



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

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
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TTY 503-823-6868
www.portlandonline.com/bds

Date: December 23, 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 08-177814 DZ – EMERGENCY BACKUP GENERATOR VENT

GENERAL INFORMATION

Applicant: Verizon Wireless, Lessee
Attention: Lori Lagerstedt
5430 NE 122nd Avenue
Portland, OR 97230

Weston Investment Company LLC, Owner
P O Box 12606
Portland, OR 97212

Representative: Benjamin Freeman, Consultant (503-549-0001 x4019)
Technology Associates Intl Corp
15618 SW 72nd Avenue
Portland OR 97224

Site Address: 6420 SW Macadam Avenue

Legal Description: TL 19500 LOT 1-10 Block 7, Southern Portland
Tax Account No.: R780200520
State ID No.: 1S1E15CD 19500
Quarter Section: 3629

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: CSdg, Storefront Commercial, with Design and Greenway Overlays
Case Type: DZ, Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant is seeking Design Review for a 3” diameter exterior exhaust vent from a gas-fired emergency backup generator serving a wireless communications facility. The section of vent pipe visible from the exterior will be approximately five feet long and will rise to approximately ten feet above adjacent grade. It will be painted to match the building, and hidden from view by mature existing screen plantings. The generator will be housed in a below grade parking structure, and will only be activated for short monthly tests and in the event of a prolonged electrical power outage. Design Review is required because the property is in the Macadam Plan 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 (State Highway 43) is a transportation route of long standing. It 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 the value of the river as a transportation corridor diminished, the Macadam area began to shift from its earlier 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.

Coincident with these changes a different attitude to the river has developed. Rather than being considered as merely a convenient means of transportation and waste disposal the river is now thought of as an attractive natural landscape and an amenity. This has led to the public acquisition of riverbank and the installation of parks and trails.

The building on the subject site was built in 1980, and it consists of three strongly horizontal floors above a partially below-grade parking area. To the rear of the building a mature planted buffer area adjoins railroad right-of-way. Beyond the rails are a street and a grassy, open park area.

Zoning: 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 Design Overlay Zone (d) 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.

The purpose of the greenway overlay zones is to implement the land use pattern identified in the Willamette Greenway Plan and the water quality requirements of Metro Code 3.07.340.B (Title 3). There are five greenway overlay zones, each with its own focus and purpose. The River General zone (g) allows for uses and development which are consistent with the base zoning, which 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:

- LUR 95-00077 GW DZ - Approval of the proposed installation of cellular telephone facilities. Approved and dated March 15, 1995.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **November 26, 2008**. No Bureaus have responded with issues or concerns.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **November 26, 2008**. No written responses have been received.

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 proposal is for an exhaust vent pipe, 3 inches in diameter and 5 feet long. The vent pipe is located at the rear (east) of the building in an area well screened from view by mature broadleaf evergreen buffer plantings. This choice of location protects the river views along SW Nebraska and Dakota Streets. *This Guideline is therefore met.*

3. The Water's Edge. Enhance the scenic qualities of the river and sites that about the riverbank to contribute to an attractive and enjoyable Greenway Trail.

- Identify natural areas of the Willamette riverbank and preserve the natural qualities of these areas.
- Screen parking, loading and vehicular movement areas from the Greenway with rich landscape plantings.
- Locate buildings to protect access to sunlight on the Greenway Trail.

Findings: The proposed exhaust vent pipe will be screened from view by users of Willamette Park and the Greenway Trail by existing mature broadleaf evergreen buffer plantings. The natural gas fired generator served by the vent operates only in emergency situations when there is a power failure and during brief monthly system tests. *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 proposal is for a small and inconspicuous exhaust vent pipe, serving an internally located natural gas fired emergency backup generator. The vent will be well screened from public view by an existing landscape buffer. The generator will operate only on rare occasions. The proposal therefore merits approval.

ADMINISTRATIVE DECISION

Approval of an exhaust vent pipe, per the approved drawings, Exhibits C-1 through C-4, signed and December 19, 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-4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-177814 DZ. No field changes allowed."

Decision rendered by:  on December 19, 2008.
By authority of the Director of the Bureau of Development Services

Decision mailed: December 23, 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 November 14, 2008, and was determined to be complete on **November 21, 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 November 14, 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 January 6, 2009** 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 **January 7, 2009**.
- 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:

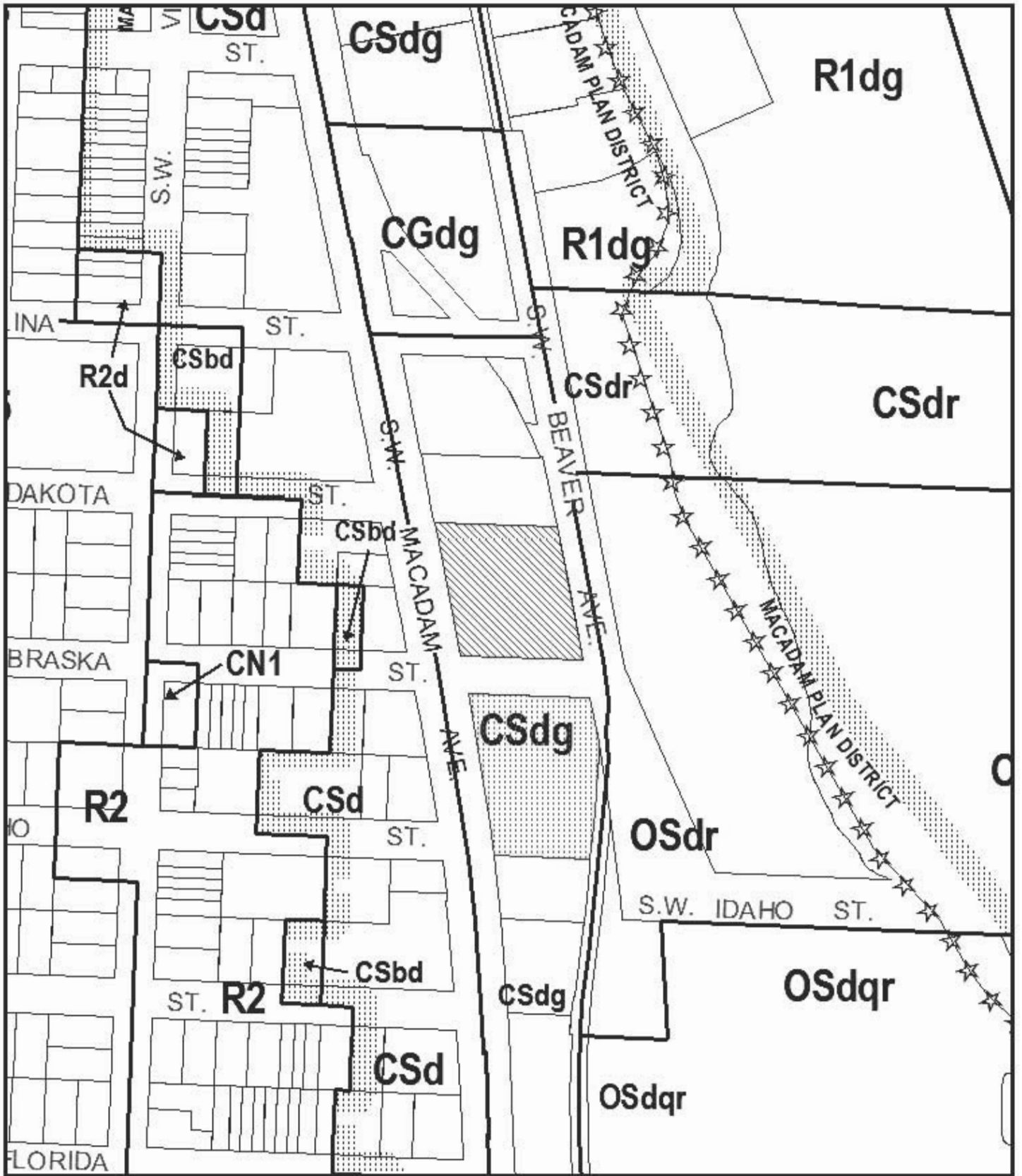
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Vicinity Plan/General Information
 - 2. General Notes and Legend
 - 3. Site Plan and Enlarged Site Plan (attached)
 - 4. Installation Details (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

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
-  Also Owned



This site lies within the:
MACADAM PLAN DISTRICT

File No.	LU 08-177814 DZ
1/4 Section	3629,3630
Scale	1 inch = 200 feet
State_Id	1S1E15CD 19500
Exhibit	B (Nov 19,2008)



Technology Associates
 Incorporated Corporation
 2703 NW Vaughn
 Portland, OR 97210
 503.274.7865
 503.274.7861 Fax

Developed by
 GALLEY
 ARCHITECTS
 2703 NW Vaughn
 Portland, OR 97210
 503.274.7865
 503.274.7861 Fax

REVIEW	CD	10/27/08	BK	6
REVIEW	CD	10/08/08	BK	5
REVIEW	CD	09/30/08	BD	4
REVIEW	CD	09/18/08	BD	3
REVIEW	CD	09/12/08	BD	2
REVIEW	CD	09/11/08	BD	1
REVIEW	CD	07/14/08	BD	0
REVIEW	CD	04/16/08	BD	0
REVIEW	CD	04/16/08	BD	0

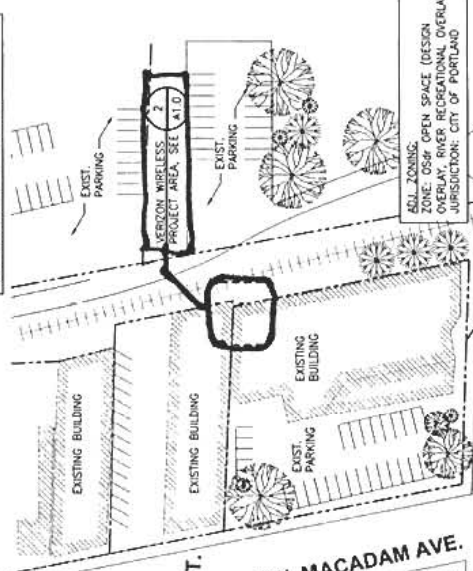
Project # 08-046
 On-Track Date 04/16/08
 Designed By BG
 Drawn By EK
 Checked By BK
 Approved By SJP

Project Name
POR MACADAM
 TR. LOT # 18000
 4420 SW MACADAM AVE
 PORTLAND, OR 97201

Sheet Title
OVERALL SITE PLAN & ENLARGED SITE PLAN

Sheet No
A1.0

ADJ. ZONING:
 ZONE: CS4 COMMERCIAL STOREFRONT (DESIGN OVERLAY, RIVER RECREATIONAL OVERLAY)
 JURISDICTION: CITY OF PORTLAND



ADJ. ZONING:
 ZONE: OS4P OPEN SPACE (DESIGN OVERLAY, RIVER RECREATIONAL OVERLAY)
 JURISDICTION: CITY OF PORTLAND

ADJ. ZONING:
 ZONE: CG GENERAL COMMERCIAL (DESIGN OVERLAY, GREENWAY OVERLAY)
 JURISDICTION: CITY OF PORTLAND

ADJ. ZONING:
 ZONE: CS4 COMMERCIAL STOREFRONT (DESIGN OVERLAY, GREENWAY OVERLAY)
 JURISDICTION: CITY OF PORTLAND

ADJ. ZONING:
 ZONE: CS4 COMMERCIAL STOREFRONT (DESIGN OVERLAY)
 JURISDICTION: CITY OF PORTLAND

ADJ. ZONING:
 ZONE: CS4 COMMERCIAL STOREFRONT (DESIGN OVERLAY)
 JURISDICTION: CITY OF PORTLAND

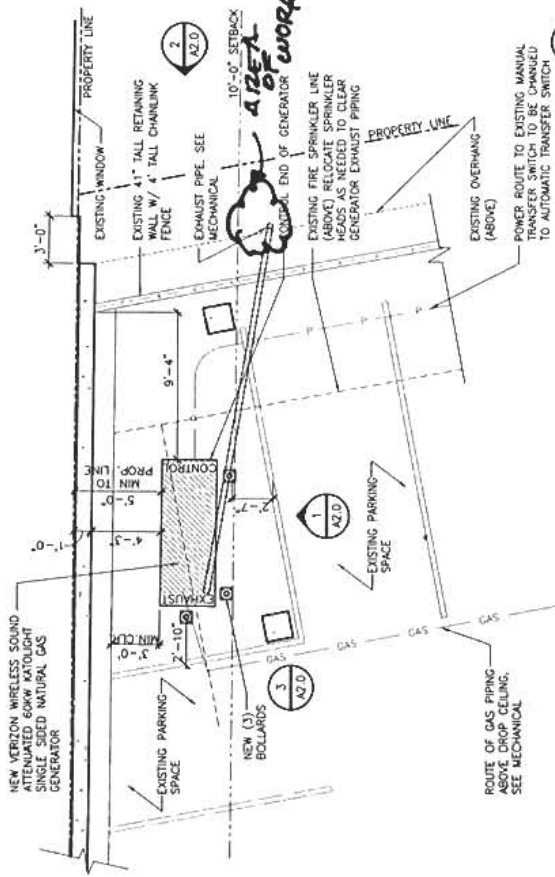
ADJ. ZONING:
 ZONE: CS4 COMMERCIAL STOREFRONT (DESIGN OVERLAY)
 JURISDICTION: CITY OF PORTLAND

Approved
 City of Portland - Bureau of Development Services
 Planner *Dave Fisher* Date *12.19.08*
 Approval applies only to the reviews requested and is subject to change without approval. Additional zoning requirements may apply.



22.5" SCALE: 1" = 60'-0"
 1147 SCALE: 1" = 120'-0"

OVERALL SITE PLAN



NOTE:
 PROVIDE NEW CONDUITS TO NEW GENERATOR
 PER MANUFACTURER'S RECOMMENDATIONS.

ENLARGED SITE PLAN

2

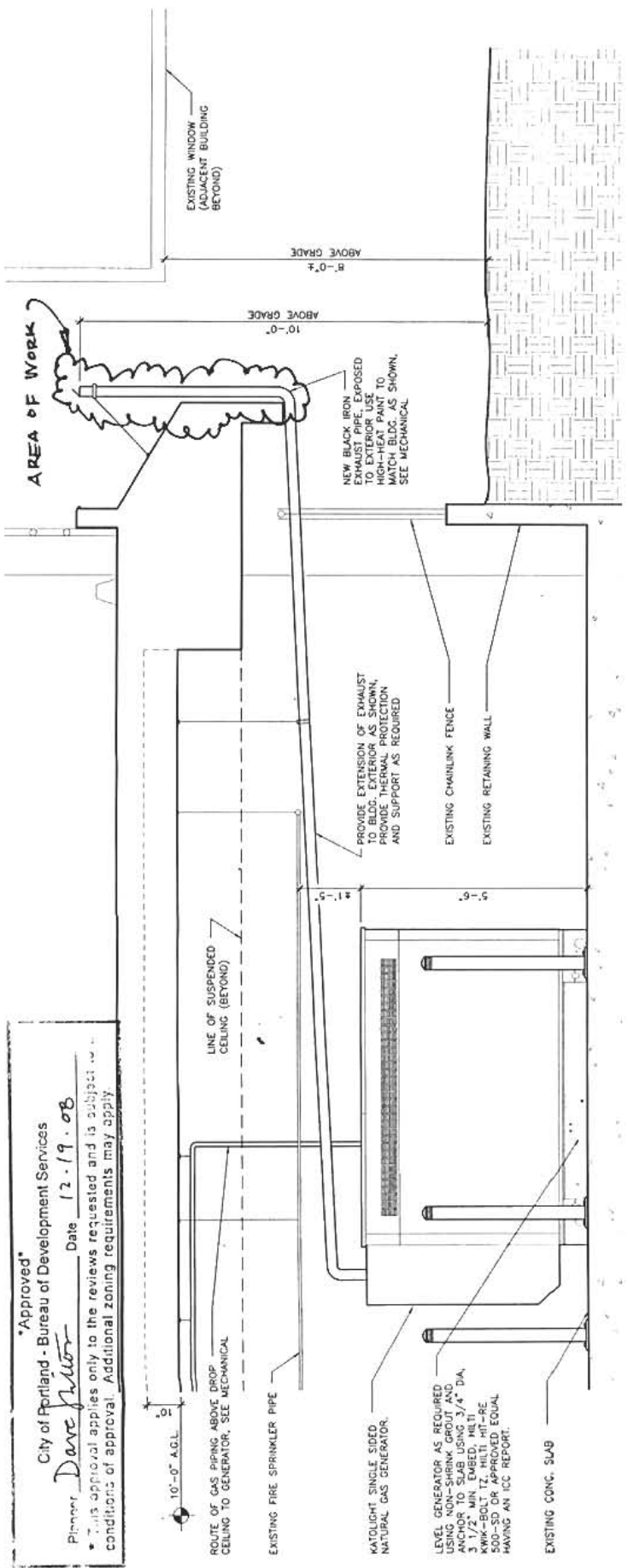
LU 08-177814 DZ
 EXHIBIT C-3

Approved

City of Portland - Bureau of Development Services

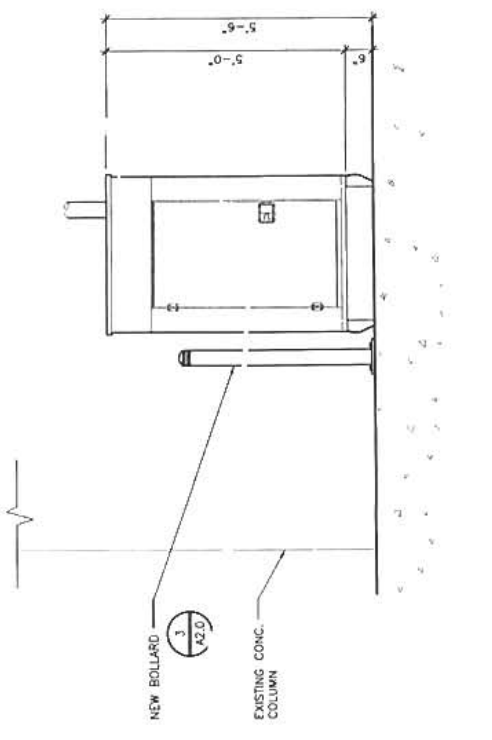
Planner, Dave Fuller Date 12.19.08

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



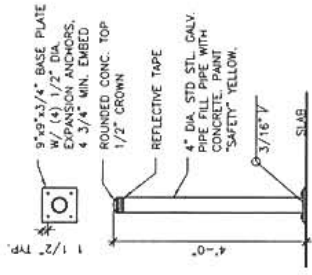
GENERATOR DETAIL (SIDE ELEVATION #1)

2254 SCALE 3/4" = 1'-0"
11417 SCALE 3/8" = 1'-0"



GENERATOR DETAIL (SIDE ELEVATION #2)

2254 SCALE 3/4" = 1'-0"
11417 SCALE 3/8" = 1'-0"

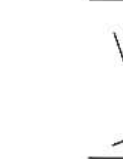


LU 08-177814 DZ
EXHIBIT C-4



Project No: **POR MACADAM**
 Project Name: **MACADAM**
 2254 SW Macadam Ave.
 Portland, OR 97201

Sheet No: **A2.0**



Technology Associates
 Architecture Corporation
 270 NW Vaughn
 Portland, OR 97210
 503.274.1800
 503.274.2412 fax

AGLEY
 PLOWMAN
 ARCHITECTS
 270 NW Vaughn
 Portland, OR 97210
 503.274.1800
 503.274.2412 fax

04/16/08	REVIEW	CD	04/16/08
07/14/08	REVIEW	CD	07/14/08
09/12/08	REVIEW	CD	09/12/08
09/18/08	REVIEW	CD	09/18/08
09/30/08	REVIEW	CD	09/30/08
10/08/08	REVIEW	CD	10/08/08
10/27/08	REVIEW	CD	10/27/08

Project # **08-046**
 Date Issued **04/16/08**
 Drawn By **BD**
 Checked By **DK**
 Approved By **BD**
 Stamp **BDP**