



City of Portland, Oregon
Bureau of Development Services
Land Use Services
 FROM CONCEPT TO CONSTRUCTION

Chloe Eudaly, Commissioner
 Rebecca Esau, Director
 Phone: (503) 823-7300
 Fax: (503) 823-5630
 TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: December 18, 2017
To: Interested Person
From: Jeffrey Mitchem, Land Use Services
 503-823-7011 / Jeffrey.Mitchem@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 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 17-266826 DZM
HEIGHT MODIFICATION TO PREVIOUSLY APPROVED BUILDING

GENERAL INFORMATION

Applicant: Melissa Meiners | Koble Creative Architecture LLC
 2117 NE Oregon St. #701 | Portland, OR 97232

Owner Hood Works Building LLC
 PO Box 1606 | Lake Oswego, OR 97035

Site Address: 5615 SW HOOD AVE
Legal Description: BLOCK 3 LOT 2, GREENS ADD; BLOCK 3 N 35' OF LOT 3, GREENS ADD

Tax Account No.: R342100290, R342100310
State ID No.: 1S1E15CA 00500, 1S1E15CA 00400
Quarter Section: 3629
Neighborhood: South Portland NA., contact Jim Gardner at 503-227-2096.
Business District: South Portland Business Association, contact info@southportlanddba.com.

District Coalition: Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.
Plan District: Macadam
Zoning: CSd, Storefront Commercial with a Design Overlay
Case Type: DZM, Design Review with Modifications
Procedure: Type II, Administrative Review. The decision can be appealed to the Design Commission.

Proposal:
 The proposal is for a height Modification to previously approved development (LU17-107048 DZM) – a new Cross-Laminated Timber framed 4-story office building with ground floor retail and partially below-grade tuck-under parking behind retail on an 8,500 square foot site.

- The following Modification to Zoning Code Standards is requested:
- 33.550.210 Building Height.** Modify the building height as follows:
 - Allowed Height – 45’ so long as the total average height of the building does not exceed 35’. Proposed maximum height approximately 48’ (top of elevator overrun); and average roof height of 38’.

Relevant Approval Criteria:

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

- Macadam Corridor Design Guidelines
- 33.825.040, Modifications That Will Better Meet Design Review Requirements

ANALYSIS

Site and Vicinity: The 8,500 SF site is currently developed with a one-story building and play yard that serve as a school. The surrounding development is predominately commercial uses and surface parking lots directly to the north, east and west of the site. Single-family homes of varying ages and styles are located across SW Pendleton Street south of the site. Both SW Hood Avenue and SW Pendleton Street are designated as Local Service Walkways and Local Service Bikeways. The site is also in the John's Landing Pedestrian District. Access from the site to the Willamette Riverfront Greenway Trail (approximately 600' east) is provided via sidewalks on SW Hood Ave, SW Flower St (south of site) and SW Sweeny St (north of site).

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 pedestrian-oriented 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 Macadam Plan District 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:

- LU 17-107048 DZM. A Type III approval by the Design Commission of a Cross-Laminated Timber framed 4-story office building with ground floor retail and partially below-grade tuck-under parking behind retail.

Agency Review: A *Notice of Proposal in Your Neighborhood* was mailed **November 17, 2017**.

The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation Engineering (Exhibit E.1)
- Fire Bureau (Exhibit E.2)
- Life Safety Plans Examiner (Exhibit E.3)

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on **November 17, 2017**. A total of two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Francelle Thompsen, November 30, 2017. Letter in opposition to the project citing parking and height. (Exhibit F.1)
- Donna Hellweg, December 5, 2017. Letter in opposition to the project citing parking and height. (Exhibit F.2)

Staff Response: The proposal complies with Portland Zoning Code standards for parking. The requested Modification to height is supported by Staff pursuant to the findings herein (See Section I and II below).

ZONING CODE APPROVAL CRITERIA

I. 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 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.

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

- Locate buildings to avoid excessive shadow on public open spaces, especially Willamette Park and the Greenway Trail.
- Isolated or independent buildings and open spaces should provide design solutions of merit, which consciously set a precedent for neighboring future developments.
- Buildings and open spaces should establish complementary relationships in terms of color, texture, scale of architectural elements, and proportions with neighboring developments.
- Provide sensitive transitions between new development and adjacent residential areas.

Findings for 1, 3 and 4: The proposed locations of the stairwell enclosure and elevator overrun reinforce the building's well-articulated street-facing elevation. As such, the design reinforces physical and visual connections between site and river in the following ways:

- The building massing steps both vertically through articulation of the vertical street-facing façade plane, and horizontally through stepping of horizontal building elements and roof planes.
- The layering effect creates opportunities for exterior spaces above the ground-level such as balconies and roof deck providing distant views from upper levels.
- The layering effect serves to mitigate the visual impact of the four-level building form on surrounding 1- and 2-story development and the Greenway approximately 600 feet eastward.
- Active ground-level uses (retail/commercial) provide direct pedestrian access to the SW Hood Ave right-of-way.
- The fully glazed stair tower with landings oriented toward the SW Hood right-of-way will foster visual connections eastward toward the river.

The location of the stair enclosure and elevator overrun are integral to the organization of the building's overall program – vertical circulation elements reinforce the prominence of the CLT structure and anchor the proposed site design, massing configuration and architectural character. The resulting design is compatible with context and will enhance site vicinity as follows:

- The building is set-back from the rear property line most proximate to residentially zoned property (R2).
- The proposed structural frame (cross-laminate timber), varied massing and well-glazed elevations are high quality and well detailed, and will set a precedent for neighboring future developments.
- The restrained and elemental materials palette – timber, glass, metal – establishes a complementary relationship with the general commercial character of the Macadam corridor.
- The façade planar shifts and recessed upper levels effectively transition scale to vicinity two-four story context.

These Guidelines are met.

II. MODIFICATION REQUESTS (33.825)

33.825.040 Modifications That Will Better Meet Design Review Requirements:

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. **Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines; and*
- B. **Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

The following modification is requested:

Section 33.550.210 Building Height. In the Macadam Plan District, the maximum building heights regulate average building height and maximum building height. These regulations allow some portions of buildings to extend above the height limits (if set back at least 15' from all roof edges) – stairwell enclosures (up to 10' over limits) and elevator overruns (up to 16' over limits). This Modification is required as a consequence of the multi-planar front elevation featuring six wall planes of varying size and setback – the prominent, well-glazed stairwell enclosure forms the front building wall and the elevator overrun is set back approximately 6' from the northeast corner of the street-facing building wall. Because these building features do not meet the 15' set back requirements, the total average building height is exceeded as well. In summary, these building conditions precipitate the following specific Modification request:

- Total average building height – 38' (3' higher than the 35' limit), and
- Maximum building height – 48' (3' higher than the 45' limit).

Purpose Statement: *The Macadam plan district 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.*

- A. **Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines.*

Findings: *Building Height.* The incremental increase in height – a consequence of disallowing the stair tower and elevator overrun height exceptions for being less than 15' from street facing roof edge – better meets *Guidelines 1 Visual Connections* and *3 The Boulevard*, by providing integrated outdoor spaces increasing public views to the river and amenities for pedestrians to reinforce the boulevard design of Macadam. *Guideline 4 Sub-Area Context* is also better met through massing and scale shifting, which provides a sensitive transition between the new development and adjacent residential area. *This criterion is met.*

- B. **Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Findings: The increased heights will allow certain portions of the street-facing elevation – stair tower and office window wall – to be visually prominent and connected façade elements facing SW Hood Ave. The stepped massing and planar shifts will provide outdoor amenities for pedestrians and serve to better maintain views of the river. And, the projecting stair tower is a pedestrian-oriented building element, programmed to enhance the abutting public realm. *This criterion is met.*

This Modification therefore warrants approval.

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 applicant has addressed all major concerns expressed by staff and designed a building that embodies the spirit intended by the applicable design guidelines, and responds well to the natural, cultural and built context. The proposed Modification to height results in an architecturally dynamic street-facing elevation and implements the Macadam Corridor Study by preserving and promoting the unique character of the Macadam area while not impacting public view corridors to the Willamette River. On balance, the proposal meets, and in some cases exceeds the applicable design guidelines and Modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a Modification to maximum allowed height of 45' to 48' and average height of 35' to 38', per the approved site plans, Exhibits C-1 through C-5, signed and dated December 14, 2017, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 17-266826 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Jeffrey Mitchem

Decision rendered by: _____ **on December 14, 2017.**

By authority of the Director of the Bureau of Development Services

Decision mailed: December 18, 2017

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 6, 2017, and was determined to be complete on November 14, 2017.

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 6, 2017.

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 extended by the applicant, **the 120 days will expire on March 14, 2018.**

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 2, 2018** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **January 2, 2018** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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:

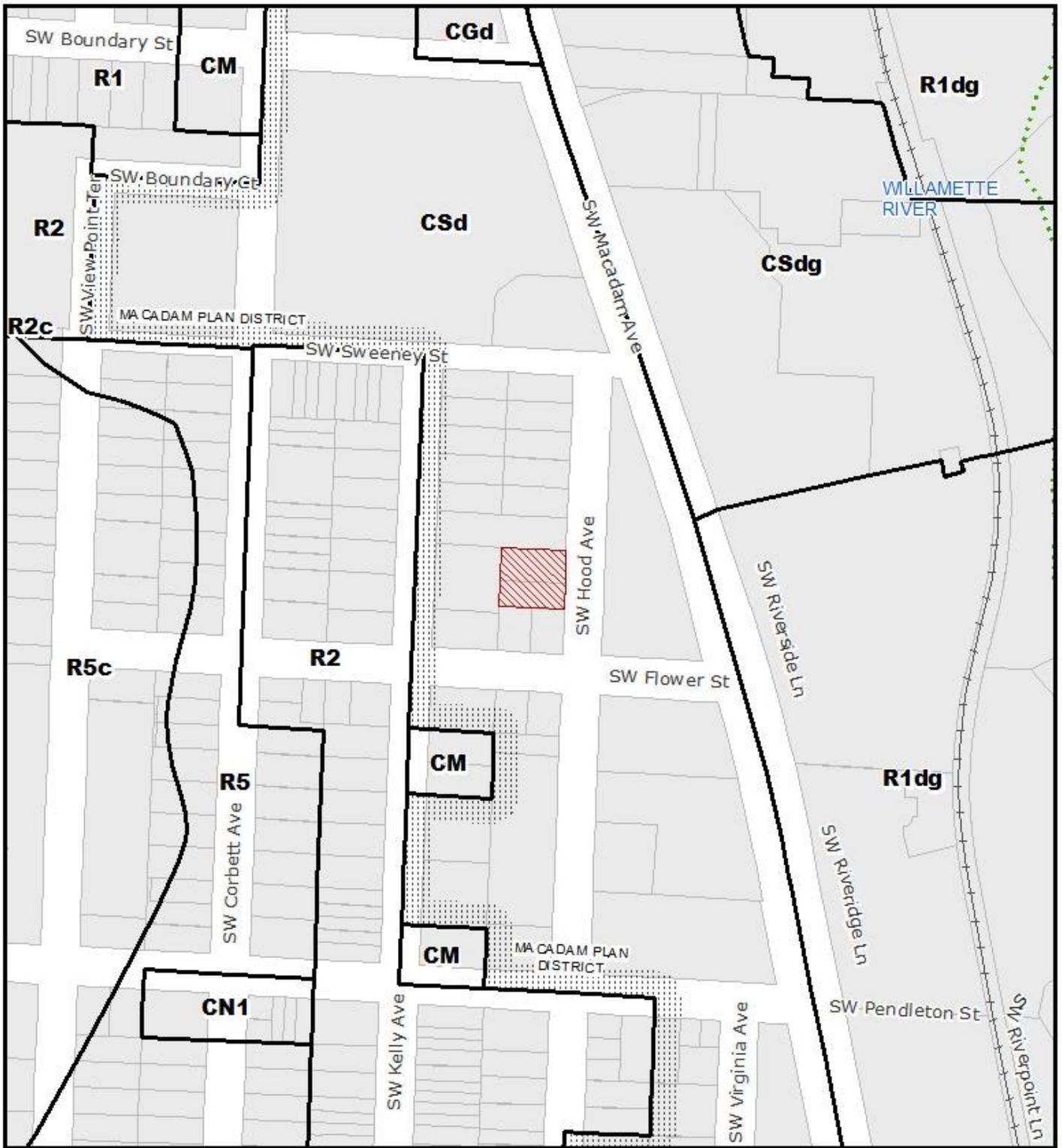
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. South Elevation
 - 2. Site Plan (attached)
 - 3. North Elevation
 - 4. Zoning Compliance
 - 5. West Elevation
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Transportation Engineering and Development Review
 - 2. Fire Bureau
 - 3. Life Safety Plans Examiner
- F. Correspondence:
 - 1. Francelle Thompsen, November 30, 2017. Letter in opposition to the project citing parking and height.
 - 2. Donna Hellweg, December 5, 2017. Letter in opposition to the project citing parking and height.
- G. Other:
 - 1. Original LU Application

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



THIS SITE LIES WITHIN THE:
MACADAM PLAN DISTRICT



Site

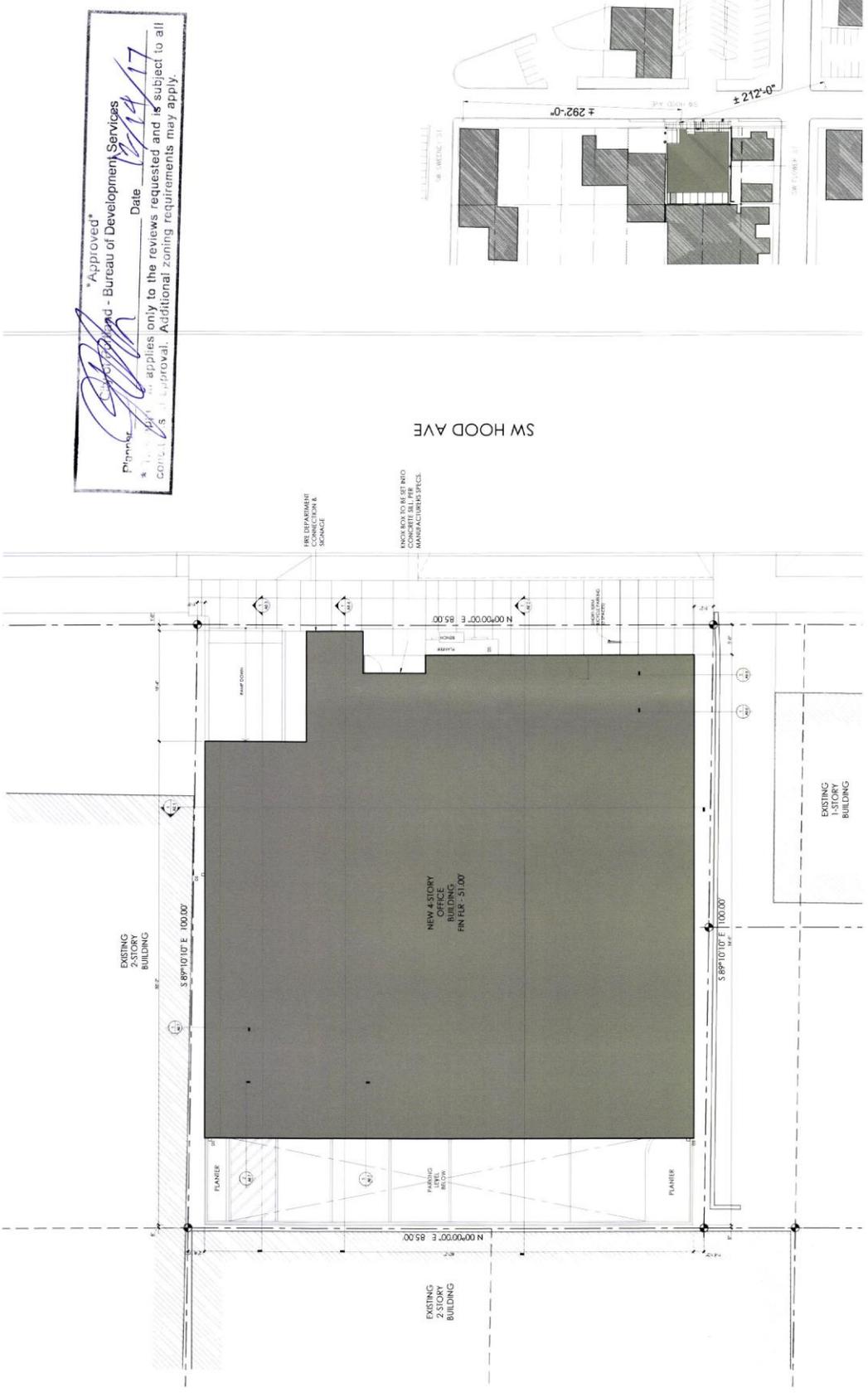


Recreational Trails

File No.	LU 17-266826 DZM
1/4 Section	3629
Scale	1 inch = 200 feet
State ID	1S1E15CA 500
Exhibit	B Nov 08, 2017



SITE PLAN
 EAT
 C-2
 100% PERMIT SET



Approved
 Planning Department - Bureau of Development Services
 Date: 6/24/17
 This plan applies only to the reviews requested and is subject to all
 code requirements for approval. Additional zoning requirements may apply.



1. SITE PLAN
 SCALE: 1/8" = 1'-0"



2. FIRE HYDRANT DISTANCES
 SCALE: 1/8" = 1'-0"

LW 17-266826 D2-M