



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

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**Date:** April 21, 2011  
**To:** Interested Person  
**From:** Tim Heron, Land Use Services  
503-823-7726 / [Tim.Heron@portlandoregon.gov](mailto:Tim.Heron@portlandoregon.gov)

## **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 11-115003 DZ** **GATEWAY AND HERITAGE MARKERS PROJECT**

#### **GENERAL INFORMATION**

**Applicant:** Irene Bowers, PDC  
222 SW Fifth Avenue  
Portland, OR 97209  
  
Dan Layden, PBOT  
1120 SW 5th Ave Rm 800  
Portland, OR 97204

**Representative:** Kathryn Krygier  
3345 NE 25th Ave  
Portland, OR 97212-2506

**Site Address:** Public Right of Way [ROW] at the interesection of NE Grand Avenue, NE Martin Luther King Jr. Boulevard and NE Hancock Street.

**Legal Description:** N/A  
**Tax Account No.:** N/A  
**State ID No.:** N/A  
**Quarter Section:** 2831  
**Neighborhood:** Eliot, contact Mike Warwick at 503-284-7010.  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Shoshana Cohen at 503-823-4575.

**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 Martin Luther King, Jr. Boulevard and Gateway Project (the Project) has two components:

- The Gateway Project (Gateway)
- The Heritage Markers Project (Markers)

The Gateway includes three Portland Bureau of Transportation (PBOT)-owned ROW parcels located at the confluence of NE Grand Avenue and NE Martin Luther King, Jr. Boulevard where the vehicular traffic transitions from one-way to two-way at NE Hancock Street. The three parcels include the following:

- A large triangular site (Triangular Parcel) bounded by NE Hancock Street and NE Grand Avenue
- A Median Parcel (Median Parcel) that divides NE Martin Luther King, Jr. Blvd. and Grand Avenue
- A remnant parcel in the north portion of Block 249 (249 Parcel)

The three parcels provide a gateway in and out of the North/Northeast neighborhoods. Vegetation, structural elements, two steel walls and a plaza create a coherent gateway composition. Two sinuous, perforated steel walls are the major gateway component, located on the Triangular Parcel and Median Parcel. The plaza, located on the Triangular Parcel, provides two points of entry for pedestrians on the east and west corners of NE Grand Avenue and NE Hancock Street, and NE Grand Avenue and NE Martin Luther King, Jr. Boulevard. Basalt stones accommodate informal seating in the plaza. Four Markers are also located in the Plaza.

The Gateway, located in the Albina Plan Area and the Eliot Neighborhood Association, is funded by the Portland Development Commission through Tax Increment Financing from the Oregon Convention Center Urban Renewal Area. Metro will maintain the project.

The Markers are vertical steel pylons, each displaying three interpretive panels. Four Markers, each 20 feet high, are located within the Triangular Parcel (Gateway Markers), and six more Markers, each 11 feet high, are located along NE Martin Luther King, Jr. Boulevard from NE Ainsworth Street to NE Russell Street (Boulevard Markers). Through their significant scale, photos and text of historic people, place or events, the Markers celebrate the diverse communities that have contributed to the North/Northeast neighborhoods.

The Boulevard Markers also are located in the Albina Plan Area and in four Neighborhood Associations, including Woodland, King, Boise and Eliot. The Piedmont Neighborhood also participated in the Project. One Boulevard Marker is located in the Eliot Conservation District (on NE Martin Luther King, Jr. Boulevard, on the north side of Russell St.). The Boulevard Markers are not funded at this time.

Because the proposal is for non-standard improvements in the right-of-way, design review is required.

**Relevant Approval Criteria:**

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

- Community Design Guidelines

## ANALYSIS

**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 that 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 and enhancement of areas of the City with special historic, architectural, or cultural value. New development and exterior modifications to existing development must meet the Community Design Standards (Chapter 33.218) or are subject to design review.

**Land Use History:** City records indicate there are no prior land use reviews for this site.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **March 10, 2011**.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **March 10, 2011**. Nine written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

In favor of the proposal

1. David Gradd, Chairman, Lloyd Transportation Management Association
2. George Bruender, NECN LUTC co-chair
3. Charles Boardman, King Neighborhood Association Chair

Concerns and/or objections to the proposal

4. Mike Warwick, Eliot Neighborhood Association
5. David Aulwes, Portland Pedestrian Advisory Committee
6. Steph Routh, Willamette Pedestrian Coalition
7. Doug Klotz, Neighbor
8. Shara Alexander, Neighbor
9. Active Right of Way.org
10. Jody Guth, Neighbor
11. Ted Buehler, Neighbor
12. Mike Warwick, Eliot Neighborhood Association

*Staff Response:*

Heritage Markers, plaza and gateway

Several issues raised in correspondence to staff were based on the relevant approval criteria and the scope of this review. Features included for this review are the markers, perforated steel wall features and other *non-standard* ROW elements located in the plaza. As these elements of the proposal are considered “non-standard improvements in the ROW” and are subject to Design Review approval. A detailed response to those concerns, primarily around the experience of a “Gateway” and a plaza at this location, are addressed in the Zoning Code Approval Criteria and Findings section below.

Additional sidewalks and pedestrian crossings

A primary objection of the letters received however, were regarding the lack of additional sidewalks and pedestrian crossings both to and within the larger triangular island of right-of-way. The addition of a new sidewalk area and crossings would be considered *standard improvements in the ROW* and not subject to Land Use review. Comments and concerns regarding additional sidewalk area and crossings have been forward to the PDC and PBOT for reconsideration.

*Applicant response:*

- The steel wall is located to provide a pedestrian with a feeling of safety from the high volume and fast paced vehicular traffic that passes by the Triangular Parcel. The perforations and variation in height of the steel wall panels provide a high level of transparency to so as not to disrupt sightlines. This encourages a pedestrian to linger in the plaza and appreciate the small open space and interpretive panels.
- PDC staff recently attended the Eliot Neighborhood Association meeting to discuss the design of the Gateway Project and pedestrian safety in particular.
- PDC staff and the Design Team will attend the Portland Pedestrian Advisory Committee on April meeting next week to further discuss pedestrian connectivity as it relates to this project.
- A public meeting to discuss the project and the quotations on the wall will be held on April 21, 2011.

- A second public meeting is tentatively scheduled for May 3, 2011 for those unable to attend the meeting on April 21st.

## **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 (d) overlay zoning; 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 by incorporating site and building design features that respond to the area's desired characteristics and traditions.**

#### **Findings:**

The Gateway and Heritage Markers Projects celebrate the unique characteristics of the North/Northeast neighborhoods. The Project originated in previous community planning efforts begun over a decade ago by area residents and business owners. The following Plans reflect some of the key desires and/or policy goals for the area:

##### **Albina Community Plan (1993)**

- Provide opportunities for people outside of the district to experience the positive characteristics of the Albina Community
- Strengthen the Albina Community's sense of place through the promotion of its art, history and culture
- Develop district and neighborhood gateways that mark the entrances in the Albina Community Plan area
- Improve the appearance of the boulevard and enhance the experience of pedestrians

##### **Eliot Neighborhood Plan (1993)**

- Develop a park as a gateway at or near the area bounded by NE Hancock Street, NE Broadway Street, NE Martin Luther King, Jr. Boulevard and NE Grand Avenue, including a memorial to Dr. Martin Luther King, Jr.

#### Martin Luther King, Jr. Boulevard Transportation Project (1998)

- Support the creation of gateways that enhance the distinctive identity of NE Martin Luther King, Jr. Boulevard
- Support elements contributing to a pedestrian friendly environment

#### Martin Luther King, Jr. Boulevard Strategy Update and Action Plan (2006)

- Highlight the image and commercial destinations on NE Martin Luther King, Jr. Boulevard
- Implement Albina Community Plan goal of creating gateway into inner North/Northeast neighborhoods north of Broadway

These desires are further delineated in the NE Martin Luther King, Jr. Boulevard Gateway and Heritage Markers Concept Master Plan dated September 2008. A 12-person Stakeholder Advisory Group authored the Plan for the Portland Development Commission (PDC) and PBOT. The three stated goals of the project are as follows:

- Create a clear threshold announcing the arrival into a unique neighborhood district
- Preserve, interpret and celebrate the diverse history of the area's cultural community
- Focus the Markers on local neighborhood stories

The character of the Albina Plan Area is reflected in these goals. The Project will be built with high-quality permanent building materials, distinct and significant landscape features and accentuated with the Markers as described below. *This guideline is therefore met.*

## **P2: Historic & 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:**

A majority of the Markers are near the Eliot Conservation District. One is in the District. The community goals supported by the Markers are as follows:

- Build on civic pride of residents
- Integrate the unique identity of adjacent neighborhoods
- Celebrate local heroes, history, everyday citizens and their stories
- Enhance the pedestrian experience
- Increase the educational value for residents and visitors

The Markers complement the Gateway by depicting historic images and information integrated into the Project and extending along NE Martin Luther King, Jr. Boulevard. The interpretive content for the Markers was gathered from the community through open houses and a local historian. The work generated about 60 stories that convey the following:

- The history of inner N/NE Neighborhoods from 1800's to 1980's
- The history of communities that call, or have called, the project area home, including Native American, Irish, Scandinavian, German Russian, Eastern European, and African American
- The themes of immigration and migration, activism and civil rights, commerce and transportation, ethnicity and race, and community-building

Some Markers are located near specific physical locations where the events they commemorate took place. Other Markers describe broader, non-site-specific stories. Considerations for Marker locations include visible sight lines for pedestrians and vehicles, integration with existing street furnishings, and placement near major east-west intersections.

Four Gateway Markers, each 20 feet high, are located within the Triangular Parcel, and six Boulevard Markers, each 11 feet high, are located along Martin Luther King, Jr. Boulevard from NE Ainsworth Street to NE Russell Street. They are shaped freestanding columns made of weathering steel plate. The interpretive panels are framed with stainless steel to set off the Markers to attract and reward easy viewing. Themes or Neighborhood Association names are precision-cut into the Heritage Markers, whose columns contain continuous LED lighting, which transforms the Markers into nighttime beacons. *This guideline is therefore met.*

### **P3: Gateways**

**Develop or strengthen the transitional role of gateways identified in adopted community and neighborhood plans.**

**Findings:** The Gateway aims to create a clear threshold announcing the arrival into and out of a unique neighborhood district. In fact, the site itself has long been identified as a gateway because the location constitutes a clear transition between the predominately commercial areas of the Lloyd District and the well-established neighborhoods and vibrant business district of North/Northeast Portland. Currently, a portion of the Gateway is landscaped with vegetation and artistic elements initially considered temporary when they were put in place over 10 years ago. Since then, these elements have weathered and have been vandalized. The Gateway finally will create a permanent entry that celebrates the diverse history of the area's cultural community and civic pride.

Three distinct properties flanking, either side of NE Grand Avenue as it merges with NE Martin Luther King, Jr. Boulevard create the foundation for the elements of the Gateway. Two lighted, sinuous steel walls, trees, vegetation, signage, and a plaza containing four 20-foot-high interpretive panels, build upon this foundation to create a unique portal for the district.

The two perforated walls of weathering steel provide the gate's vertical structure. The walls are located on the two main parcels of Right of Way and are bisected by vehicular traffic traveling north. This vehicular bisection is the Gateway's primary entry experience. People "move through" the Gateway in similar threshold experience as such archetypal gates as the New Chinatown/Japantown Gate located at NW 4<sup>th</sup> Avenue and Burnside in Portland.

Each Gateway steel wall is located specifically to be highly visible and artful as it rises from 16 inches at its lowest point to 7'-10" feet high at its highest. Viewed from various angles, the two layers of perforated steel create a shimmering moiré pattern that forms a backdrop to portions of Martin Luther King, Jr.'s "I Have a Dream" speech. At night, LED lights located in the base of the double wall add to its animated ambiance.

Japanese Zelcova trees, selected for their scale and stature, will be located adjacent to the two walls. The upward-arching form of the Zelcova broadens with age and will provide significant scale to the Gateway experience. At the ground plane, grasses and flowering perennials will provide color and texture on all of the properties in all seasons. *This guideline is therefore met.*

### **E1 Pedestrian Networks**

**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:** The Gateway improves Portland's pedestrian connectivity and creates a new destination point along with two new pedestrian crossings providing access to the plaza on the Triangular Project site. These crossings provide two points of entry into the Gateway plaza from the sidewalks east and west of the corners of NE Grand Avenue and Hancock Street, and NE Grand Avenue and NE Martin Luther King, Jr. Boulevard. The steel wall, trees and vegetation provide a buffer from the plaza and the high-speed vehicular traffic on NE Martin Luther King,

Jr. Boulevard. All of the pedestrian connections on the site have been designed to ensure pedestrian safety and ADA accessibility.

The Boulevard Markers enhance the pedestrian experience and also serve as a way- finding device along NE Martin Luther King, Jr. Boulevard. *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:** The plaza occupies the eastern edge of the Triangular Parcel site. Here, area residents can meet and sit for lunch while visitors can discover the stories of the area on the Markers. Large basalt stones under the tree canopies provide casual seating. The plaza itself creates a new path and destination point for N/NE residences. *This guideline is therefore met.*

### **E3: The Sidewalk Level of Buildings**

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

**Findings:** Not applicable to this project.

### **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 design of the Gateway Project provides visual interest, and the plaza activates a primary vehicular intersection.

The present streetscape of NE Martin Luther King, Jr. Boulevard has many visual elements already, including a variety of signage, lighting, transit stops and street furnishings. The Boulevard Markers are sited to avoid cluttering the furnishing zone; as noted above, location criteria for the Boulevard Markers include visible sight lines for pedestrians and vehicles, integration with existing street furnishings, and placement near to major east-west intersections. *This guideline is therefore 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.**

Not applicable to this project.

### **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.**

**Findings:** As noted above, the plaza occupies the eastern edge of the Triangular Parcel. Here area residents can sit for lunch while visitors can discover the stories of the area on the Markers. Large basalt stones located under the tree canopies provide casual seating. The plaza creates a new path and destination point for N/NE residences. It is designed to be easily accessible from the pedestrian-oriented sidewalks east and west of the corners of NE Grand Avenue and Hancock, and NE Grand Avenue and NE Martin Luther King, Jr. Boulevard.

The trees, ground plane plantings, bioswale, and steel wall provide a physical buffer from the high trafficked streets, creating a pleasant and safe environment. *This guideline is therefore met.*

**D2: Main Entrances**

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

Not applicable to this project.

**D3: Landscape Features**

**Enhance site and building design through appropriate placement, scale, and variety of landscape features.**

**Findings:** Landscape features are a primary Gateway component. Twelve Japanese Zelcova trees spanning the Triangular and Median Parcels enhance the Gateway and provide a significant structure and canopy in the plaza. Three Hogan Cedars located on 249 Parcel provide a backdrop to the Gateway. In addition, nine male Ginkgos located on the Median Parcel provide seasonal color and sculptural shape.

Grasses and flowering perennials are located in all areas of the Gateway Project except at the plaza. A stormwater bioswale located on the north side of the steel wall on the Triangular Parcel is planted with grasses and iris, and mimics the curve of the steel wall.

Sustainable strategies for the NE Martin Luther King, Jr. Blvd. Gateway and Heritage Markers Project focus on the use of durable and locally sourced materials, retention of valuable district green space, enhancement of the site's overall canopy cover and integration of stormwater best management practices.

Primary materials for the site include "Corten" steel for the site wall, integral colored concrete for the plaza and natural stone for seating elements. "Corten" was selected over painted steel for its durability and ability to naturally weather, limiting long-term maintenance. The material is also easily recycled when needed, avoiding the potential addition of painted steel to the permanent waste stream. Stone seating at the plaza is regional basalt that is also locally sourced and low maintenance. Colored concrete at the plaza integrates a "CHROMIX" color additive that contains approximately 95% recycled materials.

In a neighborhood with a modest distribution of green space, the Gateway Project retains a high percentage of pervious landscape (greater than 50%) and adds numerous tall shade trees that help combat the urban heat island effect. All stormwater is managed on-site with plaza grades directing surface sheet flow to a vegetated swale. The boulevard median, also included in the project site, is re-graded to reduce the existing sharp crown, encouraging infiltration in this vegetated zone. *This guideline is therefore met.*

**D4: Parking, Areas and Garages**

**Integrate parking, in a manner that is attractive and complimentary to the site and its surroundings. Locate parking, in a manner that minimizes negative impacts to the community and its pedestrians.**

Not applicable to this project.

**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:** All materials selected for the Project are extremely durable and vandal-proof. Steel and concrete are the primary building materials. Plant materials are low, so sight lines are open and safe. Light fixtures are not easily accessible. The steel wall and Markers have an applied anti-graffiti coating. *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.**

Not applicable to this project.

#### **D7: Blending into the Neighborhood**

**Findings:** The Gateway reflects its surroundings. The weathered steel of the sinuous wall and the Markers pays homage to the men and women who migrated to Portland to find work in the railroad and shipbuilding industries. The concrete plaza paving will be patterned in subtle greys, and additional sandblast texture in a quilted pattern will symbolize the diverse populations who have lived, worked and contributed to the fabric of this area of Portland.

The Project design also mitigates the great impact of the traffic to the plaza by buffering it with the steel wall. *This guideline is therefore 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 Project is designed to be rich and long lasting. Vertical elements are scaled appropriately to achieve the desired effect; at 20 feet in height, the Gateway Markers are designed to be visible from a distance. At 11 feet in height, the Boulevard Markers fit into the furnishing zone. The perforated steel walls, varying in height from sixteen inches to over seven feet, mold themselves to the land they sit upon. Lighting of the steel wall and the Markers provides richness by creating varying day and night experiences. Their symbolism adds meaning for the viewer; their weathered steel recalls generations of working, class culture in Portland. Brushed stainless steel highlights the signage and the interpretive panels to contrast with the weathered steel and add texture to the viewing experience.

On the ground plane of the Gateway, both hard and soft scape indicate pedestrian areas. The trees are of significant size and scale. The plant materials are simple but designed to feature the seasons. The visual experience is enhanced by unpredictable features such as the moiré patterns created by the perforated steel, and by vehicle lighting striking, the wall and edges of the steel signage. All of the Project elements are designed and detailed to provide visual interest and to be part of a permanent, cohesive composition whose appearance changes from day to night and winter to summer, but whose message remains constant, rich, and meaningful. *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.

### **ADMINISTRATIVE DECISION**

Approval of a new Gateway Plaza and Heritage Markers including vegetation, structural elements, two steel mesh walls, basalt seating and concrete plaza paving in the public Right of Way abutting NE Grand Avenue, NE Hancock Street and NE Martin Luther King, Jr. Boulevard;

Approval per Exhibits C-1 through C-15, signed and dated April 18, 2011, 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.15. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-115003 DZ . No field changes allowed."

**Staff Planner: Tim Heron**

**Decision rendered by:**  **on April 18, 2011**

By authority of the Director of the Bureau of Development Services

**Decision mailed: April 21, 2011**

**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 22, 2011, and was determined to be complete on **March 7, 2011**.

*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 22, 2011.

*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 5, 2011** 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](http://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 **May 6, 2011 – (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

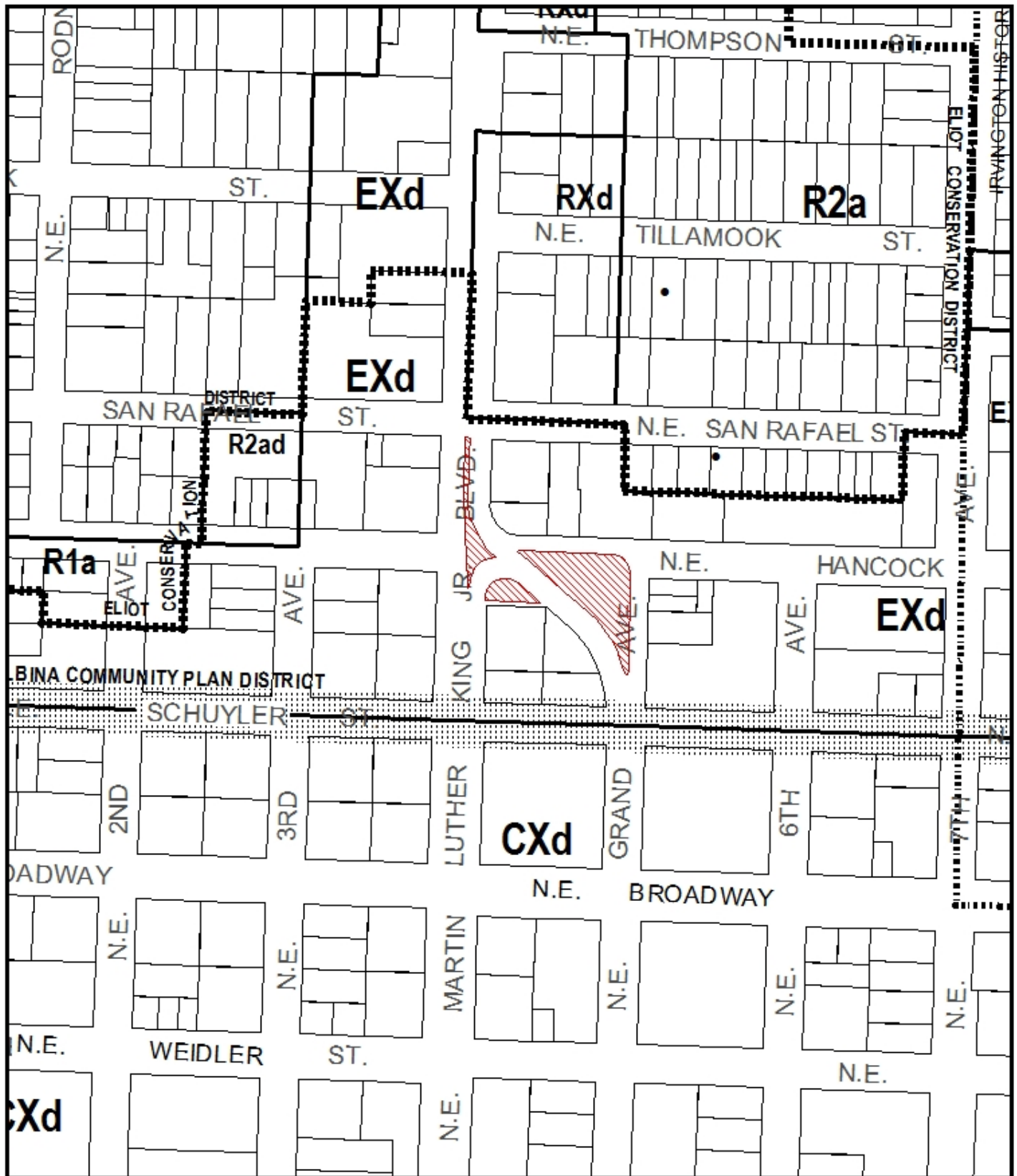
- A. Applicant's Statement
  - 1. Portland Bureau of Transportation Design Exception
  - 2. Portland Development Commission correspondence
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Vicinity Site Plan [attached]
  - 2. Enlarged Site Plan
  - 3. Planting Details
  - 4. Scale Model photos
  - 5. Gateway Plaza Sections [attached]
  - 6. Gateway Plaza Materials
  - 7. Gateway Site Mesh Wall
  - 8. Gateway Site Mesh Wall Text
  - 9. Gateway Heritage Marker Details [attached]
  - 10. Gateway Site lighting
  - 11. Gateway Rendering 1 [attached]
  - 12. Gateway Rendering 2
  - 13. Utility Site Plan 1
  - 14. Utility Site Plan 2
  - 15. Gateway Site Electrical Plan
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Transpiration
  - 2. Bureau of Environmental Services
  - 3. Water Bureau
- F. Correspondence:
  - In favor of the proposal
    - 1. David Gradd, Chairman, Lloyd Transportation Management Association
    - 2. George Bruender, NECN LUTC co-chair
    - 3. Charles Boardman, King Neighborhood Association Chair
  - Concerns and/or objections to the proposal
    - 4. Mike Warwick, Eliot Neighborhood Association
    - 5. David Aulwes, Portland Pedestrian Advisory Committee
    - 6. Steph Routh, Willamette Pedestrian Coalition
    - 7. Doug Klotz, Neighbor
    - 8. Shara Alexander, Neighbor

9. Active Right of Way.org
10. Jody Guth, Neighbor
11. Ted Buehler, Neighbor
12. Mike Warwick, Eliot Neighborhood Association

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. 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).**



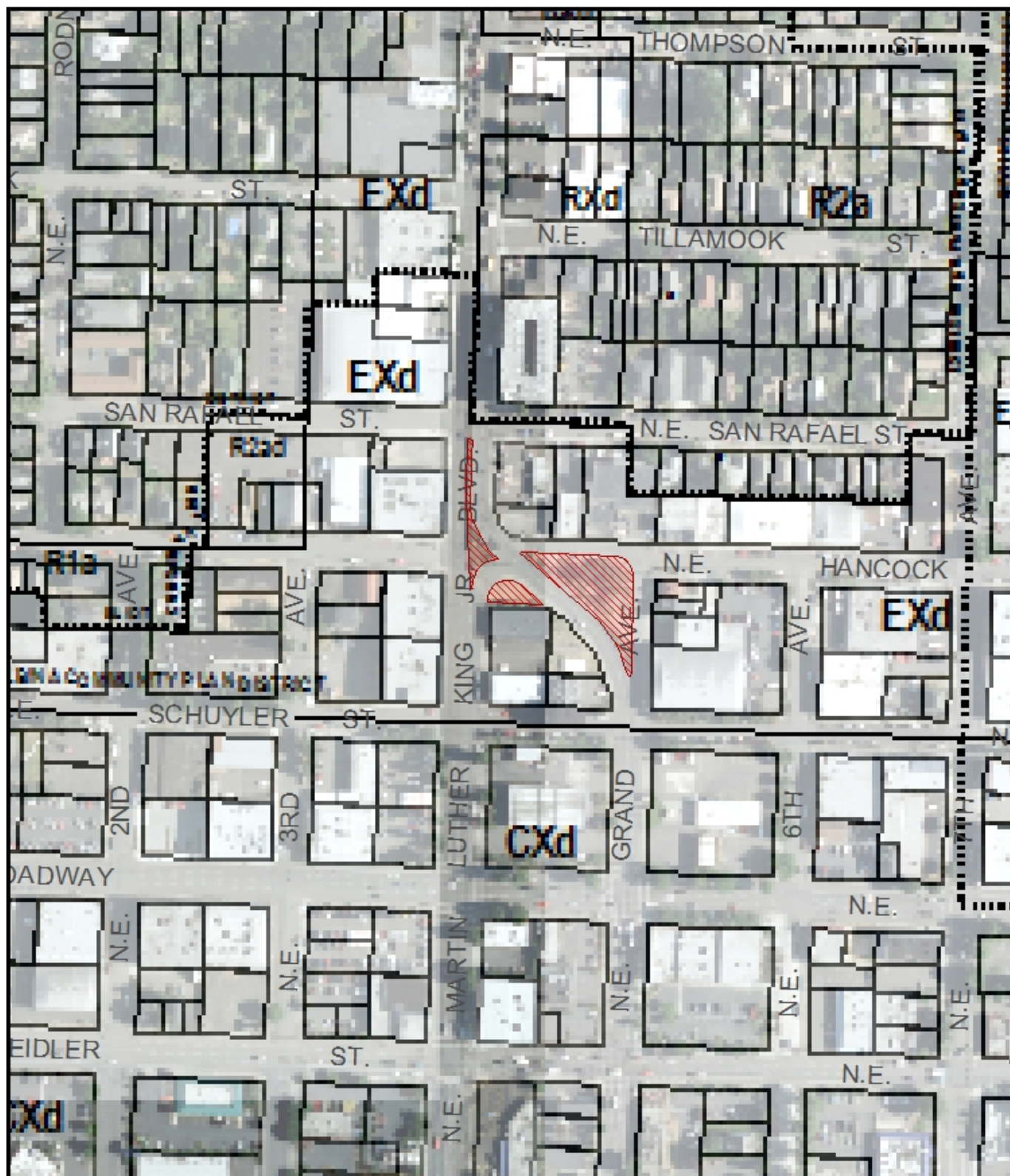
# ZONING



This site lies within the:  
ALBINA COMMUNITY PLAN DISTRICT

File No.	LU 11-115003 DZ
1/4 Section	2831
Scale	1 inch = 200 feet
State_Id	NONE
Exhibit	B (Mar 08,2011)





# ZONING



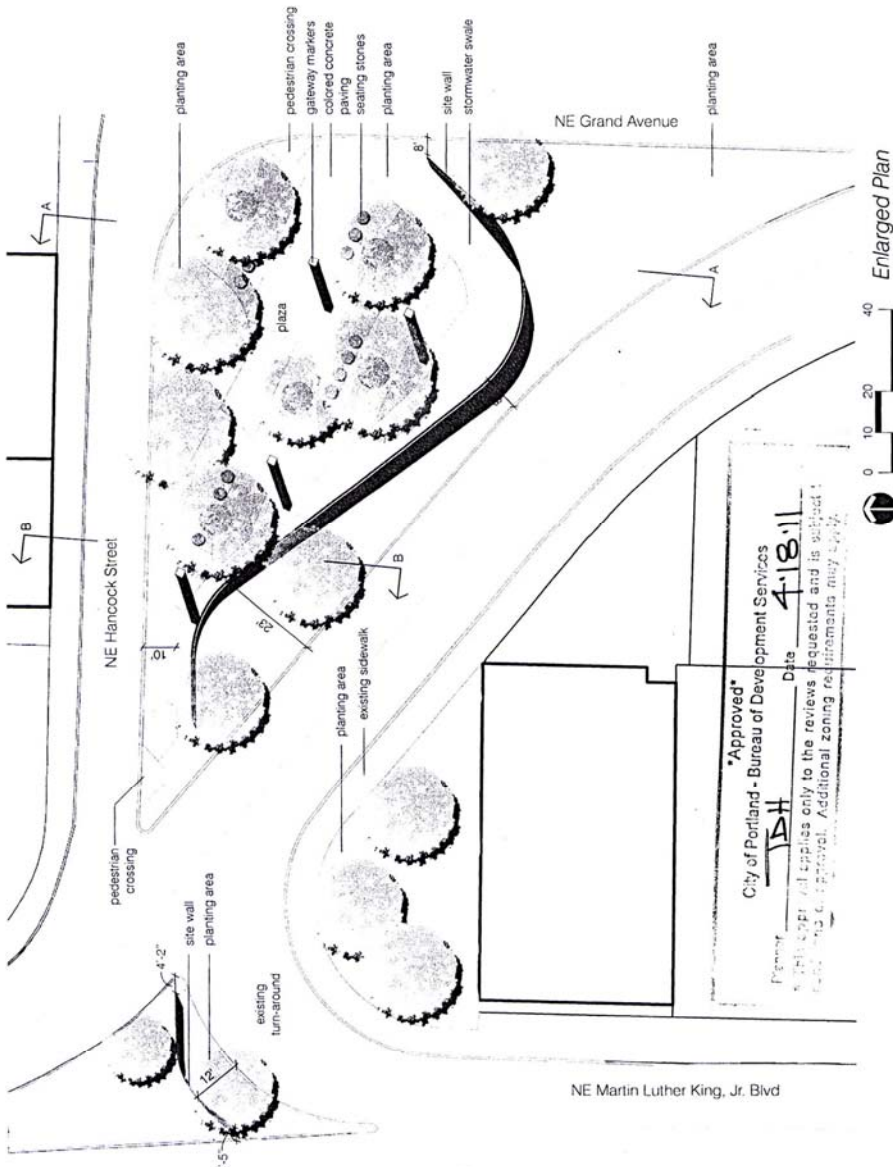
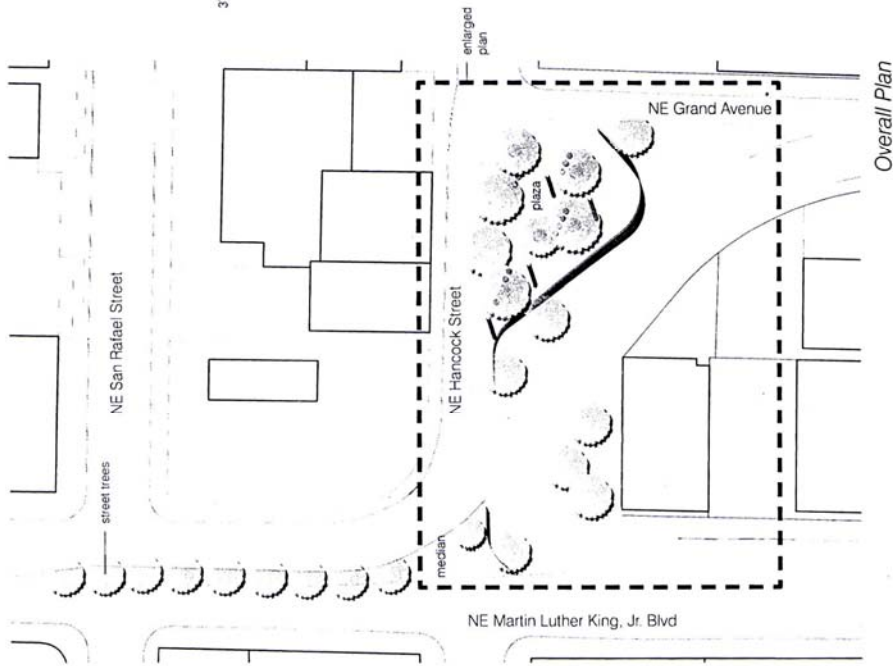
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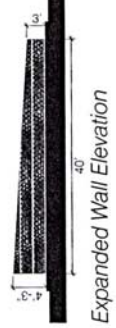
NORTH

This site lies within the:  
ALBINA COMMUNITY PLAN DISTRICT

File No.	LU 11-115003 DZ
1/4 Section	2831
Scale	1 inch = 200 feet
State_Id	NONE
Exhibit	B (Mar 08, 2011)

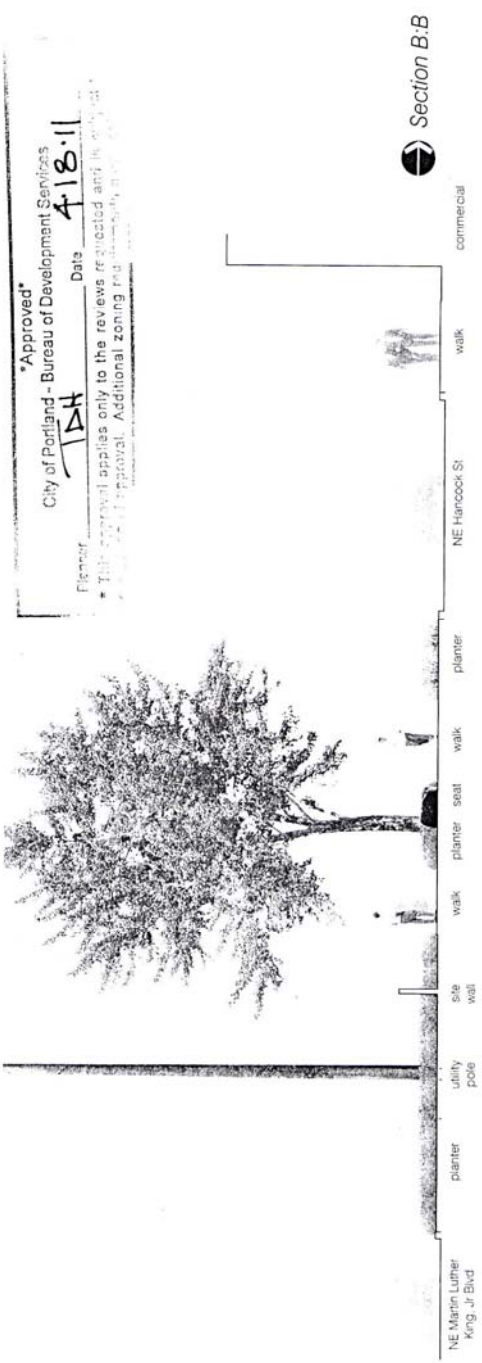
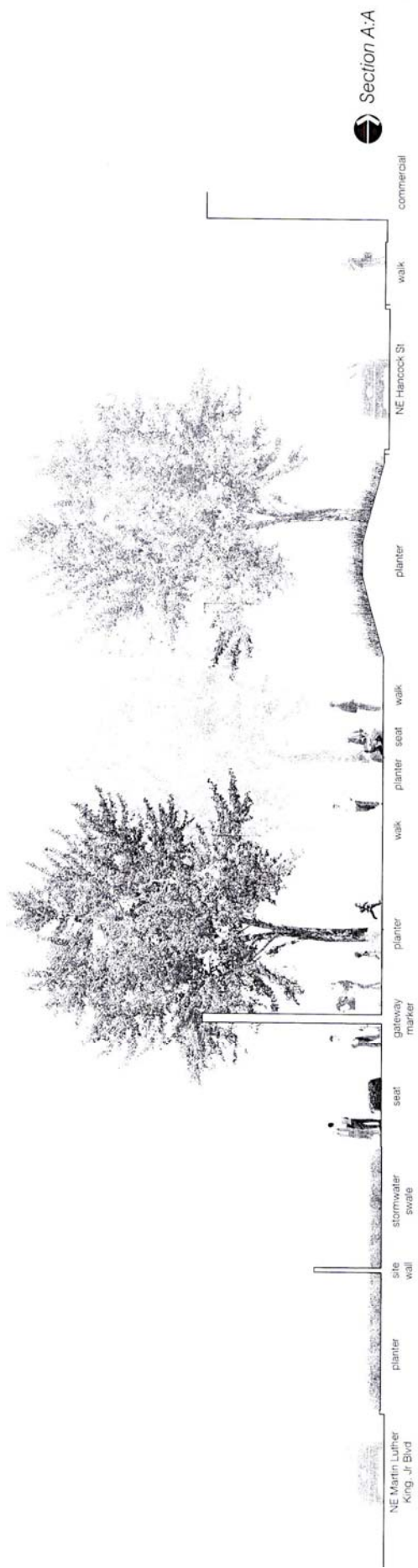


\*Approved\*  
 City of Portland - Bureau of Development Services  
 Project: 1244 Date: 4.18.11  
 This report applies only to the reviews requested and is subject to change without notice. Additional zoning requirements may apply.



Gateway Site Plan  
 LU 11-115003 AZ  
 EXH.C-1



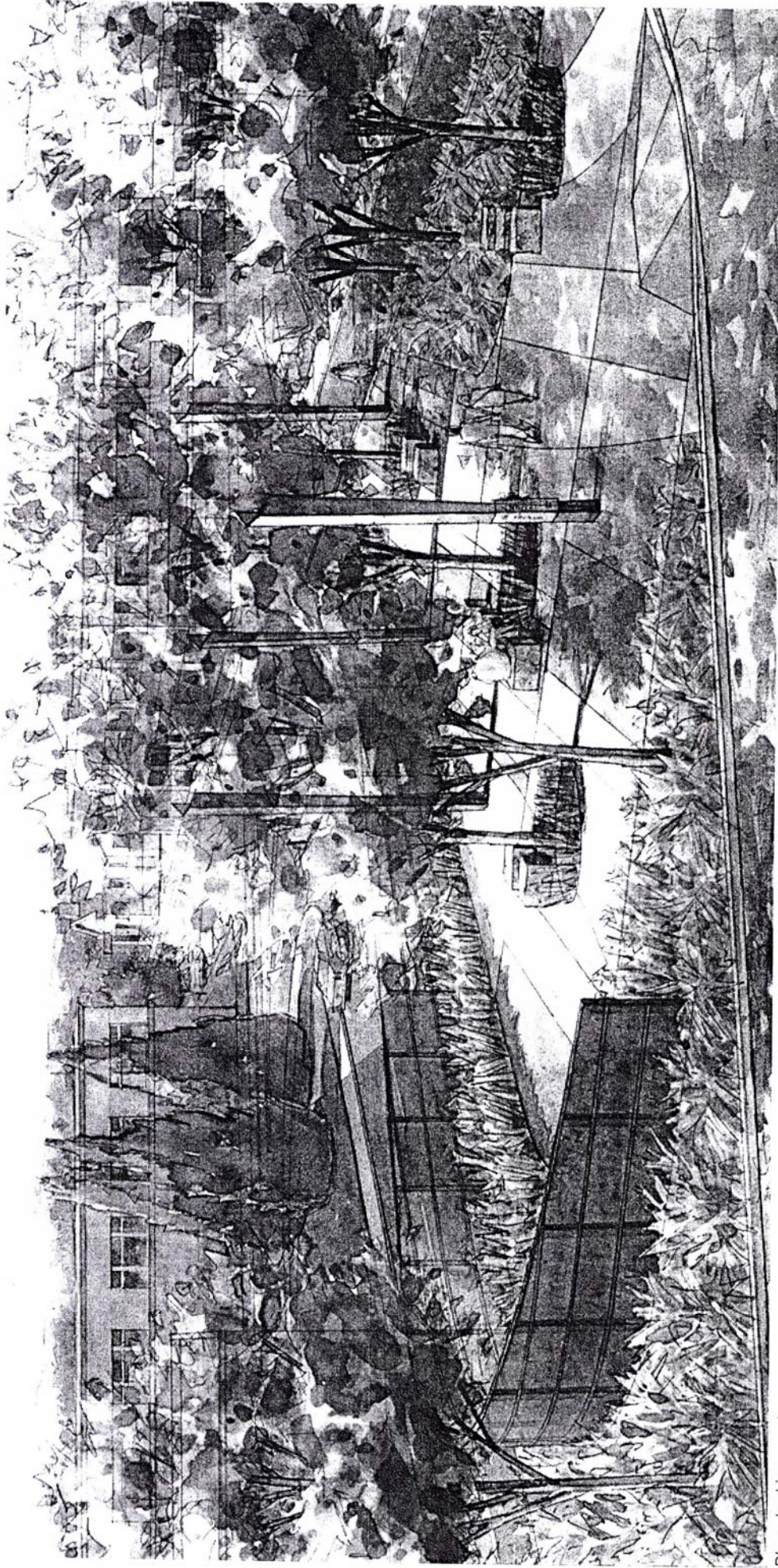


\*Approved\*  
 City of Portland - Bureau of Development Services  
 Date 4.18.11  
 Planner [Signature]  
 This approval applies only to the reviews requested and is not valid for any other project or additional zoning requests.

Gateway Plaza Sections  
 LU 11.115003 D2  
 EXH. C.5







Plaza looking west

"Approved"  
 City of Portland - Bureau of Development Services  
 Planner TGH Date 4.18.11  
 \* This approval applies only to the reviews requested and  
 does not constitute a guarantee of approval. Additional zoning requirements may apply.

Gateway Rendering  
 LU 11-115003 DE  
 EXH. C.11