



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

Ted Wheeler, Mayor  
Rebecca Esau, Director  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** March 8, 2019  
**To:** Interested Person  
**From:** Grace Jeffreys, Land Use Services  
503-823-7840 / [Grace.Jeffreys@portlandoregon.gov](mailto:Grace.Jeffreys@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 19-105869 DZ – 4707 SW KELLY, EXTERIOR ALTERATIONS**

#### **GENERAL INFORMATION**

**Applicant:** Tony Yraguen, Yraguen Architect  
6663 SW Beaverton Hillsdale Hwy, #138, Portland OR, 97225  
(503) 806-0424, [Tony@YRAGUENARCH.COM](mailto:Tony@YRAGUENARCH.COM)

**Owner:** Todd Hess, 4707 SW Kelly LLC  
9414 SW Barbur Blvd #150, Portland OR, 97219

**Site Address:** **4707 SW KELLY AVE**

**Legal Description:** BLOCK 1 W OF KELLY ST LOT 2 INC E 1/2 VAC ST W OF & ADJ LOT 3, TERWILLIGER HMSTD

**Tax Account No.:** R825800040

**State ID No.:** 1S1E15BA 03100  
**Quarter Section:** 3529

**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:** **CM2(MU-U)d**, Commercial/Mixed Use 2 with Design overlay  
**Case Type:** **DZ**, Design Review  
**Procedure:** **Type II**, an administrative decision with appeal to the Design Commission.

**Proposal:**

Applicant requests design review for exterior alterations to an existing development in the Macadam Plan District. These include:

- New pre-painted, 7/16"-thick fiber-cement panel on the flat-roofed portion of the development facing the street (East, South and North Elevations);
- Replacement of wood balustrading with a new parapet (East, South and North Elevations);
- Relocation of two street-facing windows (East Elevation);
- New street-facing glazed door and canopy with lapped wood siding surround (East Elevation);
- Replacement of existing side-facing service door with a person door (North Elevation); and,
- New canopy over side-facing entry door (North Elevation).

Non-exempt exterior alterations to existing development in Design overlay zones are required to through Design Review per Portland Zoning Code Section 33.420.041.B.

**Relevant Approval Criteria:**

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 subject site is located at the top northwest corner of the Macadam Plan district, west side of SW Macadam Avenue. The 9,950 square foot site is developed with an existing warehouse and office structure, part of which was originally built in 1900. The existing structure appears to have been added on to over time, and is composed of a two-story office facing SW Kelly, with one-story warehouse wing to the rear wrapping the parking area. The two-story office wing is clad in lap siding painted a light gray color with accents on doors, trim, and windows.

The site is not located within a Pedestrian District. The City's Transportation System Plan (TSP) classifies the abutting rights-of-way (ROWs) as follows:

- SW Kelly Avenue: Local Service for all modes.
- SW Seymour Street: Local Service for all modes.

SW Kelly, which fronts the east side of the property, is accessible only from SW Macadam, and does not provide through connection at the north end.

SW Seymour, which fronts the north side of the property, is undeveloped, and currently serves as driveway access to this property as well as the property to the north.

Adjacent development on SW Kelly is largely comprised of one- three story office buildings, with a row of connected three-story townhomes across Kelly. These present a mix of styles and many are set back from the street frontage behind mature trees.

**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 no prior land use reviews.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **February 1, 2019**. The following Bureaus have responded with no issues or concerns:

- Fire Bureau (Exhibit E.1)
- Life Safety Section of BDS (Exhibit E.2)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **February 1, 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**

**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.

**Findings:** This guideline is met in the following ways:

- No new building footprint is proposed; therefore, the building will not further block river views.
- The proposed new glazed entry door on the east elevation, which faces the river direction, will improve any available visual connections towards the river.
- The replacement of existing wood balustrade at the roof level with a parapet will improve visual connections towards the river by cleaning up the top level of the building.

*Therefore, this guideline is met.*

**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.

**Findings:** This guideline is met in the following ways:

- The new awning facing SW Kelly will create a more comfortable place along the street for pedestrians to stop.

- The new glazed entry door will add a visual connection between the inside and outside, adding more eyes on the street for increased safety.
- The new side door replaces an existing oversized utility door, reducing the impact of service-type of functions on the façade.
- The new awning at the existing entry will provide a protected place for building visitors to pause before entering.

*Therefore, this guideline is met.*

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

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

**Findings:** This guideline is met in the following ways:

- The alterations to the exterior of the building are respectful of the original architecture of the building and complementary to the surrounding buildings on SW Kelly.
- The new street-facing glazed entry door with canopy will increase visual and physical connections to the surrounding area.
- The new cladding, relocated windows, and new parapet replacing the wood railing facing SW Kelly will improve the presence of the development and create a more coherent response to the existing building forms.
- The proposed 7/16" fiber cement panel cladding is a quality, durable material that responds to the surrounding context of two to three-story commercial and residential structures.

*Therefore, this guideline is met.*

## DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all 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 alterations to the exterior of the building are respectful of the original architecture of the building and complementary to the surrounding buildings on SW Kelly. The new glazed entry door will add a visual connection between the inside and outside, adding more eyes on the street for increased safety. The new awnings will create a more comfortable place along the street for pedestrians to stop. 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 exterior alterations, including new fiber-cement panel cladding, a rebuilt parapet, relocation of two street-facing windows, a new street-facing glazed door and canopy with lapped wood siding surround, replacement of an existing side-facing service door with a person door and a new canopy above a side-facing entrance.

Approval per the approved site plans, Exhibits C-1 through C-3, signed and dated March 6, 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 19-105869 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: Grace Jeffreys**

**Decision rendered by:**  **on March 6, 2019**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: March 8, 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 **January 14, 2019** and was determined to be complete on **January 29, 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 January 14, 2019.

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: May 29, 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 March 22, 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 **March 22, 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:

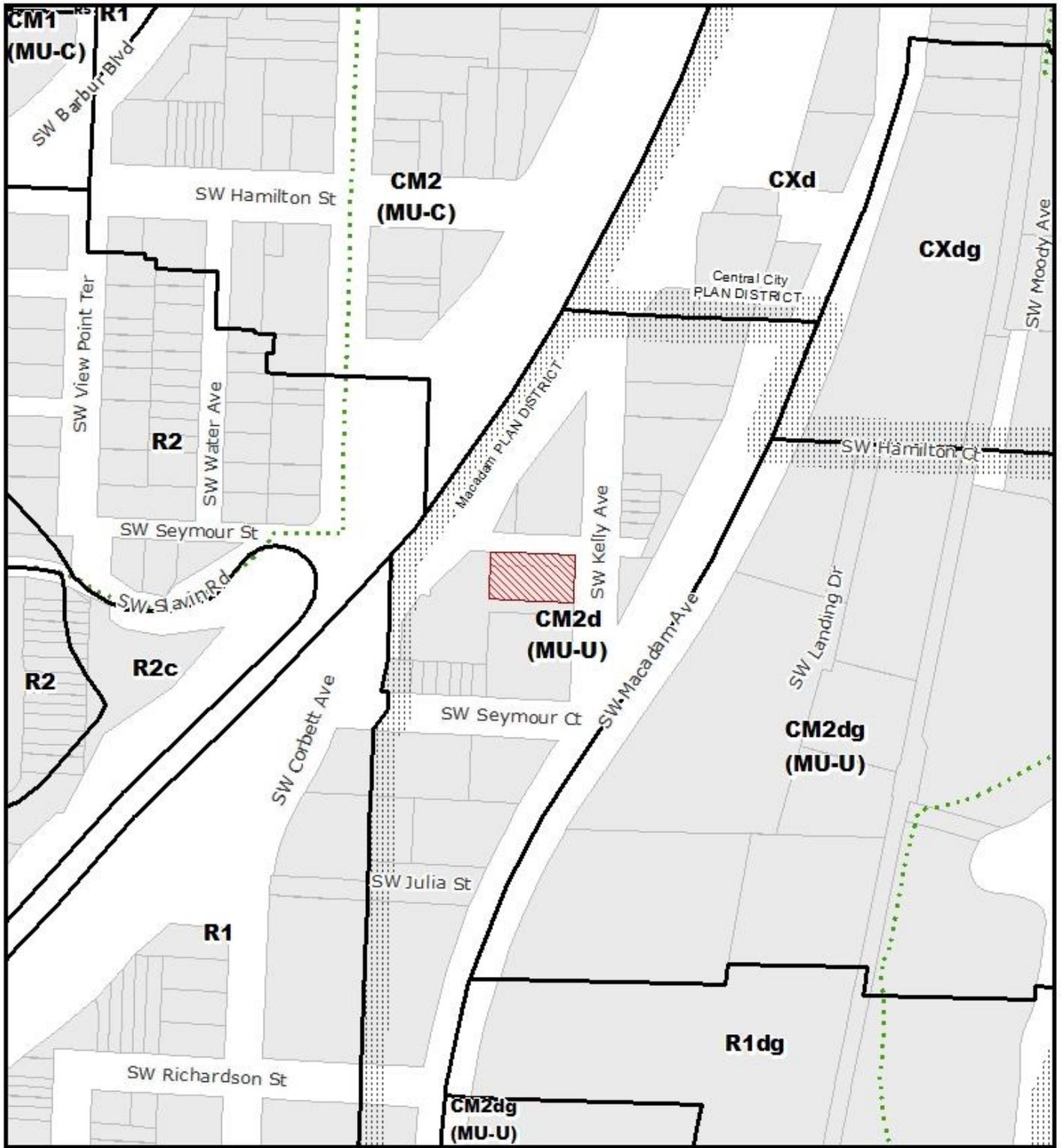
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Initial Submission, 1/14/19
  - 2. Revised drawings in response to Incomplete letter, 1/29/19
  - 3. Revised drawings in response to staff email, 3/6/19
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Elevations and details (attached)
  - 3. Cutsheets (6 pages)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Fire Bureau
  - 2. Life Safety Review Section of BDS
- F. Correspondence: none received
- G. Other:
  - 1. Original LU Application
  - 2. Summary Memo, EA 18-239241, 11/7/18
  - 3. Site images
  - 4. Incomplete Letter, 1/24/19
  - 5. Email requesting further info, 1/19/19

**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).**



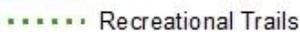
# ZONING



THIS SITE LIES WITHIN THE:  
MACADAM PLAN DISTRICT

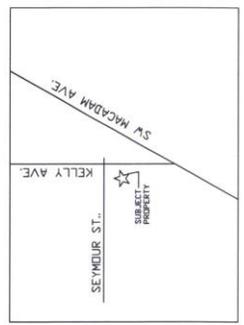


Site



Recreational Trails

File No.	LU 19-105869 DZ
1/4 Section	3529
Scale	1 inch = 200 feet
State ID	1S1E15BA 3100
Exhibit	B Jan 17, 2019



**OWNER:**  
 4707 SW KELLY LLC  
 9414 SW BARBUR BLVD. #150  
 PORTLAND, OREGON 97219  
 503-420-9393

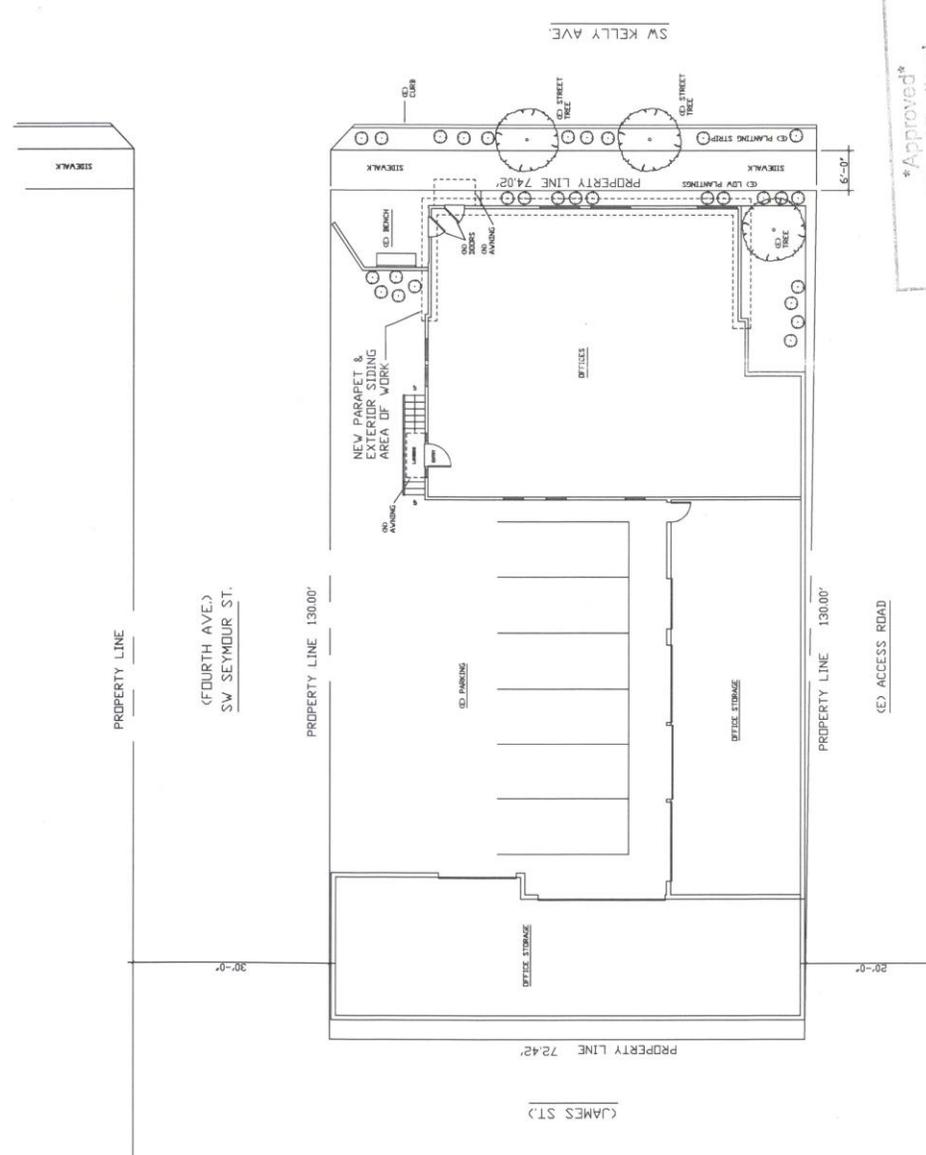
**ARCHITECT:**  
 YRAGUEN ARCHITECT  
 6663 SW BEAVERTON-HILLSDALE HWY #100  
 PORTLAND, OREGON 97225  
 503-806-1042  
 EMAIL: TONY@YRAGUENARCH.COM

**STRUCTURAL ENGINEER:**  
 MILLER CONSULTING ENGINEERS  
 9570 SW BARBUR BLVD. SUITE 100  
 PORTLAND, OR 97219  
 PH: (503) 246-1250  
 FAX: (503) 246-1395  
 EMAIL: kevinmiller@mcengr.com

**LEGAL DESCRIPTION:**  
 PROJECT ADDRESS: 4707 SW KELLY  
 PORTLAND, OREGON 97239  
 BUILDING AREA: 4624 SQ. FT.  
 PROPERTY ID: B085348  
 MULTICOUNTY COUNTY SECTION: 0300  
 STATE ID: \_\_\_\_\_

CODE	
ZONING	O2 - COMMERCIAL
CONSTRUCTION TYPE	VB
OCCUPANCY	B
SETBACKS	NONE

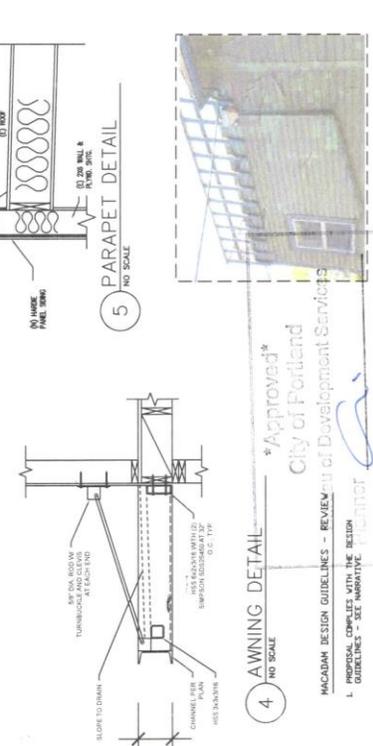
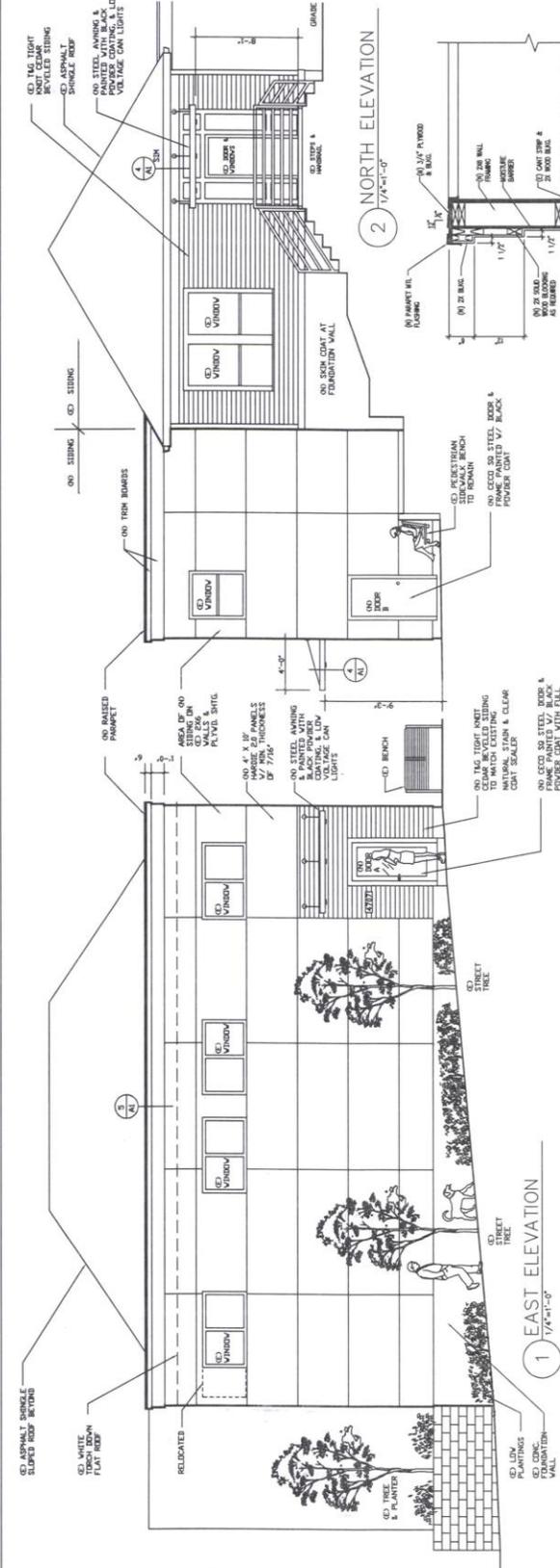
DRAWING INDEX	
SHEET	TITLE
A0	SITE PLAN, VICINITY MAP & GEN. INFO.
A1	BUILDING ELEVATIONS



Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner: \_\_\_\_\_  
 3/6/19  
 U-19-160669  
 \* This drawing is for informational purposes only. It is not to be used for construction without the approval of the City of Portland.

1 SITE PLAN  
 1/8"=1'-0"

LU 19-105869 D2 EXH. C.1



MACADAM DESIGN GUIDELINES - REVIEW City of Portland  
 1. PROPOSAL COMPLES WITH THE DESIGN GUIDELINES - SET NARRATIVE.  
 2. CONFIRM ALL DOOR SIZES AND TYPES PRIOR TO ORDERING.

APPROVED  
 City of Portland  
 Department of Development Services  
 Date: 3/6/19

NOTES:  
 1. VERIFY HARDWARE TYPE AND FINISH WITH OWNERS.  
 2. CONFIRM ALL DOOR SIZES AND TYPES PRIOR TO ORDERING.

DOOR SCHEDULE		LOWER LEVEL	FRAME TYPE	DOOR TYPE	FINISH	HARDWARE	GLAZED GLASS	REMARKS
○	WH	3'0" X 4'0"	WH	METAL / FULL GLASS	BLK	BLACK POWDER COAT	LEVER HANDLE - LOCK	TOP VERTICAL STOP THRESHOLD
○	LH	3'0" X 4'0"	WH	METAL	BLK	BLACK POWDER COAT	PANE HARDWARE - LOCK	NO VERTICAL STOP THRESHOLD

LU 19-105869  
 4707 SW KELLY

LU 19-105869 DZ EXH.C.1