



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

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: August 25, 2009
To: Interested Person
From: Breah Pike-Salas, Land Use Services
503-823-6825 / Breah.Pike-Salas@ci.portland.or.us

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

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

**CASE FILE NUMBER: LU 09-107374 DZ, POPEYE'S EXTERIOR
REMODEL**

GENERAL INFORMATION

Representatives: Dick Leagjeld (Applicant)
Leagjeld Construction
18085 SW Boones Ferry Rd
Portland, OR 97224

Jack Kriz (Architect)
Mildren Design Group
7650 SW Beveland St, Ste 120
Tigard, OR 97223

Alex Stout (Planning Consultant)
Tm Rippey Consulting Engineers
7650 SW Beveland Street, Suite 100
Tigard, OR 97223

Mike Coyle (Permit Expediter)
Faster Permits
833 SE Main St
Portland OR 97214

Owner: PFI Properties LLC
Po Box 190417
Boise, Id 83719-0417

Site Address: 3120 NE M L KING BLVD
Legal Description: LOT 3&4 BLOCK 11, ALBINA
Tax Account No.: R009603480
State ID No.: 1N1E26BB 09000
Quarter Section: 2731
Neighborhood: Eliot, contact Mike Warwick at 503-284-7010.

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 multi-dwelling zone with a design overlay.
Case Type: DZ, Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant is requesting design review approval for exterior renovations to the existing Popeye's Chicken restaurant. Proposed renovations include removing the existing mansard style roof and replacing it with a new parapet, new exterior lighting fixtures and awnings on the north, south, and west elevations, new signage on the west elevation, and a new exterior stucco finish with brick accent on all facades.

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 subject building is a one-story restaurant with a drive-thru occupying a half block adjacent to N.E. Martin Luther King Jr. Blvd and N.E. Monroe Street. The subject site is surrounded by commercial buildings on the north, south, east and west. The vicinity consists of commercial uses along N.E. Martin Luther King Jr. Blvd and residential uses located within one block of this Blvd.

According to the classification system of the Transportation System Plan, N.E. Martin Luther King Jr. Blvd is classified as a Major City Traffic Street, and a Major Transit Priority Street. N.E. Monroe is classified as a Local Traffic Street, and a Local Transit Street. The entire vicinity is within the Northeast pedestrian district.

Zoning: The RH zone is a high-density multi-dwelling residential zone. Certain retail sales and service and office uses are allowed as conditional uses to provide mixed-use development on larger sites that are close to light rail transit facilities. The maximum residential density is limited to a FAR of 2:1 on this site, and the minimum density is one unit per 1,000 square feet of site area. Newly created lots in the RH zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot size for new lots created for development with houses, attached houses, or duplexes. Minimum lot width, lot depth, and front lot line standards may apply.

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.

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

1. EA 07-185099: Early Assistance Appointment for Design Review addressing exterior alterations to existing building.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **July 29, 2009**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

The Life Safety Review Section responded with the following comment: Please see Exhibit E-1 for additional details.

From: Catherine Heeb, Life Safety Section of the Bureau of Development Services

If the wall or height modifications increase lateral loads on the building, these will need to be addressed in the building permit application. Information on new exterior lighting can be included in the state's energy code compliance forms, found online at <http://egov.oregon.gov/ENERGY/CONS/Codes/cdpub.shtml>.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 29, 2009. An email was received from S V Bailey, the Land Use Chair for the Elliot Neighborhood, on August 9, 2009, stating the proposed alterations while not consistent with the design of historic buildings along Martin Luther King Jr. Blvd., they do have elements that are consistent with the stucco exteriors on some of the remaining buildings. The alterations are an improvement overall.

ZONING CODE APPROVAL CRITERIA

I. 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 in-fill 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.

II. 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.

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.

Finding for E3: One major alteration proposed to the existing storefront is the removal of the existing mansard roof exposing more of the facade along N.E. Martin Luther King Jr. Blvd. Along with the existing large windows, raising the parapet and adding new awnings, a new sign and new lighting increases the visual interest for pedestrians, as well as motorists on N.E. Martin Luther King Blvd. *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.

Finding for E5: With the addition of new awnings located above the main entrances on the south and west elevations pedestrians are protected from weather. *Therefore, this guideline is 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.

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.

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 for D6, D8 and P1: The proposed exterior alterations enhance and reinforce the identity of the neighborhood by upholding characteristics of surrounding commercial buildings along N.E. Martin Luther King Jr. Blvd. The new awnings made from a quality material of aluminum tubing and sheeting, and their addition to the existing facades of the building, completes the architectural composition while adding a new element of visual interest. Thus, the current structure's street appeal is complemented and enhanced by this proposal. With the addition of the stucco and brick accent on this building's existing storefront system, the character of the building is perceptually connected to the wider district, and a specific feature of the neighborhood character is reinforced. *Therefore, these guidelines are met.*

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: The neighborhood's character comes in part from the other buildings in the immediate area utilizing awnings, stucco with brick accent, and raised parapets. The area's style is a direct result of the many small storefronts that employ the use of awnings and older buildings using brick in their architecture to add definition and character to not only themselves but also the neighborhood collective. *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 the Design Review request for exterior alterations to the existing building in the Albina Community Plan District. This approval is for exterior alterations consisting of removing the existing mansard style roof and replacing it with a new parapet, new exterior lighting fixtures and awnings on the north, south, and west elevations, new signage on the west elevation, and a new exterior stucco finish with brick accent on all facades, per the approved site plans, Exhibits C-1 through C-5, signed and dated August 20, 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 through C-4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 09-107374 DZ. No field changes allowed."

Staff Planner: Breah Pike-Salas

Decision rendered by:  **on August 19, 2009**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 24, 2009

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on February 9, 2009, and was determined to be complete on **July 23, 2009.**

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of

submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on February 9, 2009.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: November 20, 2009.**

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 Wednesday, September 9, 2009** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

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 **September 10, 2009 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

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

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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

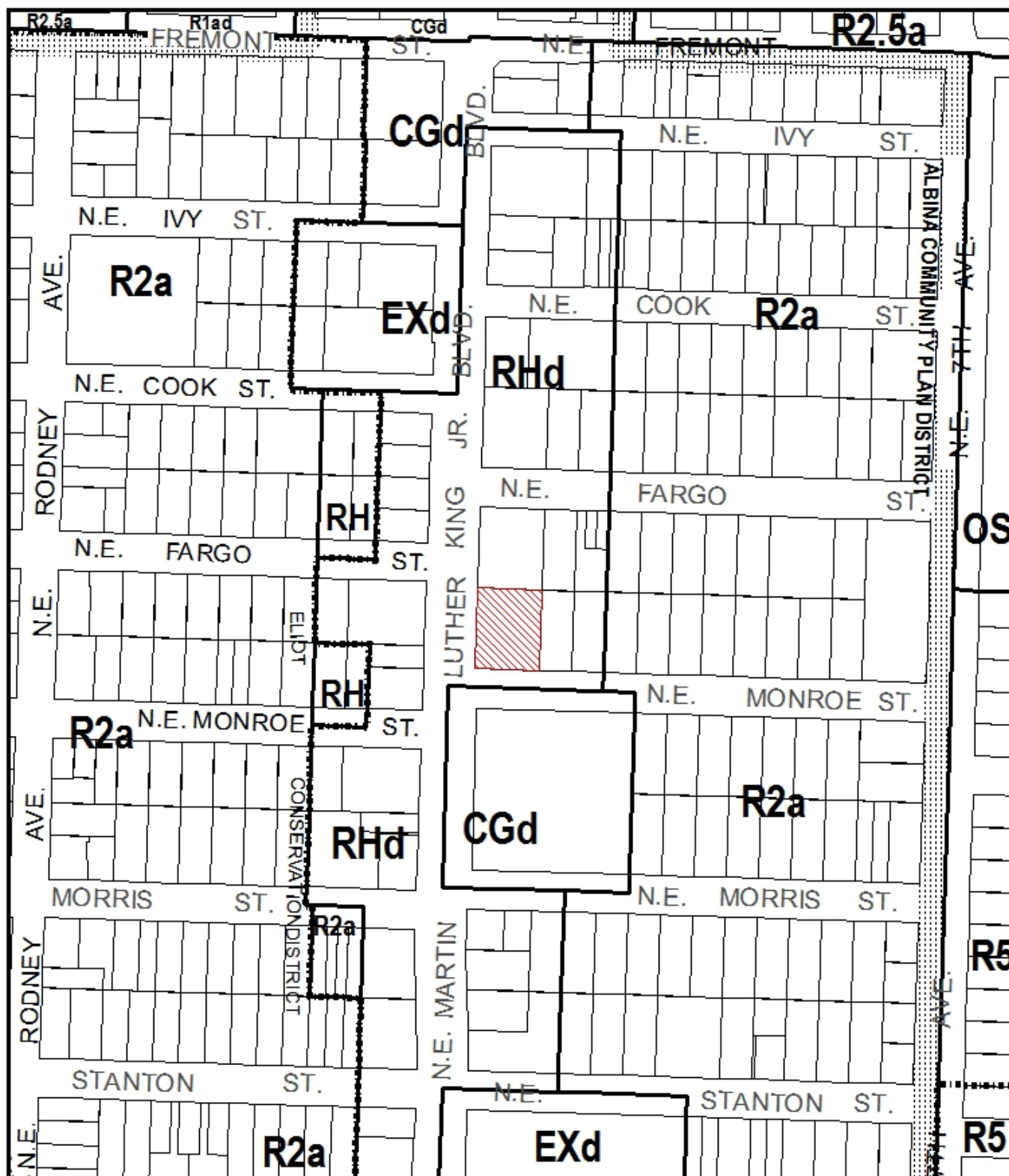
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Building Elevation (attached)
 - 3. Awning Section Elevation
 - 4. Lamp detail
 - 5. Sign Mounting detail
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life and Safety Section of the Bureau of Development Services
- F. Correspondence:
 - 1. S V Bailey, August 9, 2009, The design of the building is not consistent with the design of historic buildings along MLK, the current design has some elements that are consistent with the stucco exteriors on some of the remaining buildings so it is an improvement in that regard.
- G. Other:
 - 1. Original LU Application

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



ZONING



Site



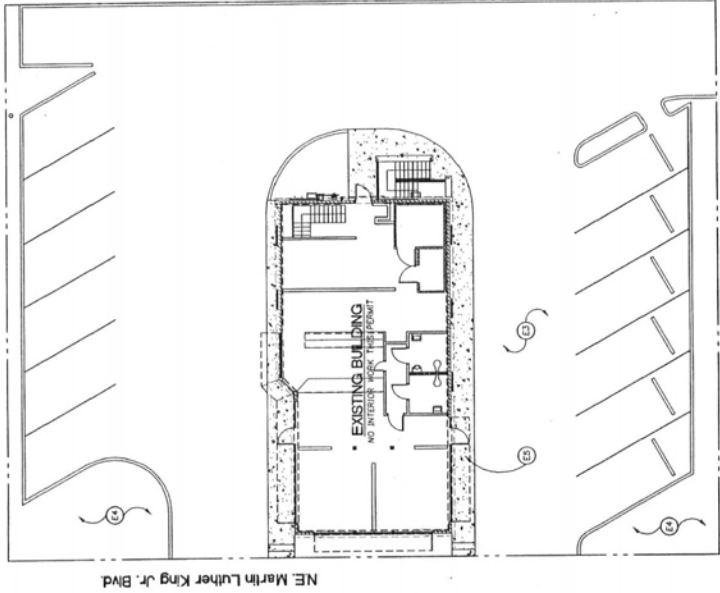
NORTH

This site lies within the:
ALBINA COMMUNITY PLAN DISTRICT

File No.	LU 09-107374 DZ
1/4 Section	2731
Scale	1 inch = 200 feet
State Id	1N1E26BB 9000
Exhibit	B (Feb 11, 2009)

Approved
 City of Portland
 Bureau of Development Services
 Planner: [Signature] Date: 8/2/09

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



NE Monroe Street



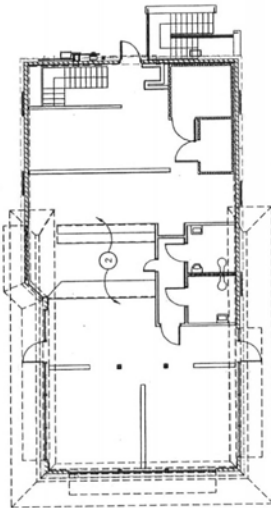
Site Plan

Keynotes

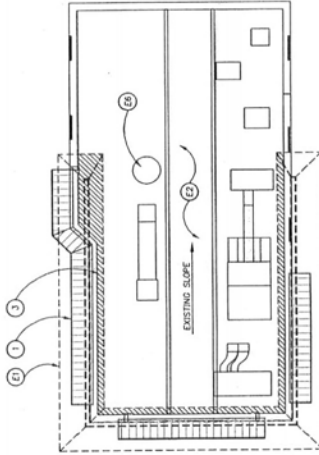
1. PREMANUFACTURED METAL CANOPY FIRESTONE UNA-GLAD
2. EXISTING ROOFING TO MATCH EXISTING, CUT INTO EXISTING ROOFING PER MANUFACTURERS RECOMMENDATIONS

Existing Keynotes

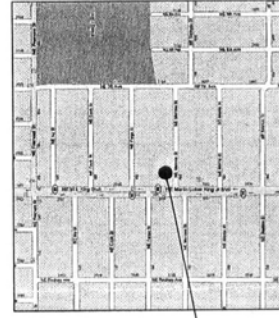
- A1. EXISTING MANGROVE TO BE REMOVED
- A2. EXISTING PAVING
- A3. EXISTING CONCRETE WALK
- A4. EXISTING CONCRETE WALK
- A5. EXISTING MECHANICAL EQUIPMENT



Floor Plan



Roof Plan



Vicinity Map

NO SCALE

CASE NO. 091073740Z
 EXHIBIT C1

Sheet Index

- A1. SITE PLAN, FLOOR PLAN, ROOF PLAN
- A2. ELEVATIONS

MEDDEN DESIGN GROUP PC
 ARCHITECTURE • LAND PLANNING
 7550 S.W. Beavertown, Suite 122
 Tigard, Oregon 97223-8822
 503.344.0552

REGISTERED ARCHITECT - 00000000
 2012
 10000 2.000

Client:
Leageld Construction C

1800 S.W. Lee Avenue, Suite 101
 Portland, Oregon 97224

Project:
Popeyes 3120 Remodel

3120 NE M. King Blvd.
 Portland, Oregon

Sheet Title:
Site Plan / Floor Plan / Roof Plan

Revisions

DATE: 9 February 2009
 Drawn by: Checked by
 T.R. BR.
 Job Number: 10712
 Sheet

Design Review Submittal - February 2009

A1



Client: **Leagjeld Construction C**

18085 S.W. Lwr Boones Fry I
Portland, Oregon 97224

Project:
Popeyes 3120
Remodel

3120 N.E. M. L. King Blvd.
Portland, Oregon

Sheet Title:
Existing
and
Proposed
Elevations

Revisions
1. 7 July 2009

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Date: 7 May 2006

Drawn by: Checked by:

Job Number: 1071

A2

Keynotes

- STUCCO - PAINT P1 AT EXTENDED PARAPET
FLASHING - PAINT P2
PREMANUFACTURED METAL CANOPY - PAINT P2
STUCCO ACCENT BAND - PAINT P2
LIGHT FIXTURE
CONTROL JOINT
SODAS

Existing Keynotes

1. OUTLINE OF EXISTING MANSARD TO BE REMOVED
2. EXISTING GUTTER AND DOWN SPOUT - PAINT TO MATCH
3. EXISTING DRIVE-THRU WINDOW
4. EXISTING ROOF TOP EQUIPMENT
5. EXISTING INDOOR AIR CONDITIONER UNIT
6. EXISTING INDOOR PAINT P1
7. EXISTING ROOF ACCESS LADDER - PAINT P3
8. EXISTING STORAGE AREA TO Δ
9. EXISTING BALCONY - PAINT P3
10. EXISTING ELECTRICAL EQUIPMENT - PAINT TO MATCH
11. ADJACENT WALL COLOR - PAINT TO MATCH
12. ADJACENT WALL GATE - PAINT TO MATCH ADJACENT WALL COLOR

Paint Legend

- P1 BENJAMIN MOORE "GOLDEN MIST" 2158-40
P2 BENJAMIN MOORE "DELIGHTFUL GOLDEN" 2158-30
P3 BENJAMIN MOORE "BRONZE LIONS" RM
P4 BENJAMIN MOORE "TOMKESSE HARBOR BROWN MC-

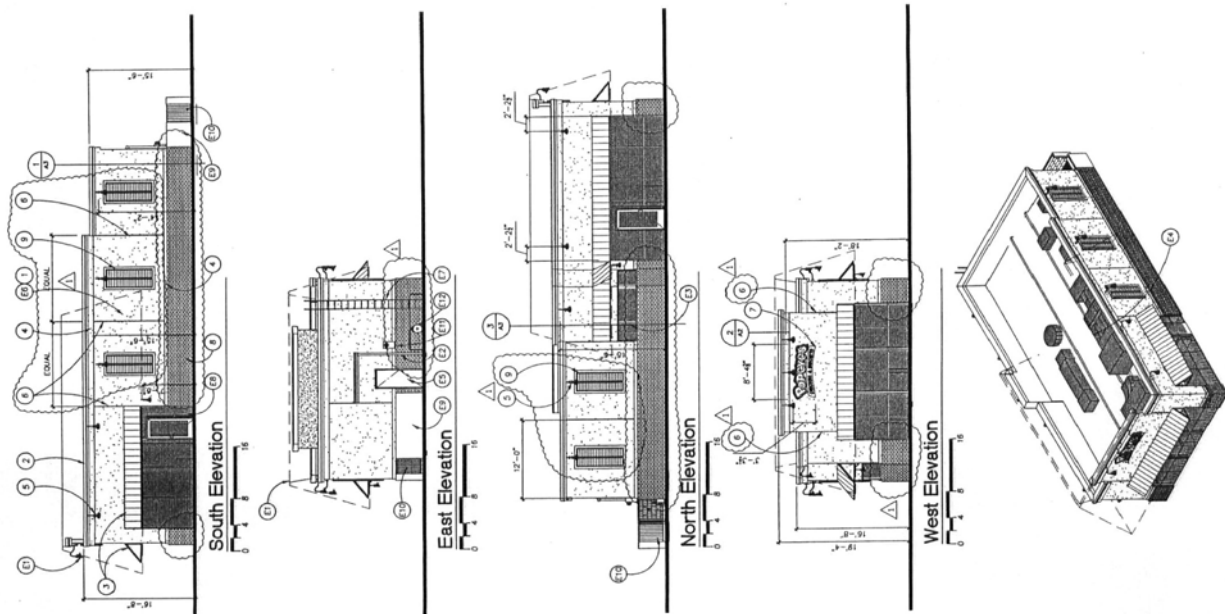
Approved
City of Portland - Bureau of Development Services
Planner: Paul R. Lee Date: 8/20/09
This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

RECEIVED

JUL 22 2009

CASE NO. 09-107374-DZ
EXHIBIT C-2

Permit Submittal - May 2009



Southwest Perspective View