to a ballasted racking system and the tallest point of the panels will not project more 14" from the roof deck.

Approved per, Exhibits C-1 through C-18, signed and dated 03/10/2016, 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.18. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-105368 HR. No field changes allowed."

Staff Planner: Megan Sita Walker

Decision rendered by:  **on March 10, 2016**

By authority of the Director of the Bureau of Development Services

Decision mailed: March 16, 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 January 13, 2016, and was determined to be complete on **February 10, 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 January 13, 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: June 09, 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 March 30, 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 **March 31, 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.

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:

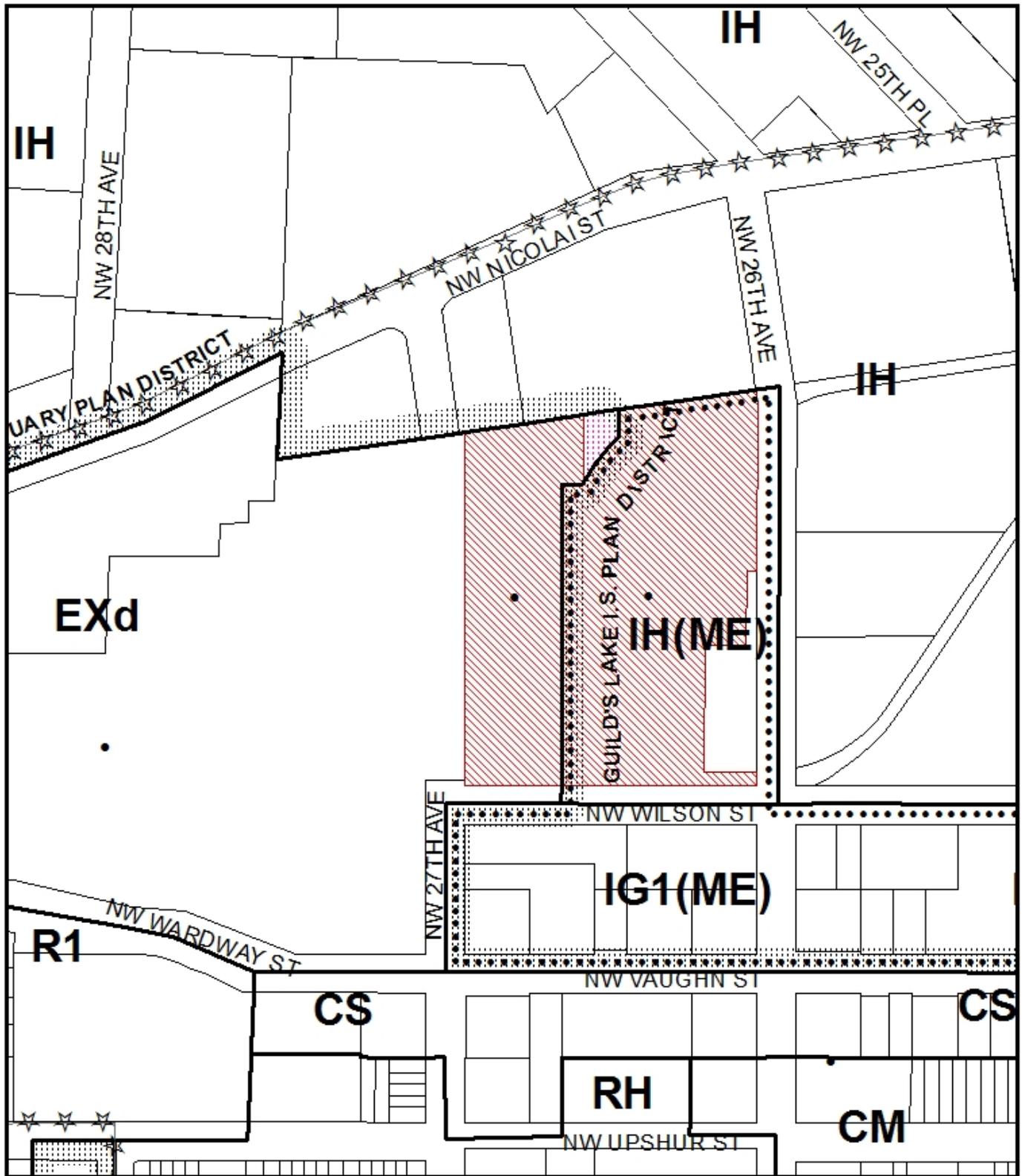
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

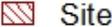
- A. Applicant's Statement
 1. Response to approval criteria
 2. Original plan set before additional sheets – Not Approved/ For reference only
 3. Aerial Photos and Renderings
 4. Photos & Renderings of the north-east and north-west
 5. View from NW Vaughn
 6. Additional Vantage Points
 7. Module and Racking System
 8. Site Map from Historic Register
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Project Information/ Vicinity Map
 2. Site Plan – Part A (attached)
 3. Site Plan – Part B (attached)
 4. Existing & Proposed East Elevations
 5. Proposed East Elevation & Array Detail (updated 2/10/16) (attached)
 6. Existing & Proposed South Elevations
 7. Proposed South Elevation & Array Section (updated 2/10/16) (attached)
 8. Existing & Proposed West Elevations
 9. Existing & Proposed North Elevations
 10. Specifications – Silfab Smart Module
 11. Specifications – SnapNrack Series 100 Roof Mount System
 12. Specifications – Sollega FastRack510 mount
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Life Safety Division of BDS
- F. Correspondence: no response
- G. Other:
 1. Original LU Application
 2. Incomplete letter from staff to applicant, sent on 02/09/2016.

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).



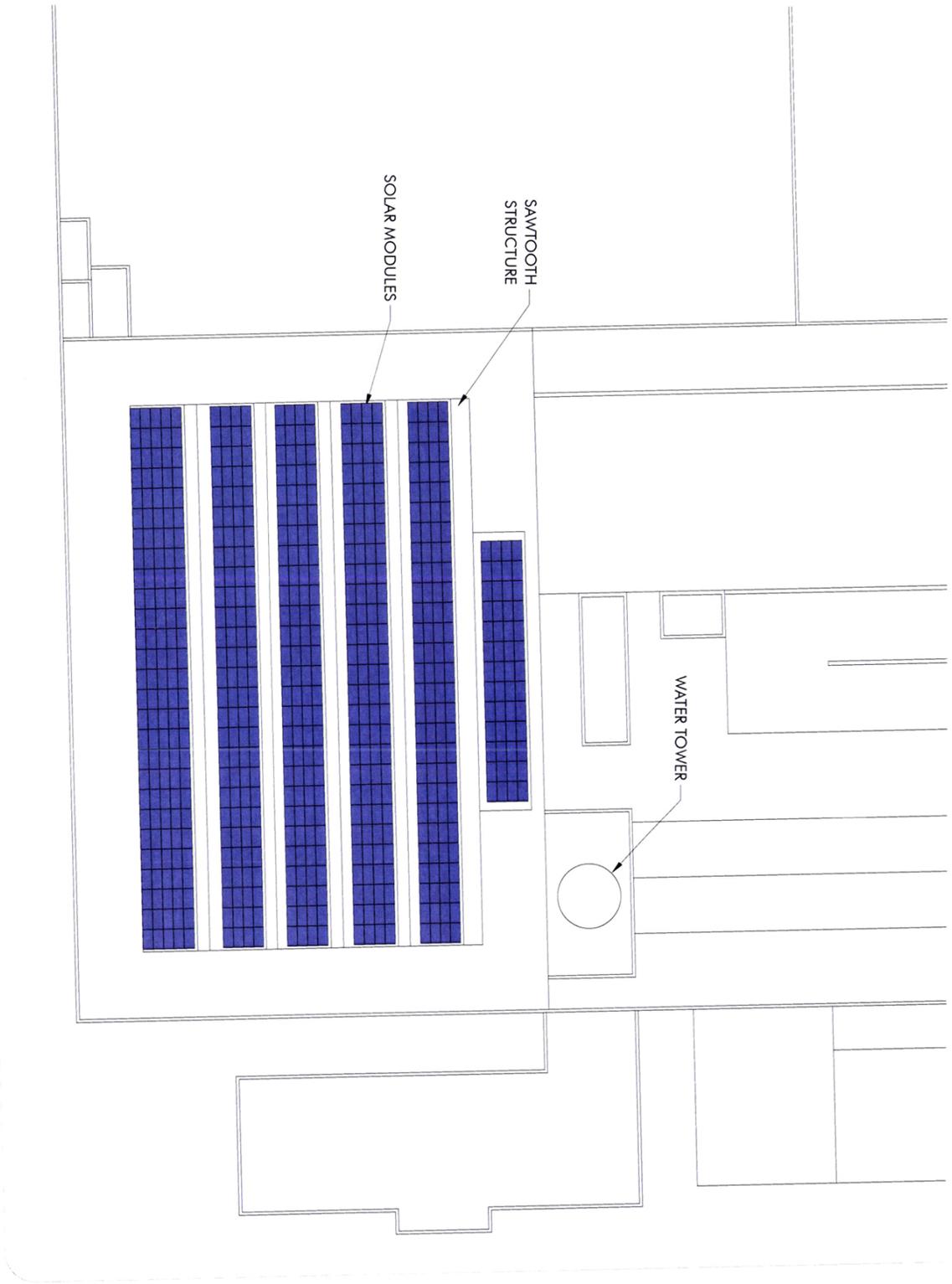
ZONING



-  Site
-  Also Owned Parcels
-  Recreational Trails
-  Historic Landmark

File No. LU 16-105368 HR
 1/4 Section 2826
 Scale 1 inch = 200 feet
 State_Id 1N1E29DA 1100
 Exhibit B (Jan 15, 2016)

This site lies within the:
 GUILD'S LAKE INDUSTRIAL SANCTUARY PLAN DISTRICT
 SUBDISTRICT B



NW WILSON ST.

NW 26TH AVE.



- INSTALLATION CHARACTERISTICS:**
- INSTALLATION WILL OCCUR ON SIX SAWTOOTH STRUCTURES.
 - ROOF SURFACE WAS UPDATED 15-20 YEARS AGO WITH THE STANDING SEAM METAL ROOF.
 - SOLAR MODULES WILL BE IN PLANE WITH THE ROOF SURFACE WITH 3.4" BETWEEN THE ROOF AND SOLAR MODULES
 - LAYOUT HAS BEEN ARRANGED SO SOLAR ARRAYS CONFORM CLOSELY WITH EXISTING ROOF SHAPE.
 - WILL BE VERY DIFFICULT TO SEE FROM SURROUNDING STREETS.
 - ZONED HEAVY INDUSTRIAL. THE ADDITION OF MODULES ON THE ROOF WILL NOT DETRACT FROM THE NEIGHBORHOOD.
 - BUILDING HAS BEEN CONVERTED FROM A FACTORY TO A PARKING GARAGE. PLACING SOLAR ON THE ROOF WILL BE A MINOR VISUAL CHANGE.

W 16 - 105368 HR EXT C-2

SITE PLAN
 AMERICAN CAN BLDG A
 HISTORIC DESIGN REVIEW
 JANUARY 12, 2016
 A0.1



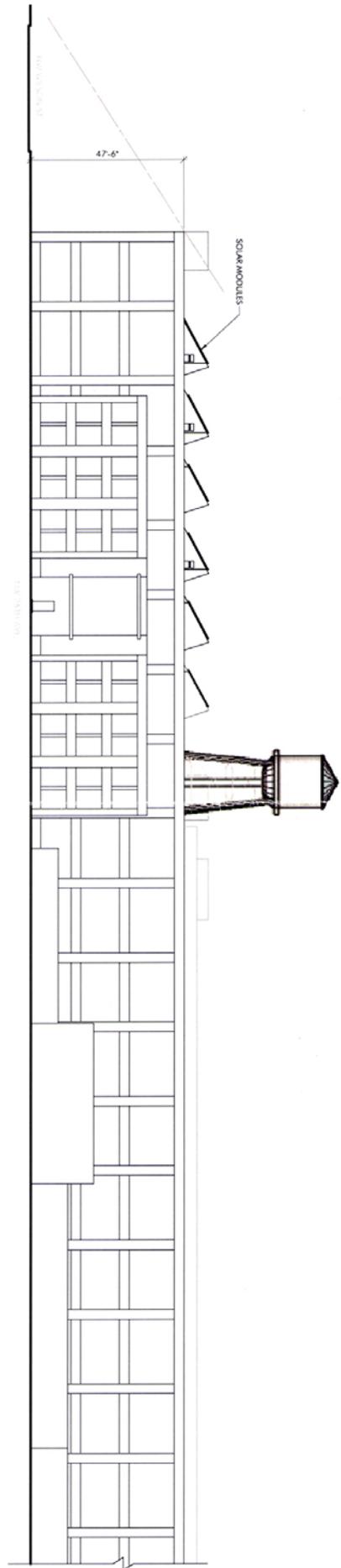
- INSTALLATION CHARACTERISTICS:**
- SOLLEGA RACKING IS PITCHED AT 10°.
 - RACKING WILL BE 12" OFF OF ROOF SURFACE AT HIGHEST POINT.
 - ALL MODULES WILL BE A MINIMUM OF 10' FROM INSIDE EDGE OF PARAPET.
 - DUE TO 10° SETBACK AND LOW PROFILE OF MODULES, THERE IS NO VISIBILITY OF ARRAY FROM ANY POINT ON SURROUNDING STREETS.
 - INVERTERS AND OTHER EQUIPMENT WILL NOT BE VISIBLE FROM STREET.



SITE PLAN
 AMERICAN CAN BLDG #1
 HISTORIC DESIGN REVIEW
 JANUARY 12, 2016
 A0.2

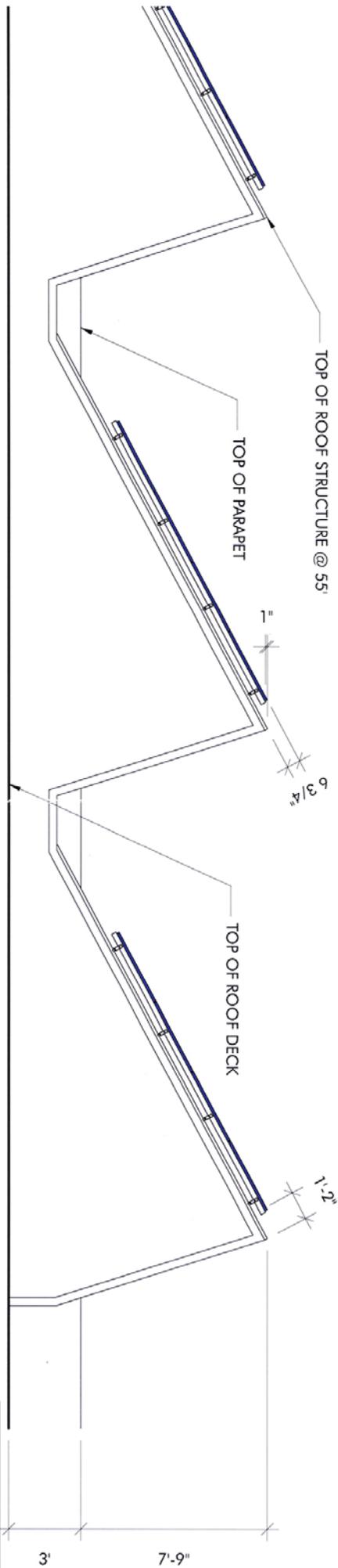
W 16-105368 HR

Exit c-3



○ AMERICAN CAN FACTORY - ELEVATION (EAST)
 1/32" = 1'-0"

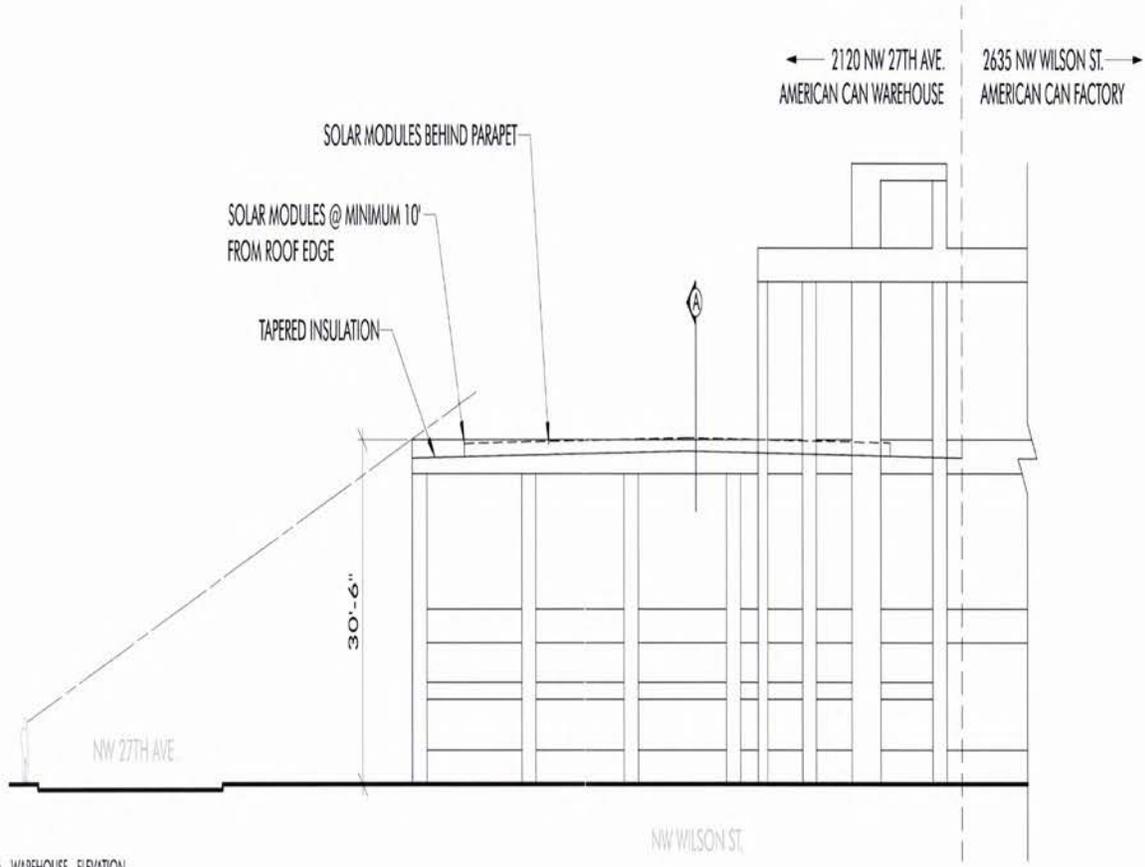
LU 16-105368 HR EXH C-5



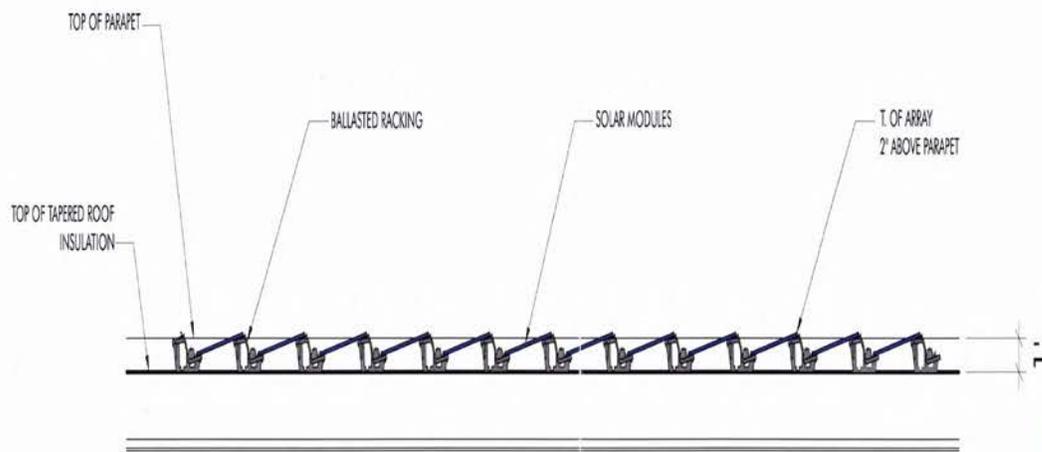
○ AMERICAN CAN FACTORY - ARRAY DETAIL
 1/4" = 1'-0"

2635 NW WILSON ST.
 HISTORIC DESIGN REVIEW
 FEBRUARY 10, 2016





WAREHOUSE - ELEVATION
1/16" = 1'-0"



WAREHOUSE ARRAY - SECTION A
3/16" = 1'-0"

2120 NW 27TH AVE.
HISTORIC DESIGN REVIEW
FEBRUARY 10, 2016

IMAGINENERGY

LU 16-105369 HR

EXH C-7