



City of Portland
Bureau of Development Services
Land Use Services Division

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www.portlandonline.com/bds

Date: August 6, 2008
To: Interested Person
From: Shawn P. Wood, Land Use Services
503-823-0624, shawn.wood@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 07-158421 DZ, 5210 SW CORBETT AVENUE AWNING ADDITION

GENERAL INFORMATION

Applicant: Lindquist Development Co. Inc., Owner
PO Box 42135
Portland, OR 97242

Representative: Glenn Wong, Contact
Graphic Illuminated Awnings Inc
PO Box 301038
Portland, OR 97294-9038

Site Address: 5210 SW CORBETT AVE

Legal Description: LOT 3-10 BLOCK 7, TERWILLIGER HMSTD
Tax Account No.: R825801240
State ID No.: 1S1E15BD 04000
Quarter Section: 3529
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: CSd, Storefront Commercial w/ 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 a new fabric awning and two entrance lights on an existing building in the Macadam Plan District. The awning will be located on the east elevation above the main entrance to one of the tenant spaces.

Awnings proposed in a Design Overlay Zone that are greater than 50 square feet in area require Design Review.

Relevant Approval Criteria:

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

- 33.825 Design Review
- Macadam Corridor Design Guidelines

ANALYSIS

Site and Vicinity: The site is approximately 40,000 square feet and occupies the east half of the block bordered by SW Mitchell Street to the north, SW Macadam Avenue to the east, SW Boundary Street to the south, and SW Corbett Avenue to the west. The site includes a 20,432 square foot building, which was constructed in 1957. The remaining square footage is a surface parking lot.

Portland's Transportation System Plan classifies both SW Corbett Avenue and SW Boundary Street as Neighborhood Collectors, Transit Access Streets, and Local Service Bikeways. The site is also within the Johns Landing Pedestrian District and SW Boundary and SW Mitchell are Local Service Walkways. The site is within the Macadam Plan District and the South Portland neighborhood.

Zoning:

The **Storefront Commercial (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 **Design Overlay Zone [d]** promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. 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 that prior land use reviews include the following:

- LU 07-155791 DZ: Design Review proposal for exterior alterations to the south façade entry and covered walkway and to the new .

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **September 11, 2007**. The following Bureaus have responded with no issues or concerns:

- Water Bureau;
- Urban Forestry Division of Portland Parks & Recreation;
- Site Development Section of the Bureau of Development Services; and
- Life Safety (Building Code) Section of the Bureau of Development Services.

The **Bureau of Transportation Engineering** responded with the following comments:

"A plan view, showing the extent of awning encroachment into the pedestrian corridor, was not provided. Encroachment into the public right-of-way must meet IBC standards. No post or columns in the right-of-way or other obstructions to the sidewalk area or right-of-way."

Please see Exhibit A.1 for further details.

Staff Note: The proposed awning is not in the right-of-way.

The **Bureau of Environmental Services** responded with the following comments:

“BES has no objections to the proposed project. Further development of the property would be subject to the Bureau of Environmental Services' standards and requirements during the building plan review process.”

Please see Exhibit A.2 for further details.

The **Fire Bureau** responded with the following comments:

“The applicant will be required to meet NFPA, Chapter 13 regarding canopies. The requirement is that sprinklers be installed under exterior canopies. This would apply for canopies that exceed 4ft in width if they are of combustible construction. Sprinklers can be omitted if the canopy construction assembly is comprised totally of noncombustible or limited combustible materials and the area underneath is essentially restricted to pedestrian use. The reference to noncombustible and limited combustible construction applies to the entire canopy assembly and not just the exposed surface.

The applicant shall contact the Fire Marshal's Office at 1300 SE Gideon Street to determine if a permit is required.”

Please see Exhibit A.3 for further details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on September 11, 2007. 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 district guidelines.

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 Macadam Corridor Design Guidelines.

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

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: While not directly on Macadam, the subject building and proposed awning will be visible from Macadam. As such, the awning and proposed lighting fixtures will further identify the main entrance to the tenant space thereby enhancing the pedestrian experience.

This guideline is therefore met.

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: The proposed awning respects the architecture of the existing building and relates to the district through increased pedestrian identity. The awning high point is limited to the height of the existing opening, which corresponds to all other window openings on the building. Additionally, the width corresponds with the width of the existing opening, overlapping slightly to align with proposed lighting on either side of the entrance.

The awning depth of 4 feet allows pedestrian protection from the elements, thereby further reinforcing the area as a pedestrian district.

This guideline is therefore met.

DEVELOPMENT STANDARDS

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

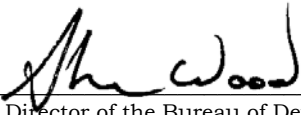
CONCLUSIONS

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

ADMINISTRATIVE DECISION

Approval of fabric awning and two light fixtures, per the approved site plans, Exhibits C-1 through C-3, signed and dated August 4, 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-C.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 07-158421 DZ. No field changes allowed."

Decision rendered by:  **on (August 4, 2008)**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 6, 2008

Staff Planner: Shawn P. Wood

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 August 28, 2007, and was determined to be complete on September 7, 2007.

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 August 28, 2007.

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 waived the 120-day review period, as stated with Exhibit G.3.

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 August 20, 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 fourth 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 **August 21, 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. Front Elevations
 3. Side Elevation
- D. Notification information:
 1. Mailing list

2. Mailed notice

E. Agency Responses:

1. Bureau of Transportation Engineering and Development Review
2. Bureau of Environmental Services
3. Fire Bureau

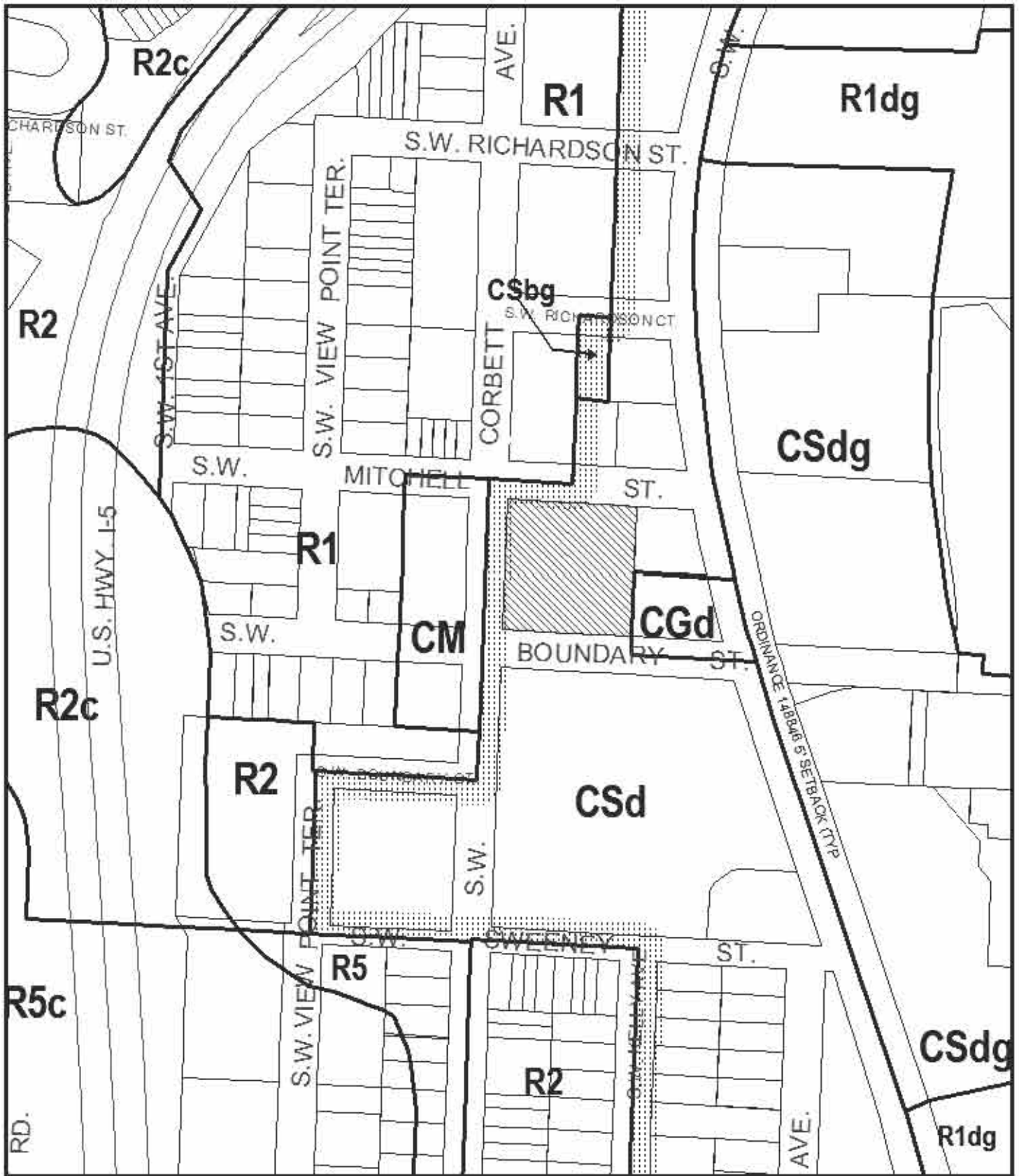
F. Correspondence:

None Received

G. Other:

1. Original LU Application
2. Site History Research
3. 120-Day Waiver

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).



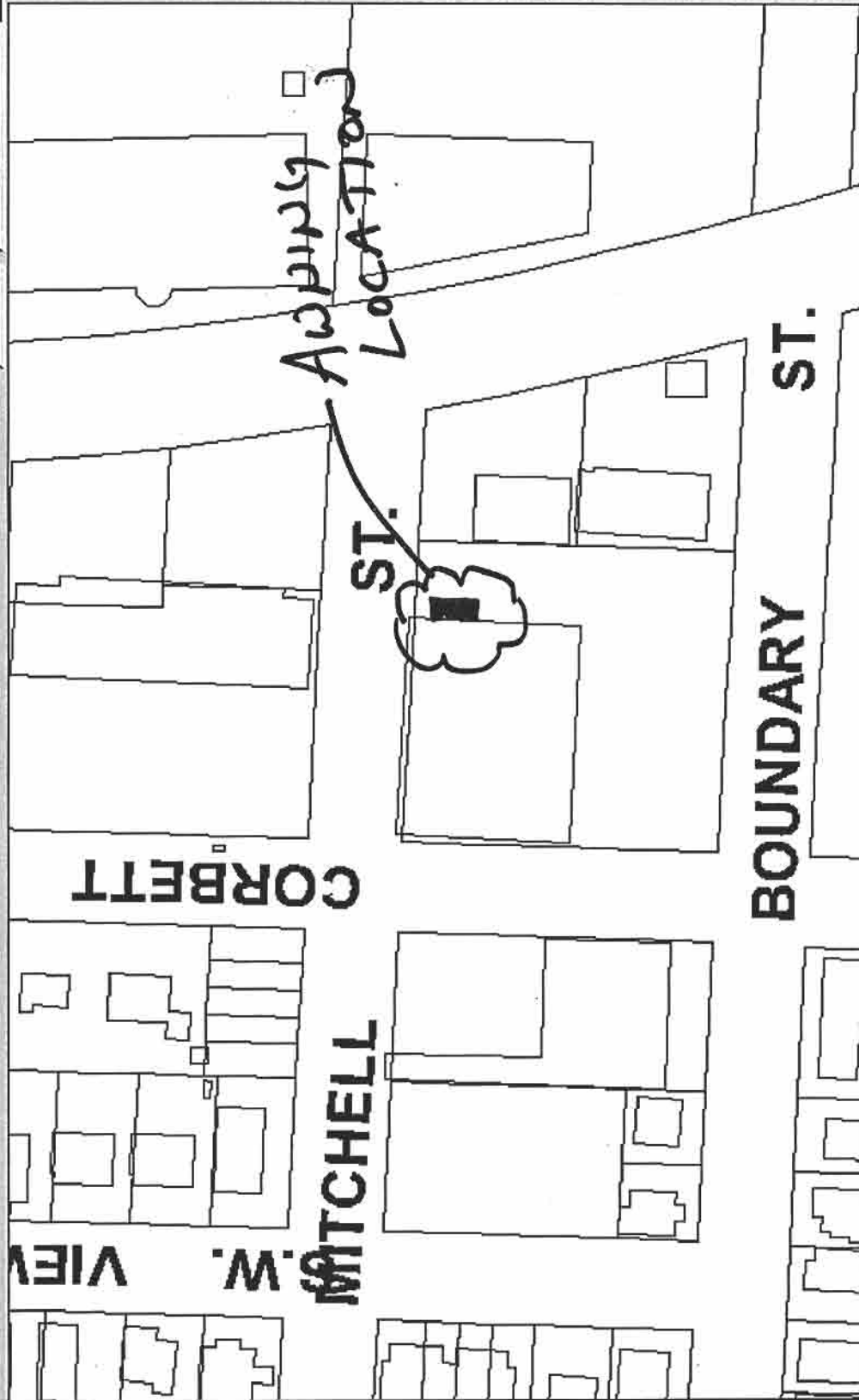
ZONING

 Site



This site lies within the:
MACADAM PLAN DISTRICT

File No.	LU 07-158421 DZ
1/4 Section	3529
Scale	1 inch = 200 feet
State_Id	1S1E15BD 4000
Exhibit	B (Aug 31,2007)



Boundaries
 Environment
 Places/LURs
 Code Overlays
 Transit/TSP
 PDC

Scale 1"=116'
 X:7,643,817 Y:670,931
 11:07 AM
 8/4/2008

Approved
 City of Portland - Bureau of Development Services
 Planner *[Signature]* Date **8.4.08**
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Approved

City of Portland - Bureau of Development Services

Planner *John Wood* Date 9.4.08

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

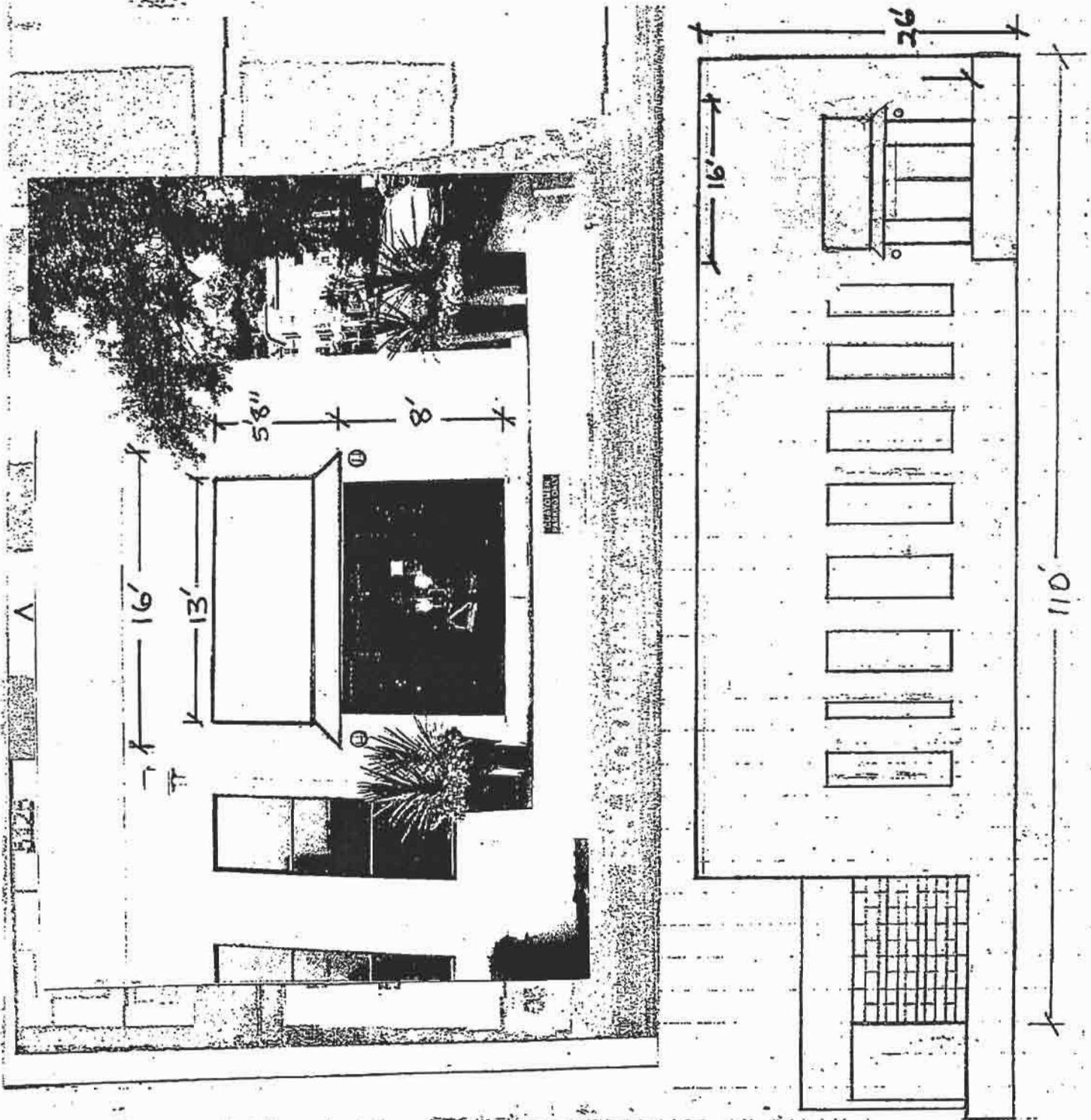


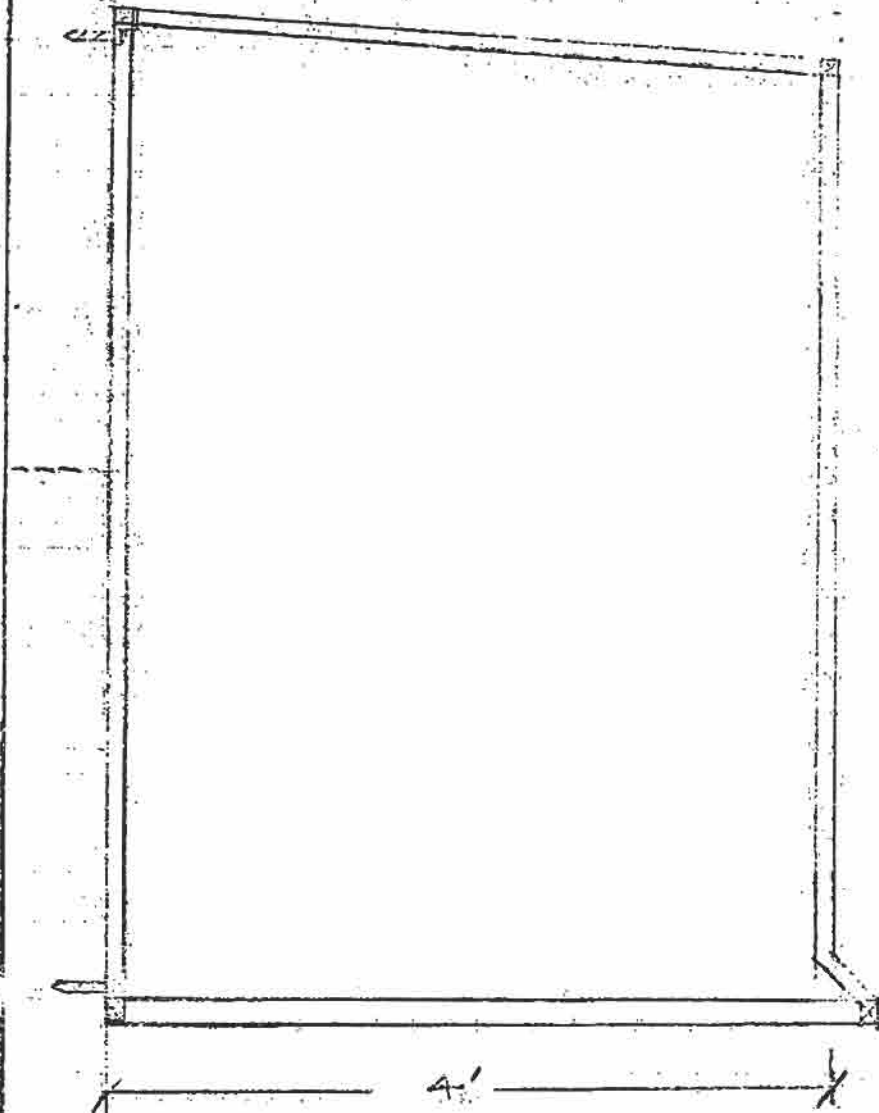
EXHIBIT C.2

8" FOUNDED CONCRETE WELL

1/2" X 4" TITAN MASONRY UNIT

1/8" X 1/4" GALVANIZED STEEL CORNER

WELD ALUMINUM FRAME



5'8"

4'

8' TO LANDING

Approved
City of Portland - Bureau of Development Services
Planner *Sharon* Date **8.4.08**
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

EXHIBIT C.3