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NOTICE OF FINAL
FINDINGS, CONCLUSIONS AND DECISION
OF THE CITY OF PORTLAND
DESIGN COMMISSION
ON AN
APPEALED ADMINISTRATIVE DECISION
(Type II Process)

CASE FILE: LU 08-180118 DZM – MIRACLES CLUB FENCE AND WALKWAY
LOCATION: 4218 NE MLK Jr. Blvd.

The administrative decision for this case was appealed to the Portland Design Commission by the King Neighborhood Association. A public hearing was held on February 19, 2009. The original administrative analysis, findings and conclusions were adopted by the Portland Design Commission.

I. GENERAL INFORMATION

Applicant:	Susan Rudloff (architect) Carleton Hart Architects 322 NW 8th Avenue Portland, OR 97209
Representative:	Ross Cornelius (manager) Guardian Management 710 NW 14th Avenue Portland, OR 97209
Appellant:	Charles Boardman (representative) King Neighborhood Association 4815 NE 7th Avenue Portland, OR 97211
BDS Staff Representative:	Christine Caruso
BDS Administrative Decision:	**Approval**
Public Hearing:	Hearing was held on February 19, 2009.
Testified at the Hearing:	Christine Caruso, BDS Staff Representative Tim Heron, BDS Staff Representative Charles Boardman, King Neighborhood Association, appellant's representative Scott Lanier, neighborhood resident Maureen Mimiaga, neighborhood resident Richard Mimiaga, neighborhood resident David Sanchez, neighborhood resident Ross Cornelius, Guardian Management representative

Susan Rudloff, Carlton Hart Architects representative
Celeste Carey, Office of Neighborhood Involvement, Crime Prevention Specialist
Herman C. Bryant, Miracles Club representative
Judith Mowry, Office of Neighborhood Involvement
Bob Haley, Portland Bureau of Transportation staff

Site Address: 4218 NE M L KING BLVD

Legal Description: EXC PT IN ST LOT 3 BLOCK 14, LINCOLN PK ANX; EXC PT IN ST LOT 4 BLOCK 14, LINCOLN PK ANX; EXC PT IN ST LOT 5 BLOCK 14, LINCOLN PK ANX; LOT 12 BLOCK 14, LINCOLN PK ANX

Tax Account No.: R497302090, R497302100, R497302110, R497302200

State ID No.: 1N1E23CB 06400, 1N1E23CB 06500, 1N1E23CB 06600, 1N1E23CB 07200

Quarter Section: 2631

Neighborhood: King, contact Erik Emerick at 503-504-0401.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.
District Coalition: Northeast Coalition of Neighborhoods, contact Lauren McCartney at 503-823-4135.

Plan District: Albina Community
Zoning: RHd – High-Density Residential with design overlay
Case Type: DZM – Design review with Modifications
Procedure: Type II, an administrative decision with appeal to the Design Commission.

PROPOSAL:
The proposal is to install a new 3'-6" wide concrete sidewalk along the northern boundary of the rear parking area. The sidewalk would connect the residential lobby and outdoor areas to a 6-foot tall "wrought-iron" style metal fence with vertical pickets and an electronic-controlled 3 foot wide pedestrian gate at the eastern end of the site at NE Grand Avenue. The gate would allow pedestrian access from the Miracles Club site to the neighborhood along NE Grand Avenue and would only be used by Miracles Club building apartment residents. No vehicular access is provided to NE Grand Avenue from the Miracles Club parking area. The sidewalk, gate and fence are amendments to a previous design review approval for LU 08-146557 DZM mailed on November 7, 2008 and approved without appeal.

Modifications being requested through Design Review include:
1. Reduce the width of the pedestrian connection extending from the building to NE Grand from 5 feet to 3'-6" *(33.120.255.B.2.a – Materials)*.

New construction in this portion of the Albina Community Plan District requires design review.
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:

- 33.825 Design Review
- 33.825.040 Modifications
- 33.505 Albina Community Plan District
- Community Design Guidelines

II. DESIGN COMMISSION DECISION

Deny the appeal and uphold the administrative decision of approval, subject to the original conditions outlined in the Administrative Decision (attached), as follows:

Approval of a 3'-6" wide concrete walkway along the northern edge of the surface parking area to the sidewalk at NE Grand Avenue, a 6 foot tall "wrought-iron" style fence with vertical pickets spaced at least 4 inches apart along the NE Grand Avenue frontage, and a 3 foot wide electronic key fob-controlled pedestrian gate for use by Miracles Club building apartment residents only, per the approved site plans, Exhibits C-1 through C-4, signed and dated January 6, 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.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-180118 DZM. No field changes allowed."

The applicants prevailed.

Staff Planner: Christine Caruso

Date Decision Rendered: February 19, 2009

The original staff findings, conclusions and decision were adopted by the Portland Design Commission on February 19, 2009.

By_____

Portland Design Commission
Lloyd Lindley, Chair

EXHIBITS – NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement
B. Zoning Map (attached)
C. Plans/Drawings:
   1. Site Plan (attached)
   2. Fence Elevation [attached]
   3. Fence sample photo
   4. 12/29/08 Applicant Email outlining electronic gate technology and rules of use
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses:
   1. Water Bureau
F. Correspondence:
   1. Rebecca & Gesher Kitzler, December 23, 2008, does not support the pedestrian gate to NE Grand Ave.
   2. Maureen Mimiaga, 4126 NE Grand Ave, January 4, 2009, provided a letter against the resident use of the Grand Ave gate that is signed by every neighbor within 400 feet of the site.
   3. Maureen Mimiaga, 4216 NE Grand Ave, January 7, 2009, provided letter against the resident gate.
G. Other:
   1. Original LU Application
   2. Site History Research
   3. Mailing List
   4. Mailed Decision
H.
1. Statement
2. Notice of Appeal Hearing
3. Appeal Mailing List
4. PowerPoint Presentation
5. February 10, 2009 Staff Memo to Design Commission
6. January 14, 2009 King Neighborhood Association meeting minutes
7. King Neighborhood Association Power Point presentation and letters

CDC/February 25, 2009

Appeal of this decision. This decision is final and becomes effective the day the notice of decision is mailed (noted above). This decision may not be appealed to City Council; however, it may be challenged by filing a "Notice of Intent to Appeal" with the State Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed, pursuant to ORS 197.620 and 197.830. A fee is required, and the issue being appealed must have been raised by the close of the record and with sufficient specificity to afford the review body an opportunity to respond to the issue. For further information, contact LUBA at the Public Utility Commission Building, 550 Capitol Street NE, Salem, OR 97310 [Telephone: (503) 373-1265].

Recording the final decision. This is the final local decision on this application. You may record this decision the day following the mailed/filed date shown above.

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.

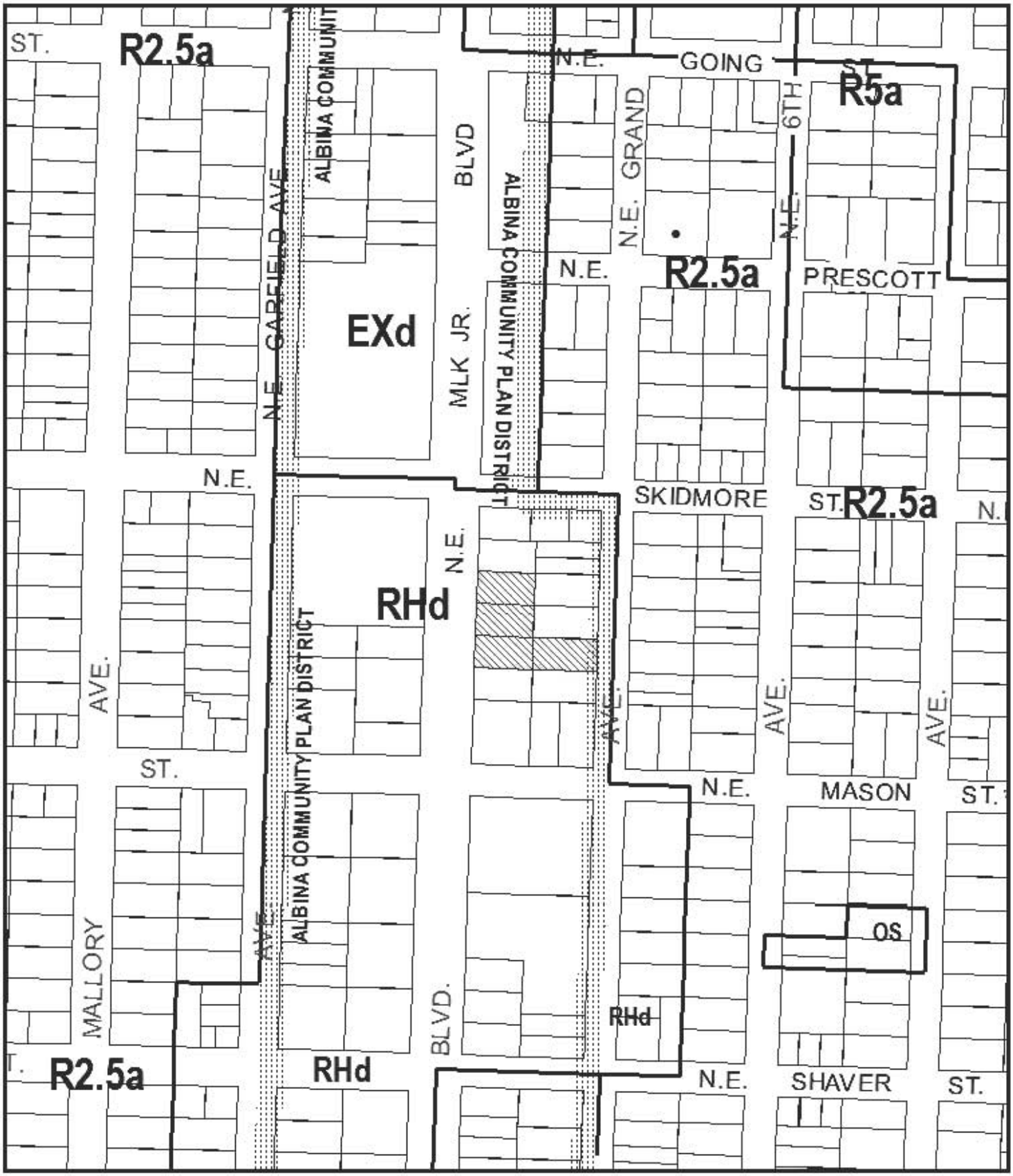
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at (503) 988-3034.

Expiration of this approval. This decision expires 3 years from the date it is recorded unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, the land division has been recorded.

Applying for your permits. A building permit, occupancy permit, or development permit must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:
- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the city.



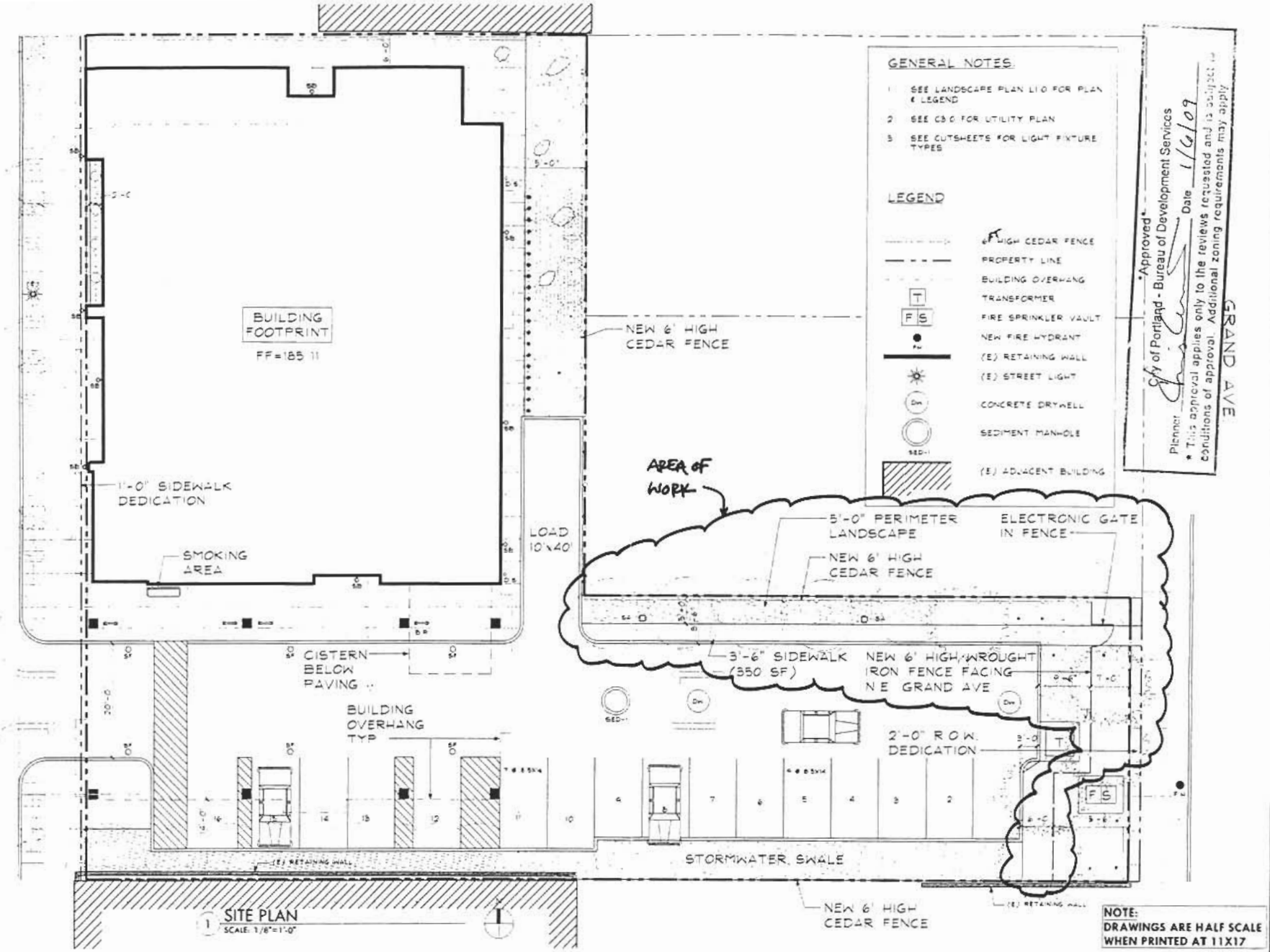
ZONING

Site

NORTH

This site lies within the:
ALBINA COMMUNITY PLAN DISTRICT

File No.	LU 08-180118 DZM
1/4 Section	2631
Scale	1 inch = 200 feet
State_Id	1N1E23CB 7200
Exhibit	B (Dec 01,2008)

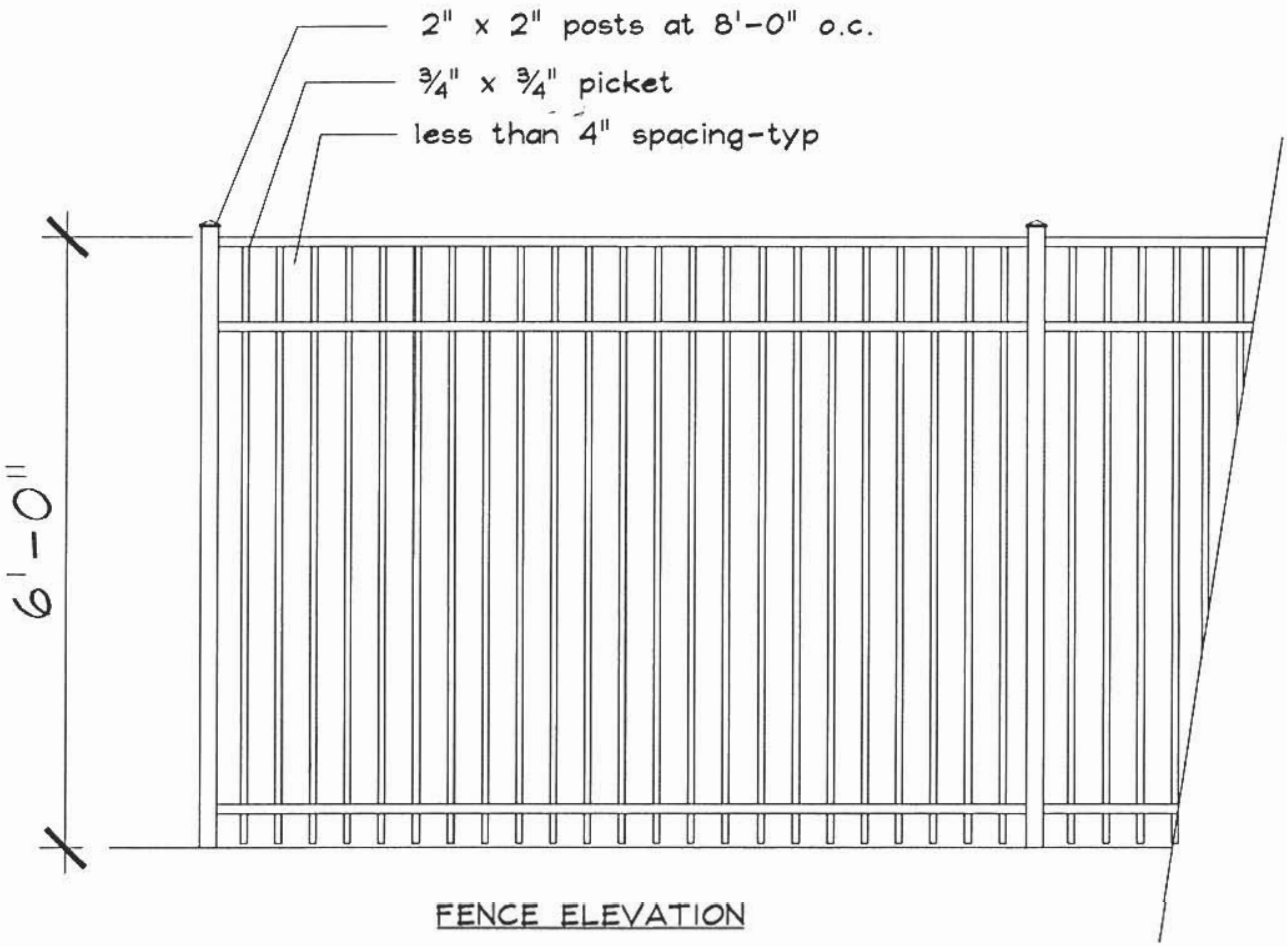


Approved
City of Portland - Bureau of Development Services
Planner
Date 1/6/09
* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

Exhibit C.1
LU 08-180118 DZM

NOV 25 2008

Approved
City of Portland - Bureau of Development Services
Planner Chris Caruso Date 1/6/09
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



FENCE ELEVATION

Fence to be either wrought iron or aluminum and painted black

1/2"=1'-0"

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MIRACLES CLUB

4206 N.E. MARTIN LUTHER KING JR., BLVD.

A-1

CARLETON HART ARCHITECTURE
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t 503 243 2252 | f 503 243 3261 | carletonhart.com

PROJ NO. 20710 03.20.08

EXH. C-2
LU08-180118 DZM