



City of Portland
Bureau of Development Services
Land Use Services Division

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Portland, Oregon 97201
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www.portlandonline.com/bds

Date: July 17, 2008
To: Interested Person
From: Dave Skilton, Land Use Services
503-823-0660 / dave.skilton@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 08-134687 DZ – REPLACEMENT OF EXTERIOR CLADDING

GENERAL INFORMATION

Applicant: Mc Donald Family LLC, Owner
2838 SE 9th Avenue
Portland, OR 97202-2509

Mark Mcdonald, Owner
Irwin Hodson Company
2838 SE 9th Avenue
Portland, OR 97202

Representative: Jeff Millis, Contractor (503-929-9525)
Sean Gores Construction
PO Box 1519
Clackamas, OR 97015

Site Address: 7223 SW Macadam Avenue

Legal Description: Lot 1, Partition Plat 2006-63
Tax Account No.: R649862490
State ID No.: 1S1E22BD 00101
Quarter Section: 3729
Neighborhood: South Portland NA., contact Jim Davis at 503-248-9820.
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
Plan District: Macadam
Zoning: CS, Storefront Commercial; R2d, Residential 2000, with Design Overlay
Case Type: DZ, Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

Applicant is seeking Design review for a proposal to remove areas of failing stucco and composite horizontal lap siding, and replace them with new composite horizontal lap siding. Sound areas of stucco and horizontal lap siding will be retained. New horizontal lap siding will match the existing in pattern, texture and color. Design Review is required because the

proposal is for an exterior alteration and the property is within the Macadam Corridor Design District.

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

ANALYSIS

Site and Vicinity: SW Macadam Avenue originally developed as both an overland route between Portland and Oswego (later Lake Oswego) and a service road to port facilities along the Willamette River in the vicinity. The area adjoining the river was dominated by industrial uses that relied on the nexus between water and land transport, with residential areas further uphill mostly serving the workers in those mills and warehouses.

As the downtown grew and attitudes toward the river changed the Macadam area began to shift from this working character to a commercial zone with new housing associated. Many industrial users moved out of the area to places with better road transportation connections. By 1985, when the Macadam Corridor Design Guidelines were implemented, this phenomenon was well underway and the street itself had been transformed into a tree-lined boulevard, in part through investment by the Portland Development Commission.

The subject site was redeveloped in 1996 as a combination of retail and residential uses. This project is addressing the sources of the deterioration, a stucco cladding system which is not performing properly. The repairs proposed should eliminate water infiltration and bring the complex up to date visually.

Zoning: The site contains two different zones, CS (Storefront Commercial) and R2d, (Residential 2000, with Design Overlay):

The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

The R2 zone is a low density multi-dwelling zone. It allows approximately 21.8 dwelling units per acre. Density may be as high as 32 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to three story buildings, but at a slightly larger amount of building coverage than the R3 zone. The major types of new development will be duplexes, townhouses, rowhouses and garden apartments. These housing types are intended to be compatible with adjacent houses. Generally, R2 zoning will be applied near Major City Traffic Streets, Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.

The Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review or compliance with the Community Design Standards. In addition,

design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **June 20, 2008**. The following Bureaus have responded with no issues or concerns:

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 20, 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.

Staff has considered all Design Guidelines and addressed only those that are applicable.

Macadam Corridor Design Guidelines

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.

5. Sub-Area Context. Enhance a site’s character through designs that are compatible with features of their surroundings and contribute to the development of an attractive character in the vicinity of the project site. Pay particular attention to cases where the adjacent use is different from that which a project will house.

- Locate buildings to avoid excessive shadow on public open spaces, especially Willamette Park and the Greenway Trail.
- Isolated or independent buildings and open spaces should provide design solutions of merit, which consciously set a precedent for neighboring future developments.

- Buildings and open spaces should establish complementary relationships in terms of color, texture, scale of architectural elements, and proportions with neighboring developments.
- Provide sensitive transitions between new development and adjacent residential areas.

Findings for Guidelines 4 and 5: The proposal, a change of cladding materials due to failure of some sections of an existing building's weather envelope, is logically organized and straightforward. Areas of damaged stucco are to be replaced with a horizontal lapped siding material that is already in place on other parts of the two buildings in question. Because complex has contributed successfully to its context for more than a decade, this improvement is more focused on questions of durability and permanence. Protecting the structural integrity of these buildings with a material that is already present in the area pallet will ensure that they continue to complement their neighbors in color, texture, and scale. *These Guidelines are therefore met.*

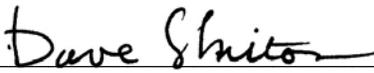
CONCLUSIONS

The subject development, Macadam Village, houses important services and contributes positively to the context of the Macadam Corridor in terms of its visual impact. The proposal will extend the longevity of these successful buildings while changing their appearance only minimally. No changes to landscaping, utilities, or signage are proposed. The project is approved.

ADMINISTRATIVE DECISION

Approval of replacement of damaged stucco with lapped, horizontal siding to match existing per the approved site plans, Exhibits C-1 through C-5, signed and dated July 14, 2008, 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 through C-5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-134687 DZ. No field changes allowed."

Decision rendered by:  **on July 14, 2008.**

By authority of the Director of the Bureau of Development Services

Decision mailed: July 17, 2008

Staff Planner: Dave Skilton

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 June 5, 2008, and was determined to be complete on **June 18, 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 June 5, 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 July 31, 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. 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 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 **August 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.

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.

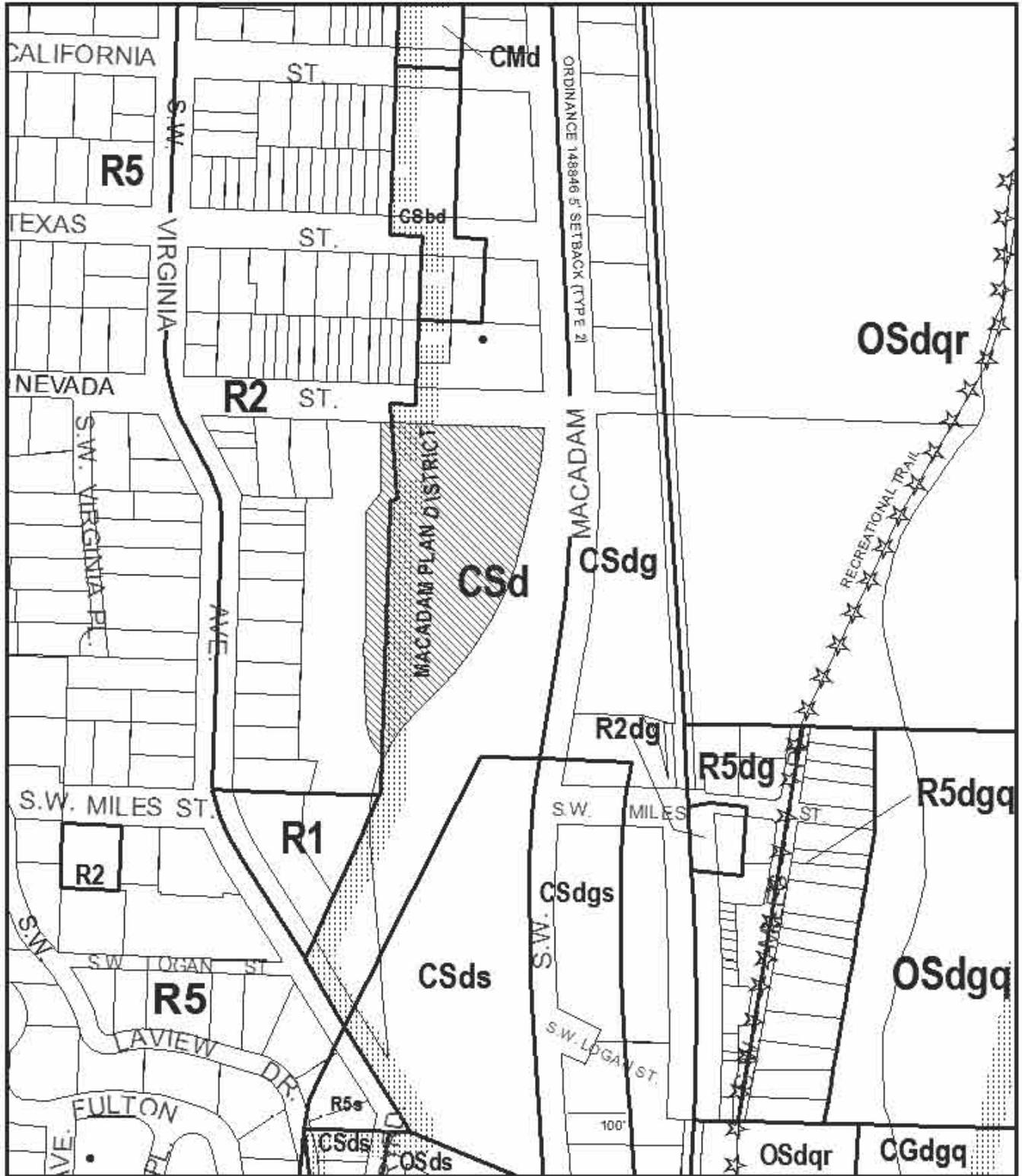
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)

2. East Elevation, Building 1
 3. North and South Elevations, Building 1
 4. West Elevation, Building 1
 5. Elevations, Building 10 (attached)
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses: None
- F. Correspondence: None
- G. Other:
1. Original LU Application
 2. Site History Research
 3. Case Communication Log

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

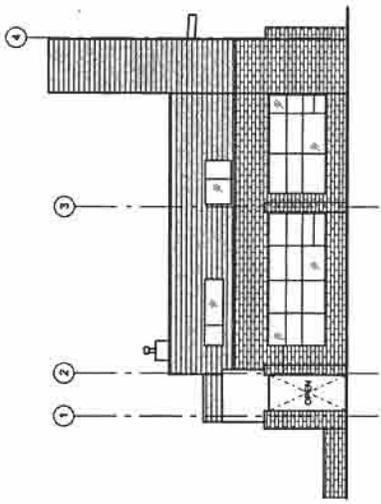
-  Site
-  Historic Landmark



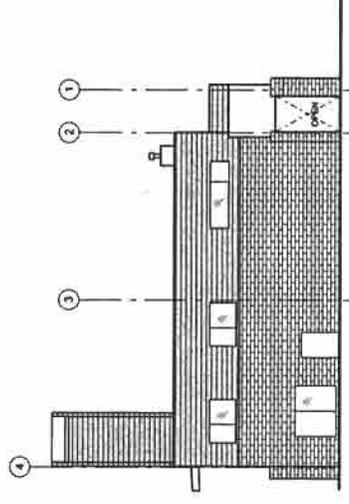
File No. LU 08-134687 DZ
 1/4 Section 3729,3730
 Scale 1 inch = 200 feet
 State Id 1S1E22BD 101
 Exhibit B (Jun 06,2008)

New Construction Legend

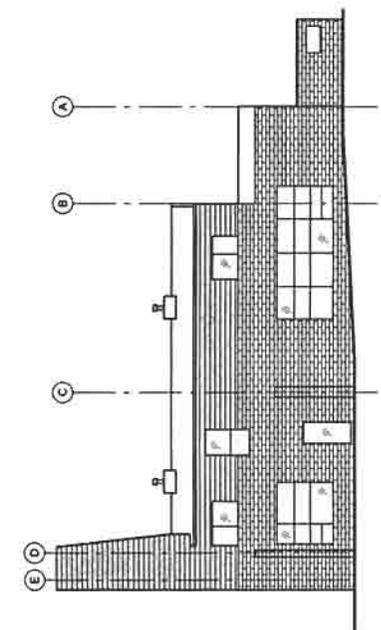
	EXISTING STUCCO TO BE REMOVED & RECONSTRUCTED TO MATCH EXISTING
	EXISTING LAP SIDING TO REMAIN
	EXISTING STUCCO TO REMAIN RECONSTRUCTED TO MATCH EXISTING FINISHES
	EXISTING WINDOWS & DOORS TO REMAIN
	EXISTING CMU BLOCK



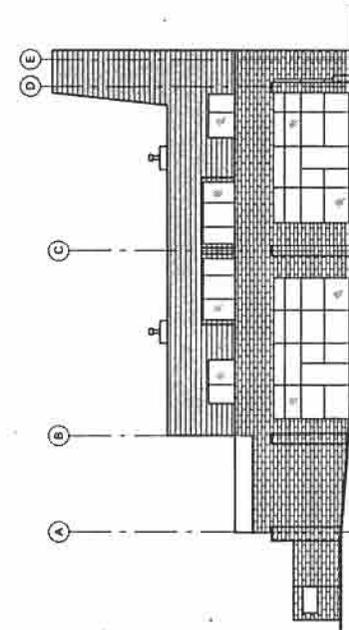
East Elevation Bldg. #10



West Elevation Bldg. #10



North Elevation Bldg. #10



South Elevation Bldg. #10

*Approved with Elevation Bldg. #10
 City of Portland
 Bureau of Development Services
 Planner *Dave Nelson*
 Date *7.14.8*
 * This approval applies only to the reviews requested and is subject to all conditions of approval.
 Additional zoning requirements may apply.

LU 08-134687 DZ EXHIBIT C-5