



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: June 30, 2008
To: Interested Person
From: Tim Heron, Land Use Services
503-823-7726 / theron@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 08-121844 DZ, MIXED-USE OFFICE BUILDING

GENERAL INFORMATION

Applicants: City of Portland, Portland Development Commission
222 NW 5th Ave
Portland, OR 97209-3812

Beech Street Partners, LLC
P.O. Box 820135
Portland, OR 97282

Site Location: SE corner of MLK BLVD & NE BEECH ST.

Legal Description: BLOCK 4 LOT 5, ALBINA HMSTD; BLOCK 4 LOT 6, ALBINA HMSTD;
BLOCK 4 LOT 7&8 ALSO SEE -1421, ALBINA HMSTD; BLOCK 4
LOT 10, ALBINA HMSTD; BLOCK 4 LOT 11, ALBINA HMSTD; LOT 12
BLOCK 4, ALBINA HMSTD

Tax Account No.: R010501400, R010501410, R010501420, R010501460, R010501470,
R010501480

State ID No.: 1N1E22DD 13900, 1N1E22DD 13800, 1N1E22DD 13700,
1N1E22DD 13400, 1N1E22DD 13300, 1N1E22DD 13200

Quarter Section: 2630

Neighborhood: King, contact Erik Emerick at 503-504-0401.

Business District: North-Northeast Business Assoc, contact Joyce Taylor at 503-445-
1321.

District Coalition: Northeast Coalition of Neighborhoods, contact Robin Denburg at 503-
823-4135.

Plan District: Albina Community

Zoning: EXd, Central Employment with Design Overlay

Case Type: DZ, Design Review

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

Proposal: The applicant seeks Design Review approval for a 3-story, 39,000-square-foot commercial building at the corner of NE Beech Street and Martin Luther King Jr. Boulevard. The building's main entry, marked by a large wood canopy, will be at Martin Luther King Jr. Boulevard. Storefront spaces are planned at the ground level of the building along both NE Beech and MLK. Proposed cladding materials include brick veneer, wood siding, and metal panels. A 40-space surface parking lot is proposed behind the building, with access via NE Garfield Avenue.

Because the proposal is for new development in a design 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:

- 33.825 Design Review
- Community Design Guidelines

ANALYSIS

Site and Vicinity: The 35,860 square-foot site is located in the Albina Community Plan District at the southern half of the block bound by NE Failing Street to the north, NE Martin Luther King Jr. Blvd to the east, NE Beech Street to the south, and NE Garfield Avenue to the west. The site is currently vacant and there are two residential structures located on the southwest corner of the block. The northeast quarter of the block is developed with three commercial structures and surface parking, and the northwest quarter of the block contains two residential structures. Portland's Transportation System Plan classifies NE MLK Blvd as a Major Traffic Street, Major Transit Priority Street, City Bikeway, City Walkway, and Regional Main Street. NE Beech Street is designated as a Local Service Bikeway and Local Service Walkway.

Zoning: The Central Employment (EX) zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

The design (d) overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. 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.

Land Use History: City records indicate that prior land use reviews include the following:

- LUR 96-013461 ZC CP (reference file # 96-00574): Approval of a map correction by extending the Albina Community Plan District Boundary north on NE Martin Luther King Jr. Blvd from NE Fremont Street to NE Wygant Street.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **May 28, 2008**. The following Bureaus have responded with no issues or concerns:

- Portland Water Bureau;
- Urban Forestry Division of Portland Parks & Recreation.

The Portland Fire & Rescue responded with the following comment. Please see Exhibit E.1 for additional details.

"This commercial building permit is under review at this time. The Fire Bureau will review the commercial plans and provide comments through the commercial building permit. The

attached plans in TRAC's do not provide enough information for the Fire Bureau to comment on this proposal. Contact Jerry Randall, Portland Fire at 503-823-4032 regarding the processing for the commercial building permit."

The Life Safety (Building Code) Section of the Bureau of Development Services responded with the following comment. Please see Exhibit E.2 for additional details.

"A Building Permit has been applied for and is currently under review or has been issued or, a Life Safety plans examiner has been in contact with the applicant. Please refer to correspondence from the Life Safety plans examiner for building code-related comments."

The Site Development Section of the Bureau of Development Services responded with the following comment. Please see Exhibit E.3 for additional details.

"Stormwater disposal and treatment.

Site Development has reviewed the Storm Water Management Plan dated June 17, 2008 prepared by WH Pacific, Inc. The conceptual stormwater plan is acceptable for the purposes of the Design Review. However, additional technical details and modifications to the proposed design will be required at the time of building permit review, and thus some changes to the site design may result.

The results of infiltration testing demonstrate that on-site infiltration is feasible on this site. However, Site Development considers that the use of SIM form sizing and tree credits would result in facilities that may be too small to meet surface infiltration requirements. As an alternative to deep rock galleries below the parking lot planters, Site Development would be willing to evaluate a design that includes overflow to a 10-foot deep 48-inch diameter drywell for Basin 1, and two 10-foot deep (or one 20-foot deep) 48-inch drywells for Basin 2; this would not require any changes in the size of the vegetated surface area.

Although Site Development does not object to the proposed use of flow-through planters with disposal to an on-site drywell for roof runoff, pollution reduction facilities are not required for drywells used exclusively for roof runoff (2004 SWMM Page 2-160).

The applicant is advised that drywells may require Underground Injection Control facility (UIC) registration with the Oregon Department of Environmental Quality, in addition to City requirements. Please refer to the attached UIC Fact Sheet.

Site Development has no objection to the proposed flow-through planters with overflow to the public sewer system for the small canopy on the east side of the site, provided that this is acceptable to BES.

Questions regarding these requirements may be directed to George Helm, (503) 823-7201."

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 28, 2008**. No written responses have been received from either the Neighborhood Association or 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 design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Community Design Guidelines.

Community Design Guidelines

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland's urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other movement systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

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

P1. Community Plan Area Character. Enhance the sense of place and identity of community plan areas by incorporating site and building design features that respond to the area's unique characteristics and neighborhood traditions;

D7. Blending into the Neighborhood. Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

Findings for P1 and D7: The site is located in the King neighborhood of the Albina Community Plan area. The project aligns with the neighborhood's vision of MLK Blvd as a pedestrian-oriented, mixed-use corridor. The proposed building is set close to the property lines, and wide sidewalks border the building at both MLK and Beech. The storefront character of the ground floor will help to establish active, pedestrian-oriented uses along this area of MLK. Alternatively, the façade design at the rear of the building responds to the private, residential character of the area to the west of the site, with modest, punched window openings at the ground level surrounded by brick veneer cladding. In addition, the building's modest height at 46' presents an appropriate transition between the residential character west of the site and the commercial character of MLK. The materials proposed for this project also respond to those found on quality buildings within the neighborhood. The building's upper floors will be primarily clad in brick, however, areas of inset, horizontal wood siding are proposed on both the east and west façades. In addition, metal panels will be inset between a number of windows at the second and third floors. *Therefore, these guidelines are met.*

P2. Historic and Conservation Districts. Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area's historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.

Findings: While the site isn't located in a conservation or historic district, the Eliot Conservation District sits one block to the south of the site. By siting the building close to the sidewalk, and establishing a vibrant ground-level storefront environment, the project responds to the influence of the streetcar on the early commercial development of the area. *Therefore, this guideline is met.*

E1. The Pedestrian Network. Create an efficient, pleasant, and safe network of sidewalks and paths for pedestrians that link destination points and nearby residential areas while visually and physically buffering pedestrians from vehicle areas.

E2. Stopping Places. New large-scale projects should provide comfortable places along pedestrian circulation routes where people may stop, visit, meet, and rest.

Findings for E1 and E2: The proposal will greatly enhance the pedestrian environment along this block. While established street trees exist along MLK, new street trees will be planted along NE Beech, which will help to define the pedestrian network and create a pleasant sidewalk environment. In addition, much of the building's first floor along MLK is recessed, allowing for additional space for pedestrians to stop, visit, meet, and rest. A small courtyard space is proposed at the rear of the building, creating additional opportunities for people to gather. Further, a pedestrian path, which links the rear courtyard and entrance with the public sidewalk at Garfield, will be provided. *Therefore, these guidelines are met.*

E3. The Sidewalk Level of Buildings. Create a sense of enclosure and visual interest to buildings along sidewalks and pedestrian areas by incorporating small scale building design features, creating effective gathering places, and differentiating street level facades.

Findings: The new three-story building will create a sense of enclosure along this block. Further, the design team's attention to the building's placement, as well as the incorporation of recessed areas along the MLK elevation, will create effective gathering places along MLK. The use of large expanses of storefront glazing at the east elevation's ground level and the use of brick veneer at the upper levels successfully differentiates the street level façade. *Therefore, this guideline is met.*

E4. Corners that Build Active Intersections. Create intersections that are active, unified, and have a clear identity through careful scaling detail and location of buildings, outdoor areas, and entrances.

Findings: The proposal supports an active intersection at Beech and MLK. The large expanse of glazing at this corner indicates the presence of active uses and creates opportunities for greater visual connections between the interior and sidewalk spaces. Further, entries located near the corner of Beech and MLK will contribute to the activity at this corner. *Therefore, this guideline is met.*

E5. Light, Wind, and Rain. Enhance the comfort of pedestrians by locating and designing buildings and outdoor areas to control the adverse effects of sun, shadow, glare, reflection, wind, and rain.

D1. Outdoor Areas. When sites are not fully built on, place buildings to create sizable, usable outdoor areas. Design these areas to be accessible, pleasant, and safe. Connect outdoor areas to the circulation system used by pedestrians;

D3. Landscape Features. Enhance site and building design through appropriate placement, scale, and variety of landscape features.

Findings for E5, D1 and D3: The project incorporates a number of pedestrian amenities. The courtyard located at the building's rear (west) entrance will contain landscaping, bike parking and benches. In addition, new street trees will be planted along NE Beech Street and NE Garfield Ave., and new trees and shrubs will also be incorporated into the interior and perimeter landscaping at the parking area in order to create a more pleasant pedestrian environment. Finally, the large, wood canopies proposed at both the main and rear entries will protect pedestrians entering and exiting the building from the elements. *Therefore, these guidelines are met.*

D2. Main Entrances. Make the main entrances to houses and buildings prominent, interesting, pedestrian accessible, and transit-oriented.

Findings: The building’s main entrance along MLK will be highlighted by a large wood canopy and inset, horizontal wood siding, which extends to the building’s third floor. A glazed storefront system at the main entrance will allow views into the building’s active spaces. This entrance also facilitates transit connections, as it is located adjacent to a Tri-Met bus stop. *Therefore, this guideline is met.*

D4. Parking Areas and Garages. Integrate parking in a manner that is attractive and complementary to the site and its surroundings. Locate parking in a manner that minimizes negative impacts on the community and its pedestrians. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

Findings: The proposal includes a 40-space, surface parking area located behind the building, with access via NE Garfield Avenue. Trees and shrubs are planned for the perimeter of the parking area in order to screen the parking from NE Garfield Ave, as well as from the lots to the south and north. *Therefore, this guideline is met.*

D5. Crime Prevention. Use site design and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground level uses, and outdoor areas.

Findings: The large expanses of storefront glazing along MLK, which extend around the corner to NE Beech, will add “eyes on the street.” In addition, the large number of windows at the building’s upper floors will create new surveillance opportunities along this block. *Therefore, this guideline is met.*

D8. Interest, Quality, and Composition. All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

Findings: The proposed building’s massing and simple, yet durable, material palette create an interesting and cohesive composition. In addition, the building’s main entry, which is highlighted by wood cladding and glazing extending to the third level, offers an interesting element amidst a predominately brick façade. The design of each building elevation responds to the character of the areas they face, while maintaining a coherent composition. The east elevation, facing MLK, is more open and public, with large expanses of storefront glazing. While the west elevation facing is more modest, responding the residential character west of the site. *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 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 a 3-story, 39,000-square-foot commercial building including:

- wood entry canopies;
- aluminum and glass ground floor storefront;
- building materials of brick veneer, wood siding, and metal panels; and
- 40-space surface parking lot with access via NE Garfield Avenue.

Approval per the stamped Exhibits C-1 through C-18, signed and dated June 27, 2008, 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.18. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-121844 DZ. No field changes allowed."

Decision rendered by:  **on June 27, 2008**
By authority of the Director of the Bureau of Development Services

Decision mailed: June 30, 2008

Staff Planner: Tim Heron

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 14, 2008, and was determined to be complete on **May 23, 2008**.

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 14, 2008.

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 14, 2008** 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.

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 15, 2008 – (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:

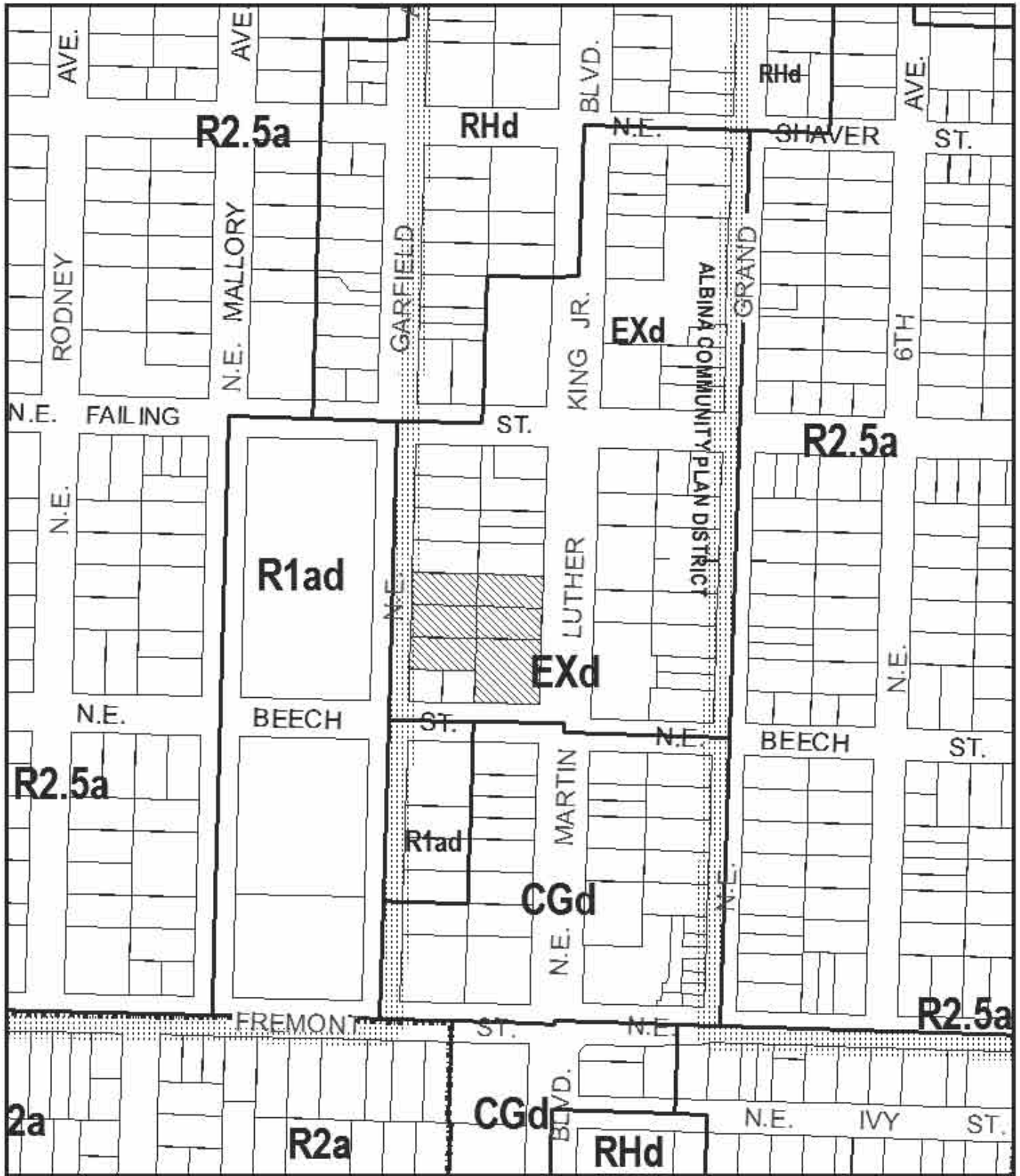
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. - 18. Site Plan, Elevations, Details, Renderings, Landscape Plan (some attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
- F. Correspondence: [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 503-823-0625 (TTY 503-823-6868).



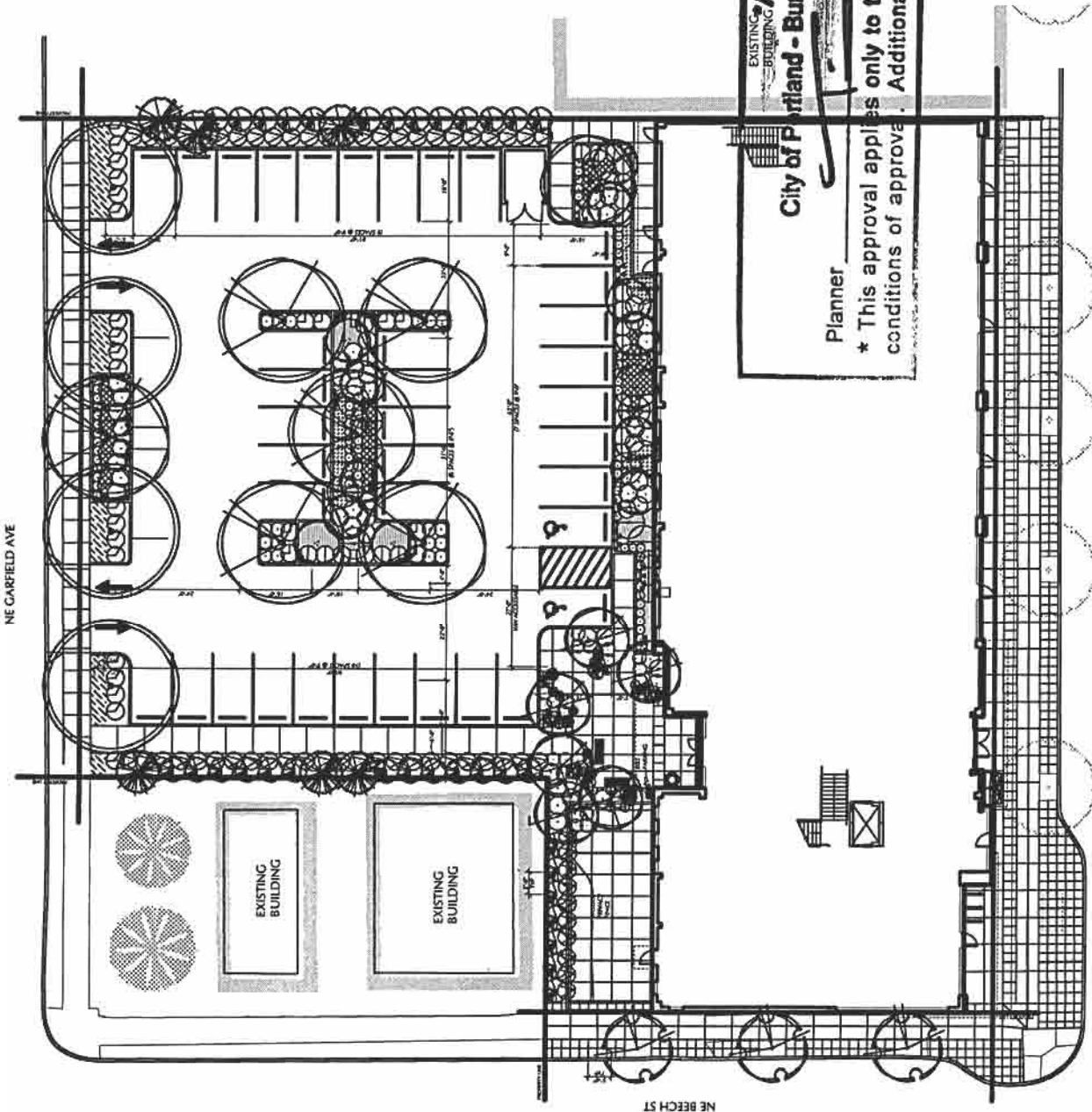
ZONING

 Site



This site lies within the:
ALBINA COMMUNITY PLAN DISTRICT

File No.	LU 08-121844 DZ
1/4 Section	2630
Scale	1 inch = 200 feet
State_Id	1N1E22DD 13700
Exhibit	B (June 3, 2008)



City of Portland - Bureau of Development Services
 Approved*
 Planner _____ Date 6.27.8
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

BECH STREET PARTNERS, LLC

MLK & BECH
PORTLAND, OR 97282

DATE	FILE	DESIGNER	CHECKED
06/27/07	06/27/07		

EXH. C. 1
 LU 08.121844 DZ

TYPE II DESIGN REVIEW - CASE # 11108.121844

SITE PLAN



A1.01

