



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

FROM CONCEPT TO CONSTRUCTION

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Date: April 24, 2014
To: Interested Person
From: Staci Monroe, Land Use Services
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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 the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 14-111211 DZ EXTERIOR BUILDING ALTERATIONS

GENERAL INFORMATION

Applicant: Brannon Lobdell | Brannon Ritner Lobdell Architecture | 5420 NE 35th Place | Portland, OR 97211

Designer: Jared Fuscaldo | Orange Design Industries LLC | 3530 N Mississippi Avenue | Portland, OR 97227

Owner: Elliott Daggett | Houndstooth Development LLC | 3607 SE Taylor St | Portland, OR 97214

Site Address: 3525 NE MLK JR BLVD

Legal Description: BLOCK 5 LOT 6, ALBINA HMSTD **Tax Account No.:** R010501590
State ID No.: 1N1E22DD 15100 **Quarter Section:** 2630
Neighborhood: Boise, contact Caroline Dao at 503-544-5515.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-789-7074.
District Coalition: NE Coalition of Neighborhoods, Claire Adamsick at 503-388-9030.
Zoning: CGd – General Commercial 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 seeks Design Review approval for exterior alterations to a single-story commercial building in a Design overlay and in the Albina Community Plan District. The remodel includes removing all existing finishes and infill and providing the following:

- New aluminum storefront system on the east façade with surrounding horizontal wood siding and brick.
- Infill existing window and door openings on north and west facades with glass block and provide a new metal exit door on the west elevation.
- Extend the parapet along all facades finished with a metal cap and matching the existing painted concrete wall below.

- Re-stripe existing parking lot at the west end of the property that matches a previous approval and add a 4' x 16' covered trash enclosure comprised of cedar wood slats and corrugated metal shed roof.
- Two options for future rooftop mechanical units:
 - Option 1 - Two 41-1/8" tall units on the northwest edge of the roof
 - Option 2 - Two 33-7/16" tall units at the north roof edge and three 33-7/16" units along the south roof edge.

The value of the work triggers nonconforming upgrades to the site, which requires long and short-term bike parking, pedestrian connects to NE Garfield and landscape improvements to the existing parking lot. The applicant will pay into the bike fund for the 2 short-term bike parking spaces required. At this time, the applicant is opting to defer the remainder of the above-mentioned nonconforming upgrades at the time of building permit through Option 2, as allowed in Section 33.258.070.D.2.d.

Design Review is required since the proposal includes alterations to the exterior of the building that do not qualify to utilize the Community Design Standards per 33.420.055.B.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The relevant approval criteria are:

- Community Design Guidelines

ANALYSIS

Site and Vicinity: The one-story 4,993 square foot building, constructed in 1949, occupies a 5,220 square foot lot with a frontage on NE Martin Luther King Jr. Boulevard. The adjacent lot to the west is a surface parking lot that serves this commercial building. NE Martin Luther King Jr. Boulevard is a designated Major City Traffic Street, Major Transit Priority Street, City Bikeway, and City Walkway.

The site is located within the Albina Community Plan District.

Zoning: The General Commercial (CG) zone is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in most newer commercial areas. The zone allows a full range of retail and service businesses with a local or regional market. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. Development is expected to be generally auto-accommodating, except where the site is adjacent to a transit street or in a Pedestrian District. The zone's development standards promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

Land Use History: City records indicate the following prior land use review for this site:

- LU 05-154969 DZM – A 2005 Design Review approval for a storefront remodel with a modification to the maximum street setback.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **March 13, 2014**. The following Bureau has responded with no issues or concerns:

- Plan Review Section of BDS (Exhibit E.1)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 13, 2014. 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 preservation of street trees and restoration of a pedestrian-oriented commercial building are two ways the proposal enhances the Albina Community Plan area. The existing two street trees along the site’s eastern frontage will be maintained, contributing to the established canopy along the sidewalk. The street-facing storefront is currently boarded up with only two solid doors along the sidewalk frontage. The proposal will return the glazed storefront and entries to its street façade adding to the pedestrian character associated with the street-car era commercial buildings that line this portion of MLK Jr. Blvd. and that exist in the larger plan area. *This guideline has been 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: The site is not located within a historic or conservation district, although it does incorporate brick and horizontal wood siding typically found in the nearby Eliot Conservation District. *This guideline has been 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.

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

Findings for E3 and D3: There are two plans to the proposed storefront, which provides depth and interest; the structural plain clad in brick frames a second plain of wood, glass and entries that are setback 3'-0" from the sidewalk. The floor to ceiling aluminum storefront will provide transparency of activities occurring both inside and on the sidewalk. The horizontal wood siding, integrated sign display boxes above the entry, and integrated brick landscape planter with seasonal species are pedestrian scaled details that provide interest and variety at the sidewalk. *These guidelines have been 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.

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

Findings for E5 and D2: The proposed improvements retain the street-facing orientation of the two entrances and further highlight them with a setback and interesting details. The new storefront and doors will be recessed 3'-0" from the sidewalk providing shelter for those transitioning from the public to private space. The doors are incorporated into the large storefront glazing with a light box immediately above each door that will allow for integrated signage for each tenant directly above the entry. *These guidelines have been 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.

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.

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 alterations help restore some of the original character of the building that has been boarded up for some time. Behind the existing vertical wood siding are concrete columns that are surrounded by brick. The brick that remains is in disrepair, so the columns will be re-clad with new brick in a light gray color. More modern aluminum storefronts with a black anodized finish and horizontal wood siding with dark brown stain will update the east façade. Both brick and wood materials are utilized on adjacent commercial and residential structures in the immediate area. These materials are durable and can be easily maintained given the small fields of application on the storefront. When used together, and with the integrated brick landscape planter, they create a street façade that is cohesive and interesting to view. The wood trash enclosure at the rear of the building facing Garfield also incorporates wood and metal to complement the storefront materials.

Both options for the rooftop mechanical locate the units on the back ½ of the building and on the lowest point of the bow-string truss roof. This placement will limit the

visibility of the units along the MLK frontage and integrate the units on this unique roof structure. *These guidelines have been 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 project restores the character of this boarded up commercial building in a manner that is cohesive, interesting and contributes to the active street-car era commercial buildings that line MLK Jr. Blvd. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION


Approval of exterior alterations to a single-story commercial building in a Design overlay and in the Albina Community Plan District including the following:

- New aluminum storefront system (black anodized) on the east façade with surrounding horizontal wood siding (stained dark brown) and light gray brick (color: harbor mist).
- Infill existing window and door openings on north and west facades with glass block and provide a new metal exit door on the west elevation.
- Extend the parapet along all facades finished with a metal cap and matching the existing painted concrete wall below.
- Re-stripe existing parking lot at the west end of the property that matches a previous approval and add a 4' x 16' covered trash enclosure comprise of cedar wood slats and corrugated metal shed roof.
- Two options for future rooftop mechanical units:
 - Option 1 - Two 41-1/8" tall units on the northwest edge of the roof
 - Option 2 - Two 33-7/16" tall units at the north roof edge and three 33-7/16" units along the south roof edge.

Per the approved site plans, Exhibits C-1 through C-18, signed and dated 4/22/14, 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 14-111211 DZ. No field changes allowed."

Staff Planner: Staci Monroe

Decision rendered by:  **on April 22, 2014**
By authority of the Director of the Bureau of Development Services

Decision mailed: April 24, 2014

About this Decision. This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on January 29, 2014, and was determined to be complete on March 10, 2014.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 29, 2014.

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 May 8, 2014** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved, the final decision 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 **May 9, 2014**.
- 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, 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 may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

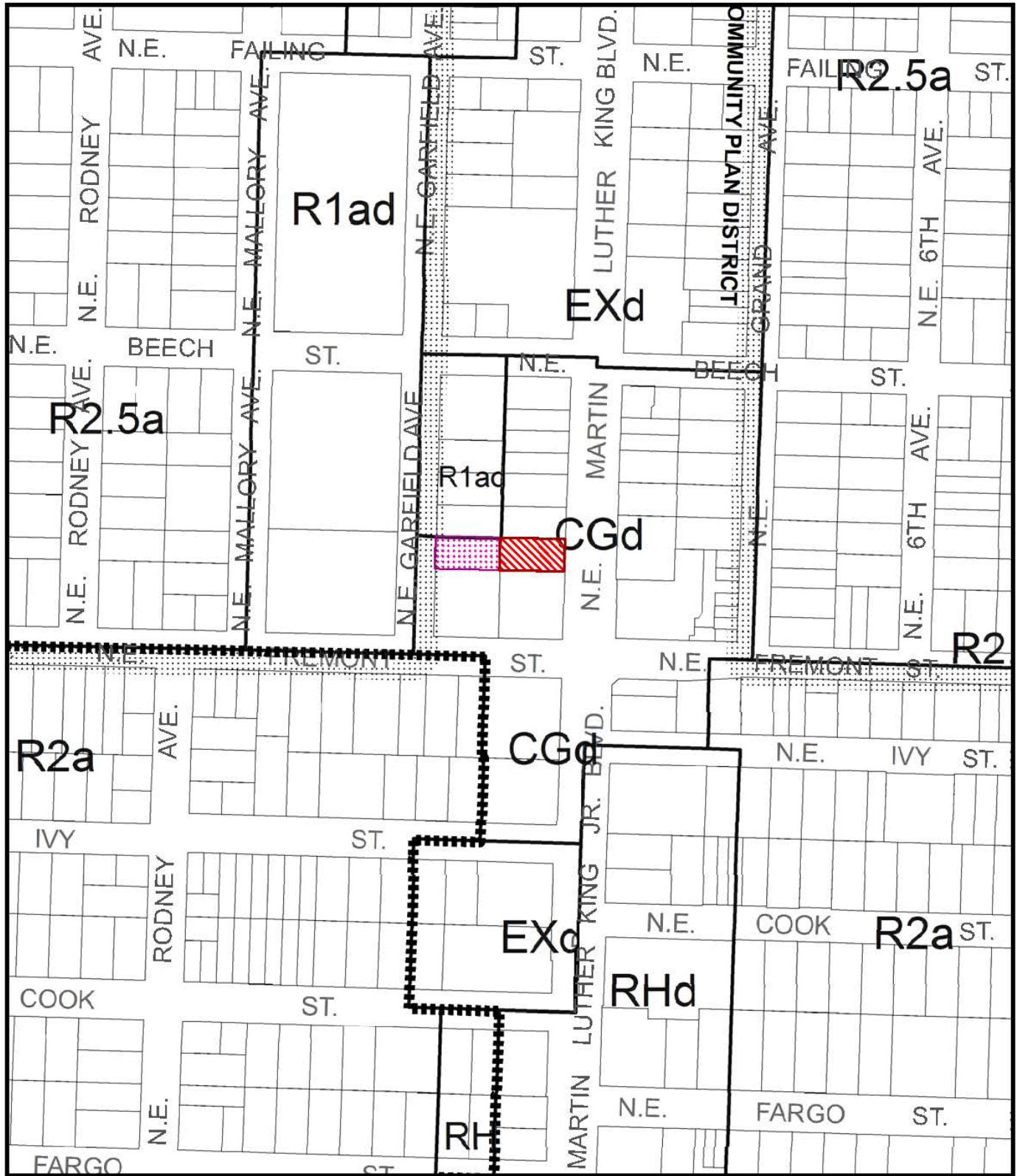
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Project Summary
 2. Applicant's Response to the Approval Criteria
- B. Zoning Map (attached)
- C. Plans/Drawings:

1. Existing Site Plan (attached)
 2. Existing Floor Plan
 3. Existing Roof Plan
 4. Existing East & South Elevations
 5. Existing West & North Elevations
 6. Existing Sections
 7. Proposed Floor Plan
 8. Proposed Roof Plan
 9. Proposed East & South Elevations (attached)
 10. Proposed West & North Elevations (attached)
 11. Proposed Sections
 12. Proposed Sections
 13. Detail Sheets
 13. Details Sheets
 14. Window/Wall Sections
 15. Storefront System Details
 16. Metal Door Details
 17. Light Fixture Cut Sheets (2)
 18. Rooftop Units Spec Sheets (2)
- D. Notification information:
1. Mailing list
 2. Mailed notice
 3. Mailing list of re-notice
 4. Mailed re-notice
 5. Returned Notice
- E. Agency Responses:
1. Plan Review Section of BDS
- F. Correspondence: none
- G. Other:
1. Original LU Application
 2. Site Photos
 3. Incomplete Letter dated 2/11/14
 4. Copy of Site Plan for Parking Lot from Building Permit 471133 (1972)

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



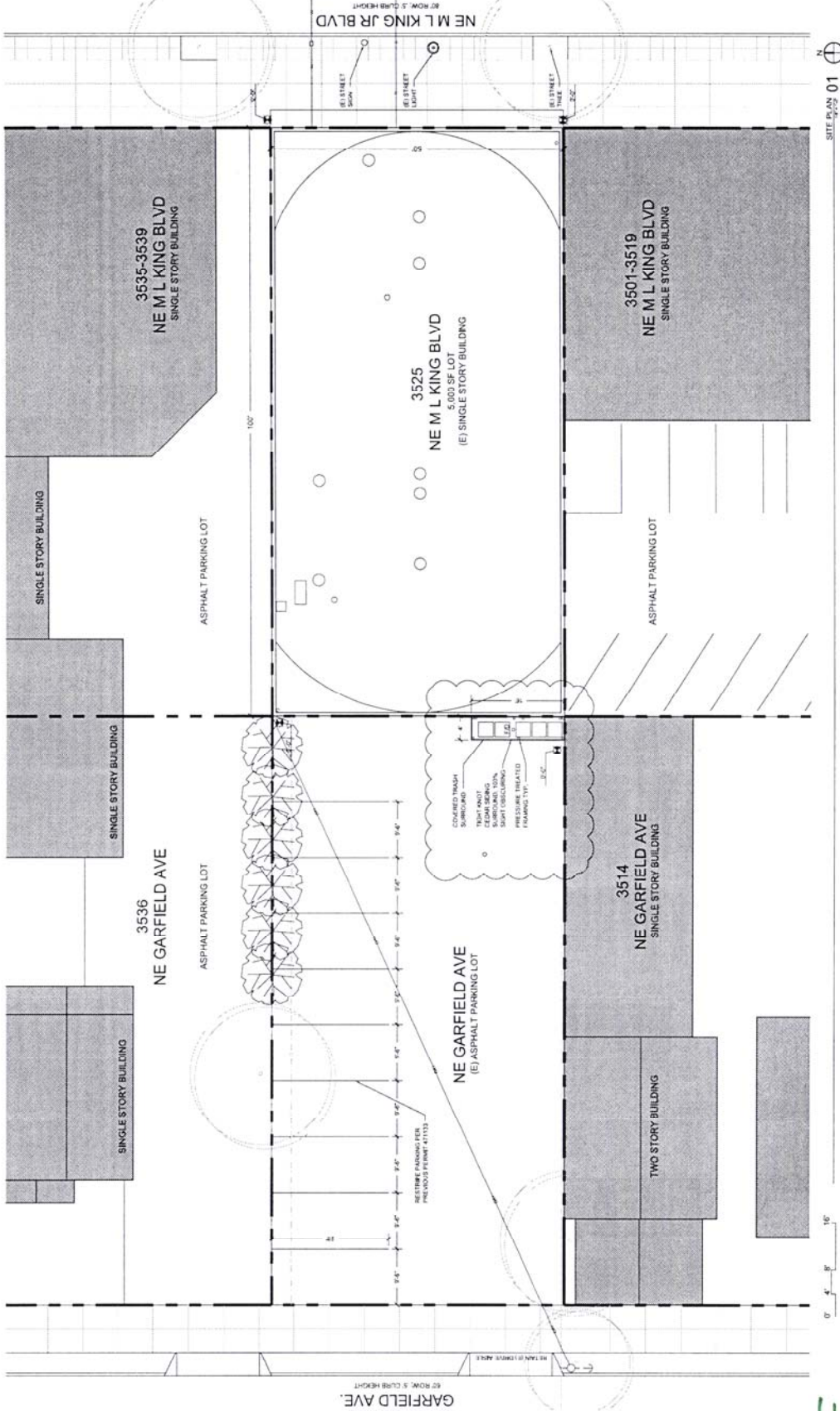
ZONING

-  Site
-  Also Owned



This site lies within the:
ALBINA COMMUNITY PLAN DISTRICT

File No.	<u>LU 14-111211 DZ</u>
1/4 Section	<u>2630</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E22DD 15100</u>
Exhibit	<u>B</u> (Feb 04, 2014)



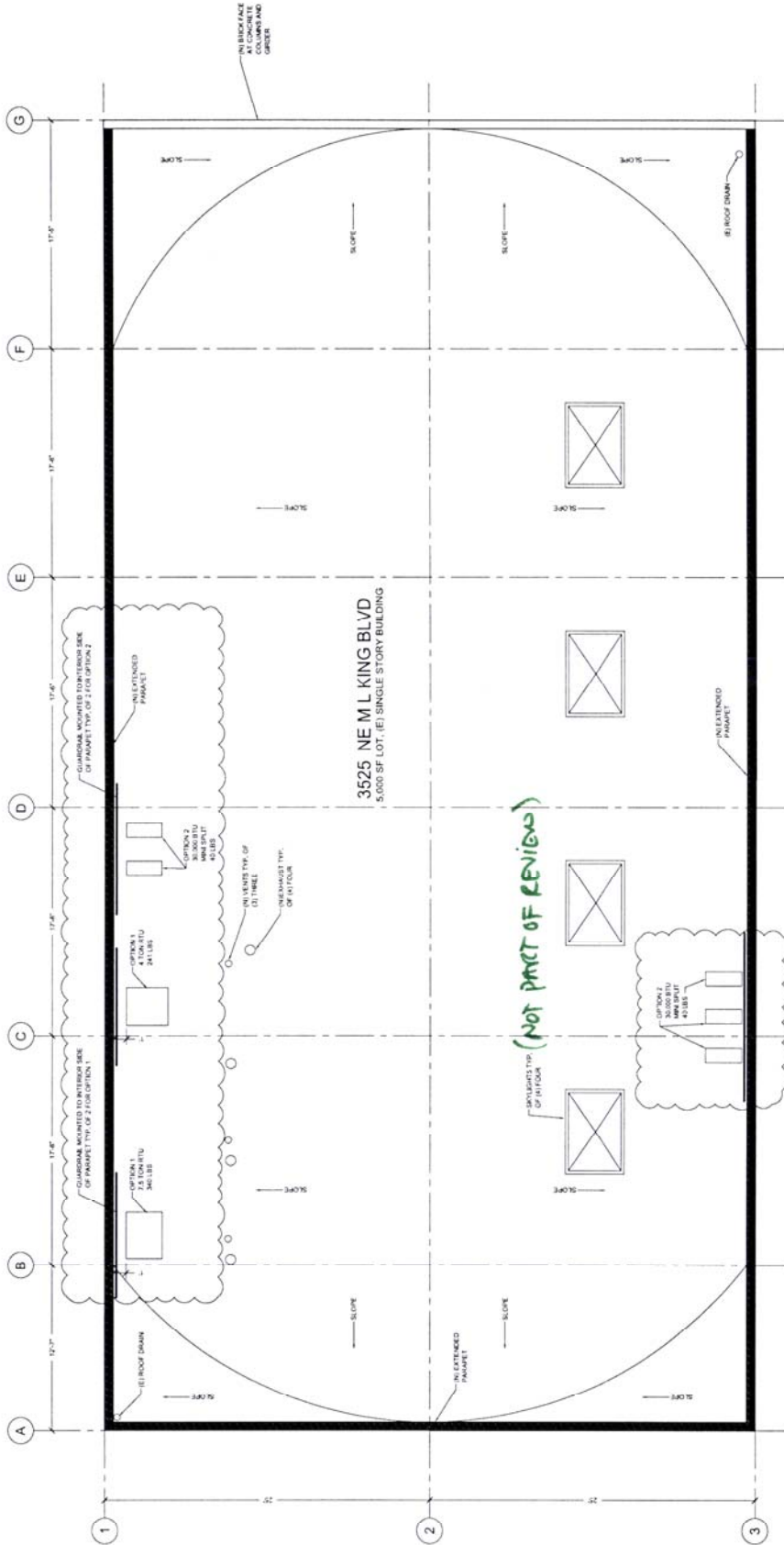
PROPERTY INFORMATION
 SITE ADDRESS: 3525 NE MARTIN LUTHER KING JR BLVD PORTLAND, OR 97212
 PROPERTY ID: 13-005-0010
 STATE ID: INT2220 11100
 LEGAL: ALBINO WASTE BLOCK 5, LOT 8

GENERAL NOTES
 1. EXISTING STORM WATER MANAGEMENT SYSTEMS WILL REMAIN THE SAME. THERE ARE TWO INLET MANHOLE LOCATIONS IN THE SOUTH EAST CORNER AND NORTH WEST CORNER OF THE BUILDING. THESE SHOULD BE SUBJECT TO THE CITY'S STORM WATER SYSTEM.
 2. ALL UTILITIES ARE TO BE MET ON THE SITE. THEREFORE, THE OWNER WILL PAY FOR ALL UTILITIES (ELECTRIC, WATER, GAS, SEWER) TO BE MET ON THE SITE.
 3. ALL UTILITIES ARE TO BE MET ON THE SITE. THEREFORE, THE OWNER WILL PAY FOR ALL UTILITIES (ELECTRIC, WATER, GAS, SEWER) TO BE MET ON THE SITE.

LEGEND
 -E- ELECTRIC SERVICE WIRE AND/OR ANCHOR
 -W- WATER SUPPLY LINE
 -G- GAS SUPPLY LINE
 -S- SEWER SUPPLY LINE
 -D- UNDERGROUND GAS SUPPLY
 -F- FOOTING DRAIN (SINK TO DRAIN)
 -L- LANDSCAPE TREE
 -C- CONCRETE CURB
 -P- PAVEMENT
 -S- STREET LIGHT
 -T- TREE

Approved
 Planner: *Julien*
 Date: 4/22/14
 City of Portland - Bureau of Development Services

W 14-1111-411 D2
 EX.C-1



ROOFTOP MECHANICAL

OPTION 1: (2) 41 1/8" TAU UNITS (CURBS NOT INCLUDED)

OPTION 2: (5) 33 7/16" TAU UNITS (" " " ")

- GENERAL NOTES (SCOPE OF WORK)**
1. THE DAGGETT BUILDING HAS A FLAT ROOF WITH AT LEAST FOUR INCHES OF INSULATION. CONCRETE WILL BE REBUILT.
 2. THE FLASHING AND REINFORCED AS REQUIRED SLOPE WILL BE MAINTAINED.
 3. PARAPETS AT THE NORTH, SOUTH, AND WEST FRONTY LINE WILL BE BUILT TO MEET CODE AND INTEGRATED INTO THE WEATHER BARBER SYSTEM.
 4. THE EXISTING STORM WATER MANAGEMENT SYSTEM WILL REMAIN THE SAME. THERE ARE TWO ROOF DRAINS LOCATED AT THE NORTHWEST CORNER OF THE BUILDING. THESE DRAINS WILL BE REBUILT TO MEET THE CITY'S STORM WATER SYSTEM.
 5. NEW ROOF DRAINS WILL BE INSTALLED IN PROPER STRUCTURAL COLUMNS PER FUTURE TIES.
 6. NEW VENT EXHAUST FAN, PER PLUMBING AND MECH. REQUIREMENT AND FUTURE TIES.

Planner: *SMW* Date: *4/22/14*

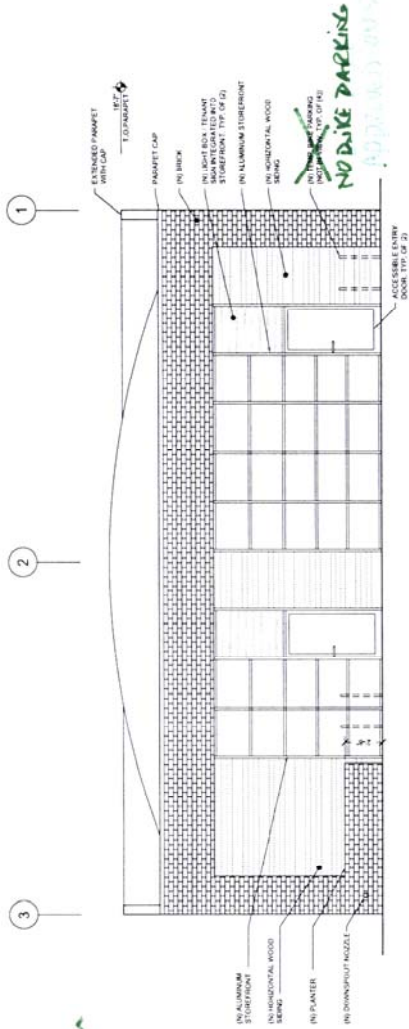
Approved: *[Signature]*

City of Portland - Bureau of Development Services

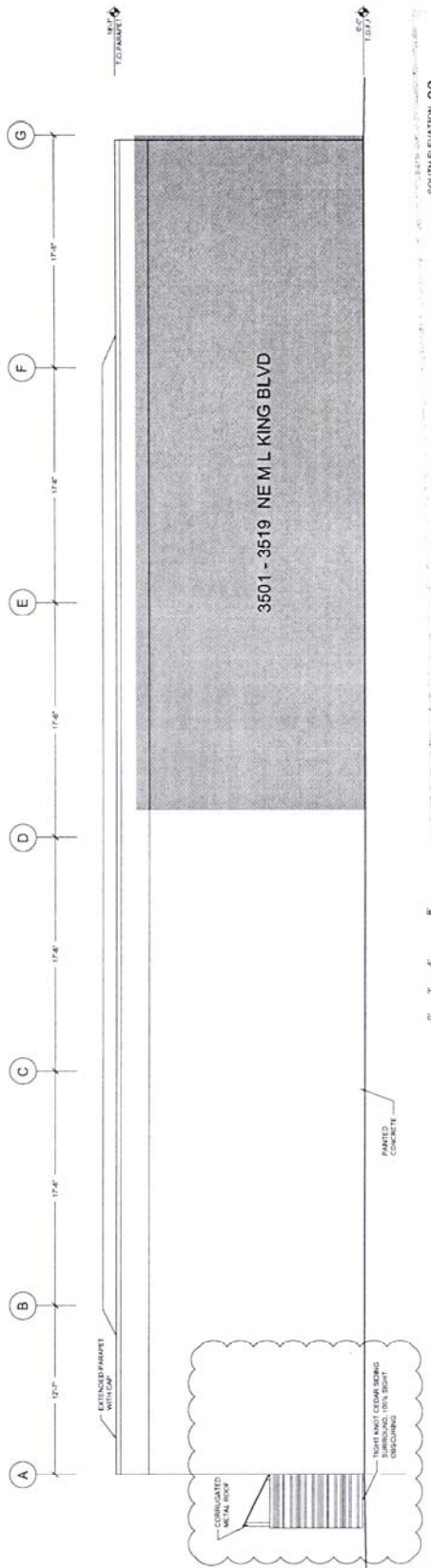
This approval applies only to the reviews requested and is subject to all applicable codes and regulations. Additional zoning requirements may apply.

W14-111211 DZ
 EX. C-8

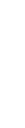
*BRICK - light grey (charcoal mist)
 WOOD - dark brown stain
 storefront - bronze aluminum*



EAST ELEVATION 01



EAST ELEVATION 01

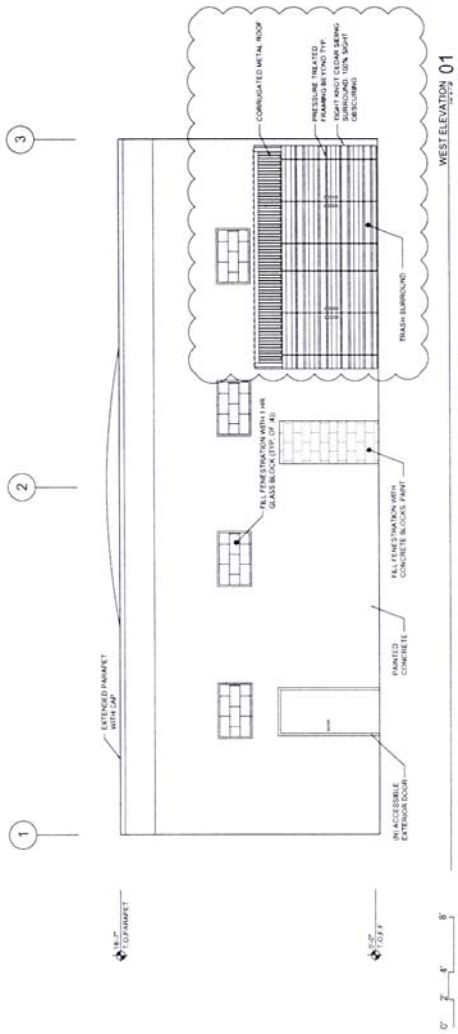


EAST ELEVATION 01

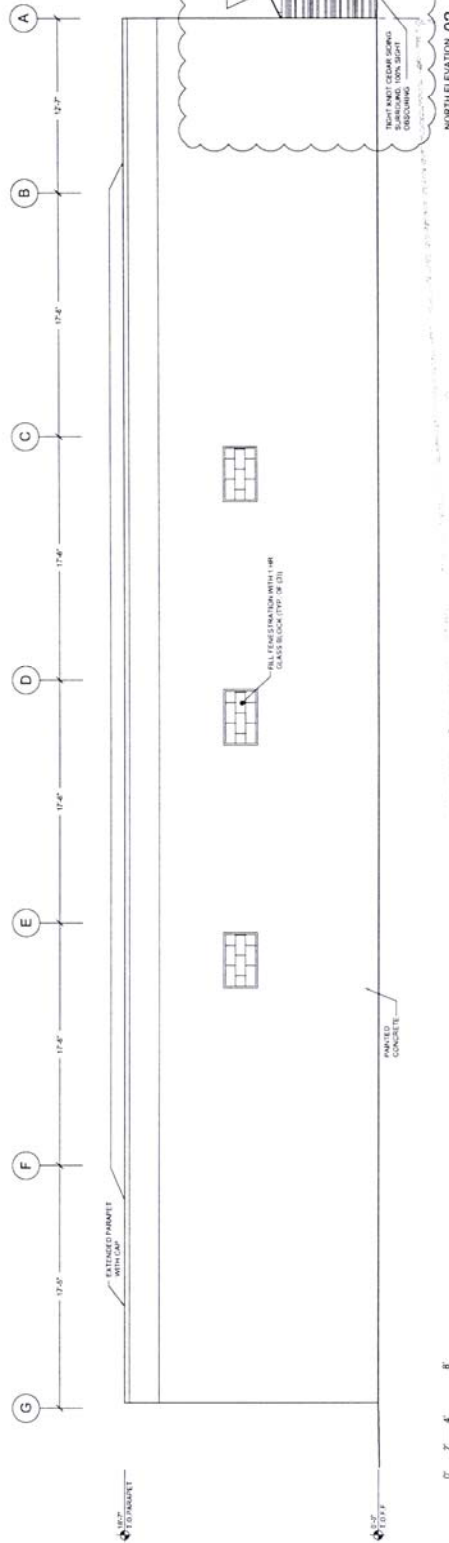


*LU 14-111211 02
 EX. C-9*

*City of Portland - Bureau of Development Services
 Planner: [signature]
 Date: 4/22/14
 This drawing is subject to all conditions, stipulations and is subject to all other drawings and specifications. Any changes to this drawing shall be made by a separate drawing. No part of this drawing shall be used for any other project without the written consent of the architect.*



WEST ELEVATION 01



NORTH ELEVATION 02

Planner: *Sullivan*
 Date: *4/22/14*
 This drawing is for informational purposes only. It is not to be used for construction. All dimensions and materials are subject to change without notice. The contractor is responsible for obtaining all necessary permits and approvals. The architect is not responsible for any errors or omissions in this drawing.

LU 14-111211 DZ
EX. C-10