



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Ave. Suite 5000
Portland, Oregon 97201
Telephone: 503-823-7300
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FAX: 503-823-5630
www.portlandonline.com/bds

Date: June 16, 2008
To: Interested Person
From: Kara Fioravanti, Land Use Services
503-823-5892 / kfioravanti@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 08-125999 DZ
FREEMAN MOTOR COMPANY**

GENERAL INFORMATION

Applicant: FMC Properties LLC, Owner
5535 SW Hood Ave
Portland, OR 97239-3713

Representative: Gabriel Dominek, Holst Architecture 503-233-9856
110 SE 8th Ave
Portland, OR 97214

Site Address: 7524 SW MACADAM AVE

Legal Description: TL 4500 0.91 ACRES, SECTION 22 1S 1E
Tax Account No.: R991220470
State ID No.: 1S1E22AC 04500
Quarter Section: 3730

Neighborhood: South Portland NA., contact Jim Davis at 503-248-9820.
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
Plan District: Macadam

Zoning: CSdgs, Storefront Commercial Zone with Design, Greenway and Scenic Resource Overlays

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 site and building lighting, new ductwork at existing rooftop mechanical units, and two (2) new rooftop HVAC units on an existing building in the Macadam Plan District.

Site and building lighting are proposed around the site; 8 different fixtures are included in the lighting design.

New rooftop ductwork will be added to two existing mechanical units at the front of the building. This new ductwork will be flush with the roof and screened from view with previously approved 4'-tall wood screens. One new rooftop mechanical unit will be located near the southeast corner of the roof, set back 22'-7" from the building's eastern edge and 17'-3" from the building's southern edge. This unit is approximately 4' wide and will rise 2' above the building's parapet. The second new unit will be located near the southwest corner of the roof, set back 25' from the building's western edge and 16'-3" from the building's southern edge. This unit is approximately 5' wide, and will rise approximately 2' above the building's parapet. This unit will be screened from view of the street with a new wood screen, as it is proposed to be located within the scenic resource overlay zone.

Additionally, a landscape planter along SW Macadam adjacent to the vehicle entry from the street and a landscape planter along the north property line [both of which received prior approval in a previous land use review LU 06-158204 DZM, GW] are being reconfigured under this current land use review application.

No new work is proposed within the 50' of the adjacent River Natural zoned land. Therefore, Greenway Review is not required for this proposal, 33.440.320.

Relevant Approval Criteria:

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

- 33.825 Design Review
- Macadam Corridor Design Guidelines

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. This application was submitted on May 1, 2008 and determined to be complete on May 14, 2008.

ANALYSIS

Site and Vicinity: The 40,000 square foot site is located on the east side of SW Macadam Avenue just south of the Taylors Ferry Road junction. The site includes a portion of the 15,682 square foot property to the south, which is owned by the City and contains parking and a transmission tower. The railroad tracks are located along the east side of the property and beyond the tracks is the Greenway Trail and riverfront. Adjacent and surrounding zoning includes commercial to the north on both sides of Macadam, open space to the north, east and south and residential to the northeast and further west across Macadam. Uses in the vicinity include light industrial, banks, offices, condos/apartments and retail. River-related uses such as boat repair, sales and a moorage are also in the area.

The site is developed with a 25,000 square foot split-level building once occupied with warehouse and office uses. Existing site improvements include two parking areas at the north and south ends of the site and landscape planters along the building's street frontage and near the parking lot areas.

Zoning: The CS zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone allows a full range of retail, service and business uses with a local and regional market area. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

The Greenway overlay zone, is intended to protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland's rivers; establish criteria, standards, and procedures for the development of land, change of uses, and the intensification of uses within the greenway; and implement the City's Willamette Greenway responsibilities as required by ORS 390.310 to 390.368 and Metro's Title 3. The "g" overlay is intended to allow for public use and enjoyment of the waterfront, and which enhance the river's natural and scenic qualities.

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 in this area are subject to design review.

The "s" overlay zone is intended to protect Portland's significant scenic resources.

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

- **PC 4137:** Approval of a 1962 Zone Change.
- **PC 7550:** Approval of a 1985 Zone Change for the Macadam Corridor Plan.
- **LUR 91-00789 DZ GW AD (91-009044):** A 1991 Design, Greenway and Adjustment Review approval for the demolition and remodel of an existing warehouse for office use.
- **LUR 97-00926 CU DZ GW (97-017942):** A 1997 Conditional Use, Greenway and Design Review approval to locate a wireless communications facility on an existing 148-foot tall transmission tower.
- **PC 05-151339:** A 2005 Pre-Application Conference for a Type III Design Review and Type II Greenway Review for a proposed mixed-use building with ground-floor retail and 5 stories of residential units above.
- **LU 06-158204 DZ, GW:** A 2006 Design Review and Greenway Review approval of an exterior remodel for a warehouse and office building to an auto showroom, new signage and Modifications to:
 - Maximum Number of Freestanding Signs
 - Minimum Building Setback
 - Required Landscaped Setback
 - Perimeter Vehicle Area Landscaping

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **May 19, 2008**. The following Bureaus have responded with no issues or concerns: The Water Bureau, The Parks Bureau, The Fire Bureau.

The Site Development Section of BDS responded with the following comment: "No objection. Reconfiguration of landscape planter appears to only be a minor change."

The Plan Review Section of BDS 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. More information regarding building code requirements can be obtained by visiting the Bureau of Development Services Development Services Center -1900 SW 4th Ave, 1st floor, between the hours of 7:30 AM and 3:00 PM Monday through Friday and also 5:00 PM to 7:30 PM Thursday evening (no appointment necessary.) Building Code information is also available online at: <http://www.portlandonline.com/bds/>, or by calling (503) 823-1456."

The Bureau of Environmental Services responded with the following comment: "BES has no objections to the proposed project. Reconfiguring of the landscape planter approved under LU 06-158204 DZM appears to be minor. Further development of the property would be subject to the Bureau of Environmental Services' standards and requirements during the building plan review process. 6/6/08 (BES-JT)"

The Bureau of Transportation Engineering responded with the following comment: "No work in right-of-way, modifications to right-of-way configuration do not fall within the scope of this

proposal or response.”

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on May 19, 2008. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Macadam Corridor Design Goals and Guidelines

The following goals are specific to the Macadam Corridor Design Zone.

- Create and improve connections, both physical and visual, between the river, Greenway Trail, Willamette Park and the residential community west of Macadam.
- Encourage opportunities for public use and enjoyment of the waterfront.
- Promote a quality of development in this scenic entry corridor to the Downtown that complements Macadam’s landscape treatment.
- Require excellence in design for projects within the Corridor, particularly by assuring that new development contributes to the formation of a rich and diverse mixture of uses and styles in scale with each other.
- Add to the scenic qualities of the river and the Greenway Trail.
- Promote compatibility of new development with the river, surrounding uses, and the neighborhood.

Macadam Corridor Design Guidelines

1. Visual Connections. Create public views to the river, Greenway Trail and Willamette Park from Macadam Avenue and other public parks and rights-of-way west of Macadam as well as views from the river and the Greenway to the west.

- Promote physical and visual contact between the river and the area west of Macadam Avenue.
- Orient buildings, which front Macadam Avenue to preserve views of the river, Willamette Park and the Greenway.
- Integrate the east and west sides of Macadam Avenue by creating views of the river which align with streets on the east side of Macadam.
- Take particular advantage of opportunities to create and protect views, which align with Southwest Texas, Florida, Pendleton, Idaho, Nebraska, Dakota and Hamilton Streets.
- Rooftops of buildings should be carefully designed to enhance views.
- Plant on-site trees, which will grow to a sufficient height to soften new development and screen parking areas while selecting species and planting locations, which enhance view corridors to the river.

Findings: The proposed rooftop mechanical work will be generously setback from roof edges and/or screened from view with integrated wood screens that are a strong part of the building’s architecture. This design response was carefully considered to enhance views. The new landscape planter areas that are being slightly altered from the prior design review approval will equally soften new development, screen parking areas and enhance view corridors to the river as the previous approval did. This guideline is met.

2. Physical Connections. Create a common sense of unity that ties both sides of Macadam together with each other, the river to the east and the residential area to the west. Create public walkways that physically connect the Macadam Avenue right-of-way with Willamette Park, the Greenway Trail and the Willamette River.

- Orient structures and parking areas to facilitate access for pedestrians between adjacent uses.
- Extend street tree planting west of Macadam.
- Reinforce connections for pedestrians between the Willamette River Greenway and Macadam Avenue.

- Provide safe, comfortable places where people can slow, sit and relax. Locate these places adjacent to sidewalks, walkways and the Greenway Trail.
- Provide sidewalks and pathways, through larger developments with landscaping which screens or separates these from parking and motor vehicle maneuvering areas.
- Provide walkways, which link parking areas to district-wide access systems for pedestrians.

4. The Boulevard. Coordinate with and enhance Macadam's boulevard treatment and contribute to the attractiveness of this entrance to the city.

- Consider using awnings or other weather protection, street furniture, plazas, sculpture courts or other amenities for pedestrians to reinforce the boulevard design of Macadam.
- Abut pedestrian pathways with buildings or landscaping. Buffer with landscape screens, parking lots and structures, which are not oriented to pedestrians.
- Use landscaping to reinforce the boulevard character of Macadam and to provide visual connections with private property adjacent to Macadam.
- Trees interspersed with low-growing vegetation or grass should visually predominate over impervious surfaces.
- Provide frequent views from Macadam into interior ground level spaces of projects located along the Avenue.

Findings: Similar to the prior design review approval [LU 06-158204 DZM, GW], this proposal enhances the sidewalk experience along SW Macadam for pedestrians. The new plantings, lighting and quality building design will achieve a pleasant and safe pedestrian environment. These guidelines are met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The applicable approval criteria are met.

ADMINISTRATIVE DECISION

Approval of Design Review for the installation of site and building lighting, new ductwork at existing rooftop mechanical units, and two (2) new rooftop HVAC units on an existing building in the Macadam Plan District.

Approval of Design Review for a landscape planter along SW Macadam adjacent to the vehicle entry from the street and a landscape planter along the north property line [both of which received prior approval in a previous land use review LU 06-158204 DZM, GW] to be reconfigured.

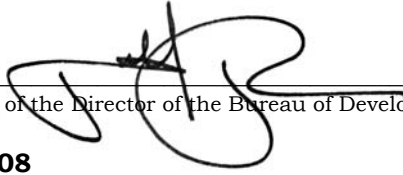
[No new work is proposed within the 50' of the adjacent River Natural zoned land. Therefore, Greenway Review is not required for this proposal, 33.440.320.]

Approval per the approved plans, Exhibits C-1 through C-5, signed and dated June 9, 2008, subject to the following condition:

- 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.5. The sheets on which this information appears

must be labeled, "Proposal and design as approved in Case File # LU 08-125999 DZ. No field changes allowed."

Decision rendered by: _____ **on June 9, 2008**
By authority of the Director of the Bureau of Development Services



Decision mailed: June 16, 2008

Staff Planner: Kara Fioravanti

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 1, 2008, and was determined to be complete on May 14, 2008.

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 1, 2008.

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.

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 June 30, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., 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. Recognized neighborhood associations are not subject to the appeal fee. 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 contact the receptionist at 503-823-7967 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 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 **July 1, 2008 – (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.

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:

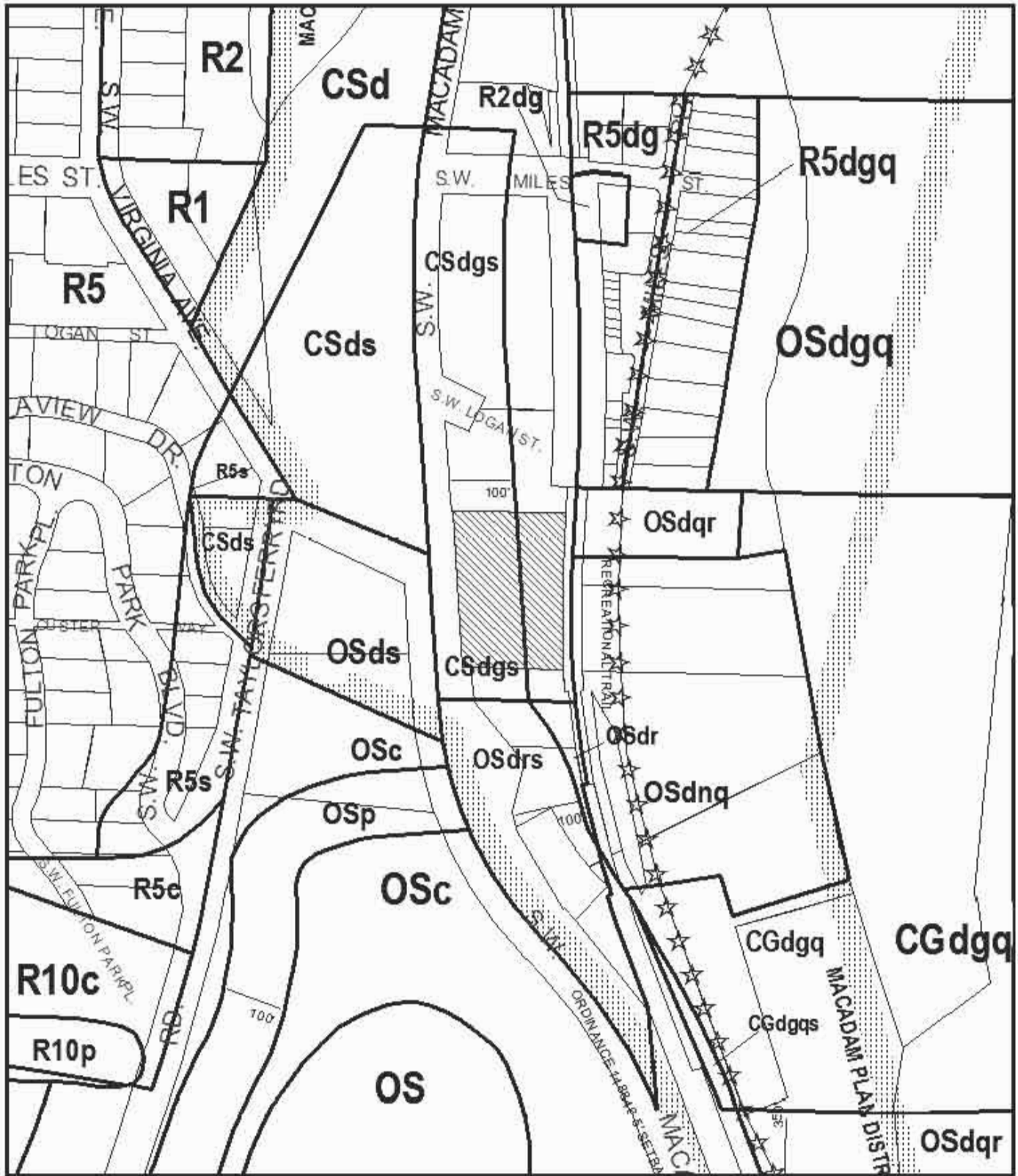
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 - 1. Original narrative, 5-1-08
 - 1.a. Original drawings, 5-1-08
 - 2. Revised narrative, 5-14-08
 - 2.a. Revised drawings, 5-14-08
 - 3. Revised narrative, 5-23-08
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. West and South Elevations
 - 3. North and West Partial Elevations
 - 4. Mechanical Screen information
 - 5. Sections
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses [all comments included in this report]
- F. Correspondence:
None received
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Email exchange from May 13, 2008 – request from applicant to hold off on mailed notice until lighting information is submitted
 - 4. Transmittal from May 14, 2008 – revised submittal including new drawings
 - 5. Email exchange from May 23, 2008 – additional work added to drawings
 - 6. Email exchange from May 30, 2008 – new north lot line planter

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING

 Site



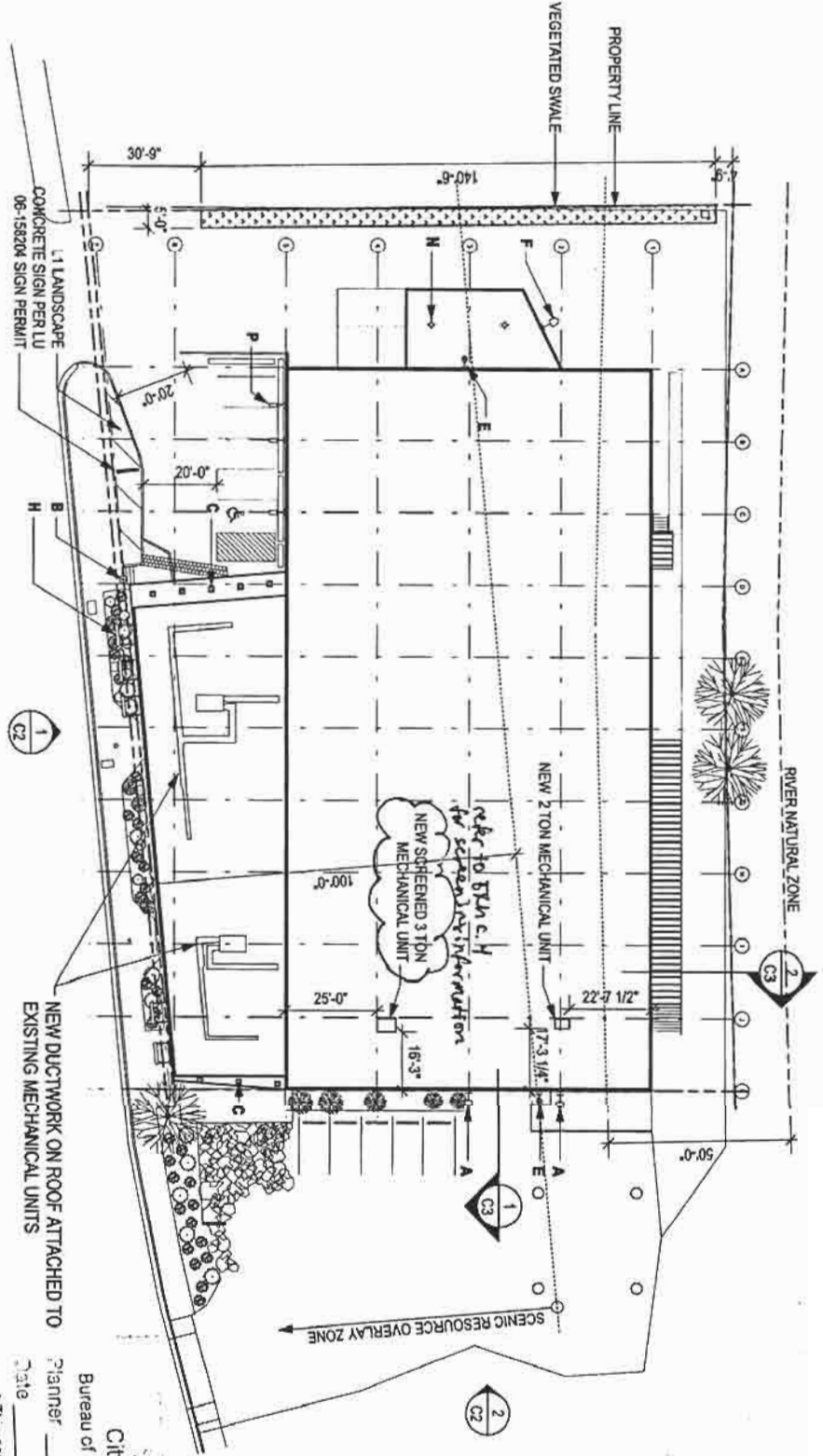
This site lies within the:
MACADAM PLAN DISTRICT

File No.	LU 08-125999 DZ
1/4 Section	3730
Scale	1 inch = 200 feet
State Id	1S1E22AC 4500
Exhibit	B (May 05, 2008)



SCALE: 1/32" = 1'-0"

C1

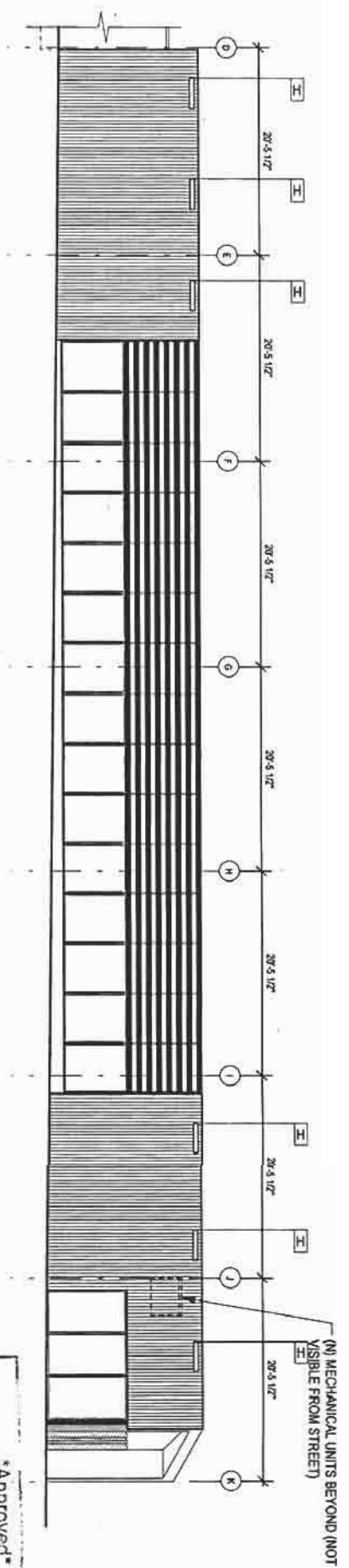


FN C.1

Approved*
 City of Portland
 Bureau of Development Services
 Planner
 6-1-08

* This approval applies only to the reviews rendered and is subject to the conditions of approval.
 This approval may apply.

FREEMAN MOTOR COMPANY
 HOLST ARCHITECTURE
 DATE : MAY 23, 2008
 LU 08-125999-000-00

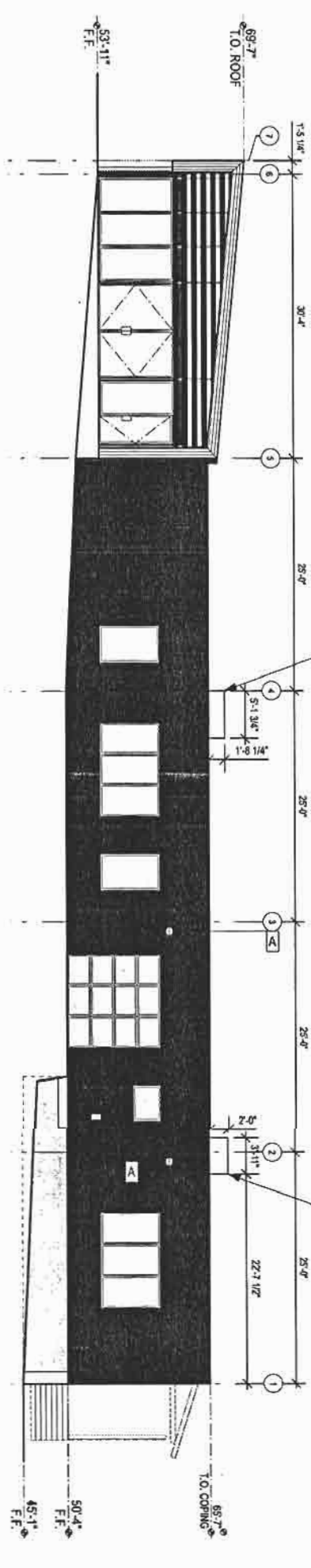


(N) MECHANICAL UNITS BEYOND (NOT VISIBLE FROM STREET)

1 WEST ELEVATION

Approved*
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 6-9-08

* This approval applies only to the reviews requested and is subject to a change in the Department of Building's rules.



2 SOUTH ELEVATION

NEW SCREENED 3 TON MECHANICAL UNIT
refer to Exhibit 4 for screening information

NEW 2 TON MECHANICAL UNIT

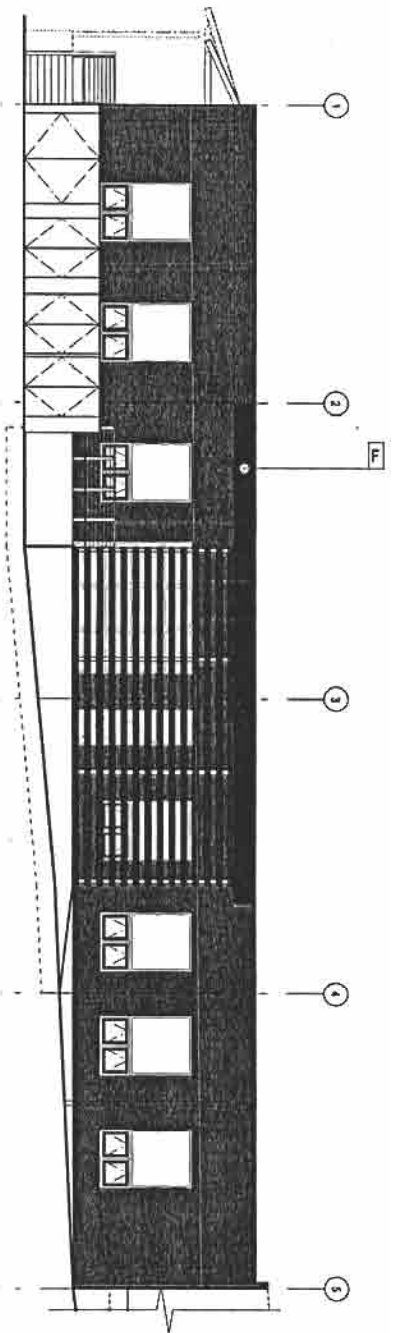
WEST AND SOUTH ELEVATIONS

SCALE: 3/32" = 1'-0"
C2

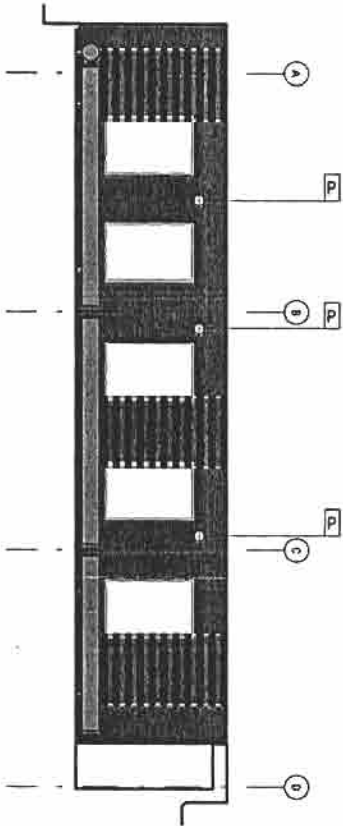
FREEMAN MOTOR COMPANY
 HOLST ARCHITECTURE
 DATE: MAY 23, 2008
 LU 08-125999-000-00

FXA C.2





1 NORTH PARTIAL ELEVATION



2 WEST PARTIAL ELEVATION

Approved*
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 6-9-08
 * This approval applies only to the reviews requested and is subject to all conditions of approval.
 Additional zoning requirements may apply.

WEST AND SOUTH ELEVATIONS

SCALE: 3/32" = 1'-0"
C2.1

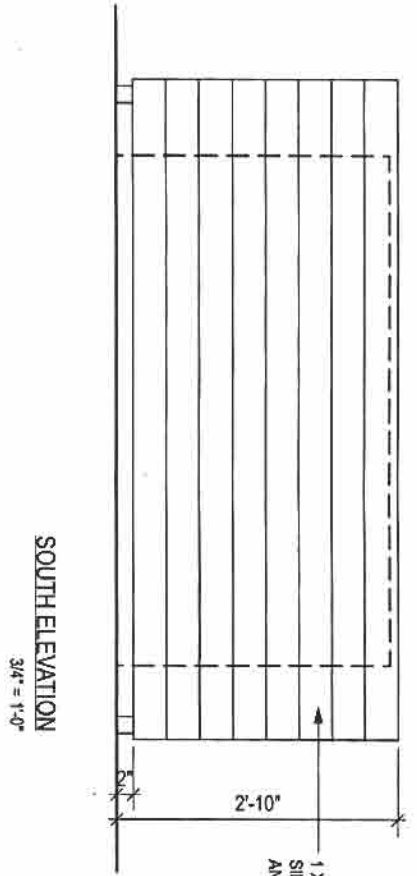
FREEMAN MOTOR COMPANY
 HOLST ARCHITECTURE
 DATE : MAY 23, 2008
 LU 08-125999-000-00

FRM.C.3

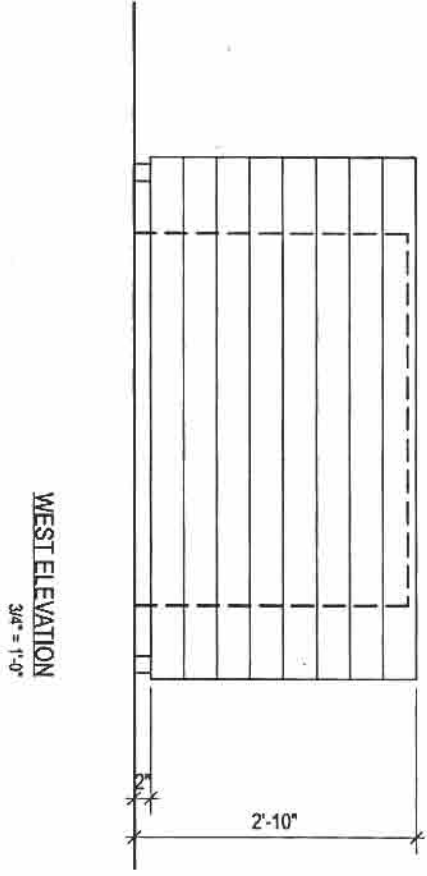


SCALE: 3/32" = 1'-0"
C2.2

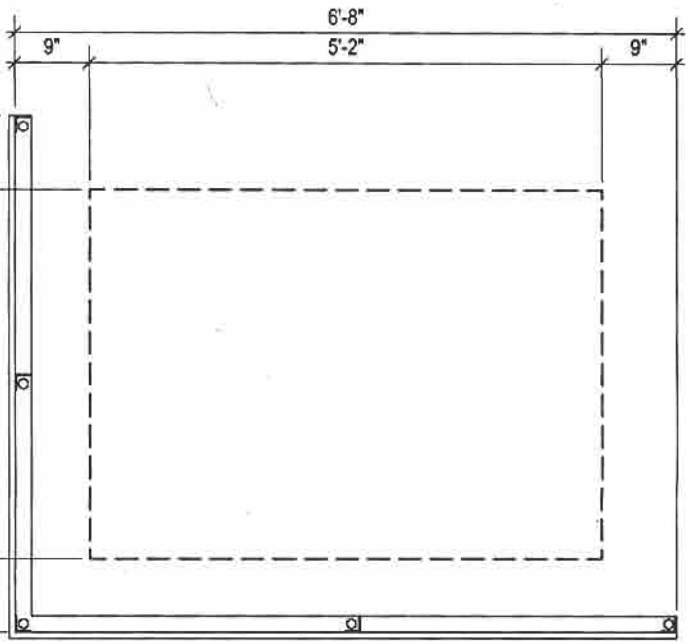
DETAILS AT SCREENED 3-TON MECHANICAL SCREEN



SOUTH ELEVATION
 3/4" = 1'-0"



WEST ELEVATION
 3/4" = 1'-0"



Approved
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date **6-9-08** **PLAN AT MECHANICAL SCREEN**
 3/4" = 1'-0"

* This approval applies only to the reviews requested and is subject to the conditions of approval.
 Approved on 6/9/08
 [Signature]

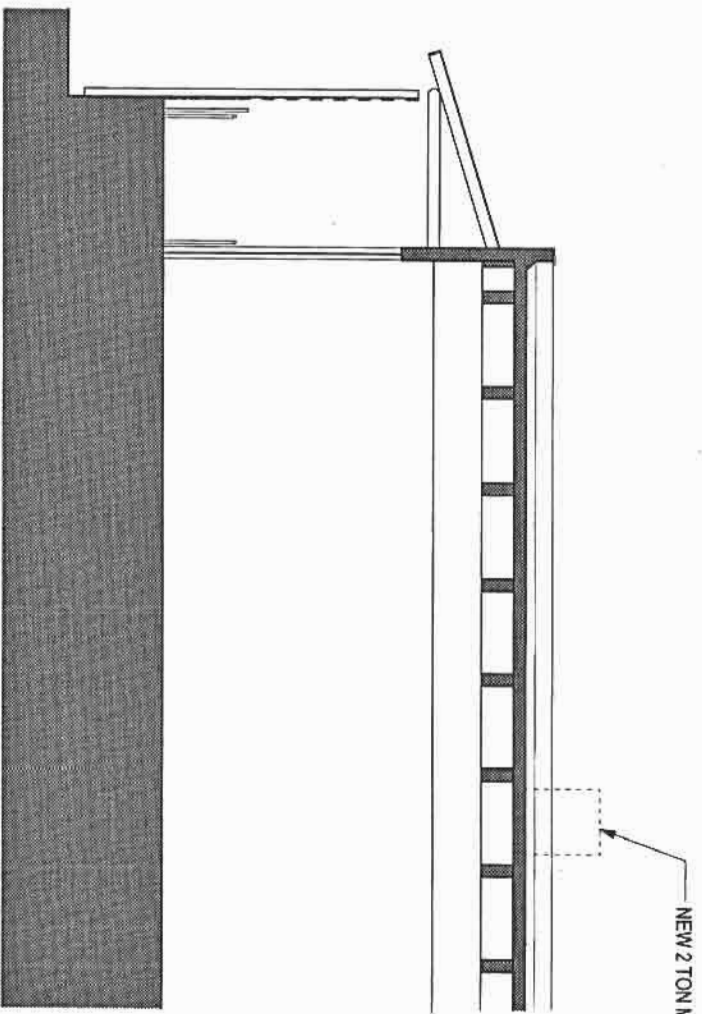


FRANCY

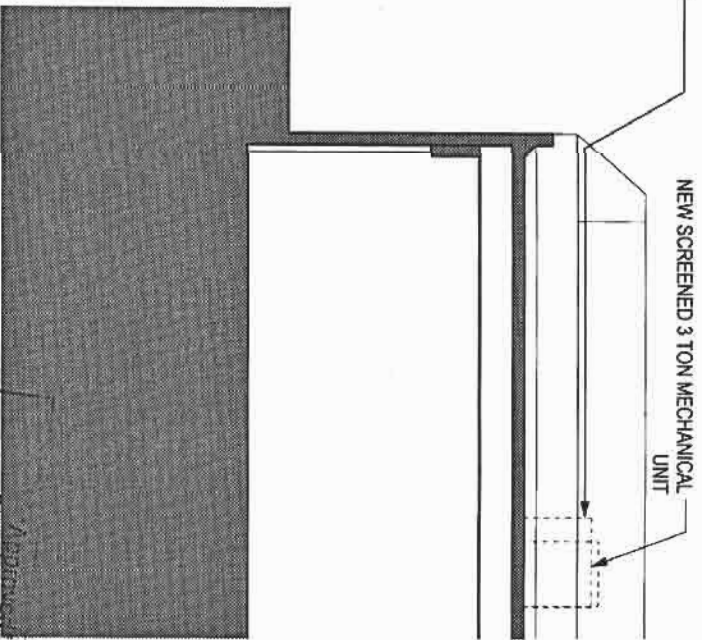
FREEMAN MOTOR COMPANY

HOLST ARCHITECTURE
 DATE : MAY 23, 2008
 LU 08-125999-000-00





2 PARTIAL BUILDING SECTION



1 PARTIAL BUILDING SECTION

City of Portland
 Bureau of Development Services
 Planner *hrs*
 Date *6-9-08*

FN.C.5

* This approval applies only to the reviews requested and is subject to all conditions of approval.
 2. The approval does not constitute a guarantee of any kind and may vary.

FREEMAN MOTOR COMPANY

SCALE: 3/16" = 1'-0"
 C3

HOLST ARCHITECTURE
 DATE: MAY 23, 2008
 LU 08-125999-000-00