



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

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**Date:** June 29, 2021  
**To:** Interested Person  
**From:** Tim Heron, Land Use Services  
503-823-7726 / [Tim.Heron@portlandoregon.gov](mailto:Tim.Heron@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 21-045903 DZ – MECHANICAL EQUIPMENT AT ROOF AND PARKING AREA**

### **GENERAL INFORMATION**

**Applicant:** Shawn Homberg, FFA Architecture And Interiors, Inc.  
[shomberg@ffadesign.com](mailto:shomberg@ffadesign.com)  
520 SW Yamhill St, Ste 900  
Portland, OR 97204

**Owner:** WI-Skb Johns Landing 5100 Owner LLC  
222 SW Columbia St #700  
Portland, OR 97201

**Owner's Agent:** Stephen Wong, WI-Skb Johns Landing 5100 Owner LLC  
810 NW Marshall St  
Portland, OR 97209

**Site Address:** 5100 S MACADAM AVE  
**Legal Description:** TL 200 1.80 ACRES, SECTION 15 1S 1E  
**Tax Account No.:** R991151100  
**State ID No.:** 1S1E15BD 00200  
**Quarter Section:** 3529  
**Neighborhood:** South Portland NA., contact Jim Gardner at [contact@southportlandna.org](mailto:contact@southportlandna.org)  
**Business District:** South Portland Business Association, contact [info@southportlanddba.com](mailto:info@southportlanddba.com).  
**District Coalition:** Southwest Neighborhoods Inc., contact at 503-823-4592.  
**Plan District:** Macadam  
**Zoning:** CM2d, g\* – Commercial/Mixed Use 2 zone with design and the river general zone  
**Case Type:** DZ, Design Review  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

**Proposal:**

The applicant is requesting Design Review Approval for two new rooftop generators and one fully enclosed gas operated emergency generator in the parking area. The two rooftop generators will be a matte finish and located away from the parapet edge so as not be visible from adjacent rights of way. The ground level generator will be 100% screened with metal paneling painted to match the existing building, operate during emergencies only, and replace existing bike parking which will be relocated.

Because the proposal is in the new River General (g\*) overlay zone, but new mechanical units are located outside the River Environmental overlay zone, no environmental or greenway review is required.

Because the proposal is for exterior alterations to an existing building and site in the Design Overlay Zone, Design Review is required.

**Relevant Approval Criteria:**

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

- Macadam Design Guidelines

**ANALYSIS**

**Site and Vicinity:** The property is comprised of three contiguous lots located at 5100 and 5050 SW Macadam. Together, the three lots total 3.52 acres. Other lots under the same ownership add 1.91 acres to this site, which totals 5.43 acres. The site is located in the Macadam Plan District. The site is currently developed with a 5-story concrete office building. City records indicate that the existing office building was constructed in 2000. It has associated surface parking to the north and east. While the property line is bounded by SW Macadam Avenue to the west, access to the property is provided via SW Landing Square and SW Landing Drive to the east. These are private drives owned by the Johns Landing Commercial Areas Association.

**Zoning:** Commercial/Mixed Use 2 zone. 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 Greenway Overlay Zones, 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 River General "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 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 78-004554 | DZ 24-78 – Land use approval for a building renovation.
- LU 78-004568 | DZ 25-78 – Land use approval for landscaping, colors, lighting and signage at a building renovation.
- LU 93-010687 – Design Review approval for a freestanding sign.
- LU 96-013851 | LU96-00964 – Design Review approval to install a permanent cellular broadcast facility with Conditions of Approval.
- LU 00-00378 DZM GW – Design Review approval of a new 5-story office building and a new 562 car parking facility, including a four-level parking structure; two levels of below-grade parking, and reconfiguration of existing surface parking.
- LU 02-128277 DZ – Design review approval for new antennas added to the rooftop of the existing office building. Antennas are a federal requirement to facilitate identification of 911 caller location.
- LU 18-131207 DZGW – Design Commission approval for Design and Greenway review for ground level storefront and canopy renovations, a new landscaped entry path, and parking lot landscaping.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **May 28, 2021**. The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation, Exhibit E.1
- Fire Bureau, Exhibit E.2
- Life Safety, Exhibit E.3

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **May 28, 2021**. Three written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Barbara Gicking, Heron Pointe HOA, clarification of generator use. Exhibit F.1
- Connie Stephens, 5050 S Landing Drive, concerns regarding generator noise. Exhibit F.2
- Madelyn and Mike Stasko, 5050 S Landing Drive, concerns regarding generator noise. Exhibit F.3

*Staff Response: The ground level generator will be for emergency use only, such as in the event of a power outage, and will be located a minimum of 218' from the SW Landing Drive right of way. The generator is also gas powered, as opposed to diesel powered, so its operational noise is minimal. Lastly, the generator will be fully screened with metal paneling, minimizing its visual and sound related impacts. Additional information in the Findings section below.*

## 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.*

**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.

**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 property is comprised of 3 contiguous lots located at 5100 and 5050 SW Macadam. The site has surface parking and contains an approximately 101,000 SF 5-story office building. Interior renovations for biomedical labs and office space will require rooftop mechanical equipment and a screened emergency back-up generator at grade. Long-term bike lockers will be relocated due to the emergency generator placement.

Since no new building footprint is proposed, no additional building wall will extend to further block river views. The new screen enclosure for the ground level generator will screen the unit as well as reduce noise impacts when operating. The existing visual connections to the river and Greenway Trail will be maintained.

The ground level natural gas generator will be located along the north side of the building, a minimum of 218' west from SW Landing Drive which fronts the residential zone to the east. This emergency generator will only run when power to the building is lost; it will not run regularly and will only be used for the duration of the emergency situation.

The natural gas emergency generator will be screened by a new 9' tall screen wall made of ribbed metal panels on steel posts. The rooftop equipment is not required to be screened since it is located more than 50' from any adjacent R zone [200'+ from SW Landing Drive] but is setback a minimum of 25' from adjacent rooftop parapet edges to reduce visibility from adjacent rights of way.

There will be a new gas meter located along the north facade and a 2" gas service line running up the north facade to serve the rooftop equipment, which will be painted to match the building color to blend with the building architecture.

*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 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.

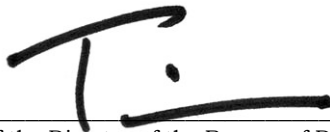
**ADMINISTRATIVE DECISION**

**Approval** of two new rooftop generators and one fully enclosed gas operated emergency use only generator in the parking area a minimum of 218' west of SW Landing Drive. The approved two rooftop generators will be a matte finish and the ground level emergency generator will be 100% screened with metal paneling painted to match the existing building.

**Approval** per Exhibits C-1 through C-8, signed and dated June 23, 2021, 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 21-045903 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: Tim Heron**



**Decision rendered by:** \_\_\_\_\_ **on June 25, 2021**

By authority of the Director of the Bureau of Development Services

**Decision mailed: June 29, 2021**

**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 **May 10, 2021**, and was determined to be complete on **May 24, 2021**.

*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 May 10, 2021.

*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: September 21, 2021.**

**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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on July 13, 2021. The completed appeal application form must be emailed to [LandUseIntake@portlandoregon.gov](mailto:LandUseIntake@portlandoregon.gov) and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIX decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

**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 on or after **July 14, 2021** 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.

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

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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Original submittal
  - 2. Updated submittal
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Aerial Site Plan and Dimensions to SW Landing Drive (attached)
  - 3. Elevations (attached)
  - 4. Roof Plan
  - 5. Metal Screening Enclosure Details 1
  - 6. Metal Screening Enclosure Details 2
  - 7. Photo Simulation 1
  - 8. Photo Simulation 2
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Portland Bureau of Transportation
  - 2. Fire Bureau
  - 3. BDS Life Safety
- F. Correspondence:
  - 1. Barbara Gicking, Heron Pointe HOA, clarification of generator use.
  - 2. Connie Stephens, 5050 S Landing Drive, concerns of generator noise.
  - 3. Madelyn and Mike Stasko, 5050 S Landing Drive, concerns of generator noise.
- 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).**