



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

Ted Wheeler, Mayor  
Rebecca Esau, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** March 21, 2019  
**To:** Interested Person  
**From:** Tanya Paglia, Land Use Services  
503-823-4989 / [Tanya.Paglia@portlandoregon.gov](mailto:Tanya.Paglia@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 18-277136 DZ — NEW ACCESSORY STRUCTURE**

#### **GENERAL INFORMATION**

**Applicants:** Aram Irwin | Aram Irwin Historic Home Design  
2829 SW Bertha Blvd | Portland, OR 97239  
  
Daniel Keller | Aram Irwin Historic Home Design  
931 NW 20th Ave, Apt 42 | Portland, OR 97209

**Owner:** Seema Kathuria | L'Etoile Academy French Immersion School  
5839 SW Hood Avenue | Portland OR 97239  
  
5816 Property LLC  
2933 SE Market St | Portland, OR 97214

**Site Address:** **5816 SW HOOD AVE**

**Legal Description:** BLOCK 5 TL 5400, GREENS ADD  
**Tax Account No.:** R342100750  
**State ID No.:** 1S1E15CA 05400  
**Quarter Section:** 3629

**Neighborhood:** South Portland NA., contact Jim Gardner at 503-227-2096.  
**Business District:** South Portland Business Association, contact [info@southportlanddba.com](mailto:info@southportlanddba.com).  
**District Coalition:** Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.

**Plan District:** Macadam

**Zoning:** **CM2d** – Central Commercial/Mixed Use 2 Zone with Design Overlay

**Case Type:** **DZ** – Design Review

**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

**PROPOSAL:**

The applicant seeks Design Review approval for a new single-story detached accessory structure incorporating an existing pergola structure, expanding it to the north and south. The new building will be accessory to the primary building which is currently occupied by a school use. The new structure will be nested within the pergola with a 4" offset of the building plane from the pergola's column face. The new north/south extensions of the pergola will be wood to match the existing structure. The new nested structure will be clad in composite lap siding with 1x12 pattern to match the site's primary building and will feature metal panel cladding in 4" deep niches behind the street-facing façade columns. The building will have an eco-roof, as well as fiberglass and aluminum window and door systems with pearlescent finish.

Design review is required because the proposal is for exterior alterations in the Macadam Plan District.

**Relevant Approval Criteria:**

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

- Macadam Corridor Design Guidelines

## ANALYSIS

**Site and Vicinity:** The 10,000 SF site fronts SW Hood Avenue, which is the next street west from Macadam in this vicinity, although a view of Macadam is completely blocked by an existing building abutting the site on the east. The site's existing primary building was built in 1934 as a simple gabled one-story structure. A second story was later added to the rear third of the building and currently features the same metal-roofed gable as the one-story portion. A 7.5' wide single-story addition was then added at a later date. It runs down the length of one side with an entry located at the end facing SW Hood Street and covered by a pergola structure. The entire building currently features composite lap siding and a metal roof. It serves as a school and has an adjacent play yard and pergola.

The development immediately surrounding the site is predominately commercial uses and surface parking lots however there is a new multi-dwelling structure ("The Macadam") on the adjacent site to the south. Single-family homes of varying ages and styles are located across SW Pendleton Street south of the site and across SW Kelly Ave two blocks west 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 Pendleton St and SW Flower St.

**Zoning:** The Commercial/Mixed Use 2 (CM2) zone is a medium-scale zone intended for sites in a variety of centers, along corridors, and in other mixed use areas that have frequent transit service. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to four stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.

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 that prior land use reviews include the following:

- LU 83-100042 (Ref #: SR 11-83) - Denial of request for a sign Adjustment.
- LU 86-004911 (Ref #: DZ 58-86) - Design Review approval for new two-story addition to an office building and upgrade of existing parking lot.
- LU 86-029871 VZ (Ref #: VZ 088-86) Withdrawn proposal to reduce the width of a parking lot landscaping strip.
- LU 87-004848 (Ref #: DZ 50-87) Design Review approval for new play equipment for a daycare facility.
- LU 92-009575 DZ (Ref #: LUR 92-00456) Design Review approval with conditions to construct a two-story addition onto an existing structure.
- LU 99-016653 DZ (Ref #: LUR 99-00248) Design Review approval to add 483 sq. ft. (7.5 ft. wide) addition to the ground floor of an existing building with a new entry located at the end of the addition facing SW Hood Street covered by the new pergola structure and the parking area being re-stripped.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **February 11, 2019**. The following six Bureaus, Divisions and/or Sections responded with no objections and five of these included comments found in Exhibits E-1 through E-5.

- Life Safety Division of the Bureau of Development Services (Exhibit E-1)
- Fire Bureau (Exhibit E-2)
- Site Development Review Section of the Bureau of Development Services (Exhibit E-3)
- Bureau of Transportation Engineering and Development Review (Exhibit E-4)
- Bureau of Environmental Services (Exhibit E-5)
- Water Bureau

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on February 11, 2019. 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**

**2. Physical Connections.** Create a common sense of unity that ties both sides of Macadam together with each other, the river to the east and the residential area to the west. Create public walkways that physically connect the Macadam Avenue right-of-way with Willamette Park, the Greenway Trail and the Willamette River.

- Orient structures and parking areas to facilitate access for pedestrians between adjacent uses.
- Extend street tree planting west of Macadam.
- Reinforce connections for pedestrians between the Willamette River Greenway and Macadam Avenue.
- Provide safe, comfortable places where people can slow, sit and relax. Locate these places adjacent to sidewalks, walkways and the Greenway Trail.
- Provide sidewalks and pathways, through larger developments with landscaping which screens or separates these from parking and motor vehicle maneuvering areas.
- Provide walkways, which link parking areas to district-wide access systems for pedestrians.

**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 for 2 and 5:** The proposed accessory structure will enhance the neighborhood pedestrian system by building on the site's character and sense of place along SW Hood Ave and by contributing to a vibrant streetscape. The proposal orients large openings to the open playground area for the French immersion school and will build upon the feeling of campus and community already created by the two existing buildings that make up the L'Etoile school located on separate parcels on opposite sides of Hood Ave. The new building reflects the existing primary building through its rectangular form and clapboard siding. The building also incorporates timber frame elements which tie the accessory structure architecturally to the main building where it shares design elements with the wooden entry pergola.

The proposal reorients the development on the lot to the SW Hood Ave frontage, softening the edge condition created by the rear brick wall of the adjacent 5757 SW Macadam Avenue building located to the east right on the property line of the neighboring site. The new building will create a visual buffer to this approximately 15'-6" tall single-story brick structure. The rear façade of the brick structure has no windows, doors or architectural features and thus adds little to the public realm along SW Hood Ave. Bringing an architecturally interesting structure into the foreground will improve the pedestrian experience along the SW Hood Ave streetscape. The new building will offer a very active frontage with large bi-parting doors on the West Facade that open to the adjacent recess yard bringing vitality and visual interest.

The proposed accessory building is respectful in both scale and design parameters of the present context. In the area to the west of Macadam, there are a mix of building typologies that mainly include residential-scale, gable-roofed structures with both residential and commercial uses and commercial rectilinear, flat-roofed structures including warehouses and office complexes. The existing building on the lot is of similar form to the original immersion school building located across the street at 5839 SW Hood Avenue. The forms of these two buildings are indicative of the transitional nature of this area between a low-density residential neighborhood and an active commercial industrial area. The new proposal incorporates the general rectilinear form of an industrial building with large open bays evocative of the warehouse forms in the surrounding contexts, offset by the human scale elements of the bi-parting doors, the window patterns, and the timber framing which acts as an exoskeleton.

*These guidelines are 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 requirements of Title 11 can be met, and 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 accessory structure will build on the campus and community sensibilities of the two existing French immersion school buildings, enhancing the pedestrian experience and thus improving the neighborhood connectivity. It will bring added character to the site and complement the scale and architecture of neighboring developments. 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 a new single-story detached structure accompanying a building occupied by a school use located in the Macadam Plan District, per the approved site plans, Exhibits C-1 through C-4, signed and dated 3/18/2019, 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 18-277136 DZ." 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: Tanya Paglia**



**Decision rendered by:** \_\_\_\_\_ **on 3/18/2019**

By authority of the Director of the Bureau of Development Services

**Decision mailed: 3/21/2019**

**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 December 12, 2018, and was determined to be complete on February 4, 2019.

*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 December 12, 2018.

*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: 6/4/2019.**

**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 4/4/2019** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> 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](http://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 **4/4/2019** 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:

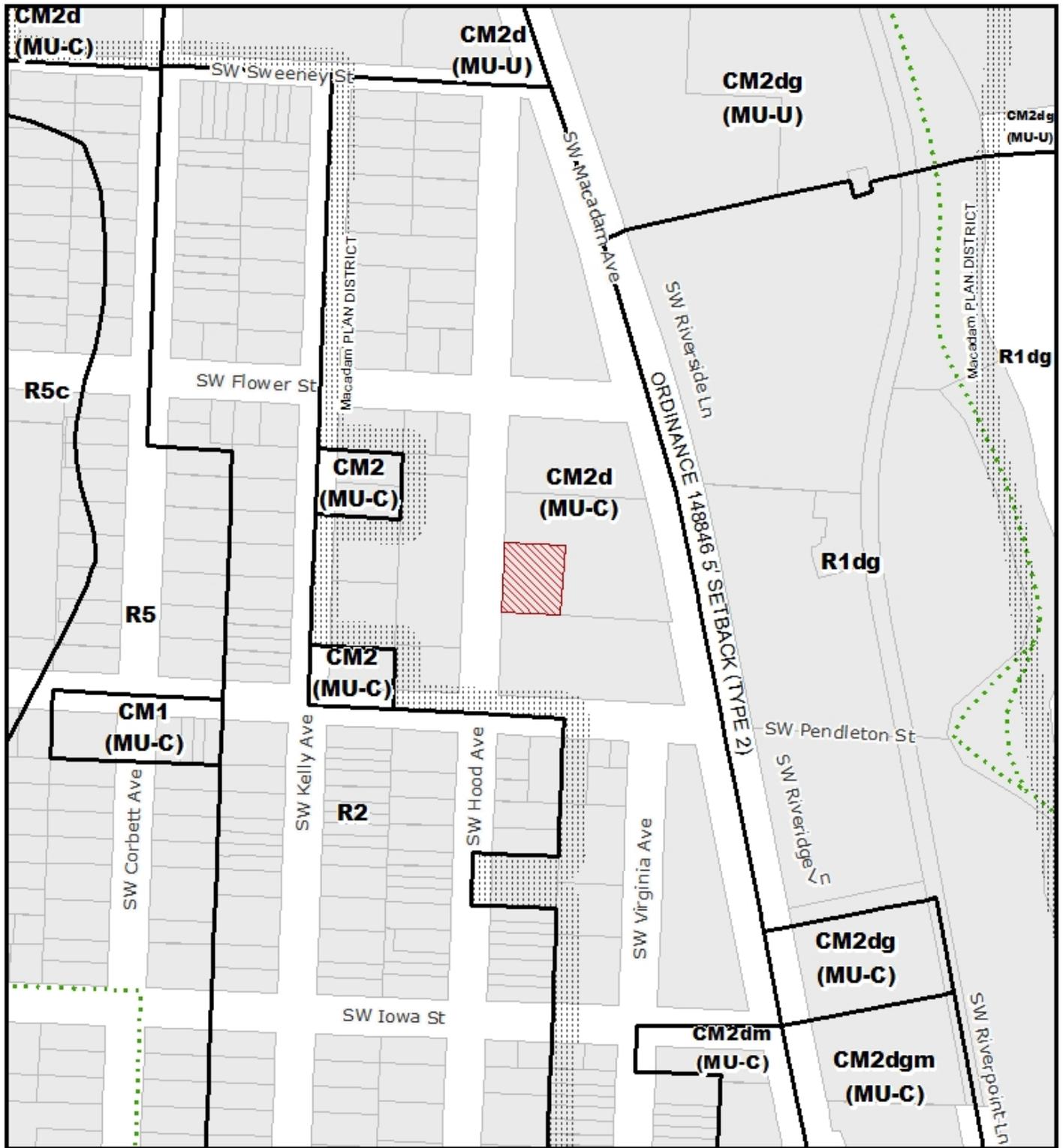
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

### EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
  1. Applicant's project narrative including project description and response to approval criteria, 11/26/2018
  2. Product cut sheets
  3. Renderings of original design
  4. Context photos
  5. Code analysis
  6. Original plan set before final revisions, reduced size – NOT APPROVED/reference only
  7. Original plan set before final revisions, large scale – NOT APPROVED/reference only
  8. Letter Response to Incomplete Letter
  9. Updated plan set before final revisions, 1/11/2019 – NOT APPROVED/reference only
  10. Design options, 2/12/2019
  11. Rendering of updated design, 2/26/2019
  12. Updated plan set before final revisions, 3/1/2019 – NOT APPROVED/reference only
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site Plan – existing and proposed (attached)
  2. West, East, South, North Elevations – existing and proposed (attached)
  3. Proposed Floor and Roof Plans
  4. Details
- D. Notification information:
  1. Mailing list
  2. Mailed notice
- E. Agency Responses:
  1. Life Safety Division of the Bureau of Development Services
  2. Fire Bureau
  3. Site Development Review Section of the Bureau of Development Services
  4. Bureau of Transportation Engineering and Development Review
  5. Bureau of Environmental Services
- F. Correspondence: None Received
- G. Other:
  1. Original LU Application
  2. Incomplete 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



THIS SITE LIES WITHIN THE:  
MACADAM PLAN DISTRICT



Site



Recreational Trails

File No.	LU 18-277136 DZ
1/4 Section	3629
Scale	1 inch = 200 feet
State ID	1S1E15CA 5400
Exhibit	B Dec 13, 2018

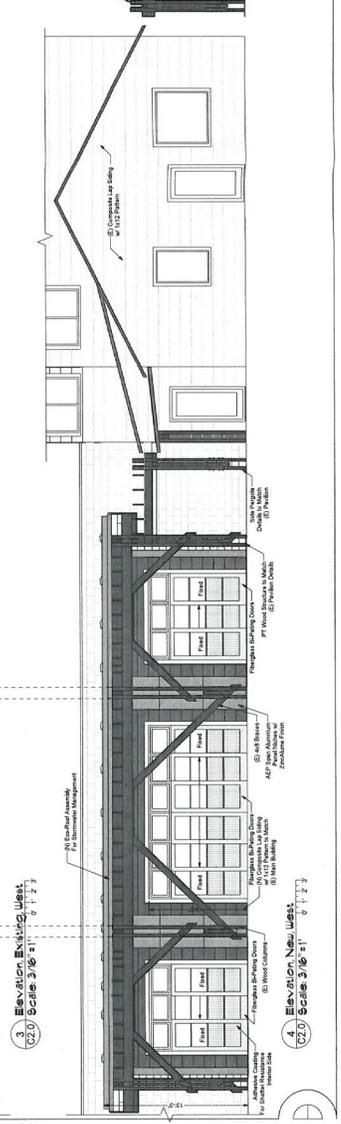
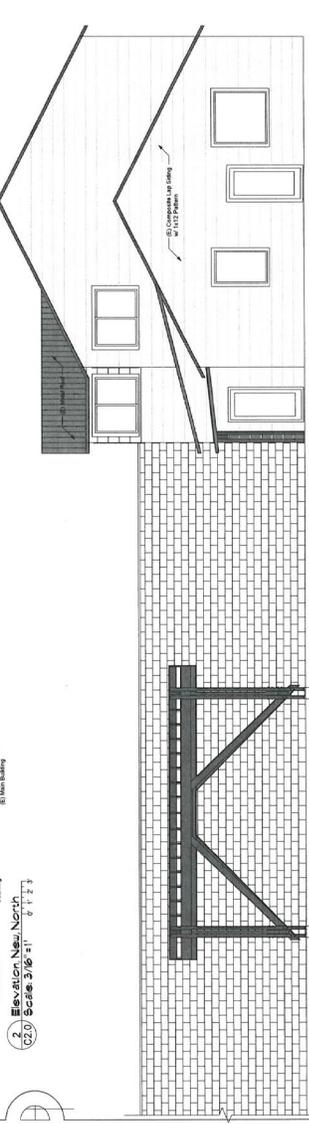
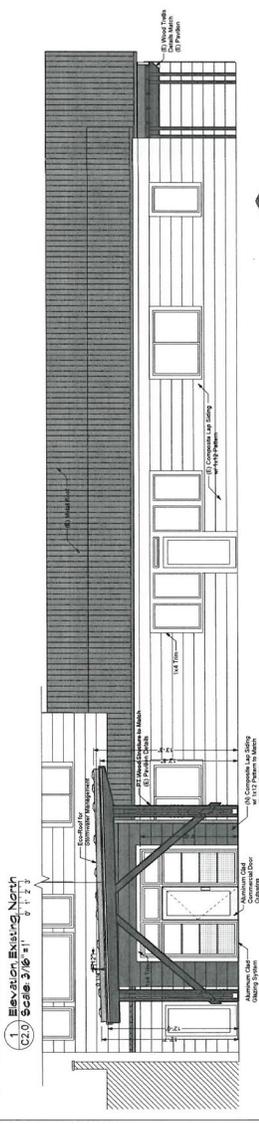
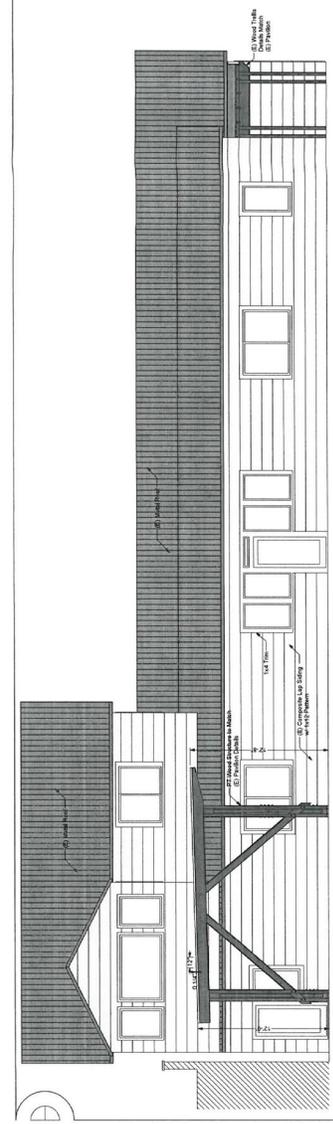


**Approved\***  
 City of Portland - Bureau of Development Services  
 Planner \_\_\_\_\_ Date 3/18/2019  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

**WIN BUILD**  
 4545 SW  
 10000 SW  
 Portland, OR 97219  
 (503) 544-5971  
 arwinwin@gmail.com

**KPC CONSULTING**  
 Structural Engineer  
 10875 SW Avocet Ct.  
 Beaverton, OR 97007

Job #: TBD  
 Contractor: TBD  
 CCB #: \_\_\_\_\_

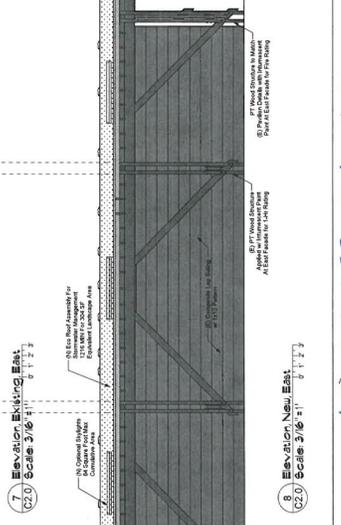
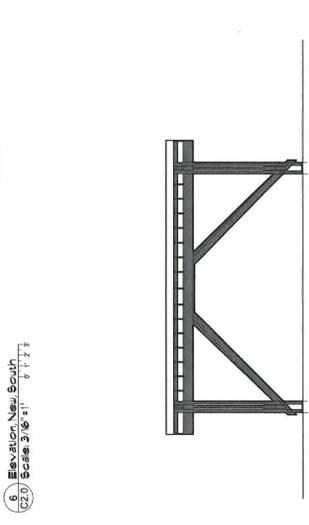
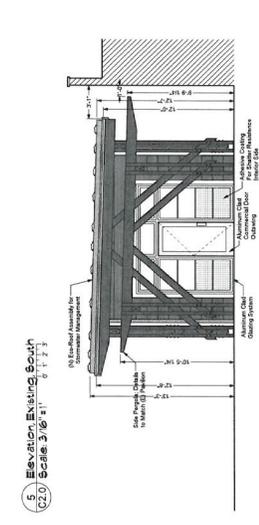
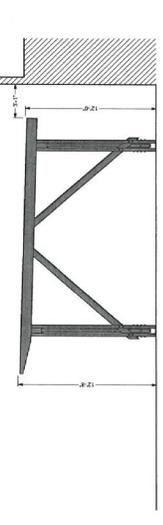


1 Elevation Existing North  
 C2.0 Scale 3/16" = 1' - 0"

2 Elevation New North  
 C2.0 Scale 3/16" = 1' - 0"

3 Elevation Existing West  
 C2.0 Scale 3/16" = 1' - 0"

4 Elevation New West  
 C2.0 Scale 3/16" = 1' - 0"



5 Elevation Existing South  
 C2.0 Scale 3/16" = 1' - 0"

6 Elevation New South  
 C2.0 Scale 3/16" = 1' - 0"

7 Elevation Existing East  
 C2.0 Scale 3/16" = 1' - 0"

8 Elevation New East  
 C2.0 Scale 3/16" = 1' - 0"

Project: **Litko Accessory Building**  
 #5816 SW Hood Ave #

Permit #: TBD  
 Checksheet #: \_\_\_\_\_

Title: **Elevations, Existing & Proposed**

Version: **Final Design Review**  
 Date: 03-14-19  
 Scale: 1/8" = 1'-0" x 3/4"

**C-2.0**  
 02/06

LV 18-277136 DZ C-2