



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

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

Date: April 13, 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 <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 16-114490 DZ – ROOFTOP SOLAR

GENERAL INFORMATION

Applicant: George Gebben, Applicant
Solterra Design & Build, Inc.
79 SE Taylor St, Ste 401
Portland, OR 97214

Jason Luoma, Owner
Portland Psychotherapy Clinic
3700 N Williams Ave
Portland, OR 97227

Site Address: 3700 N WILLIAMS AVE

Legal Description: BLOCK 24 LOT 9, ALBINA HMSTD
Tax Account No.: R010505050
State ID No.: 1N1E22DD 08000
Quarter Section: 2630

Neighborhood: Boise, contact Stephen Gomez at 503-819-8268.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032.
District Coalition: Northeast Coalition of Neighborhoods, contact Zena Rockowitz at 503-388-5070.

Plan District: None
Other Designations: Albina Community Plan Area

Zoning: EXd – Central Employment with 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 for the installation of a 345 watt solar energy system on the roof of an existing building located at 3700 N Williams Avenue. The building was built in 1889 and was converted from a single family residence to office use in 2011.

The panels are proposed to be mounted in plane with the roof surface and will project a maximum of 5 inches from the surface of the roof to the top surface of the panel. The fifteen proposed panels will be mounted on the southern faces of the roof; ten panels of which will be located on sloped sections, and five panels will be located on the flat section of the roof. The panels will be a minimum of 12 inches from all ridgelines and roof edges, with a majority of the panels being 18 inches from ridgelines and roof edges.

Design review is required because the proposal is for non-exempt exterior alterations located in the design overlay zone.

Relevant Approval Criteria:

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

- *Community Design Guidelines*

ANALYSIS

Site and Vicinity: The subject property is bounded by NE Beech Street and N Williams Avenue and is within the Albina Community Plan Area. The vicinity around the subject site is a mix of commercial, retail, light industrial and residential uses. Extensive redevelopment of vacant and underutilized lots as well as renovation and rehabilitation of existing buildings along the N Williams-N Vancouver couplet has been happening for several years and is revitalizing the area. North Williams Avenue is characterized primarily new multi-story residential mixed-use development, and light industrial and commercial buildings that are interspersed with older single-family homes.

The Albina Community Plan is intended to combat the loss of employment base, disinvestment and dilapidation in the Albina Area. This district action plan provides a policy framework and long-term certainty to those that own property or that may wish to invest in Albina. Rezoning was consciously done to make investment and site assembly more viable so that the area becomes more attractive for residential, commercial, industrial and institutional investments.

North Williams Avenue is designated a Community Corridor, Transit Access Street, Neighborhood Collector Street, City Bikeway, and City Walkway in the Portland Transportation System Plan. Traffic runs northbound on N Williams and southbound on N Vancouver, creating a couplet in this area. North Williams is also a major bicycle commuter route. NE Beech Street is designated a Local Service Bikeway and Local Service Walkway.

Zoning: The Central Employment (EX) 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 by right, but are not intended to predominate or set development standards for other uses in the area.

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.

Land Use History: City records indicate no prior land use reviews.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **March 1, 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 March 1, 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 33.825 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 proposal to install a 345 watt solar energy system on the roof of an existing building, as specified, is consistent with the desired character of the Albina Community Plan Area. Given the following, the proposed panels will not substantially impact the views from adjacent sidewalks, are consistent with the plan area

character, and are designed in a coherent composition that respects the architectural integrity of the existing building:

- The proposed arrays shall be parallel to the roof slope on which they are attached;
- The proposed arrays shall offset no more than 5" from the top of the roof shingles to the top of the panels.
- all panels will be the SunPower Signature Black X-Series panels as indicated on the specifications sheet (Exhibit C-10) with black frames;

With the conditions of approval that the proposed panels will not exceed a 5" from the surface of the roof shingles to the top surface of the panel, and will be black with black frames, 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 is seeking design review approval for exterior alterations to an existing building located in the design overlay zone. The proposal includes the installation of a 345 watt solar energy system on the roof of an existing building located at 3700 N Williams Avenue.

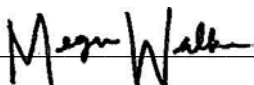
The purpose of the design review process is to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations to an existing building, to include: installation of a 345 watt solar energy system on the roof of an existing building. Approved per Exhibits C-1 through C-11, signed and dated April 8, 2016, subject to the following conditions:

- As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 16-114490 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- The proposed arrays shall be parallel to the roof slope on which they are attached and offset no more than 5 inches from the top of the roof shingles to the top of the panels.
- All panels will be the SunPower Signature Black X-Series panels as indicated on the specifications sheet (Exhibit C-10) with all black frames.

Staff Planner: Megan Sita Walker

Decision rendered by:  **on April 8, 2016**

By authority of the Director of the Bureau of Development Services

Decision mailed: April 13, 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 February 1, 2016, and was determined to be complete on February 23, 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 February 1, 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 22, 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 Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 27, 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 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 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 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 28, 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:

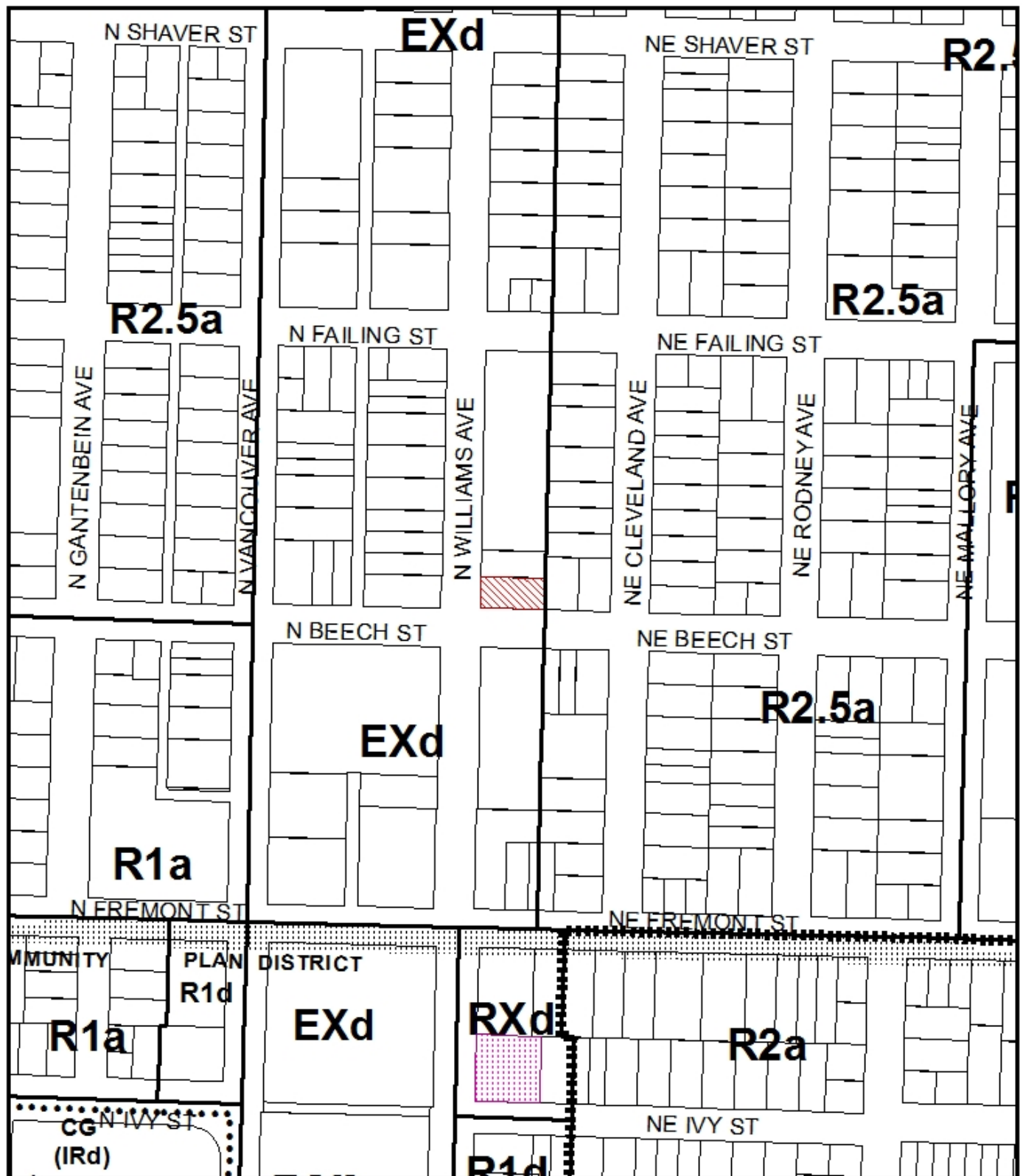
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Project Description
 - 2. Site Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Project Data
 - 2. Site Plan (attached)
 - 3. Enlarged Roof Plan (attached)
 - 4. South Elevation (attached)
 - 5. West Elevation (attached)
 - 6. East Elevation
 - 7. North Elevation
 - 8. Sections & Details (attached)
 - 9. Details
 - 10. Panel Specifications
 - 11. Inverter Specifications
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Division of BDS
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application

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).

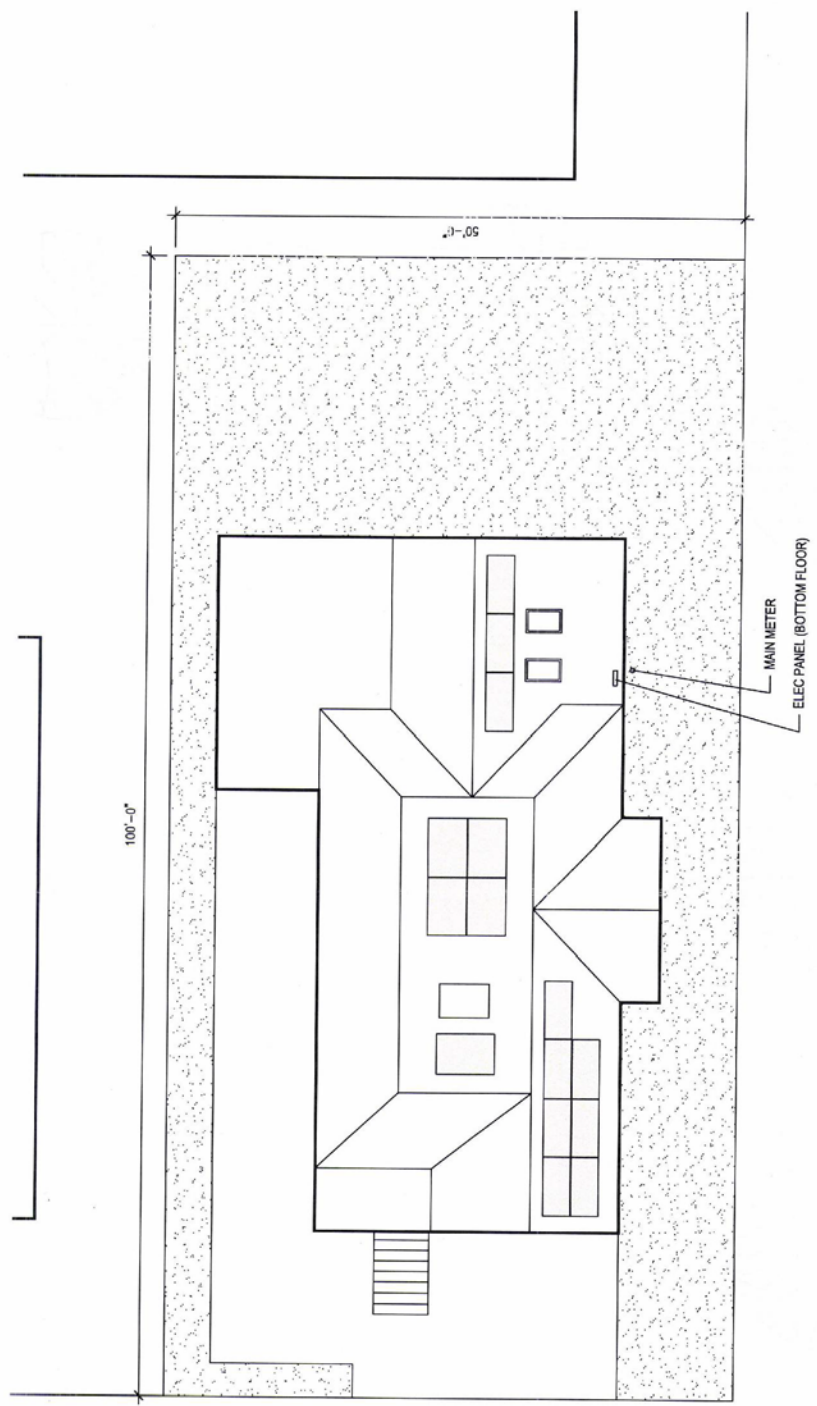


ZONING



- Site
- Also Owned Parcels

File No. LU 16-114490 DZ
 1/4 Section 2630
 Scale 1 inch = 200 feet
 State Id 1N1E22DD 8000
 Exhibit B (Feb 03, 2016)



N WILLIAMS AVENUE

NE BEECH STREET

*APPROVED PER CONDITIONS
B-C

1. SITE PLAN

Scale: 1" = 10'-0"



EXPIRES: 12/13/17

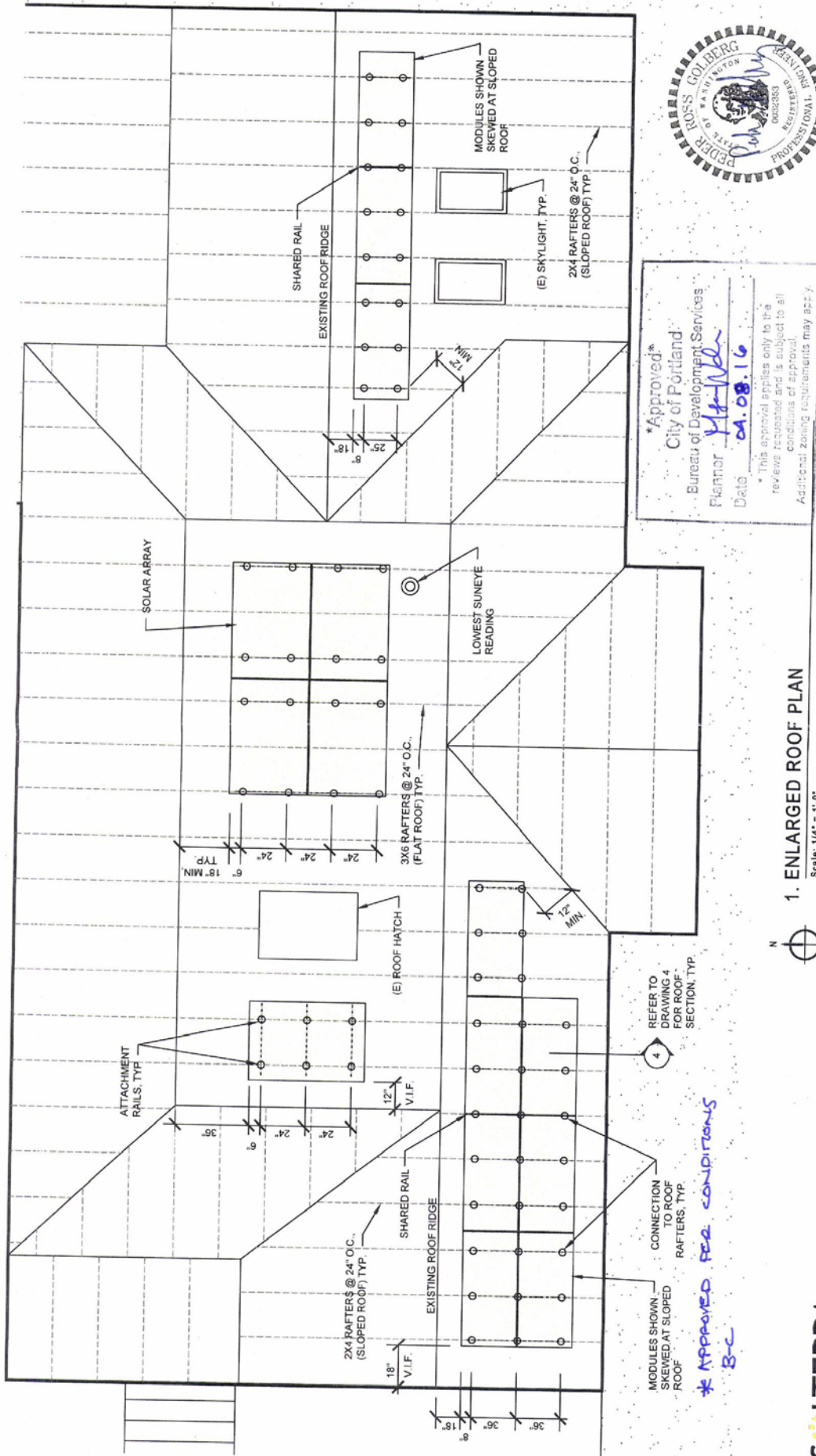
DATE: FEBRUARY 1, 2016	Dwg. NO.: 2
DRAWING: SITE PLAN	
REVISION: EXH C-2	

LU 16-114490 DT

Approved
City of Portland
Bureau of Development Services
Planner MarNde
Date 04.08.16

* This approval applies only to the reviews requested and is subject to all conditions of approval.
Additional zoning requirements may apply.

SLTERRA
SYSTEMS
79 SE TAYLOR STREET
PORTLAND, OR 97214
800-865-9005



Approved
 City of Portland
 Bureau of Development Services
 Planner *YH-NB*
 Date *01.08.16*
 * This approval applies only to the review requested and is subject to all conditions of approval.
 Additional zoning requirements may apply.



SOLTERRA SYSTEMS
 79 SE TAYLOR STREET
 PORTLAND, OR 97214
 800-865-9005

1. ENLARGED ROOF PLAN
 Scale: 1/4" = 1'-0"

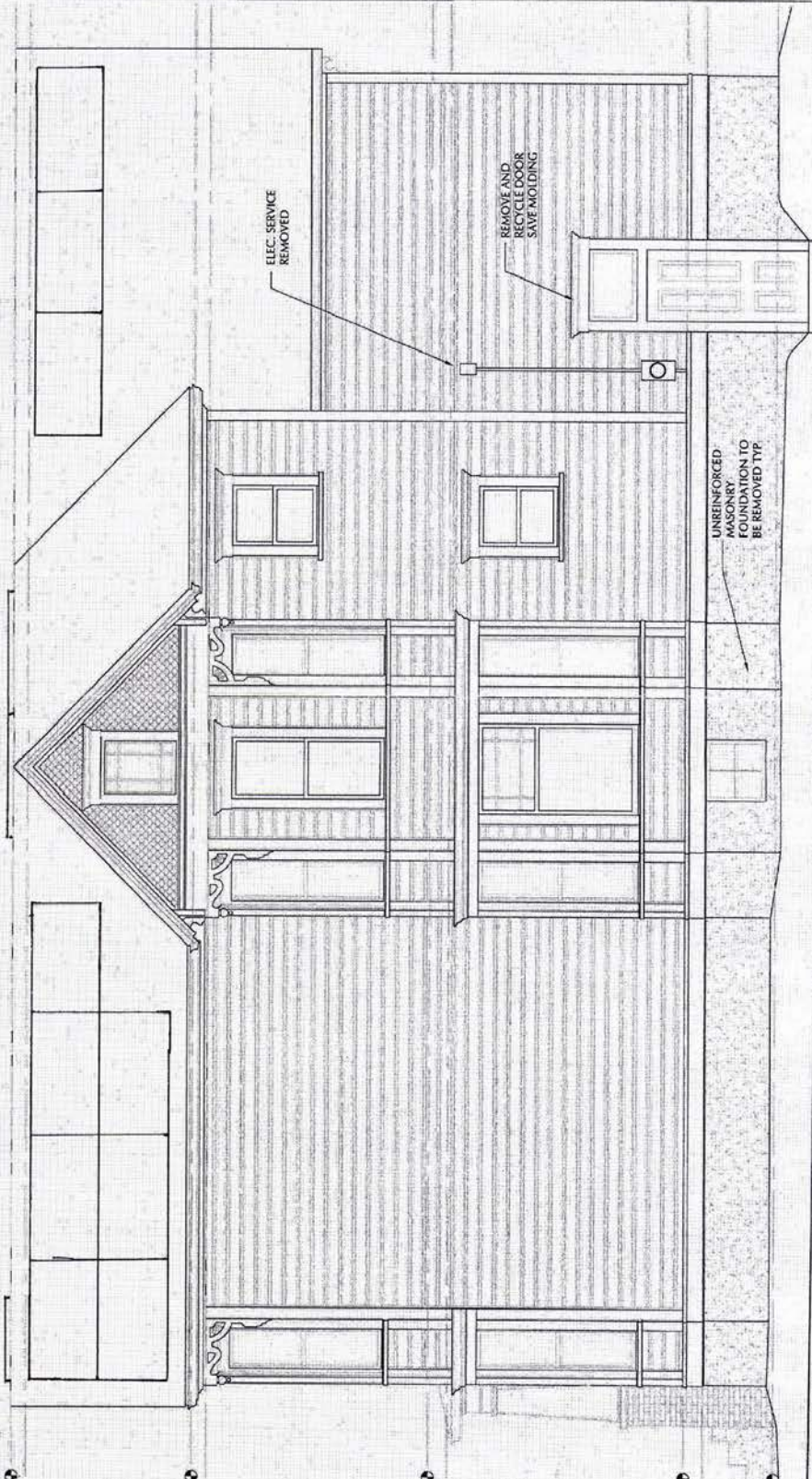
PORTLAND PSYCHOTHERAPY
 3700 N. WILLIAMS AVE
 PORTLAND, OR 97227

DATE:	FEBRUARY 1, 2016	Dwg. NO.:	3
DRAWING:	ENLARGED ROOF PLAN		
REVISION:	Ext C-3		

LW 16-11490 D2

* APPROVED FOR CONDITIONS
 B-C

*APPROVED PER CONDITIONS
B-C



Approved
City of Portland
Bureau of Development Services
Planner Myndee
Date 04.08.16

* This approval applies only to the review requested and is subject to all conditions of approval.
Additional zoning requirements may apply.

City of Portland
RECEIVED
APR 11 2012
Permit Number

08/31/2012
EXIST.
SOUTH
ELEVATION
A3.2

EXH C-4

LU 16-114490 DZ

2038 SE CEASER CHAVEZ BLVD
PORTLAND OREGON 97214
PHONE: 503-251-9900 FAX: 503-251-1600
Info@NWCpdx.com
CB # 174360
Nick Weitzel Company

NWC

JL SQUARED PROPERTIES LLC
3700 N WILLIAMS AVE. PORTLAND OREGON 97227

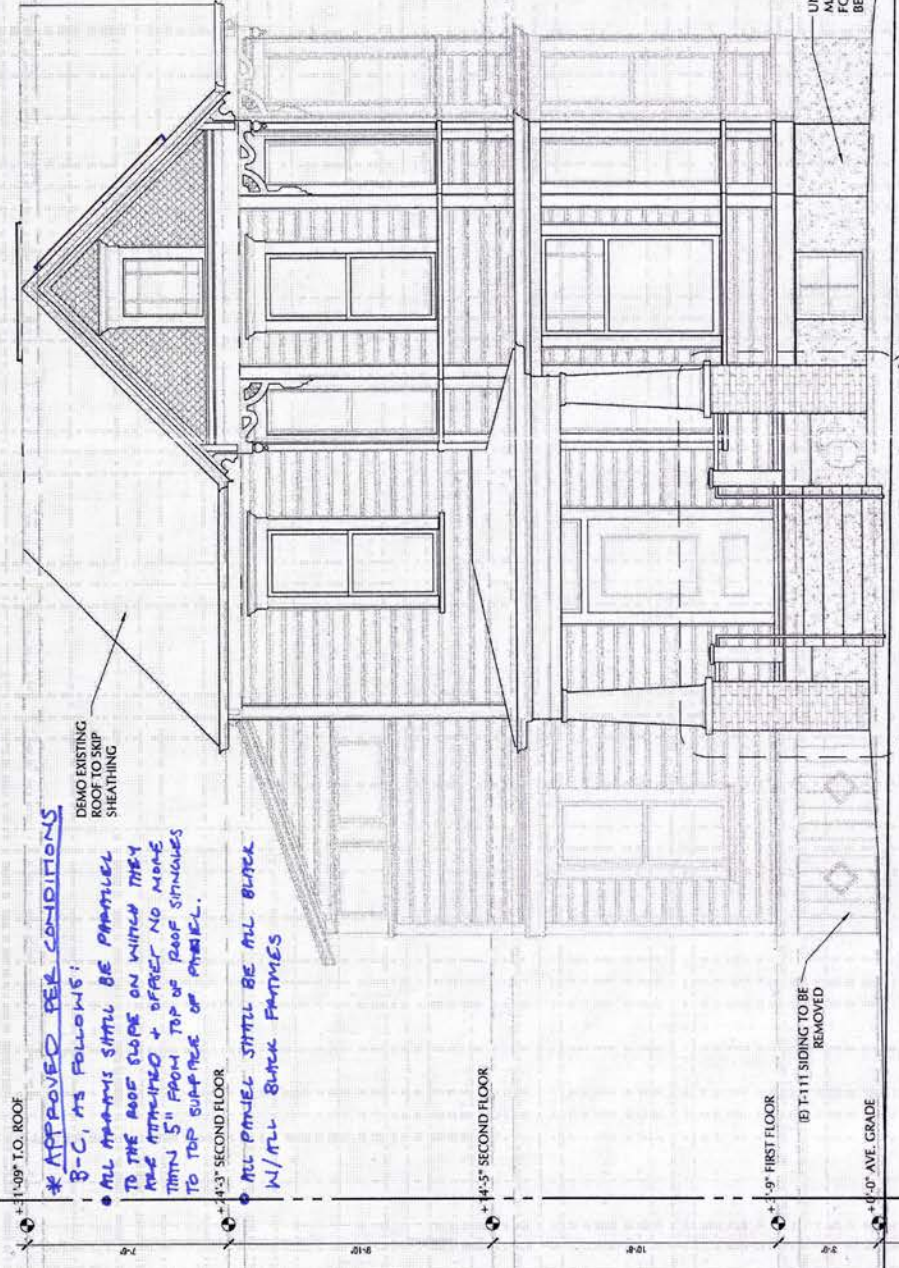
2038 SE CEASER CHAVEZ BLVD
 PORTLAND OREGON 97214
 PHONE: 503-251-9900 FAX: 503-251-1600
 info@NWCpx.com
 CCB # 174360

NWC
 Nick Weitzer Company

JL SQUARED PROPERTIES LLC
 3700 N WILLIAMS AVE. PORTLAND OREGON 97227

08/31/2012
 EXIST.
 WEST
 ELEVATION
 A3.1

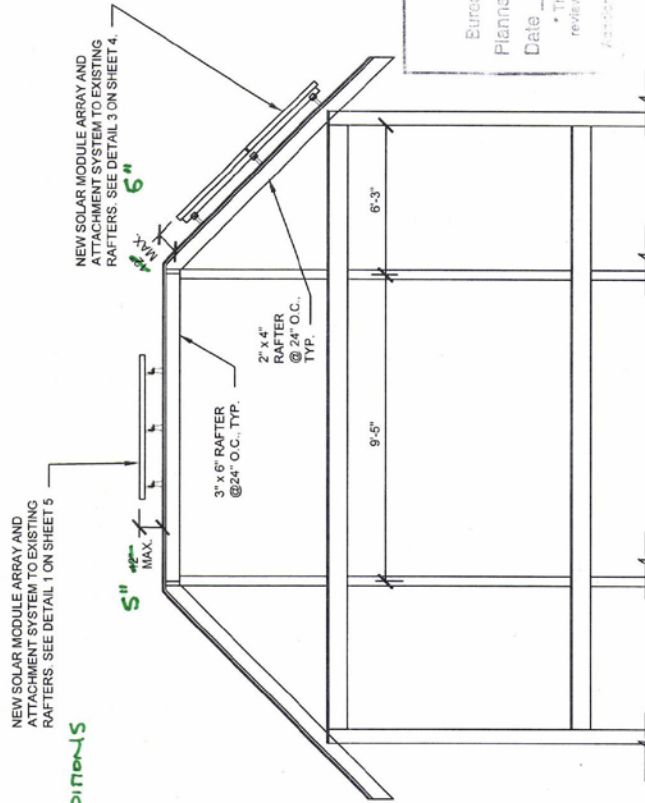
City of Portland
 DIVISION OF COMMUNITY DEVELOPMENT
 OCT 11 2012
 Permit Number



***APPROVED PER CONDITIONS**
 B-C, AS FOLLOWS:
 • ALL SHEDS STILL BE PARTIAL TO THE ROOF SLOPE ON WHICH THEY ARE ATTACHED + OFFER NO MORE THAN 5" FROM TOP OF ROOF SIMULATES TO TOP SURFACE OF PANEL.
 • ALL PANELS STILL BE ALL BRICK W/ALL BRICK PARTIES

Approved
 City of Portland
 Bureau of Development Services
 Planner *H. N. N.*
 Date *04.08.16*
 *This approval applies only to the reviews requested and is subject to all conditions of approval.
 Portland Development Services may apply

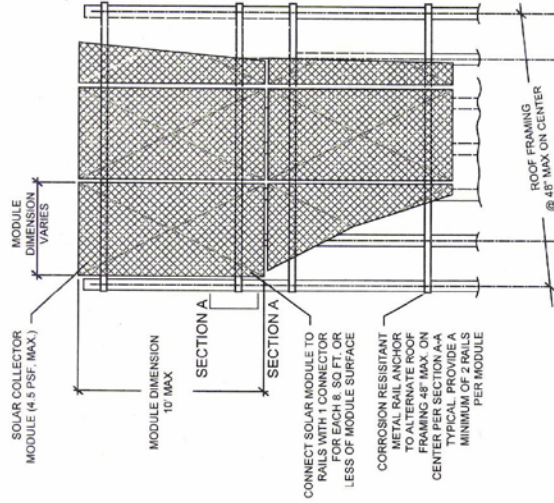
EXH C-5
 LW 16-11490 D2



1. SECTION DRAWING

Scale: NTS

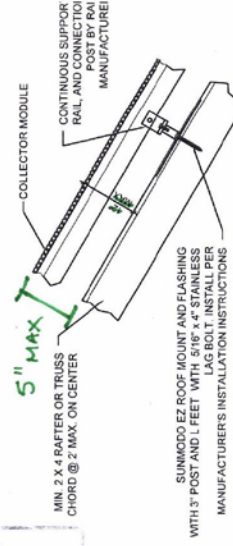
Approved
City of Portland
Bureau of Development Services
Planner *H. H. H.*
Date *04.08.16*
* This approval applies only to the
revisions requested and is subject to all
conditions of approval.
Unauthorized use of this approval may apply.



2. CONNECTION DETAIL

Scale: NTS

NOTE:
TO BE INSTALLED PER MANUFACTURERS
INSTALLATION INSTRUCTIONS



3. CONNECTION DETAIL

Scale: NTS

PORTLAND PSYCHOTHERAPY
3700 N. WILLIAMS AVE
PORTLAND, OR 97227

DATE: FEBRUARY 1, 2016
DRAWING: SECTION AND DETAILS
REVISION: *Ext C-B*

Dwg. NO.: 4

LU 16-114490 D2

SOL TERRA
SYSTEMS
79 SE TAYLOR STREET
PORTLAND, OR 97214
800-865-9005

* APPROVED PER CONDITIONS
B-C