



City of Portland, Oregon
Bureau of Development Services
Land Use Services

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Portland, Oregon 97201
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Date: November 25, 2008
To: Interested Person
From: Noelle Elliott, Land Use Services
503-823-7812 / Noelle.Elliott@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 08-170685 DZ – WINDOW ADDITION
AT 6342 SW MACADAM AVE**

GENERAL INFORMATION

Applicant: Vander Houwen Properties LLC
6342 SW Macadam Ave
Portland, OR 97239

Representative: Dan Young, Oregon Business Architecture, 503-228-9747
PO Box 80301
Portland, OR 97280

Site Address: 6342 SW MACADAM AVE

Legal Description: BLOCK 7 LOT 9-12 TL 19400, SOUTHERN PORTLAND
Tax Account No.: R780200600
State ID No.: 1S1E15CD 19400
Quarter Section: 3629
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: CSdg: Commercial Storefront zone with a design and greenway 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 to install a new window on the north façade of an existing building that fronts SW Macadam Ave to the west. The new window faces an existing surface parking lot and is located in the northeast portion of the site towards the rear of the property. The new aluminum slider window measures 5'-2" tall and 7'-0" wide and matches the color and profile of existing aluminum windows on either side of the new installation. The new window is to be aligned with the head height of adjacent windows and doors.

Because the proposal is for a site with a design overlay zone and exterior alterations are proposed, Design Review is required.

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:

- Chapter 33.825 Design Review
- Macadam Corridor Design Guidelines

ANALYSIS

Site and Vicinity: The 16,291 square-foot site is located in the Macadam Plan District on a lot bordered by SW Macadam Avenue to the west and SW Beaver Avenue to the east. The southern half of the site is developed with a one-story, 12,200 square-foot building and the northern half of the site contains a surface parking lot.

The Macadam Plan District contains a set of regulations designed to preserve and promote the unique character of the area. In addition to special development standards for the district, the regulations restrict auto-oriented uses and development, limit signs, allow for future light rail, and provide view corridors to the Willamette River.

Portland's *Transportation System Plan* classifies SW Macadam Avenue as a Major City Traffic Street, Major Transit Priority Street, Local Service Bikeway, City Walkway and a Regional Main Street. SW Beaver Avenue is a Local Service Bikeway and Walkway. The railroad right-of-way that borders the site to the east is classified as a Regional Transitway/Major Transit Priority Street.

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 (d) overlay zone 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.

The Greenway (g) 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.

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

- 1) LU 96-013444 DZ (reference file #96-00557): Approval of new entrances, windows and new landscaping.
- 2) LU 97-015142 DZ (reference file #97-01096): Approval of four new awnings over tenant entrances.
- 3) LU 00-007289 DZ (reference file #00-00734): Approval to reconstruct the entire street-facing elevation of the building and with a Modification to reduce the depth of the landscape area along the north property line.
- 4) LU 07-131139 DZ GW: Approval of a storefront remodel including 3 new windows, two new fabric awnings and six new light fixtures.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **October 24, 2008**. The following Bureaus have responded with no issues or concerns:

- Portland Fire & Rescue;
- Portland Water Bureau;
- Bureau of Environmental Services;
- Urban Forestry Division of Portland Parks & Recreation;
- Bureau of Transportation Engineering & Development Review;
- Site Development Section of the Bureau of Development Services.

The Life Safety (Building Code) Section of the Bureau of Development Services 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.” *Please see Exhibit E.1 for additional details.*

Neighborhood Review: A “Notice of Proposal in Your Neighborhood” was mailed on **October 24, 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

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 the site is within the Macadam Plan District, the applicable approval criteria are listed in 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

Staff has considered all guidelines and only has addressed those considered applicable to this proposal.

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.

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 for 1 and 4: The proposed window addition supports the pedestrian character of SW Macadam Ave by increasing the transparency of the building's ground floor. While the alteration occurs at the north façade of the building, and not at the west façade that faces Macadam, the proposal will create additional views into the building's active ground level spaces. The new aluminum window will face the existing surface parking lot on the site and will be located near the rear of the site. The window measures 5'-2" tall and 7'-0" long, and will be aligned with the top of the adjacent windows and doors. The addition of glazing to the ground floor improves the building's sense of transparency and ability to interact with the neighborhood, thereby supporting an active pedestrian environment along SW Macadam Ave. *Therefore, this guideline is 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: While the proposal represents only a minimal change to the building façade, it maintains a visual consistency across the building frontage that reinforces a coherent architectural relationship with the neighborhood. The proposal is compatible with the

building's existing fenestration on the north façade by maintaining the sill and head height, the materiality, and the proportions of the building's existing fenestration. The new aluminum window measures 5'-2" tall and 7'-0" long and matches the color, aluminum material, and profile of existing windows to either side of the installation. Furthermore, the new window aligns with the head height of adjacent windows. By reinforcing the internal consistency of the building design, the building's relationship with architecture of neighboring building's is strengthened. The building reflects a fairly ubiquitous and straight-forward design approach for mid-century office buildings within the neighborhood. Therefore, by reinforcing the building's architecture, the design successfully complements the neighborhood's architectural character. *Therefore, this guideline is 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. The addition of a new window to the north façade of the existing office building is a relatively minimal change to the building façade, but is approached in an architecturally consistent manner thereby reinforcing the building's architectural clarity. The addition of glazing to the ground floor of the north façade increases the building's transparency and ability to support the pedestrian environment along SW Macadam Ave.

ADMINISTRATIVE DECISION

Approval of the addition of a new window to the north façade measuring 5'-2" tall by 7'-0" wide, Exhibits C-1 through C-4, signed and dated November 21, 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.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-170685 DZ. No field changes allowed."

Decision rendered by: _____ **on November 21, 2008**

By authority of the Director of the Bureau of Development Services

Decision mailed: November 25, 2008

Staff Planner: Noelle Elliott

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 October 15, 2008, and was determined to be complete on October 23, 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 October 15, 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 requested that the 120-day review period be extended with a letter. *See Exhibit A.3 for further information.*

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 December 9, 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 **December 10, 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:

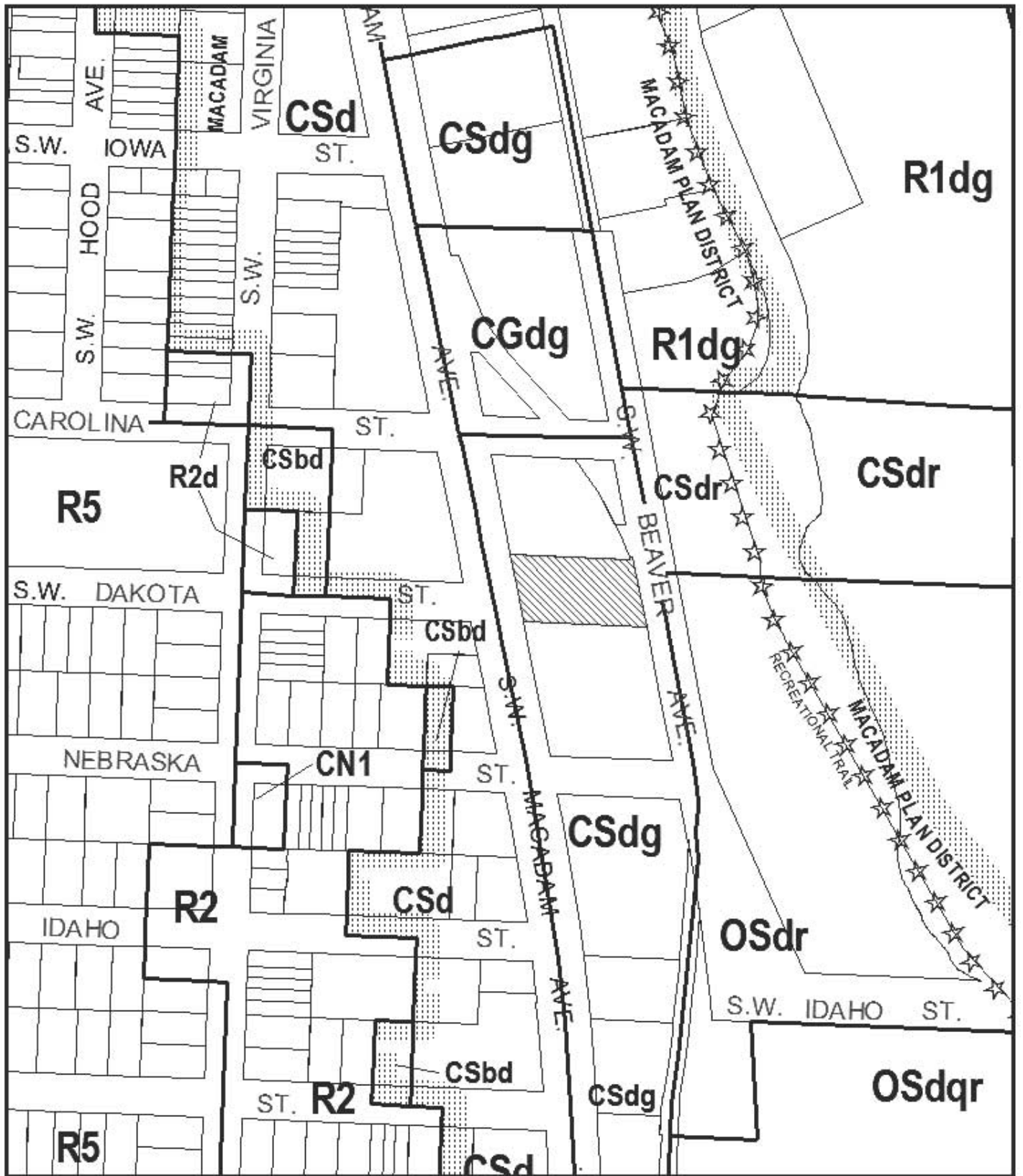
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Statement and Drawings
 - 2. Additional Information
 - 3. Letter asking to wait on mailing decision
 - B. Zoning Map (attached)
 - C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Tenant Floor Plan
 - 3. North Elevation (attached)
 - 4. Window Section
 - D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
 - E. Agency Responses:
 - 1. Life-Safety Plans Examiner of BDS
- Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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).

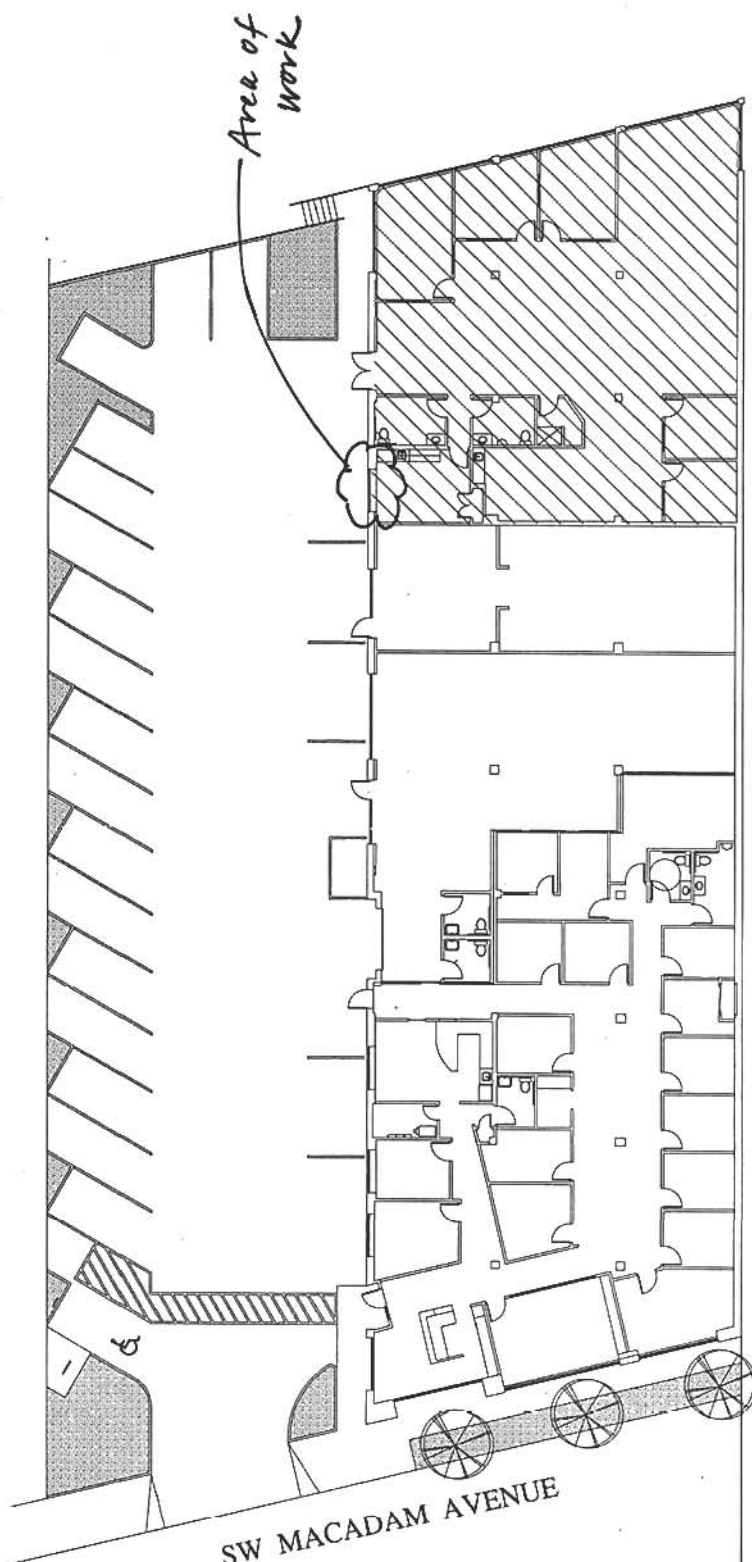


ZONING



This site lies within the:
MACADAM PLAN DISTRICT

| | |
|-------------|-------------------|
| File No. | LU 08-170685 DZ |
| 1/4 Section | 3629,3630 |
| Scale | 1 inch = 200 feet |
| State_Id | 1S1E15CD 19400 |
| Exhibit | B (Oct 20, 2008) |



"Approved"
 City of Portland - Bureau of Development Services
 Planner: *[Signature]*
 Date: 11.21.08
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

NORTH

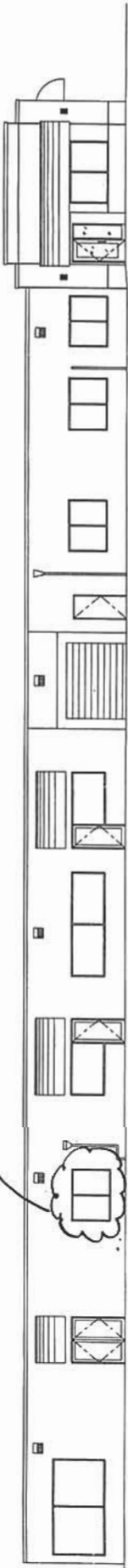
SITE PLAN
 1" = 20'-0"

DESIGN REVIEW PROPOSAL FOR:
**VANDERHOUWEN
 BUILDING**
 6342 SW MACADAM AVENUE
 PORTLAND, OREGON 97208
 OBA #0869 10/15/08

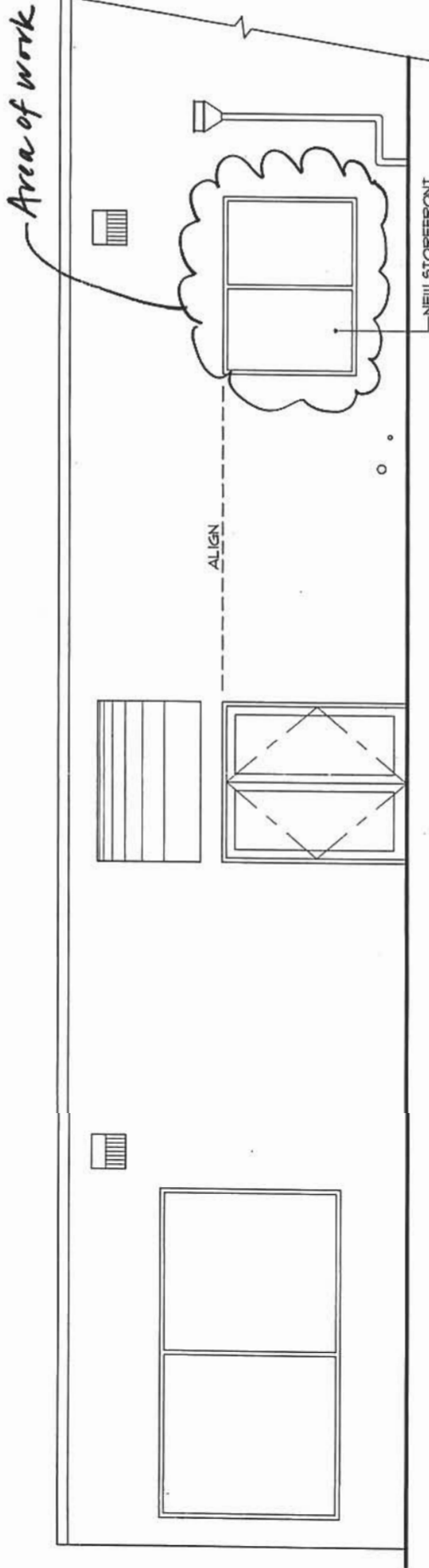
Oregon Business Architecture P.C.
 P.O. Box 80301 Portland, Oregon 97280
 T: 503 / 228-9747 F: 503 / 228-5721

LU08-
 170685 DZ
 Exhibit C.1

Area of work



PROPOSED NORTH ELEVATION



PROPOSED PARTIAL NORTH ELEVATION

1/4"=1'-0"

Approved
City of Portland
Bureau of Development Services
Director *[Signature]*
Date 11-21-08
This approval is valid only in the City of Portland.
This approval is not valid for other jurisdictions.

Oregon Business Architecture, P.C.
P.O. Box 80301
Portland, Oregon 97280
T: 503/228-9747 F: 503/228-5721

DESIGN REVIEW PROPOSAL FOR:
**VANDERHOUWEN
BUILDING**
6342 SW MACADAM AVENUE
PORTLAND, OREGON
OBA #0869 10/15/08

LW 08-
170685 DZ
Exhibit C.3