



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

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Portland, Oregon 97201  
503-823-7300  
Fax 503-823-5630  
TTY 503-823-6868  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** June 18, 2009  
**To:** Interested Person  
**From:** Chris Beaney, Land Use Services  
503-823-7983 / [chris.beaney@ci.portland.or.us](mailto:chris.beaney@ci.portland.or.us)

## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

### **CASE FILE NUMBER: LU 09-124052 DZ ADDITION TO EXISTING OFFICE BUILDING**

#### **GENERAL INFORMATION**

**Applicant:** Dave Kimmel  
PDG Planning Group  
1335 SW 66th Avenue, Suite 201  
Portland OR 97225

**Owner:** Cain Petroleum, Inc.  
4512 SW Kelly Avenue  
Portland, OR 97239

**Site Address:** 4512 SW KELLY AVENUE

**Legal Description:** TL 1500 BLOCK C, PORTLAND HMSTD  
**Tax Account No.:** R669106930  
**State ID No.:** 1S1E10CD 01500  
**Quarter Section:** 4096  
**Neighborhood:** South Portland NA., contact Jim Davis at 503-248-9820  
**District Coalition:** Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.  
**Plan District:** Central City – South Waterfront  
**Zoning:** CXd – Central Commercial with a Design Overlay  
**Case Type:** DZ – Design Review  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission

**Proposal:** The applicant proposes construction of an addition to the existing office building at 4512 SW Kelly Avenue. The proposed one-story addition will measure 22'-5" long by 11'-11" wide. An existing entry area will be covered by a roof for weather protection. The addition will incorporate existing features, including a distinctive vertically oriented cedar-stain siding present on all facades of the building. The addition will also include a flat roof and a narrow cornice trim similar to that of the existing structure.

Because the proposal is for an exterior alteration to a building within a design overlay, 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 approval criteria are the following:

- 33.825 Design Review
- Central City Fundamental Design Guidelines
- South Waterfront Design Guidelines

## ANALYSIS

**Site and Vicinity:** The site is located between SW Macadam Avenue to the south and Interstate 5 to the north at the terminus of SW Kelly Avenue. SW Kelly terminates at the site into an informal parking area. The site includes a dramatic sloping condition from SW Kelly to Macadam Avenue. The sloping condition obscures the ground floor as viewed from SW Kelly Avenue, leaving the second story visible from the parking area entrance off of SW Kelly. As viewed from SW Macadam Avenue, the building includes dramatic stepped massing, with a windowed wall and distinctive vertical cedar wood siding visible from Macadam. The existing structure on the site is a two-story flat-roofed office building with a basement. The building was designed by Richard W. Sundleaf, a notable Portland architect who designed the original OMSI building, and built in 1969. Development along SW Kelly is primarily defined by office uses. Development within the broader area is a mix of commercial, retail, office, and newer multi-dwelling residential uses.

**Zoning:** The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural, and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together.

The Design (d) overlay zone 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 must meet the Community Design Standards (Chapter 33.218) or are subject to Design Review.

**Land Use History:** City records indicate that prior land use reviews include the following:  
90-025827 PC: Approval of design overlay zone designation to several properties.  
LUR 01-007897 CU DZ: Approval of a Conditional Use Review and Design Review for the installation of a radio frequency transmission facility and a 95-foot tall monopole with ground-level equipment cabinet and fenced enclosure.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **May 12, 2009**. The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau

The Bureau of Environmental Services responded with the following summary comment (please see Exhibit E-1 for additional details):

*BES cannot support the request for Design Review approval for the proposed addition. Sufficient information regarding proposed stormwater management facilities has not been provided. Please see comments below for information relating to stormwater management and Source Control design requirements. Further development of the property would be subject to*

*the Bureau of Environmental Services' standards and requirements during the building plan review process. The following comments have been provided for informational purposes and mainly relate to building permit review (currently being reviewed under permit #09-123362-CO).*

The Site Development Section of BDS responded with the following comments (please see Exhibit E-2 for additional details):

*Site Development has no objection to the requested land use review. The following information is advisory and provided for the benefit of the applicant:*

*Stormwater management: Stormwater runoff from impervious areas (rooftops, driveways, parking areas, etc) must be managed with onsite stormwater facilities to the maximum extent practical. In this situation, Site Development does not recommend onsite infiltration due to the soils and slopes at this location.*

*City records show a public combination sewer line and a stormwater line extend through an easement along the north end of the project site. No information about the existing stormwater facilities has been provided. At the time of permit review, the applicant must submit a complete utility site plan to show all existing and proposed utilities.*

The Life Safety Section of BDS responded that all applicable building codes and ordinances will need to be met at the time of building permit review and provided contact information for further assistance with the review process and code requirements. Please see Exhibit E-3 for additional details.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on May 12, 2009. No written responses have been received from either the Neighborhood Association or from notified property owners in response to the proposal.

## **ZONING CODE APPROVAL CRITERIA**

### **Chapter 33.825 Design Review**

#### **Section 33.825.010 Purpose of Design Review**

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

#### **Section 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.

**Findings:** The site is designated with a Design (d) overlay zone; therefore, the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Central City Fundamental Design Guidelines and South Waterfront District Guidelines.

### **Central City Plan Design Goals**

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;

5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

### **South Waterfront Design Goals**

The South Waterfront Design Guidelines and the Greenway Design Guidelines for the South Waterfront supplement the Central City Fundamental Design Guidelines. These two sets of guidelines add layers of specificity to the fundamentals, addressing design issues unique to South Waterfront and its greenway.

The South Waterfront Design Guidelines apply to all development proposals in South Waterfront within the design overlay zone, identified on zoning maps with the lowercase letter "d". These guidelines primarily focus on the design characteristics of buildings in the area, including those along Macadam Avenue, at the western edge, to those facing the greenway and river.

The Greenway Design Guidelines for the South Waterfront apply to development within the greenway overlay zone, identified on zoning maps with a lowercase "g". These design guidelines focus on the area roughly between the facades of buildings facing the river and the water's edge.

### **South Waterfront Design Guidelines and Central City Fundamental Design Guidelines**

The Central City Fundamental Design and the South Waterfront Design Guidelines and the Greenway Design Guidelines for South Waterfront focus on four general categories. **(A) Portland Personality** addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis** addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design** addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas** provides design guidelines for the four special areas of the Central City.

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

**A4. Use Unifying Elements.** Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

**A6. Reuse/Rehabilitate/Restore Buildings.** Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

**Findings for A4 and A6:** The applicant proposes a one story addition to an existing two story office building along SW Kelly Avenue. The addition is located along the west side of the building, between a main portion of the office which faces SW Macadam Avenue, and a minor projecting stair tower element which faces SW Kelly Avenue. Due to sloping conditions on the site from the Kelly Avenue street grade, the lower ground floor is not visible from the main entry parking lot and pedestrian path. As such, the ground floor addition will not be visible from the Kelly Avenue grade. The addition will be set back approximately 21'-0" from Kelly Avenue, leaving the distinctive stair tower element intact as a separate mass. The addition will incorporate the distinctive vertical, stained, cedar wood siding, with a flashing cap detail consistent with other flashing cap detailing on the one story portion of the building. The height and massing of the addition will blend in as well, with cues from existing ground floor height and existing building lines. The addition includes

a flat roof for additional coherency to the existing building.

The main façade facing SW Macadam Avenue will not be affected as the addition is behind the main portion of the building and is within the existing building perimeter envelope. The addition will be obscured somewhat by the sloping condition. While entry is accessed off of SW Kelly Avenue, the architecturally significant façade, due to visibility and massing, is from SW Macadam Avenue. The uncovered entry porch will be covered, providing practical transitional space and rehabilitating an existing element of the site design. In addition, the space created will include a new restroom for ADA accessibility, providing further reuse of the building, while complying with current codes regarding accessibility. *Therefore these guidelines are met.*

**C2. Promote Quality and Permanence in Development.** Use design principles and building materials that promote quality and permanence.

**C3. Respect Architectural Integrity.** Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

**C5. Design for Coherency.** Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

**Findings:** The one-story addition to the office building includes vertical, stained cedar siding which is present on all facades of the existing building. The addition is proportionally compatible with the existing structure as well as it continues an existing datum and will appear as a unified ground floor element. No distinguishing features will set the addition apart from the office building as it shares similar proportion and height as the main structure. The addition also incorporates vertically-oriented windows similar in proportion and size to the existing windows along the south elevation. The porch roof will also provide protection from the elements to the main entry, thus promoting permanence and transition to the entry simultaneously. The angular quality of the building will remain, and as the primary elevation faces SW Macadam Avenue, no change will be apparent from the street/sidewalk. *Therefore, 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 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


- construction of an addition to the existing office building at 4512 SW Kelly Avenue. The proposed one-story addition will measure 22'-5" long by 11'-11" wide. An existing entry area will be covered by a roof for weather protection. The addition will incorporate

existing features, including a distinctive vertically oriented cedar-stain siding present on all facades of the building. The addition will also include a flat roof and a narrow cornice trim similar to that of the existing structure.

Approval per the approved site plans, Exhibits C-1 through C-3, signed and dated June 18, 2009, 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-C.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 09-124052 DZ . No field changes allowed."

**Staff Planner: Chris Beanes**

**Decision rendered by:**  **on June 16, 2009**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: June 18, 2009**

**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 24, 2009, and was determined to be complete on **May 8, 2009**.

*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 24, 2009.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the

use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on July 2, 2009** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed,* The final decision may be recorded on or after **July 6, 2009 – (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.

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.

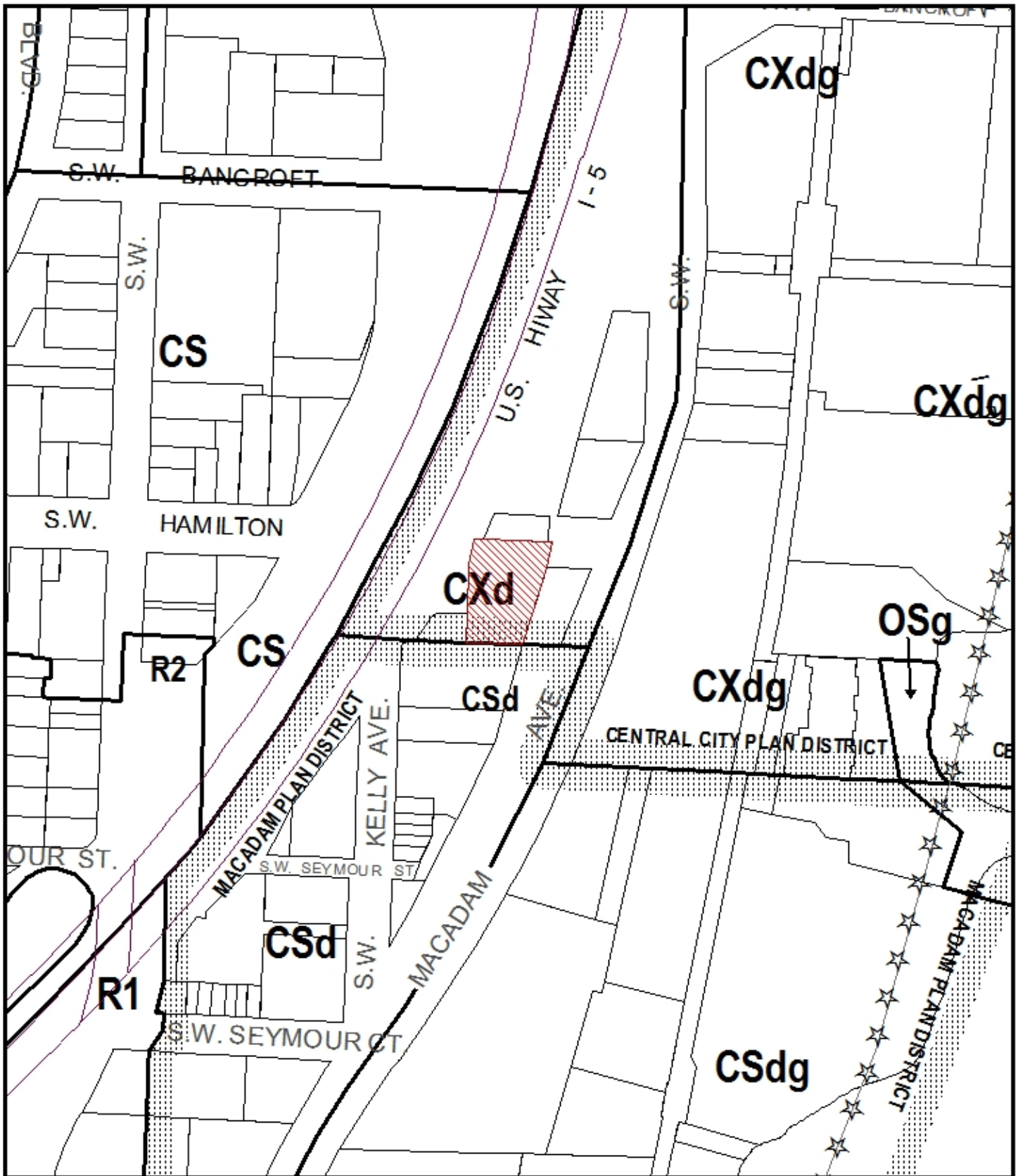
#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Front Elevation/Foundation Plan (attached)
  - 3. Side Elevations (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Site Development Review Section of BDS
  - 3. Life Safety Section of BDS
- F. Correspondence:
  - 1. none
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research

**The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).**





# ZONING



Site

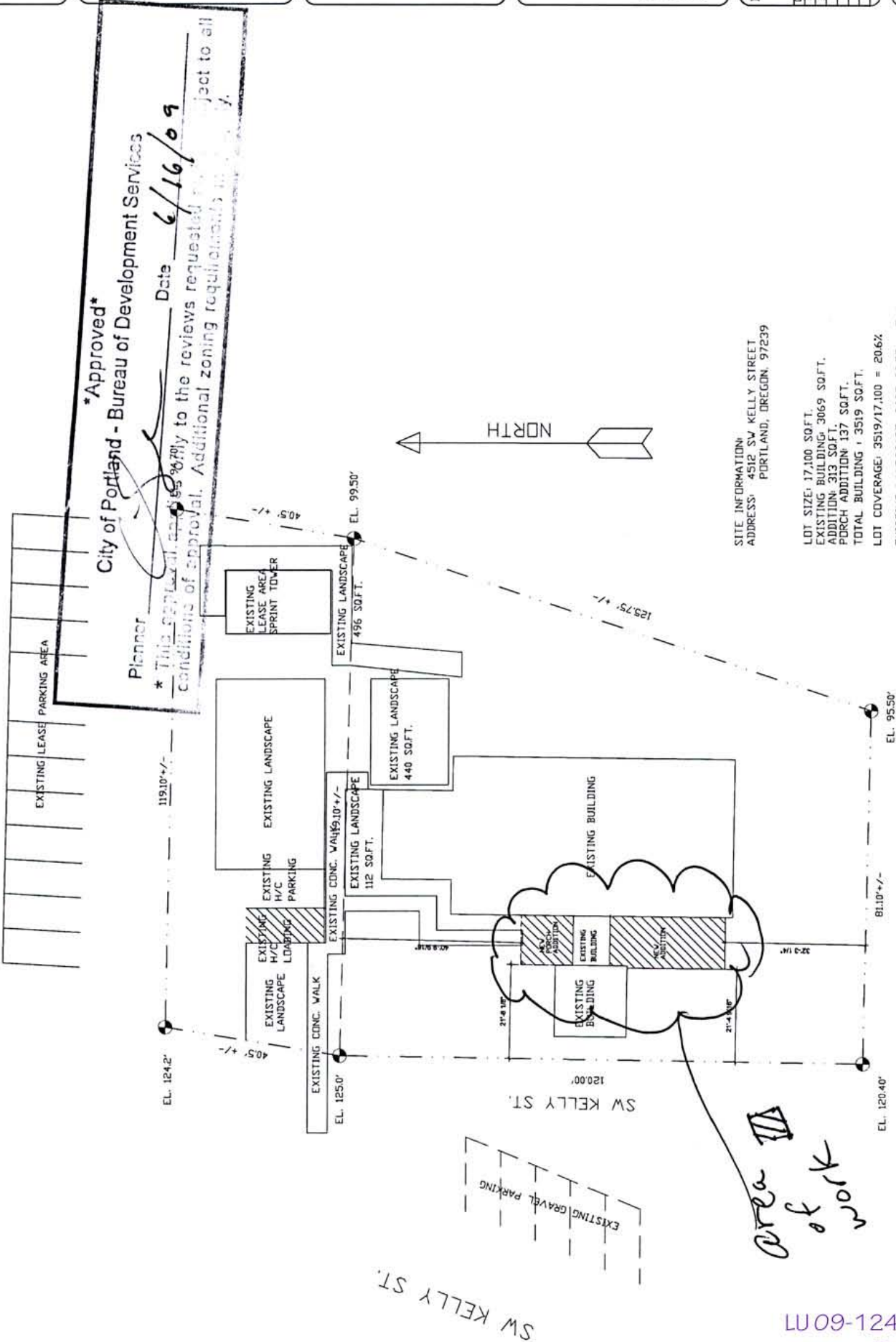


NORTH

File No.	LU 09-124052 DZ
1/4 Section	3429
Scale	1 inch = 200 feet
State_Id	1S1E10CD 1500
Exhibit	B (Apr 29,2009)

**\*Approved\***  
City of Portland - Bureau of Development Services  
Planner \_\_\_\_\_ Date **6/16/09**

\* This approval applies only to the reviews requested in this project to all conditions of approval. Additional zoning requirements in \_\_\_\_\_ apply.



SITE INFORMATION:  
ADDRESS: 4512 SW KELLY STREET  
PORTLAND, OREGON, 97239

LOT SIZE: 17,100 SQ.FT.  
EXISTING BUILDING: 3069 SQ.FT.  
ADDITION: 313 SQ.FT.  
PORCH ADDITION: 137 SQ.FT.  
TOTAL BUILDING: 3519 SQ.FT.  
LOT COVERAGE: 3519/17,100 = 20.6%  
EXISTING LANDSCAPE: 2625 SQ.FT. = 15.4%

SITE PLAN  
SCALE: 1" = 10'-0"

**JTC  
INC**

JTC DESIGN SERVICE  
11540 SE SOUTHERN LITES DRIVE  
HAPPY VALLEY, OREGON 97086  
PHONE: 503-698-6668  
EMAIL: JTCDESIGN2@VERIZON.NET

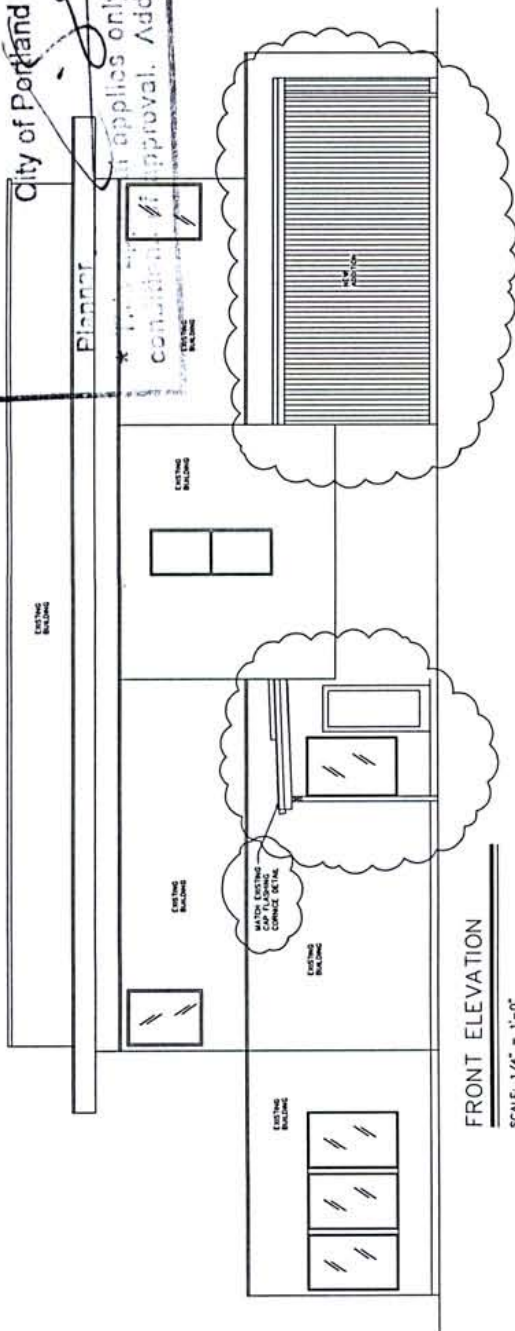
Sherman Engineering, Inc.  
1410 NW Kearney St. #517  
Portland, Oregon 97209

**ELEVATION/FOUNDATION**  
**Cain Petroleum**  
4512 SW Kelly Ave.  
Portland, Oregon 97239

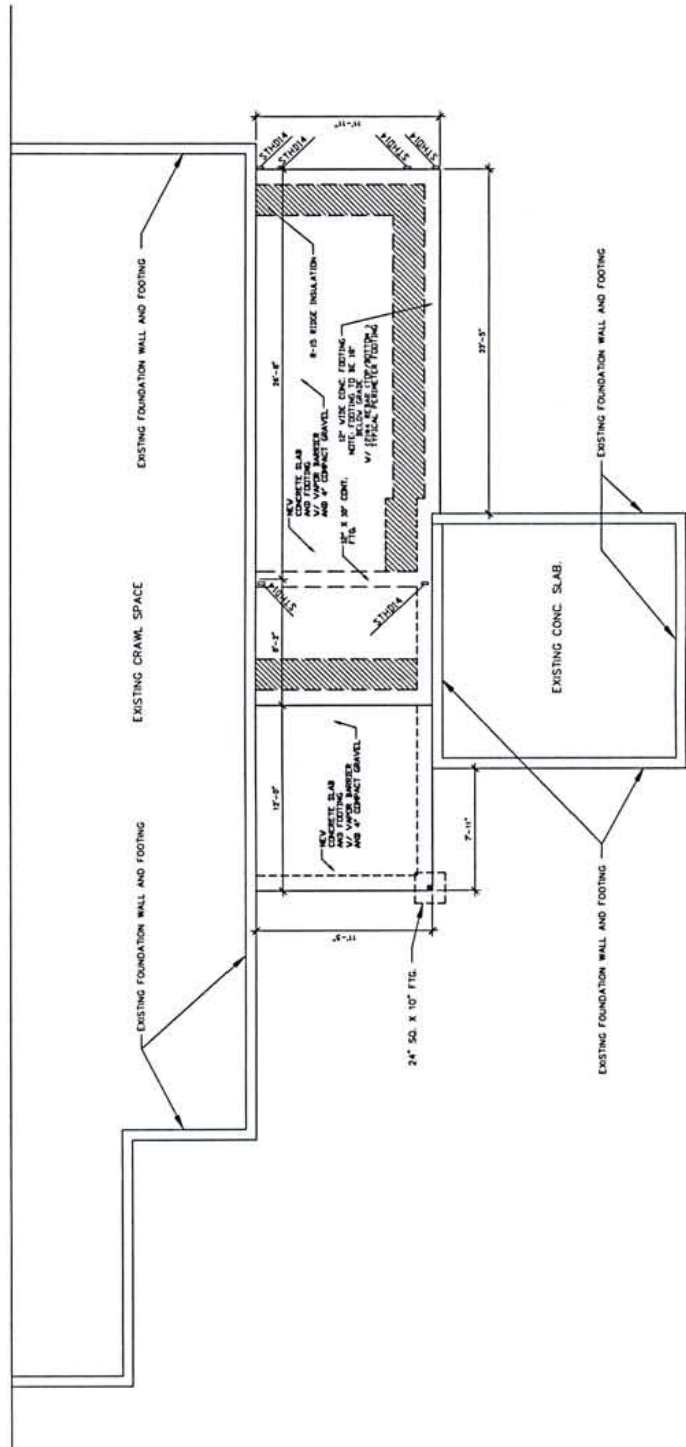
PROJECT #  
**0969**  
DWG BY: JTC  
4/21/09  
5/20/09

**SHEET  
A4**

**\*Approved\***  
City of Portland - Bureau of Development Services  
Planner \_\_\_\_\_ Date 6/16/09  
This plan applies only to the reviews requested and is subject to all applicable codes and regulations. Additional zoning requirements may apply. Approval.



**FRONT ELEVATION**  
SCALE: 1/4" = 1'-0"



**FOUNDATION PLAN**  
SCALE: 1/4" = 1'-0"



JTC  
INC

JTC DESIGN SERVICE  
11540 SE SOUTHERN LITES DRIVE  
HAPPY VALLEY, OREGON 97086  
PHONE: 503-698-6668  
EMAIL: JTCDESIGN2@VERIZON.NET

Sherman Engineering, Inc.  
1410 NW Kearney St. #517  
Portland, Oregon 97209

ELEVATIONS  
Cain Petroleum  
4512 SW Kelly Ave.  
Portland, Oregon 97239

PROJECT #  
0909  
DWC BY: JTC  
4/21/09  
5/28/09

SHEET  
A3

\*Approved\*  
City of Portland - Bureau of Development Services

Planner *[Signature]* Date 6/16/09

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

