1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

Date: October 24, 2008

To: Interested Person

From: Dave Skilton, Land Use Services
503-823-0660 / dave.skilton@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 08-162585 DZ – TWO NEW AWNINGS

GENERAL INFORMATION

Applicant: Eric Wentland, Owner
Heritage Building LLC
1628 N Columbia Blvd
Portland, OR 97217

Representative: Dennis Hadley, Architect (503-249-1123)
Dennis S Hadley Architect
2145 NE Rodney Avenue
Portland OR 97212-3739

Site Address: 3934 NE Martin Luther King Jr. Boulevard

Legal Description: BLOCK 1 LOT 5&6&11&12&13&14 TL 8900, NORTH IRVINGTON; BLOCK 1 LOT 11 TL 8500, NORTH IRVINGTON; BLOCK 1, CANCEL INTO R226497/NORTH IRVINGTON, BLOCK 1, LOT 12; BLOCK 1, CANCEL INTO R226497/NORTH IRVINGTON, BLOCK 1, LOT 13; BLOCK 1, CANCEL INTO R226497/NORTH IRVINGTON, BLOCK 1, LOT 14

Tax Account No.: R611500470, R611500530, R611500540, R611500550, R611500560

State ID No.: 1N1E23CC 08900, 1N1E23CC 08500, 1N1E23CC 08400, 1N1E23CC 08300, 1N1E23CC 08200

Quarter Section: 2631

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 Lauren McCartney 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 Design Commission.

Proposal:
Applicant is seeking approval of two new marquise type awnings, identical in design to those already in place on the building, at two entries facing the parking area. Design Review is required because the property is within a Design Overlay zone.

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:

- 33.825Design Review
- Community Design Guidelines

ANALYSIS

Site and Vicinity:
The site is within a commercial area dating to the early twentieth century that is undergoing an economic and development revival. The subject building and parking lot are situated on a group of six abutting lots located between NE MLK Boulevard and NE Grand Avenue. The building fronts onto MLK Boulevard, which is a major city traffic street, a major city transit street, a city bikeway, a city walkway and a major truck street. The frontage along NE Grand Avenue, which is residential in character, is occupied by a parking lot that is buffered from the street by a planted landscape area. The site is not located within a pedestrian district.

Zoning:
Central Employment. This zone implements the Central Employment map designation of the Comprehensive Plan. The 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 development standards are intended to allow new development which is similar in character to existing development.

The Design (d) overlay zone designation also ensures that exterior alterations to existing development conserve and enhance the identified historic, scenic, architectural, and cultural values of each design district.

Land Use History:
Records show two prior land use reviews as follows:
- LUR 96-00574 ZC/CP - Amending Albina Community Plan District boundaries to correct a mapping error.
- LU 03-123435 DZ – Approving a two-phased rehabilitation of existing buildings and parking lot, with modification to oriel window and parking standards.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **September 30, 2008**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on September 30, 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. Plan Area Character. Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.

> **Findings:** The proposed awnings will match those already in place on the building, adding more entrance markers to help people approaching the building from the parking lot to identify their paths. *This Guideline is therefore 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.

> **Findings:** As indicators of the presence of entries the proposed canopies will assist those approaching the building on foot to identify a destination. They will also offer a sheltered location in wet weather where an individual can wait for a car or shake out an umbrella or raincoat prior to entering the building. *This Guideline is therefore met.*

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

> **Findings:** Although small in scale, the canopies, by virtue of their locations at entries, will create stopping spots where building users can interact. *This Guideline is therefore 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:** Although not located at the sidewalk edge of the property, the proposed awnings do create visual interest and enclosure at entries from the parking lot, which is connected to the sidewalks by a clearly defined pedestrian path. *This Guideline is therefore met.*

D6. Architectural Integrity. Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

> **Findings:** The proposed new awnings duplicate all aspects of the existing awnings, which were found in the previous Design Review to be compatible with the building. *This Guideline is therefore 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 addition of two new marquise type awnings, identical in design to those already in place on the building, at two entries facing the parking area, will have a minimal but positive impact on the character of the building. The awnings will be over existing doors that, due to interior space reconfiguration, will now serve separate spaces. This helps to further enliven the parking area and the development as a whole. The proposal therefore merits approval.

ADMINISTRATIVE DECISION

Approval of:

- two new marquise type awnings, identical in design to those already in place on the building, at two entries facing the parking area, and
- Two areas of concrete paving at the doors served by the awnings.
-

Approval per drawings, Exhibits C-1 through C-3, signed and dated October 22, 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 through C-3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-162585 DZ. No field changes allowed."

Decision rendered by: Dave Shiton **on October 22, 2008.**
By authority of the Director of the Bureau of Development Services

Decision mailed: October 24, 2008

Staff Planner: Dave Skilton

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 September 15, 2008, and was determined to be complete on September 25, 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 September 15, 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 the120-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 November 7, 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 **November 10, 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.

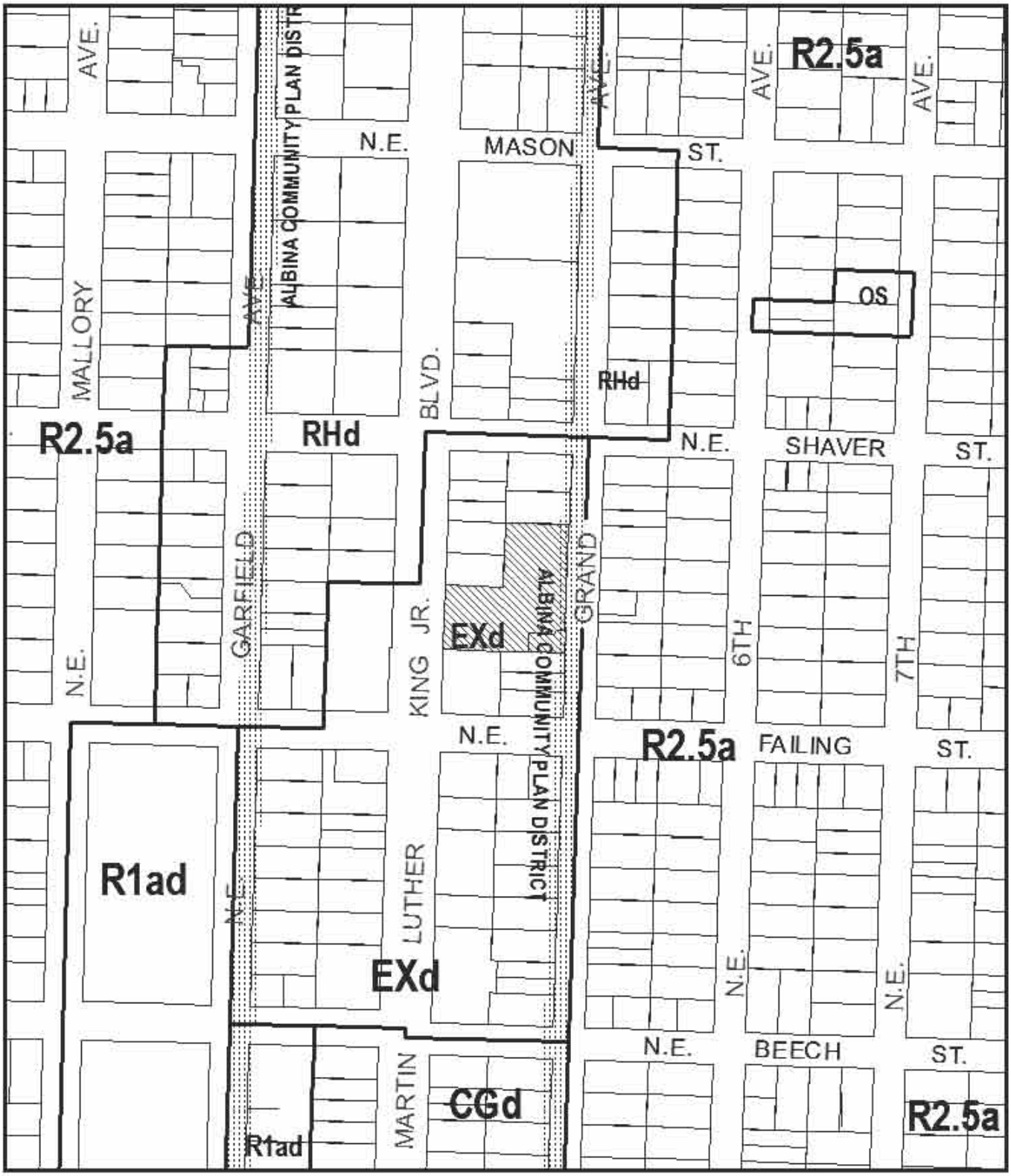
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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. North and South Elevations (attached)
   2. East and West Elevations (attached)
   3. Site Plan (attached)
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses: None
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

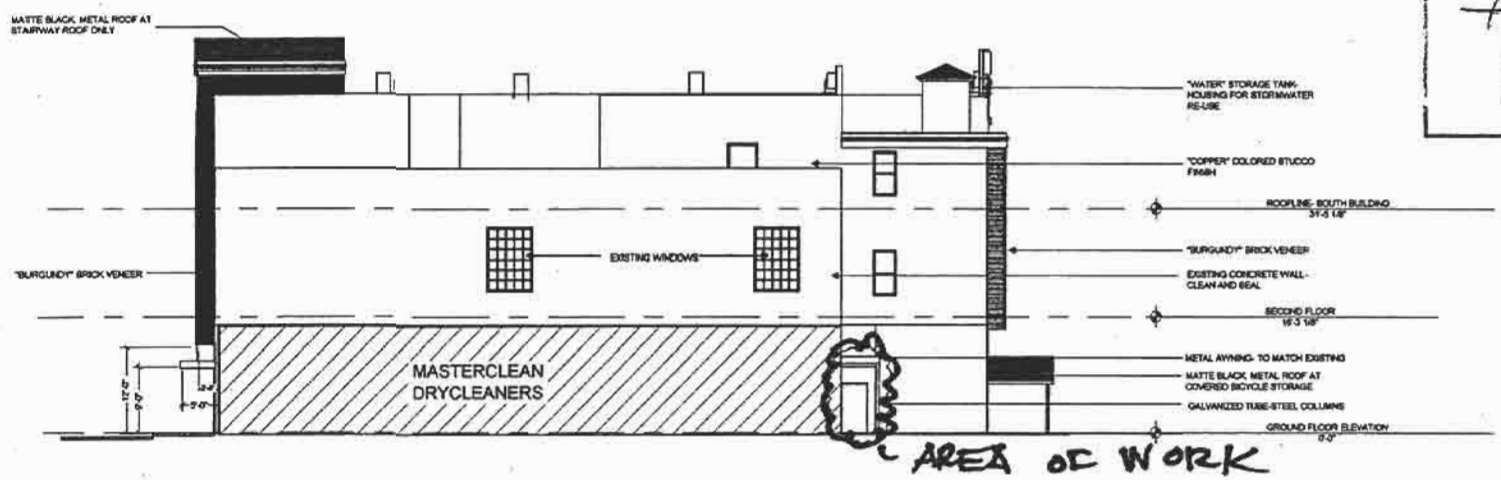
File No. LU 08-162585 DZ
1/4 Section 2631
Scale 1 inch = 200 feet
State_Id 1N1E23CC 8900
Exhibit B (Sep 16,2008)

NORTH

This site lies within the:
ALBINA COMMUNITY PLAN DISTRICT

NORTH ELEVATION

1/8" = 1'-0"



SOUTH ELEVATION

1/8" = 1'-0"

AD1

"Approved"
City of Portland - Bureau of Development Services
Planner Date 10-22-8
* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

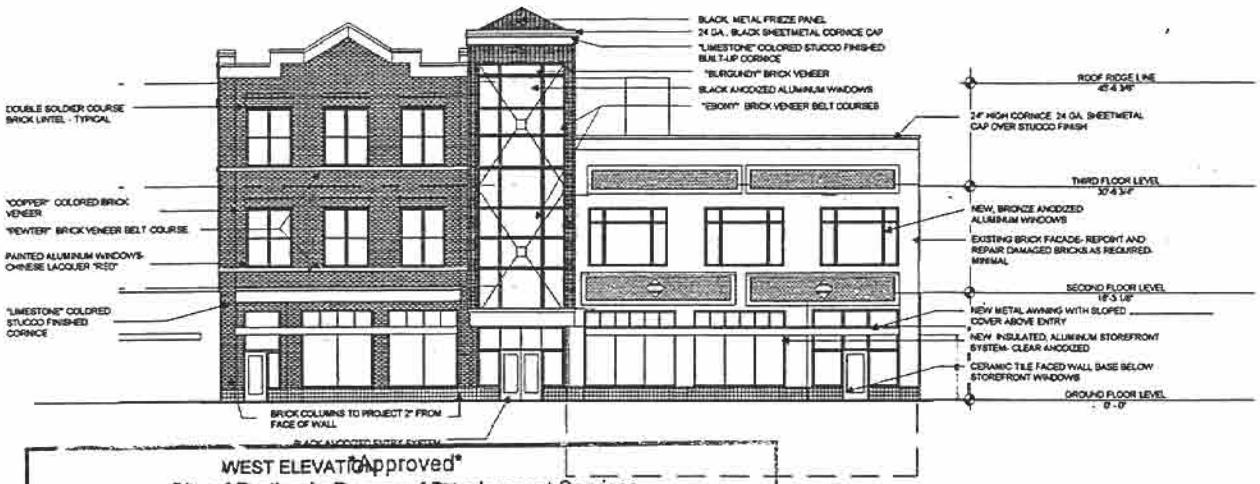
DENNIS S. HADLEY, ARCHITECT
3934 N.E. MARTIN LUTHER KING JR. BOULEVARD
PORTLAND, OREGON 97212-3739
PHONE: 503-249-1123
FAX: 503-249-6099
CELL PHONE 503-422-6235
E-MAIL: DENNISSHADLEY@COMCAST.NET

DATE: 09/11/08
DRAWN BY: DSH
REVISION:

ELEVATIONS

THE HERITAGE BUILDING
3934 N.E. MARTIN LUTHER KING JR. BOULEVARD PORTLAND, OREGON 97212

EXHIBIT C-1
LU 08-162585 DZ

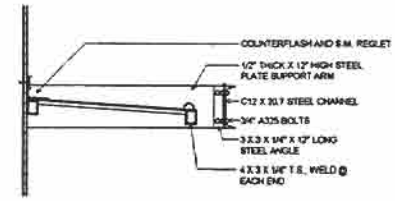


WEST ELEVATION

"Approved"
City of Portland - Bureau of Development Services
Planner Dave Milton Date 10.22.08
* This approval applies only to the reviews requested and is subject .. conditions of approval. Additional zoning requirements may apply

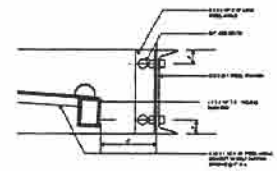
EAST ELEVATION

1/8" = 1'-0"



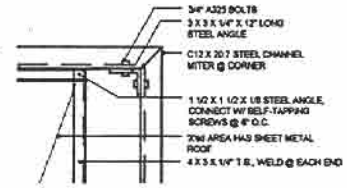
1 SECTION THROUGH AWNING

3/4" = 1'-0"



2 SECTION @ EXTERIOR CORNER

1 1/2" = 1'-0"



3 PLAN @ EXTERIOR CORNER

1 1/2" = 1'-0"

AD2

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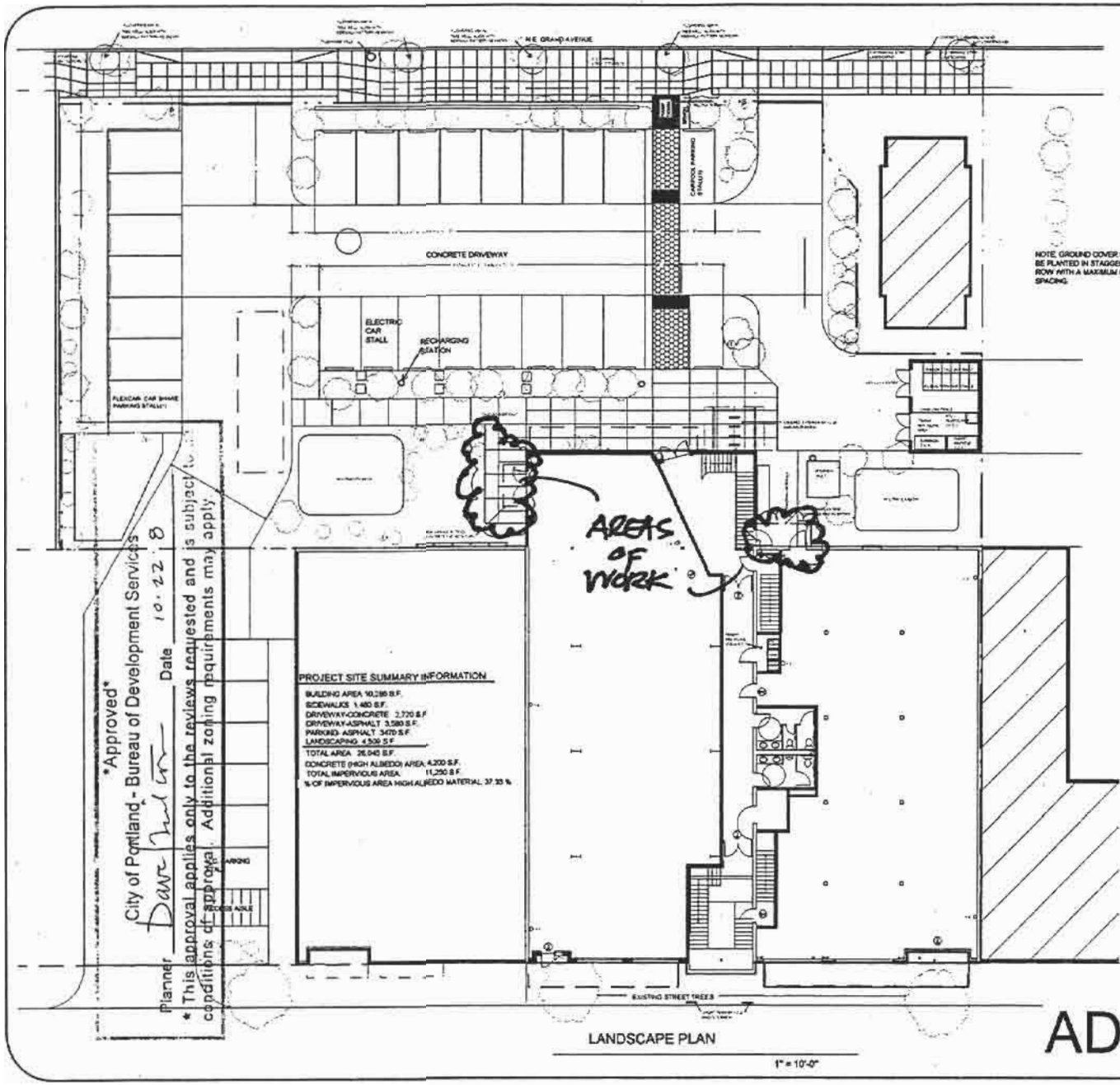
DATE: 09/11/08
DRAWN BY: DSH
REVISION

ELEVATIONS

THE HERITAGE BUILDING
3934 N.E. MARTIN LUTHER KING JR. BOULEVARD PORTLAND, OREGON 97212

PAGE A6 of

EXHIBIT C-2
LU08-162585 DZ



NOTE: GROUND COVER SHALL BE PLANTED IN STAGGERED ROW WITH A MAXIMUM OF 12" SPACING.

Approved
City of Portland - Bureau of Development Services
Planner Dave Hulton Date 10.22.08
* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

PLANT LIST

QUANTITY	COMMON NAME	GENUS	SPECIES	SIZE
18	Incense Cedar	Calocedrus	decurrens	8' & 8'
25 site 5 street(multi-trunked)	Chinese Dogwood	Cornus	kousa-chinensis	1 1/2" & 1 1/4" cal.
10	Variegate Dwarf English Boxwood	Buxus	Sempervirens "variegata"	2-3 gal
7	Weigela	Weigela	florida "wine and roses"	3-5 Gal. (no substitutes)
14 large 25 small	Spiraea	Spiraea	japonica "magic Carpet"	2-3 Gal
3@	Wisteria	Wisteria	chinensis "White"	5 Gal
25@	Mint	Mentha	spicata "spearmint"	4-6" pot
24@	Lavender	Lavandula	munstead	6"-1 Gal
221@	Bearberry	Arctostaphylos	uva-ursi	6"-1 Gal "Massachusetts"
36@	Salal	Gaultheria	shallon	1 Gal+
221@	Coast Strawberry	Fragaria	chiloensis	6"-1 Gal or flat
11@	Boston Ivy	Parthenocissus	tricuspidata	3-5 Gal
24@	Australian Silver Rush	Juncus	pallescens	1 Gal
25@	California Gray Rush	Juncus	patens	1Gal

GENERAL NOTES:

THE LANDSCAPE DESIGN HAS BEEN CREATED TO ENHANCE AND REINFORCE THE ARCHITECTURE OF THE BUILDING.

WATER RESOURCE MANAGEMENT PRACTICES ARE BEING EMPLOYED BY SWALING THE PLANTING BEDS TO RECEIVE THE STORMWATER RUNOFF.

THE PLANT SELECTIONS ARE TIME TESTED CHOICES AND MAINTENANCE FREE.

THE PLANT COMMUNITY USES NATURAL, NATIVE, ORNAMENTAL ALL TOUGH NO HASSLE PLANTS, AND THE PLANT COMMUNITY SELECTIONS RESPOND TO THE BUILDING'S COLOR, VISUAL ENERGY, AND DIRECTION.

THE SELECTION OF TREES:
EVERGREEN FOLIAGE HAS AN UPWARD THRUST WHICH MIMICS THE MAIN BUILDING ENTRIES. UMBRELLA CANOPY COVERS THE BEDS, INTERIOR PATIOS, WALKS, AND HAS FLOWERS IN THE SPRING.

SHRUBS GIVE COLOR AND SHAPE DURING THE SUMMER AND FALL MONTHS.

GROUND COVERS PROVIDES SUMMER SMELL AND YEAR-ROUND TEXTURE WITH FRUIT FOR BIRDS.

TRELLIS AND RETAINING WALL VINES ACT AS A SUNSHIELD FOR THE BUILDING AND GIVE FALL COLOR WINTER INTEREST, AND CAUSE NO MORTAR DAMAGE.

THE PLANT SELECTION CRITERIA WAS BASED ON THE FOLLOWING REQUIREMENTS:
* AT THREE YEARS NO IRRIGATION REQUIRED.
* DROUGHT ORIENTATION
* NO OIL BASED FERTILIZERS-NATURAL FERTILIZER/COMPOST ONLY
* NO PESTICIDE REQUIREMENT
* NO PRUNING/ SHEARING REQUIREMENT(ONLY DEAD BRANCHING REMOVAL AND LIMBING UP)
* PLANTS FIT THE BEDSIZE

SPECIFIC DESIGN NOTES

1. THE INCENSE CEDAR WITH BEARBERRY GROUND COVER ARE USED TOGETHER.
2. WINE AND ROSES WEIGELIA SHRUB PROVIDES A BLACK FOCAL POINT AT THE NORTH PARKING LOT ENTRY ON N.E. GRAND AVE.
3. THE CANOPY TREES PROVIDE OVERHEAD SHADE AND ACT AS UMBRELLAS FOR THE PUBLIC WALKWAYS.
4. THE SPIRAEA GIVES A GOLDEN COLOR DURING THE SUMMER AND FALL WHICH IS SIMILAR TO THE "COPPER" BRICK.
5. MINT AND LAVENDER ARE USED ALONG THE MAIN ENTRY ROUTE FOR SWEET SCENT DURING THE SUMMER.
6. SALAL AT THE PATIO AREA GIVES YEAR-ROUND TEXTURE SPRING FLOWERS AND FALL BERRIES FOR HUMANS AND BIRDS.
7. THE BEDS ARE SWALED WITH RIPRAP STEPS TOPPED WITH RUSH AND COVERED IN COAST STRAWBERRY.
8. DECIDUOUS IVY IS USED AT THE TRELLIS AND RETAINING WALL PROVIDING COOLING TO THE BUILDING, PROVIDES DRAMATIC FALL COLORS AND WINTER VISUAL INTEREST.

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CELL PHONE 503-422-6235
E-MAIL: DSHARCHITECT@COMCAST.NET

DATE: 09/11/08
DRAWN BY: DSH
REVISION

LANDSCAPE PLAN

THE HERITAGE BUILDING
3934 N.E. MARTIN LUTHER KING JR. BOULEVARD PORTLAND, OREGON 97212

PAGE L1 of

EXHIBIT C-3
LU08-162585DZ