



City of Portland, Oregon

Bureau of Development Services Inspection Services - Land Use Services

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

Date: August 27, 2015 **To:** Interested Person

From: Benjamin Nielsen, Land Use Services

503-823-7812 / Benjamin.Nielsen@portlandoregon.gov

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 mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website http://www.portlandonline.com/bds/index.cfm?c=46429. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 15-143845 DZ – NEW WALLS & OVERHEAD DOOR

GENERAL INFORMATION

Applicant /

Representative: Mike Coyle | Faster Permits

14334 NW Eagleridge Lane

Portland, OR 97229

Architect: Jack Kriz | Mildren Design Group

7650 SW Beveland St Suite 120

Tigard, OR 97223

Owner: Daniel Gherman | Autowerks NW

7516 SW Macadam Ave Portland, OR 97219

Site Address: 7520 SW MACADAM AVE

Legal Description: BLOCK A TL 4400, FULTON PK

Tax Account No.: R300405210 **State ID No.:** 1S1E22AC 04400

Quarter Section: 3730

Neighborhood: South Portland NA., contact Jim Gardner at 503-227-2096.

Business District: South Portland Business Association, contact Kevin Countryman at

503-750-2984.

District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

Plan District: Macadam

Zoning: CSdgs – Storefront Commercial with Design Overlay, Greenway – River

General Overlay, and Scenic Resource Overlay zones

Case Type: DZ – Design Review

Procedure: Type II – an administrative decision with appeal to the Design

Commission.

Proposal:

The applicant requests a design review to approve the addition of new walls and an overhead door to an existing roofed area in the Macadam Plan District. The existing roofed area has an existing wall at the east and north sides. The proposed walls are at the west and south sides. The proposed overhead door is in the new west wall.

The proposed walls and overhead door have already been installed without a review or permit and are in violation, and this design review will serve to evaluate the design of these existing alterations.

Design review is required for exterior alterations in the Macadam Plan District. A greenway review is not required since this proposal is valued at less than \$25,000.

Relevant Approval Criteria:

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

■ 33.825 Design Reviews

Macadam Corridor Design Guidelines

ANALYSIS

Site and Vicinity: The subject site is located near the south end of the Macadam Plan district on the east side of SW Macadam Avenue [Major City Traffic Street, Regional Corridor, Major Transit Priority Street, City Walkway, Local Service Bikeway, Main Truck Street, Major Emergency Response Street] and the south side of SW Logan Court [Local Service Walkway, Local Service Bikeway, Minor Emergency Response Street], an unpaved gravel stub of right-of-way which essentially blends in with the parking lots to the north and a paved parking lot to the south at the north side of the subject building.

The existing buildings on the subject site is a complex of one- and two-story warehouses which are connected together and appear to have been added on to over time. They are clad in a variety of wood material, including lap siding, board and batten siding, and T1-11 siding. All are painted a light gray color with white accents on doors, trim, and windows. A glass and metal canopy is suspended from the north end of the building by three red steel structural poles. A tall, solid, white vinyl fence encloses the gravel parking area on the north side of the building.

Adjacent development to the north is largely comprised of similar low-lying warehouse buildings, most of which are one-story in height. These are occupied by a variety of retail, service, and light-industrial uses. A small residential pocket lies to the northeast across the railroad tracks and is clustered along SW Miles Place. The Willamette Greenway Trail runs through this small neighborhood and continues south past the subject site on the east side of the railroad tracks. Immediately south of the site is the recently remodeled Freeman Motor showroom which lies in another one-story warehouse building. It has been partially re-clad in heavy wood timber and wood slats as well as new street-facing storefront glazing. Across SW Macadam Avenue is an open space and a hill which leads up to Riverside Cemetery to the southwest.

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 predominately built-up, with buildings close to and

oriented towards the sidewalk especially at corners. Development is intended to be pedestrianoriented and buildings with a storefront character are encouraged.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. 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 <u>Greenway Overlay Zones</u>, designated as "g", "i", "n", "q" or "r" are 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; increase public access to and along the Willamette River for the purpose of increasing recreational opportunities, providing emergency vehicle access, assisting in flood protection and control, providing connections to other transportation systems, and helping to create a pleasant, aesthetically pleasing urban environment; implement the City's Willamette Greenway responsibilities as required by ORS 390.310 to 390.368; and implement the water quality performance standards of Metro's Title 3.

The <u>River General</u> "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.

The <u>Scenic Resource Zone</u> "s" overlay is intended to protect Portland's significant scenic resources as identified in the Scenic Resources Protection Plan; enhance the appearance of Portland to make it a better place to live and work; create attractive entrance ways to Portland and its districts; improve Portland's economic vitality by enhancing the City's attractiveness to its citizens and to visitors; and implement the scenic resource policies and objectives of Portland's Comprehensive Plan. The purposes of the Scenic Recourse zone are achieved by establishing height limits within view corridors to protect significant views and by establishing additional landscaping and screening standards to preserve and enhance identified scenic resources.

The <u>Macadam Plan District</u> implements the Macadam Corridor Study. The plan district contains a set of regulations designed to preserve and promote the unique character of the Macadam 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.

Land Use History: City records indicate the following prior land use reviews for this site:

- LU 85-004474 (Ref. # DZ 182-85): Design review approval of a request to relocate an auto-body shop into an existing warehouse building.
- LU 85-005469 (Ref. # GP 018-85): Approval to remodel an existing warehouse building to the Autowerk Northwest Body and Paint Shop, warehouse, and office space, including improvement of the associated parking area and the condition of approval that all exterior facades be painted with a consistent color scheme, specifically the partially existing chocolate brown and white trim.
- LU 86-00470 (Ref. # GP 018-86): Approval of remodel with exteriors painted with consistent color scheme with staff approval.
- LU 92-009473 DZ (Ref. # LUR 92-00354): Approval for the installation of an illuminated awning on the corner of the building.
- LU 96-013072 GW DZ (Ref. # LUR 96-00185): Approval of a greenway and design review to add a new canopy and wall cladding at the lower entrance to the building with the condition that the awning paint color match the building color.
- LU 99-016501 GW DZ (Ref. # LUR 99-00096): Approval to add a 4' wide x 77' long extension to the north wall of the existing auto body shop in the greenway zone and

Willamette greenway design area as well as new metal cladding, a solid vinyl fence painted medium gray or black.

- EA 12-195775 APPT: Optional early assistance appointment to discuss improvements to the existing building, specifically requesting information about the Macadam Corridor Design Guidelines.
- VI 12-207881: Complaint against Autowerks NW enclosing an area in the back to make an enclosed shop without a permit.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **July 10, 2015**. The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation Engineering
- Bureau of Parks-Forestry Division
- The Site Development Section of BDS

The Bureau of Environmental Services responded with comments stating that it appears the Stormwater Management Manual requirements will not be triggered. Please see Exhibit E-1 for additional details.

The Water Bureau responded with the comments about available water service to the site. Please see Exhibit E-2 for additional details.

The Fire Bureau responded with the comments about meeting fire code. Please see Exhibit E-3 for additional details.

The Life Safety Section of BDS responded with the preliminary life safety comments. Please see Exhibit E-4 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 10, 2015. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Design Review (33.825)

33.825.010 Purpose

Design Review ensures:

- That development conserves and enhances the recognized special design values of a site or area:
- The conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district;
- That certain types of infill development will be compatible with the neighborhood and enhance the area; and
- High design quality of public and private projects.

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.

It is important to emphasize that design review goes beyond minimal design standards and is viewed as an opportunity for applicants to propose new and innovative designs. The design guidelines are not intended to be inflexible requirements. Their mission is to aid project designers in understanding the principal expectations of the city concerning urban design.

The review body conducting design review may waive individual guidelines for specific projects should they find that one or more fundamental design guidelines is not applicable to the circumstances of the particular project being reviewed.

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 guidelines and has addressed only those guidelines considered applicable to this project.

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.
- **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 for 1 & 3: The proposed alterations fully enclose a roofed area, covered by a shed roof which slopes up towards Macadam Avenue, already has a wall along its eastern edge, facing the rail line and the river. The roofed area, itself, is already fairly low-lying—only around 16'-0" high at its peak, and the building is located near the lowest point on the site, well below the grade of Macadam Avenue. Since no new building footprint is proposed, no additional building wall will extend to further block river views, the existing roof won't increase further in height, and since the new wall enclosure will actively help to screen activities which were occurring inside the roofed area, the existing visual connections to the river and Greenway Trail will be maintained.

The retention of the existing roof and east and north walls will also allow this portion of the building to continue screening portions of the parking area from the Greenway. The slope of the roof extends down from west to east, mirroring the slope of the site and

allowing for more western light to reach the Greenway. Also, since the existing building is already butting up against the rail alignment, there is little room for additional landscape screening.

Therefore, these guidelines are 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 new walls enclose a portion of the building which was previously open to the west and will not add to the existing roof. Thus, now new shadows will be cast onto public spaces or the Greenway Trail.

The proposed new walls and garage door will utilize materials similar to those already in use on the existing portions of the building. The walls will be clad with T1-11 siding, which matches the existing siding present on other portions of the existing building, including the existing roof fascia above, and it will be painted to match the existing building. The new overhead door is a coiling steel door and colored white to be compatible with the light colors of the existing building facades and the new walls.

Other uses in the immediate vicinity are of a retail or light-industrial nature, and housed in similarly-styled warehouse-type buildings. The residences of SW Miles Place are located across the rail alignment and buffered by existing landscaping.

Therefore, this guideline is met.

8. Future Light Rail Transit. Preserve the potential for a two-direction, light rail facility within the Macadam Corridor Design Zone as illustrated. Until the LRT facility is constructed, the required setback area may be used for parking and landscaping requirements.

Findings: The existing roofed area, which was enclosed by walls on the east and north sides in its pre-review configuration, and is proposed to be further enclosed by walls on the west and south sides, extends into the light rail alignment and rail right-of-way. However, the applicants have an encroachment license agreement valid through 2033, with the possibility to further extend the license, to build within this right-of-way and alignment. Since the license may terminate, the light rail alignment is effectively preserved, and if required, this portion of the building could be demolished at the end of the license term.

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 proposed exterior alterations in the Macadam Plan District, which includes the addition of two new walls underneath an existing roof enclosure, clad with the same siding used elsewhere on the building, and the addition of a new steel coiling door, meet the applicable guidelines by retaining the low-lying nature of the portion of the building, screening interior uses from the Greenway beyond, and reflecting the overall character of this portion of the plan district.

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 the proposed exterior alterations in the Macadam Plan District, including:

- New walls, clad in T1-11 siding and painted to match the existing building and located on the west and south sides of the existing roofed area;
- A new coiling steel overhead door that is white in color; and,
- Per the approved site plans, Exhibits C-1 through C-4, signed and dated 08/21/2015, 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 15-143845 DZ. No field changes allowed."

Staff Planner: Benjamin Nielsen

Decision rendered by:

By authority of the Director of the Bureau of Development Services

On August 21, 2015.

Decision mailed: August 27, 2015

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 April 2, 2015, and was determined to be complete on **July 2, 2015**.

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 April 2, 2015.

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. Unless further extended by the applicant, **the 120 days will expire on: October 30, 2015.**

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 September 10, 2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. 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 call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 **September 11, 2015** (the day following the last day to appeal).
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034 For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

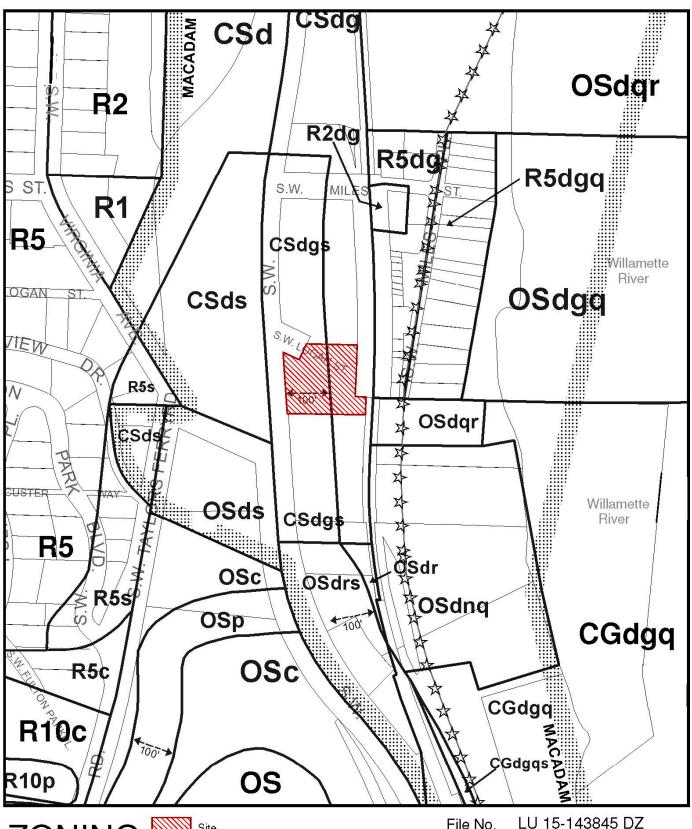
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Floor Plans & Elevations (attached)
 - 3. Details
 - 4. Trimet Encroachment License Agreement
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:

- 1. Bureau of Environmental Services
- 2. Water Bureau
- 3. Fire Bureau
- 4. Life Safety Section of BDS
- F. Correspondence: No written responses were received.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Application Letter
 - 3. Completeness Review Response Letter

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

Site

Recreational Trail

NORTH

This site lies within the: **MACADAM PLAN DISTRICT**

LU 15-143845 DZ File No._

3730 1/4 Section_

> 1 inch = 200 feet Scale,

1S1E22AC 4400 State Id

Exhibit. (Apr 06,2015)

