



**REVISED STAFF REPORT AND RECOMMENDATION
 TO THE DESIGN COMMISSION**

CASE FILE: LU 13-192030 DZM
 PC # 13-111743
Burnside Bridgehead Block 67

REVIEW BY: Design Commission

WHEN: November 21, 2013 at 1:30 PM

WHERE: 1900 SW Fourth Ave., Room 2500A
 Portland, OR 97201

It is important to submit all evidence to the Design Commission. City Council will not accept additional evidence if there is an appeal of this proposal.

Bureau of Development Services Staff: Staci Monroe 503-823-0624 / staci.monroe@portlandoregon.gov

GENERAL INFORMATION

Applicant: Susan Barnes, 503-525-9315 / Skylab Architecture
 413 SW 13th Avenue, Suite 200 / Portland, OR 97205

Owners: Jeff Pickhardt / Key Development Corporation
 340 South Lemon Avenue / Walnut, CA 91789

City of Portland – PDC / Attn: Real Estate Dept
 222 NW 5th Ave / Portland, OR 97209

Jonathan Malsin / Beam Development
 1001 SE Water Avenue, Suite 120 / Portland, OR 97214

Site Address: **Block 67 btwn NE 3rd, NE 2nd, NE Couch & N Burnside and the vacated portion of NE Couch Street between NE 2nd & NE 3rd.**

Legal Description: BLOCK 67 LOT 3&4 TL 2000, EAST PORTLAND; BLOCK 67 LOT 3&4 TL 2100, EAST PORTLAND; BLOCK 67 LOT 5 EXC PT IN ST LOT 6, EAST PORTLAND; BLOCK 67 LOT 7&8 TL 2500, EAST PORTLAND; BLOCK 67 LOT 3&4 TL 2200, EAST PORTLAND; BLOCK 67 LOT 3&4 TL 2300, EAST PORTLAND; BLOCK 67 LOT 1&2 TL 2001, EAST PORTLAND, EAST PORTLAND, BLOCK 68 TL 2602

Tax Account No.: R226504190, R226504240, R226504250, R226504270, R226504280, R226504290, R226504200, R226504320

State ID No.: 1N1E34DA 02000, 1N1E34DA 02100, 1N1E34DA 02400, 1N1E34DA 02500, 1N1E34DA 02200, 1N1E34DA 02300, 1N1E34DA 02001, 1N1E34DA 02602

Quarter Section: 3030

Neighborhood:	Kerns, contact Steve Russell at 503-784-8785.
Business District:	Central Eastside Industrial Council, contact Peter Fry at 503-274-1415.
District Coalition:	Southeast Uplift, contact Bob Kellett at 503-232-0010.
Plan District:	Central City - Central Eastside
Zoning:	EXd – Central Employment zone with a Design overlay
Case Type:	DZM – Design Review with Modifications
Procedure:	Type III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

Proposal:

Design Review for a mixed-use 206' tall building; 16 stories of apartments (276 units) over 5 story podium with retail and office space (19,709 SF) and parking garage with 200 spaces. An alternative design is proposed for a tower of similar height (195') but less stories and residential units; 13 stories of apartment (222 units) over 5 story podium (same amount of retail and parking spaces). The 32,470 SF block is exceeding the 9:1 allowed FAR by utilizing the residential floor area bonus allowed per Section 33.510.210.C for up to an additional 3:1 FAR. The total FAR is 10.51:1 for the 21-story building and 9.22:1 for the 18-story building, both well below the 12:1 allowed.

The project would encompass all of Block 67 and a portion of the Couch Street Pedestrian Plaza (vacated Couch Street) abutting the block to the north. The redesign of the western half includes removing the existing driveway to the parking lot to the north and providing a plaza with raised landscape planters and seat walls and short-term bike parking. An elevated dock with a canopy is proposed along the majority of the NE 2nd frontage. The covered dock includes ramps and stairs at both ends, landscape planters and a railing. A pet walk is proposed at the ground level along the southeast end of the building with a metal gate and landscape screening. Garage entry points are located at the south end of the project along 2nd (2-way) and 3rd (1-way) Avenues. The residential entry is proposed at the north end off of the Couch Street Plaza, with commercial storefronts and entries off of NE 2nd and 3rd. The podium roof above the 5th floor would contain 8,380 SF of commercial space, enclosed and outdoor amenity space for the residents and a 9,327 SF eco-roof. Long-term bike parking (416 spaces) would be provided in the parking garage and in the residential units. The short term spaces (19) are proposed near the main entrance on the north side and along NE 3rd Avenue.

The building's podium base is comprised of board formed concrete, metal panels and an anodized aluminium window wall system. The podium window wall system will be accented on the interior with metal mullions and with 6" deep angled metal mull caps on the exterior. Along the exposed parking garage levels, a screen wall to naturally ventilate the garage consists of perforated metal panels of varying perforation densities, open slots and sandrel glass. The tower façade is comprised of a similar anodized aluminum window wall system with spandrel and metal panels to create a graded pattern that gets more transparent on the upper floors of the tower.

The following Modifications are requested:

1. Loading Space (Section 33.266.310.C) - Provide 3 small (9' wide x 18' long x 10' vertical clearance) loading spaces within the podium garage instead of 1 large required loading space.
2. Height (Section 33.510.205.B) - Exceed the 200' height limit by 6' for a sloped parapet.
3. Ground Floor Windows (Section 33.140.230) - Not provide ground floor windows

along Burnside at the finished grade level below the bridge deck.

4. Bike Parking (Section 33.266.200.220.A) - To not locate the 19 required short-term bike spaces within 50' of the main entrances on all facades.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines
- Central Eastside Design Guidelines
- Modifications Through Design Review – Section 33.825.040

ANALYSIS

Site and Vicinity: Block 67 is located immediately north of the Burnside Bridge and is bounded by NE 2nd and NE 3rd Avenues to the west and east, respectively. The recently constructed Couch Street Pedestrian Plaza, which was part of the Convention Plaza remodel to the north, fronts its northern edge. The block is developed with a surface parking lot on its western half and bare land on the eastern half where a building was demolished in the recent past. Surrounding development includes the Burnside Skate Park under the Burnside Bridge and a surface parking lot to the south. The Convention Plaza (now known as the Exchange Building) and its associated parking are to the north. Industrial, warehouse and distribution uses operate west of the site and further north and south in this freight district. Commercial development exists east of the site along NE MLK Jr. and NE Grand.

The site is part of the Burnside Bridgehead redevelopment area; in 2010, the Portland Development Commission generated a Framework Plan for this key site. The site sits at the intersection of the Willamette River and Burnside Street and stands at the threshold of becoming a vibrant center of life and commerce and a critical link between the Eastside and the Westside of Portland's Central City. Beginning on the northern edge of the Burnside Bridge the site is geographically and historically connected to the major commercial and industrial arterial for the region, the Willamette River. The surrounding vicinity includes light industrial, restaurants, start-up businesses, and is undergoing infrastructural investments of the East Burnside/Couch couplet and Streetcar Loop.

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

The Design Overlay [d] zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The Central City Plan District implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation management Plan. The Central City plan district implements portions of these plans by

adding code provisions which address special circumstances existing in the Central City area. The site is within the Central Eastside Subdistrict of this plan district.

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

- CU 062-84: A 1984 Conditional Use approval to allow the conversion of the Bridgeport Hotel building to office use.
- CU 062-85: A 1985 Conditional Use approval to add commercial uses (offices) to an existing building.
- LU 06-103735 ZC: A 2006 Zoning Map Amendment approval to change the zoning from IG1 (General Industrial 1) to EXd (Central Employment with a Design overlay)
 - Condition A was met by Portland Development Commission's contribution to the Burnside Couch LID.
 - Condition B has been met by the proposal as it does not exceed the base allocation and maximum allocations of land uses indicated in the table as demonstrated in Exhibit C-128.
 - Condition C has been met and compliance is documented in the Trip Generation Table on Exhibit C-129.
 - Condition D is not triggered since the prior Conditions A through C have been met.
- LU 10-195642 DZM: A 2010 Design Review approval with modifications for the renovation of the existing building (Convention Plaza), new hardscaping and landscaping to create a series of pedestrian plazas, pathways and stormwater management facilities.
- LU 12-148844 DZ: A 2012 Design Review approval to amend the previous 2010 Design Review approval to revise the grading of the west surface parking lot, stormwater planters, complete redesign of the Couch Street Plaza, and changes to the Convention Plaza building to the canopies, entries, roof deck, walkway and stairs.
- EA 13-111755 DA: In its early design stages, the project had two Design Advice meetings with the Design Commission. The comment received during both meetings are summarized in Exhibits G-4 and G-5. Discussion of specific comments and how they relate to the current proposal can be found in Section 2 of this report.

Agency Review: A "Notice of proposal in Your Neighborhood" was mailed on November 1, 2013. The following Bureaus have responded with no issue or concerns:

- Water Bureau (Exhibit E-1)
- Fire Bureau (Exhibit E-2)
- Plan Review Section of BDS (Exhibit E-3)
- Bureau of Transportation Engineering and Development Review (Exhibit E-4)

The Bureau of Environmental Services has provided the following preliminary response that does not recommend approval at this time (Exhibit E-5):

- BES has reviewed the applicant's information regarding the foundation design and its relationship to the Eastside CSO Tunnel and the restrictions that are outlined in the existing Tunnel Easement on this property. As of this date, the applicant has not adequately shown that the foundation can either remain entirely outside of the restricted area described in the Tunnel Easement document; or, if it will encroach, that it will not jeopardize the integrity of the tunnel.
- To review the proposal, BES will need to see additional investigation, mapping, and analysis of potential load on the tunnel. In addition, BES will consult with the designers of the tunnel regarding any encroachments.

- Staff recommends that this work be completed prior to project approval by the Portland Design Commission. If it is not, staff will not be able to recommend approval of this application, and the applicant will be at risk that the project may need to change at a later date in order to ensure that this critical public asset is protected. In that case, it is possible that additional Design Review may be required for any changes that are necessary.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 1, 2013. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Doug Klotz, October 27, 2013, stating concerns with the proposed loading dock on NE 2nd regarding privatization of the public sidewalk and its function, ADA accessibility, and a continuous treatment of sidewalk and street trees along NE 2nd.

Staff Response: Transportation provided the following response to address the written concerns:

- The Central Eastside Street Plan allows loading docks on SE 2nd. If they are active docks, they do not have to meet ADA. The Burnside Bridgehead is proposing a pedestrian dock that must be ADA accessible. The street plan does not appear to have adopted pedestrian dock standards like we have on NW 13th. Transportation has required the dock be ADA accessible on both ends since the Central Eastside Street Plan intended this block of SE 2nd to be a shared facility with all modes in the roadway. There will be no on-street parking adjacent to this dock because the trucking firm across the street (west) needs all the roadway width for maneuvering. With the EX zoning on this block north of Burnside, it also appears that standard industrial uses on the west side of 2nd Ave must anticipate the change in land uses allowed on the east side. By making the new dock ADA accessible on both ends, it should function much better than the docks on NW 13th where the ADA requirement only applies to one end of the dock.
- No street trees will be required. With the 11' wide pedestrian dock, tables and chairs would be allowed per the Sidewalk Café standards and continue to provide a 6' clear pedestrian through zone using the space in the furnishing zone to meet some of that requirement.

ZONING CODE APPROVAL CRITERIA

DESIGN REVIEW (33.825)

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 the site is located generally within the Central City Plan District, the applicable design guidelines are the Central City Plan Fundamental Design Guidelines. As the site is also specifically located within the Design Zone of the Central Eastside District, the Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan also apply.

Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan and Central City Fundamental Design Guidelines

The Central Eastside is a unique neighborhood. The property and business owners are proud of the district's heritage and service to the community and region. Light industry, distribution/warehousing, and transportation are important components of the district's personality. To the general public, retail stores and commercial businesses provide the central focus within the district.

The underlying urban design objective for the Central Eastside is to capitalize on and emphasize its unique assets in a manner that is respectful, supportive, creative and compatible with each area as a whole. Part of the charm and character of the Central Eastside District, which should be celebrated, is its eclectic mixture of building types and uses. An additional strength, which should be built on, is the pattern of pedestrian friendly retail uses on Grand Avenue, East Burnside and Morrison Streets, as well as portions of 11th and 12th Avenues.

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

Central Eastside Design Goals

The following goals and objectives define the urban design vision for new development and other improvements in the Central Eastside

- Encourage the special distinction and identity of the design review areas of the Central Eastside District.
- Provide continuity between the Central Eastside and the Lloyd District.
- Provide continuity between the Central Eastside and the river, downtown, and adjacent residential neighborhoods.
- Enhance the safety, convenience, pleasure, and comfort of pedestrians.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven Central City policy areas. The nine goals for design review within the Central City are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the

Central City as a whole;

6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

A1. Integrate the River. Orient architectural and landscape elements including, but not limited to, lobbies, entries, balconies, terraces, and outdoor areas to the Willamette River and greenway. Develop accessways for pedestrians that provide connections to the Willamette River and greenway.

Findings: The close proximity of Block 67 to the Willamette River establishes the project as a new architectural anchor to the eastside Burnside Bridgehead. The project addresses this proximity in the massing and orientation of the amenity level spaces and residential tower toward the dynamic views up and down the river. The podium levels vary and have been designed to respond to the original topography of the site, which slopes down from east to west towards the river. The outdoor space on the western half of podium rooftop includes a number of amenities oriented towards the river, including amphitheater seating deck, fire pit, lounge chairs and outdoor kitchen and dining area. The landscaping and trees on the podium incorporate green elements associated with the river environment while maintaining unobstructed views to the river from the amenity space. *This guideline has been met.*

A2. Emphasize Portland Themes. When provided, integrate Portland-related themes with the development's overall design concept.

A2-1. Recognize Transportation Modes, Produce, and Commerce as Primary Themes of East Portland. Recognize and incorporate East Portland themes into a project design, when appropriate.

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

A5. Enhance, Embellish, and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

A5-3. Plan for or Incorporate Underground Utility Service. Plan for or Incorporate Underground Utility Service to development projects.

A5-5. Incorporate Water Features. Enhance the quality of public spaces by incorporating water features.

Findings for A2, A2-1, A4, A5, A5-3 and A5-5: The project includes several features that relate to Portland's built environment and cultural themes. The raised dock along NE 2nd is a nod to the active freight district, in which the site is located, and reflects the character within the right-of-way along NE 2nd and NE 3rd to the south. The conversion of the older docks into places for people rather than deliveries is a common theme in the older industrial areas such as NW 13th Avenue. The large canopy that extends over the dock and above the entries on the north and east facades are also common elements found in the right-of-way. Both electrical transformers will be placed in underground vaults below the sidewalk on NE 3rd, to maintain the unobstructed, pedestrian-oriented character desired in this urban area. The stormwater planters both in the Couch Street Pedestrian

Plaza and atop the podium are also typical Portland features given our climate. The series of raised food crop planters atop the western portion of the podium relate to the history of produce commerce in the inner east side and with the food, sustainable and do-it-yourself culture of our community. *These guidelines have been met.*

A3. Respect the Portland Block Structures. Maintain and extend the traditional 200-foot block pattern to preserve the Central City’s ratio of open space to built space. Where superblock exist, locate public and/or private rights-of-way in a manner that reflects the 200-foot block pattern, and include landscaping and seating to enhance the pedestrian environment.

A7. Establish and Maintain a Sense of Urban Enclosure. Define public rights-of-way by creating and maintaining a sense of urban enclosure.

Findings for A3 and A7: The proposed full block development helps to visually re-establish the original 200’ foot block structure of the area that existed before Couch Street to the north was vacated. This project, combined with the development of the Couch Street Pedestrian Plaza undertaken by the Convention Center Plaza building (now the Exchange Building) to the north, reflects the traditional block structure in Central City. The 5-story podium proposed to the edges of the right-of-way on all four sides maintains the sense of urban enclosure that exists in this dense industrial portion of the inner east side. *These guidelines have been met.*

A8. Contribute to a Vibrant Streetscape. Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings’ active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

Findings: The sloped and stepped nature of the site establishes different sidewalk grades and elevations at all four facades of the project, one of which is at the elevated level of the bridge deck. The project takes advantage of these spatial relationships by creating visual and physical connections into the building’s active interior spaces from adjacent sidewalks. Pedestrians, vehicles and cyclists will have views to the vibrant eco-roof and amenity level retail and terrace while additional distributed retail spaces activate the street fronts along NE 2nd and 3rd Avenues. The main building entry with its large sculptural canopy located on the Couch Street Pedestrian plaza takes advantage of the increased landscape area to create a gracious arrival and active pedestrian path. *This guideline has been met.*

A9. Strengthen Gateways. Develop and/or strengthen gateway locations.

Findings: Block 67 is seen as a gateway project between the Central City West side and Central East side neighborhoods. Block 67’s location and prominence on the east side skyline will anchor a vibrant and emerging neighborhood. The Burnside Bridgehead is an opportunity to enhance the Burnside corridor as a rich pedestrian experience rather than purely vehicular. Bringing residential and commercial space to the area will greatly enhance the activity and use of the neighborhood along with the day and night activity of the ground floor retail spaces. The building’s design and material palette will compliment the surrounding neighborhood while bringing a much needed freshness with its green and pedestrian scale elements at ground level along NE 3rd and 2nd Avenues, humanizing the experience. *This guideline has been met.*

B1. Reinforce and Enhance the Pedestrian System. Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

B2. Protect the Pedestrian. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

B3. Bridge Pedestrian Obstacles. Bridge across barriers and obstacles to pedestrian movement by connecting the pedestrian system with innovative, well-marked crossings and consistent sidewalk designs.

Findings for B1, B2, and B3: The project serves to reestablish the pedestrian focus in a currently vehicle-oriented area. The building's focus of establishing active retail locations to the north of the project site directs the building's orientation towards the Couch Street Pedestrian Plaza. This will activate the intersection of both the plaza and NE 2nd and NE 3rd Avenues and future development at the intersection of NE 3rd Avenue and NE Couch Court.

Along the NE 3rd Avenue street front, the pedestrian is to be protected from traffic via the sidewalk improvements and street trees. A new raised dock along 2nd Avenue will provide a protected and landscaped respite from the truck traffic of the light industrial uses across the street. To the north the dedicated and extended landscaping of the Couch Street Pedestrian Plaza will complete the pedestrian access between NE 3rd and NE 2nd Avenues. The main residential entry off of the pedestrian plaza also provides a protected and gracious entry point. The building will manage the loading and removal of trash and recycling within the ground floor parking structure. This will limit the need for additional curb cuts and increases retail frontage while protecting pedestrians. The garage entry points have been appropriately located along the southern edge of the site furthest from the more active storefronts and pedestrian plaza to the north.

Additional elements that will further protect the pedestrian are: new awnings, new exterior lighting, and new entries. Louvered vents are proposed above each of the storefront entries on NE 2nd and NE 3rd above the pedestrian level. *These guidelines have been met.*

B4. Provide Stopping and Viewing Places. Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.

Findings: The new covered raised walkway along NE 2nd and recessed entrances and canopies along NE 3rd will create a comfortable zone for pedestrians to linger, rest, and window shop. The 11' width of the dock will allow for outdoor seating and display of goods while retaining through access for pedestrians. *This guideline has been met.*

B5. Make Plazas, Parks and Open Space Successful. Orient building elements such as main entries, lobbies, windows, and balconies to face public parks, plazas, and open spaces. Where provided, integrate water features and/or public art to enhance the public open space. Develop locally oriented pocket parks that incorporate amenities for nearby patrons.

C6. Develop Transitions between Buildings and Public Spaces. Develop transitions between private development and public open space. Use site design features such as movement zones, landscape elements, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

Findings for B5 and C6: The design of the entries to the mixed building uses provides a strong transition appropriate in size and scale between the interior and public spaces. These elements include the widened sidewalks, entry canopies, recessed zones at retail entrances, a dedicated access to the podium level retail and office space, and the main residential building lobby. Locating the main building entry directly off the Couch Street Pedestrian Plaza provides a strong connection between this private development and a very public space. The main building entry and the lobby establish the sequence of arrival for all upper floor tenants. The main entry canopy serves to pronounce the entry, protect pedestrians as they enter, and provide a platform for architectural lighting.

Of the two plaza options presented at the hearing on November 21st, the Commission expressed a preference for the option that removed the driveway to the northern parking lot. In response, the applicant has revised the proposal accordingly, and has included additional changes to address Commission comments regarding the need for a more welcoming entry that is more functional and has wider walkways. The changes include widening the stair to the upper walkways to the north and east, increasing the width of the circulation areas and providing additional seating opportunities. The pointed planter in the center of the plaza is proposed to remain, however, the shape has been slightly modified so the pointed raised seat wall faces the building entry resulting in a less severe structure as you access the plaza off of NE 2nd. The notion of the pointed planter works well with the architecture of the building and angular design of the plaza. Overall, the changes provide a more purposeful plaza that embraces the entry to this building and site.

These guidelines have been met.

B6. Develop Weather Protection. Develop integrated weather protection systems at the sidewalk-level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection, and sunlight on the pedestrian environment.

B6-1. Provide Pedestrian Rain Protection. Rain protection is encouraged at the ground level of all new and rehabilitated commercial buildings located adjacent to primary pedestrian routes. In required retail opportunity areas, rain protection is strongly recommended.

Findings for B6 and B6-1: Canopies are provided along all three frontages that contain entries and commercial storefronts. Along NE 2nd, an 8' deep canopy will extend along the majority of the western façade above the loading dock. Along NE 3rd, 4' deep canopies will extend from the façade above each of the commercial entries. Recessed entry alcoves provide additional areas of shelter. The main residential entrance on the north façade is protected by its recessed entry and an angled canopy that projects 16' from the north face of the building and tapers back to the upper floor to align with the cantilever of the upper tower. *These guidelines have been met.*

B7. Integrate Barrier-Free Design. Integrate access systems for all people with the building's overall design concept.

Findings: Accessible entries will be provided for the main residential tower entrance and to all retail spaces. The loading dock along NE 2nd will contain ramps at both ends and at 11' in width, will allow ample room for through access even with outdoor café seating or display. The Couch Street Pedestrian Plaza contains a series of ramped walkways with switchbacks that provide ADA access from the elevated NE 3rd down to NE 2nd. The changes to the western half of the plaza will not interrupt this walkway access. In addition, all building tenants will have access to ADA restrooms and service areas, as well as the podium level amenity spaces and roof terraces. *This guideline has been met.*

C1. Enhance View Opportunities. Orient windows, entrances, balconies and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building façades that create visual connections to adjacent public spaces.

Findings: The residential tower orients windows to each of the four cardinal directions, while the podium retail spaces are oriented east and west to the city street grid. The building's windows take advantage of the outstanding views of Mt. Hood to the east, the Fremont Bridge and Mt. St. Helens to the north, and the skyline of downtown and the west hills to the south and west. Recessed balconies and integrated planter boxes are provided on all four corners of the tower and along the main facades of the tower to provide an amenity to the residents while providing a spatial rhythm and texture to the tower facade. The podium level roof garden is developed for access by all residential and commercial users within the building. The primary orientation of the podium level terrace and green roof will provide direct views of the downtown city front and ample solar access. *This guideline has been met.*

C1-1. Integrate Parking.

- a. Integrate parking in a manner that is attractive and complementary to the site and its surroundings.
- b. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

Findings: Two access points to the garage are appropriately located at the south ends of the building on NE 2nd and NE 3rd near the bridge. The entry on NE 3rd is 14' wide and restricted for entry only. The exterior surround of this garage access point contains metal panels in various planes that extend to the upper floor with operable lower metal panels to conceal gas meters. This treatment creates an attractive façade that integrates the vehicle access and utility access needs in a manner that complements the building's design aesthetic. While the garage access on NE 2nd is 32' wide (2-way), the 8' deep canopy above the dock extends over the garage opening providing a consistent treatment of the west ground level façade. This approach downplays the areas devoted to vehicles and highlights the pedestrian elements of the project.

Block 67 utilizes the parking garage roof as both a functioning eco-roof as well as roof terrace amenity. The design of the green roof integrates sustainable design concepts of storm water flow-thru planters and water efficient landscaping.

At the hearing on November 21st, the Commission concluded the façade treatment of the garage levels within the podium that include a combination of perforated metal panels, open slots with cable railing, and spandrel and clear glass is interesting and provides enough screening of the vehicle activity within the podium given the very particular conditions of the site, such as industrial

neighbors, the busy traffic of Burnside, and the vehicle travel patterns on Couch. Additional information, though, was requested for the garage lighting scheme, which the applicant has provided. The lighting scheme includes three zones of lights in two colors with sensors. The outer zone of lighting near the perimeter will include purple colored gelled lamps with asymmetric reflectors to limit glare and brightness while allowing color to permeate the perforated panels. The two inner zone of lights will consist of both white and purple gelled lamps with no reflectors. Lights along the outer two zones will be occupancy sensory controlled to turn on when cars are parked, while the inner zone will be always on for safety and access to the elevators and stairs. These additional details present an interesting and dynamic solution to the exposed portions of the podium garage on the north, west and south facades.

This guideline has been met.

C2. Promote Quality and Permanence in Development. Use design principles and building materials that promote quality and permanence.

C4. Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.

C5. Design for Coherency. Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

C3-1. Design to Enhance Existing Themes in the District. Look to buildings from throughout the district for contextual precedent. Innovation and creativity are encouraged in design proposals, which enhance overall district character.

Findings for C2, C4, C5 and C3-1: The design of Block 67 complements and adds to the emerging design vocabulary of the Central Eastside neighborhood. The material expression and scale of the tower and podium facades are sensitive to the residential scale of the project while establishing a visual identity that anchors the project in the historically light industrial area. Balconies and facade-integrated planters establish a secondary geometric pattern and relief to the tower elevations while providing a location for residents to access views and individualize their living space. The ground level treatment of the building integrates with the unique design context of the urban skate park and active light industrial uses by integrating the local design vocabulary of the loading dock and materials. The raised pedestrian loading dock provides a buffer between the street activity and proposed retail fronts. The board formed concrete treatment along the south wall and along the building's base connects the project to the existing concrete forms of the skate park.

The building's material palette of primarily metal and glass with wood and landscaped accents provide a quality and durable finish that complements the surrounding industrial neighborhood while bringing a much needed freshness with its green and pedestrian scale elements. The interior wood mullions on the podium window wall system and the wood soffits of the canopies introduce a warmer residential material along the pedestrian realm. Along the parking garage levels the south, west and portions of the north podium facades, a screen wall to naturally ventilate the garage consists of perforated metal panels of varying perforation densities some of which appear folded, adding some texture to the planar facades. The tower is comprised of a similar anodized aluminum window wall system with spandrel and metal panels to create a gradated pattern that becomes more transparent on the upper floors of the tower.

At the hearing on November 21st, the Commission expressed concern with several

items related to the overall quality and coherency of the building. In response, the applicant has proposed changes or provided additional information to address the concerns as follows:

- Tower balcony planters - In response to the Commission's various concerns, the balcony planters on the tower have been removed from the project.
- Covered walkway on the podium - To address Commission's concern with the foreign design of the covered walkway on the podium, the cable and column structure has been modified to incorporate elements of the material and geometry of the podium roof topography, thus providing a more integrated structure.
- Post-tension design - The Commission expressed a clear preference for the post tension tower design of the 21-story building over the steel structure of the 18-story building with its thicker floor slabs. The applicant has provided enlarged tower elevations and sections for both designs for comparison. In addition, the enlarged details and sections provided for the mullion cap provides additional clarification of how the floor levels will be expressed.
- Tower façade - There was concern expressed that the bits and pieces of the mullion caps on the tower window wall system would result in a different building than what is portrayed in the renderings. An enlarged 3-D view was requested to show the depth and detail of how the tower system will be expressed, including the flushed out custom metal panel. Mullion cap details have been included and show a "stick" system. The details also show the flush custom metal panel at the exhaust vents, which will result in fewer pieces and parts in these locations.
- Podium window wall system - The Commission noted a preference for the wood mullions proposed on the interior of podium window wall system over metal, as wood provides warmth and an organic feel to the building. However, an aluminum system is proposed instead. The expression of the interior mullion on the outside will remain an interesting and prominent feature regardless of the material. The champagne-colored mullions on the exterior will soften the feel of the metal and glass building, especially along the pedestrian level.

Details of how the metal mullion cap on the podium's exterior window wall system extends down over the concrete base on the north and east facades has also been provided to show a seamless and quality attachment.

- East Elevation/NE Corner - There was a concern about the design of the NE corner where the podium peaks distracting from the elegance of tower and that the transparency desired for the upper NE corner may not be realized. The applicant is not proposing any changes in response, however, is confident that further discussion of the design intent at the upcoming hearing will be beneficial and put the concerns at ease.
- Thickness of the metal panels - Information has been provided that demonstrates the use of thick, rigid panels that will result in a quality finish. The metal panels include 12 to 14 gauge on the tower, composite sheet metal routed and formed over extruded aluminum mounting frame for the metal walls and soffits on the podium, and 3/16" thick perforated panels for the garage panels.

With these changes, these guidelines have been met.

C7. Design Corners that Build Active Intersections. Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.

Findings: The building uses elements of varying building heights, changes in facade plane, large windows, canopies and pedestrian entrances to highlight building corners. The most prominent and active corners are the northeast and northwest of the site. These areas are lighted with a sculptural podium façade that is entirely transparent with active commercial on all three floors. The northwest corner also contains active retail on the western side of the ground level and main residential entry on the north. The large angular canopy that protrudes from the podium on the north side extends west to wrap the corner and connect to the loading dock canopy. The lower levels of the south façade are less active given the abutting conditions of the elevated roadway (Burnside) and ground level uses under the bridge (skate park and parking lot). However, the upper floor of the podium at the southeast corner contains glazed commercial floor space that would be visible to those on the bridge. The podium is carved away at the southwest corner and drops below the bridge deck allowing those on the podium views of the skate park activity under the bridge. The building core (elevators and stairwells) is located within the center mass of the building. *This guideline has been met.*

C8. Differentiate the Sidewalk-Level of Buildings. Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.

Findings: The podium level curtainwall detailing is intentionally different from that of the tower in order to create a base to the building that not only defines the lower level but also compliments the upper level tower and serves to float the building above the pedestrian sidewalk area. This architectural differentiation also serves to create a focus zone at the retail level windows. Additionally, canopies above the retail entries on both NE 2nd and NE 3rd Avenues, form a strong visual line that strengthens the sidewalk level of the building. *This guideline has been met.*

C9. Develop Flexible Sidewalk-Level Spaces. Develop flexible spaces at the sidewalk-level of buildings to accommodate a variety of active uses.

C10. Integrate Encroachments. Size and place encroachments in the public right-of-way to visually and physically enhance the pedestrian environment. Locate permitted skybridges toward the middle of the block, and where they will be physically unobtrusive. Design skybridges to be visually level and transparent.

C8-1. Allow for Loading and Staging Areas on Sidewalks. On local service streets, adjacent businesses may use the sidewalk area for temporary loading and staging as long as pedestrian access through it is maintained.

Findings for C-9, C10 and C8-1: Given the site's location in a freight district, no loading or parking will be allowed along its frontages on NE 2nd or NE 3rd. There are active freight and distribution businesses in the immediate area that necessitate an unobstructed right-of-way for maneuvering their large trucks. The loading dock proposed along NE 2nd is not an active dock and with the railing propose it is not intended to function as a loading dock. However, at 11' in width the pedestrian dock could accommodate tables and chairs per the Sidewalk Café

standards while continue to provide a 6' clear pedestrian through zone. This raised dock with ramps at both ends for ADA accessibility, extensive canopy cover and flexible space both visually and physically enhances the pedestrian environment in this industrial area. Similarly on NE 3rd, activities from the retail tenants could spill out in the sidewalk. *This guideline has been met.*

C11. Integrate Roofs and Use Rooftops. Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective storm water management tools.

Findings: The project utilizes the parking garage roof as both a functioning eco-roof as well as roof terrace amenity. The design of the green roof integrates sustainable design concepts of storm water flow-thru planters and water efficient landscaping. The upper roof of the tower contains a centrally located elevator overrun with a metal panel exterior that matches the finish and color of the tower panels. The sloping parapet establishes an architectural expression to the building form and adds visual interest to the tower skyline.

At the hearing on November 21st, the Commission stated that a rooftop "box" for a screening enclosure was not preferable on this building and that they would not be opposed to allowing additional height to screen potential views of the rooftop mechanical. In response, the applicant has provided views of the modeled rooftop from the surrounding area to show minimal sight lines of the rooftop units. *This guideline has been met.*

C12. Integrate Exterior Lighting. Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.

Findings: Block 67 uses an exterior lighting design aligned with its overall design concept. LED flexible boarder tube lighting linear surface lights will subtly and sustainably highlight the architectural features of the podium green roof, amenity space and seatwall on the ground level entry plaza. The podium also includes low bollards and wall mounted lights in the raised planters illuminating the large usable roof deck. Discreet recessed canopy lighting at the building entries provides for safe entry and will highlight future retail signage below the canopies. Modern wall-mounted sconces will illuminate the garage access points and pet walk area. Lights within the garage levels in the podium will include purple colored gelled lamps, which will permeate the perforated metal panels creating an interesting and dynamic solution to the exposed portions of the garage on the north, west and south facades. This design solution was found appropriate for this very individual and specific site. The building is working to achieve the LEED Light Pollution Reduction point, and will therefore be focused on subtle lighting strategies. *This guidelines has been met.*

MODIFICATION REQUESTS (33.825)

33.825.040 Modifications That Will Better Meet Design Review Requirements:

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. These modifications are done as part of design review and

are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

The following modifications are requested:

1. Loading (Section 33.266.310.C) - Provide 3 small (9' wide x18' long x10' vertical clearance) loading spaces within the podium garage instead of 1 large (10' wide x 35' long x13' vertical clearance) loading space required.

Findings: The amount of commercial floor area, combined with the number of residential units, requires 1 large loading space (35' long x 10' wide x 13' vertical clearance). The floor heights of the podium, as designed, would not accommodate the vertical clearance needed to meet this large size. Therefore, 3 small loading spaces (18' long x 9' wide x 10' vertical clearance) are proposed within the 1st level of the garage.

The actual floor area dedicated for the commercial tenant spaces is 19,709 SF, which would only technically require 2 small loading spaces. However, when calculating floor area for commercial uses per Section 33.266.310, other areas associated with the commercial space such as structured parking, common areas and hallways also count towards the total floor area. The Bureau of Transportation is supportive of the modification and has determined the 3 smaller loading spaces provided within the garage should be adequate to serve the actual building program since the parking areas and hallways do not generate any loading needs.

The modification better meets design guidelines A8 (Contribute to a Vibrant Streetscape) and B2 (Protect the Pedestrian) in that it allows for more floor area devoted to active ground floor retail spaces along the building frontage rather than a tall and wide loading bay. In addition, this approach reduces the potential pedestrian conflicts by not having large semi-trucks pulling in and out of the building in this very active freight district. *This modification meets the approval criteria.*

2. Height (Section 33.510.205.B) - Exceed the 200' height limit by 6' for a sloped parapet.

Findings: The 200' maximum building height for this site is measured 10' above the lowest adjacent finished grade, which is on NE 2nd Avenue. From this elevation, known as Base Point 2, the 21-story design measures 206' to the top of the parapet. Exceptions to the height are allowed for rooftop mechanical, elevator overruns and stair towers, but not for parapets (the proposed rooftop mechanical and elevator overruns of both the 18-story and 21-story designs meet these height exceptions).

Maximum building heights are intended to protect views, creating a stepdown of building heights to the river, limit shadows on public open spaces, be compatible and step down to historical districts, and limit shadows on residential neighborhoods in and at the edges of the Central City. The angled position atop the podium and slender design of the tower concentrates the mass of the upper 16 floors away from the northeastern and southwestern portions of the block stepping back from the river and abutting rights-of-way. This modest amount of additional height proposed, which only occurs along a small portion of the rooftop, is not expected to cause any additional shadows on the adjacent sidewalks or pedestrian plaza to the north. The site is not immediately adjacent to any residential neighborhoods or the East Portland/Grand Avenue Historic District.

The sloping parapet establishes an architectural expressions to the building form and adds visual interest to the tower skyline better meeting design guidelines C11 (Integrate Roofs and Use Rooftops). *This modification meets the approval criteria.*

3. Ground Floor Windows (Section 33.140.230) - Not provide ground floor windows along Burnside at the finished grade level below the bridge deck.

Findings: The lot line along the southwest portion of the site abuts a dedicated right-of-way (ROW), which is located at the finished grade under the Burnside Bridge and is developed with a skate park. The zoning code requires all facades along street frontages, which include dedicated ROWs, to meet the ground floor window requirement. Given the unique conditions of the site and abutting use (skate park), the project requests to not provide any windows along the southwest portion of the ground level. This was concluded after several discussion with representatives from the skate park. Having storefront, windows or entries to a retail use was determined to be non-desirable given the raw urban character of the skate park. The proposal includes a vertical board formed concrete wall instead that relates to the materials and geometric forms of the skate park and industrial vocabulary of the bridge structure better meeting design guideline A5 (Enhance, Embellish, and Identify Areas). This design approach meets the intent of the regulation as well, as it provides a unique pedestrian experience for those utilizing or accessing the skate park. *This modification meets the approval criteria.*

4. Bike Parking (Section 33.266.200.220.A) - To not locate the 19 required short-term bike spaces within 50' of the main entrances on all facades.

Findings: The amount of commercial floor area and number of residential units requires 19 short term bike parking spaces for the project. These spaces must meet the 2'x6' dimensional requirements, be dispersed within 50' of the main entrances along each façade, and be located on the site, not within the ROW or sidewalk. Given that the majority of the building is proposed to be built to the lot lines, few opportunities exists to meet the requirements. The proposal includes 2 short-term bike spaces on NE 3rd where the building steps back from the east property line. The remaining 17 short-term bike spaces are proposed at the western end of the Couch Street Pedestrian Plaza near the building's main residential entrance. This location allows the bike racks to be clearly visible from NE 2nd where no bike parking is proposed meeting the intent of the regulation. This location was also supported by the Commission at the November 21st hearing.

The modification better meets design guidelines A7 (Establish and Maintain a Sense of Urban Enclosure), B2 (Protect the Pedestrian) and B1 (Reinforce and Enhance the Pedestrian System) in that it allows the building to be built to the sidewalk while maintaining a clear, unobstructed walkway for pedestrians along the elevated dock on NE 2nd. *This modification meets the approval criteria.*

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 Block 67 development will be a significant contribution to the Central Eastside District and the Burnside Bridgehead. The design, material expression and scale of the tower and podium are sensitive to the residential scale of the project while establishing a visual identity that anchors the project in this critically important urban gateway of this historically light industrial area.

However, Staff is seeking feedback from the Commission on the following specific items:

1. Post Tension Design – The Commission expressed a preference for the post-tension design of the 21-story building over the over the steel structure of the 18-story building with its thicker floor slabs. The applicant is still seeking approval for both building options. *It is the desire of the Commission to limit the approval to the post tension 21-story option or are both approvable?*
2. Tower Façade – The applicant has provided details for the mullion caps on the tower, which now appears to be a “stick system”. *Is this aesthetic (“stick” system) allowing the building to achieve the project’s intent?*
3. Rooftop Mechanical Units - The applicant has provided views of the modeled rooftop to show minimal sight lines of the rooftop units. *Are any other key views studies necessary, such as from further east traveling west and from Waterfront Park?*
4. Podium Window Wall System – The wood interior mullions preferred by the Commission have been replaced with metal. *Do interior metal mullions with champagne- colored exterior metal mullions soften the design enough? And, if so, to accommodate the potential for wood in the future should the budget allow, could an approval for both options be considered?*
5. East Elevation/NE Corner – The Commission noted the NE corner of the podium where it peaks distracts from the elegance of the tower and may not be as transparent as intended. *Does the additional information provided by the applicant in the hearing resolve the concern or all additional changes necessary?*

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time to the Design Commission decision)

Should design approval issues indicated above be resolved at the hearing, staff recommends approval as follows:

Approval is recommended for both tower designs for a 21-story and 18-story buildings with associated site improvements in the Central Eastside subdistrict of the Central City Plan District.

Approval is recommended for the following Modification requests:

1. Loading Space (Section 33.266.310.C) - Provide 3 small (9’ wide x 18’ long x 10’ vertical clearance) loading spaces within the podium garage instead of 1 large required loading space.
2. Height (Section 33.510.205.B) - Exceed the 200’ height limit by 6’ for a sloped parapet.
3. Ground Floor Windows (Section 33.140.230) - Not provide ground floor windows along Burnside at the finished grade level below the bridge deck.
4. Bike Parking (Section 33.266.200.220.A) - To not locate the 19 required short-term bike spaces within 50’ of the main entrances on all facades.

Approval 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.145. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-192030 DZM. No field changes allowed."

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Procedural Information. The application for this land use review was submitted on August 13, 2013, and was determined to be complete on October 2, 2013.

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 August 13, 2013.

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 recommendation of the Bureau of Development Services with input from other City and public agencies.

This report is not a decision. The review body for this proposal is the Design Commission who will make the decision on this case. This report is a recommendation to the Design Commission by the Bureau of Development Services.

The review body may adopt, modify, or reject this recommendation. The Design Commission will make a decision about this proposal at the hearing or will grant a continuance. Your comments to the Design Commission can be mailed, c/o the Design Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201 or faxed to 503-823-5630.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. You may review the file on this case by appointment at the Development Services Building, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

Appeal of the decision. The decision of the Design Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the review body, only evidence previously presented to the review body will be considered by the City Council.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. **Appeals must be filed within 14 days of the decision. An appeal fee of \$ 5,000.00 will be charged (one-half of the application fee for this case).**

Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

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.

- 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 must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

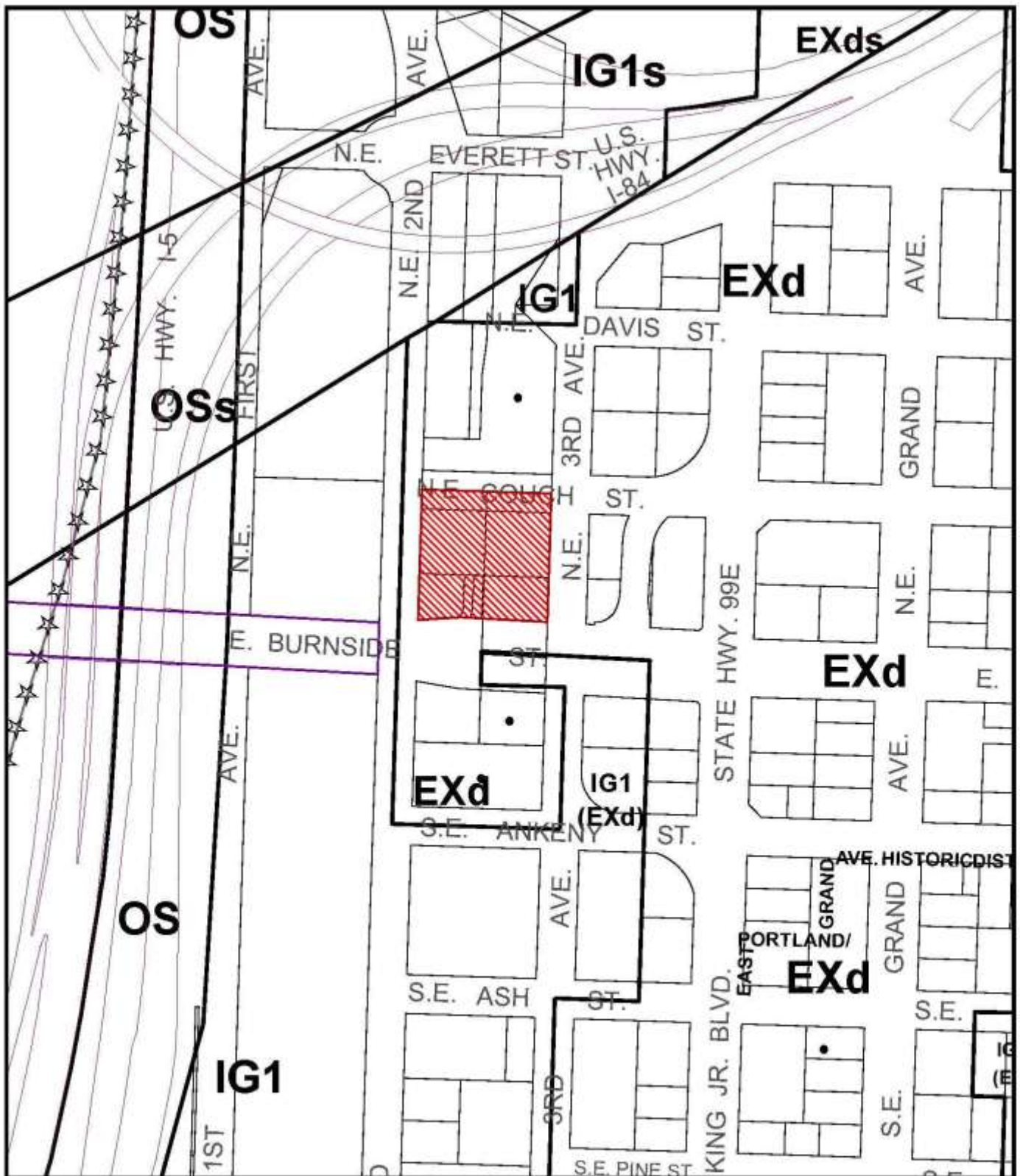
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

Staci Monroe
December 11, 2013

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement
 - 1. Project Summary & Responses to Development Standards and Approval Criteria
 - 2. Applicant’s Response to Incomplete Letter
 - 3. Geotechnical Report dated April 15, 2013
 - 4. Preliminary Stormwater Management Report dated August 2013
 - 5. Copy of Walkway Easement for Couch Street Pedestrian Plaza
 - 6. Applicant’s Response to Staff Memo dated 10/17/13
- B. Zoning Map (attached)
- C. Plan & Drawings – Exhibit C.1 thru C.162 (C.01, C.10, C.12, C.14, C.16 & C-92 are attached)
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant’s statement certifying posting

5. Mailed notice
6. Mailing list
- E. Agency Responses:
 1. Water Bureau
 2. Fire Bureau
 3. Plan Review Section of BDS
 4. Bureau of Transportation Engineering and Development Review
 5. Bureau of Environmental Services
- F. Letters
 1. Doug Klotz, October 27, 2013, stating concerns with the proposed loading dock on NE 2nd regarding privatization of the public sidewalk and its function, ADA accessibility, and a continuous treatment of sidewalk and street trees along NE 2nd.
- G. Other
 1. Original & Revised LUR Application
 2. Incomplete Letter dated September 3, 2013
 3. LU 06-103735 ZC Final Decision of the Hearings Officer
 4. Design Advice Summary for 13-111755 DA dated April 16, 2013
 5. Design Advice Summary for 13-111755 DA dated June 17, 2013
- H. Hearing and Post-Hearing Exhibits
 1. Memo to Design Commission dated November 13, 2013
 2. Staff Report & Recommendation to the Design Commission dated November 13, 2013
 3. Copy of Staff's PowerPoint Presentation for 11/21/13 hearing



ZONING



Site



Historic Landmark



NORTH

This site lies within the:
CENTRAL CITY PLAN DISTRICT
CENTRAL EASTSIDE

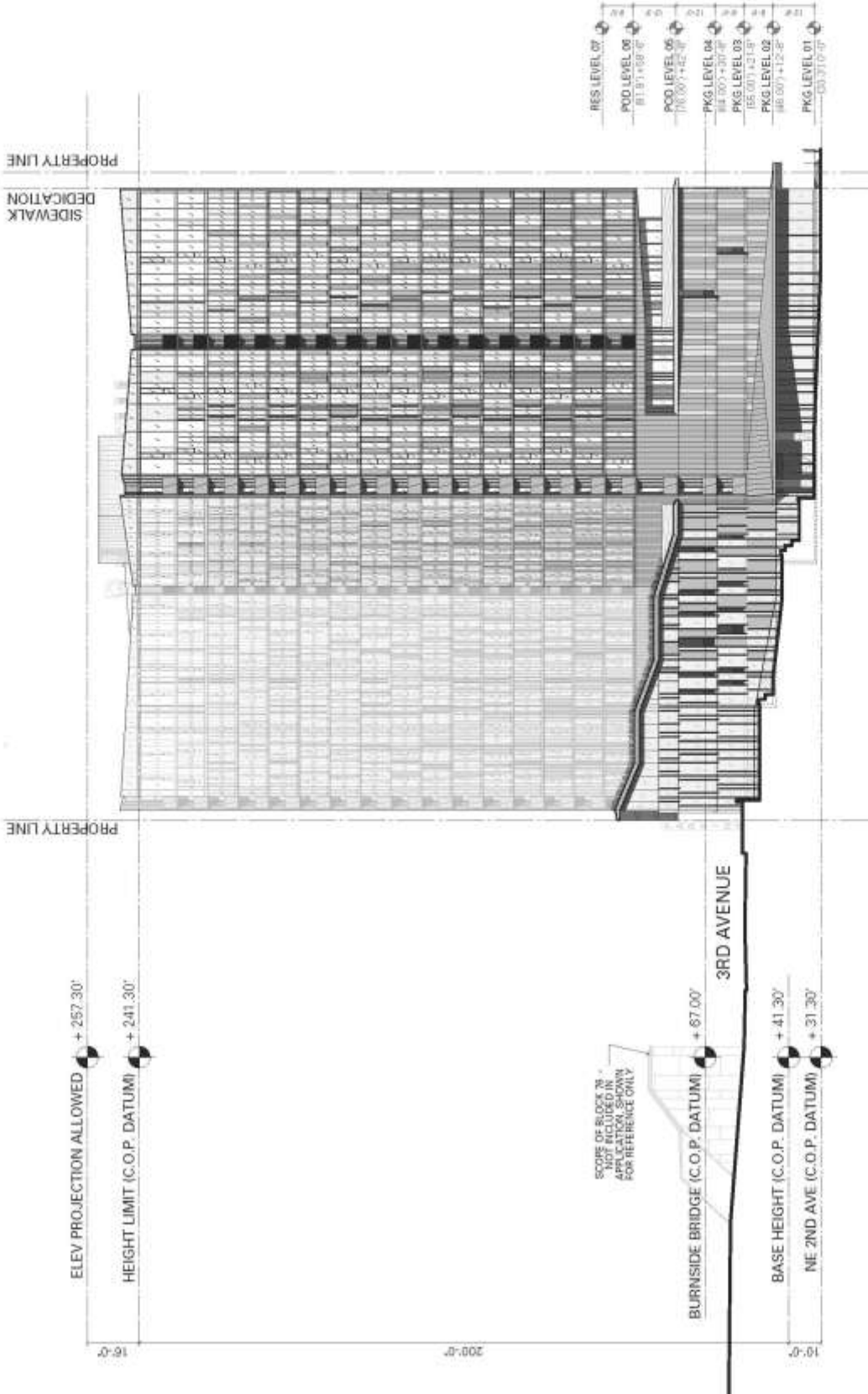
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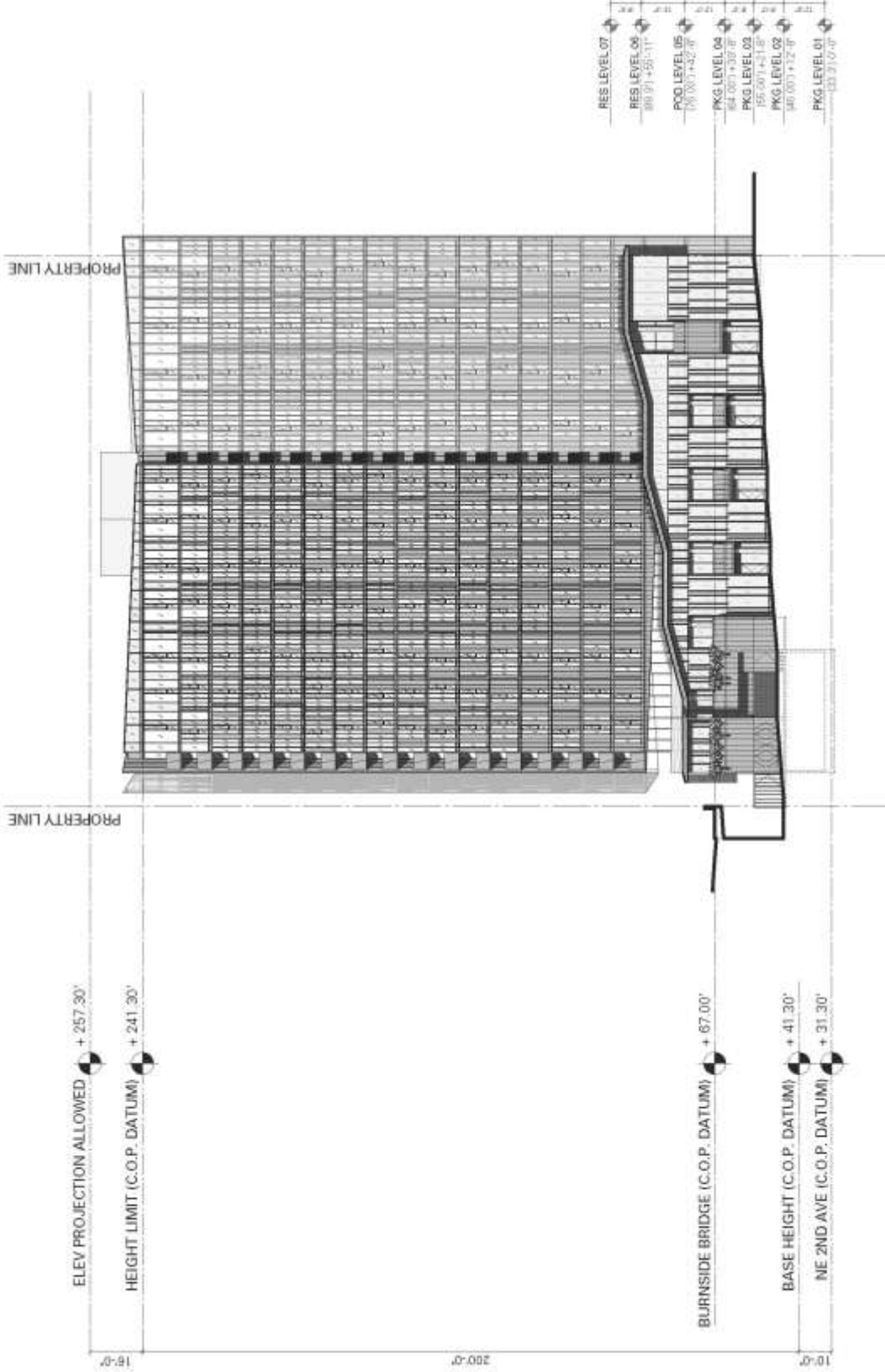
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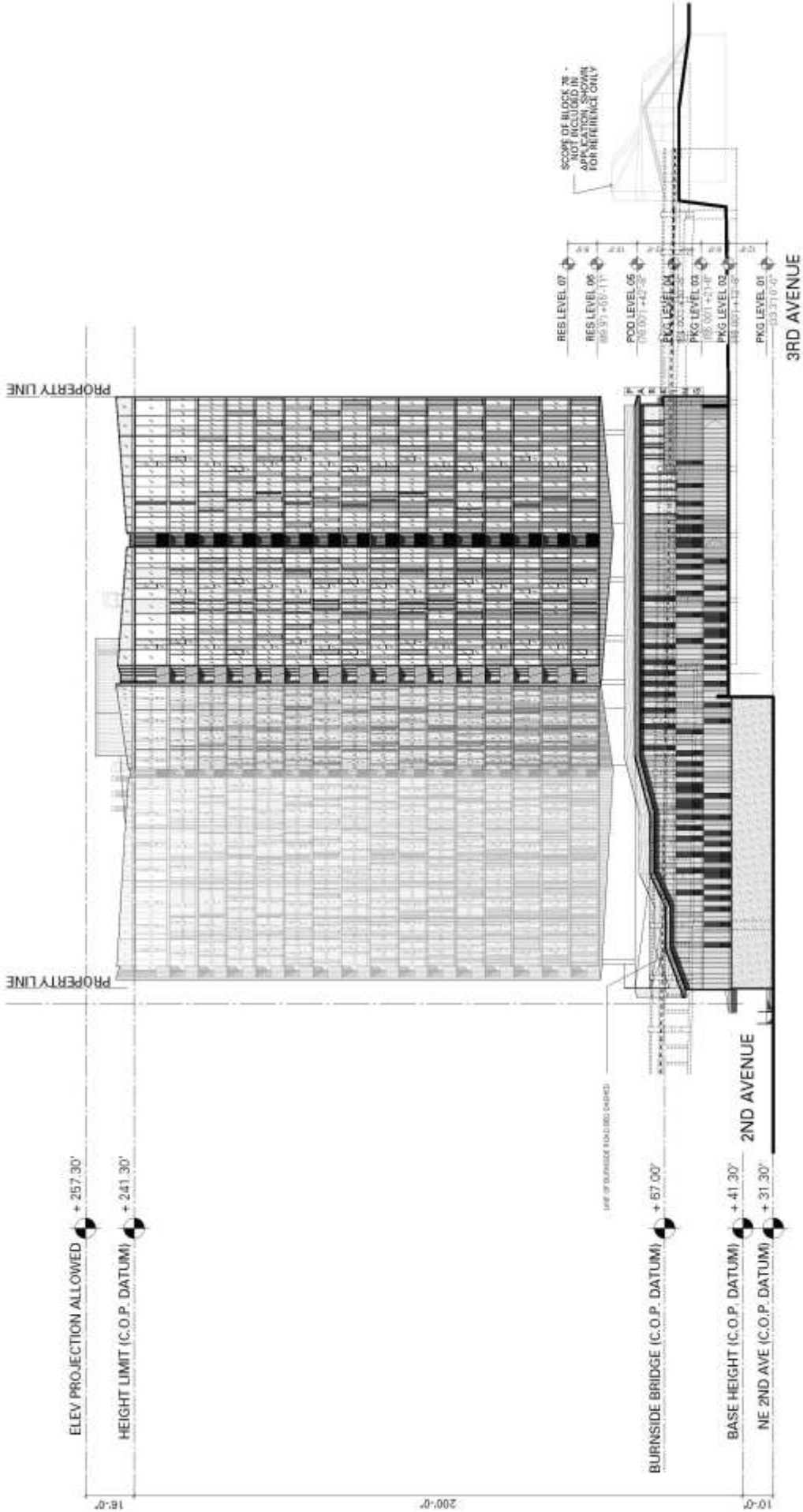
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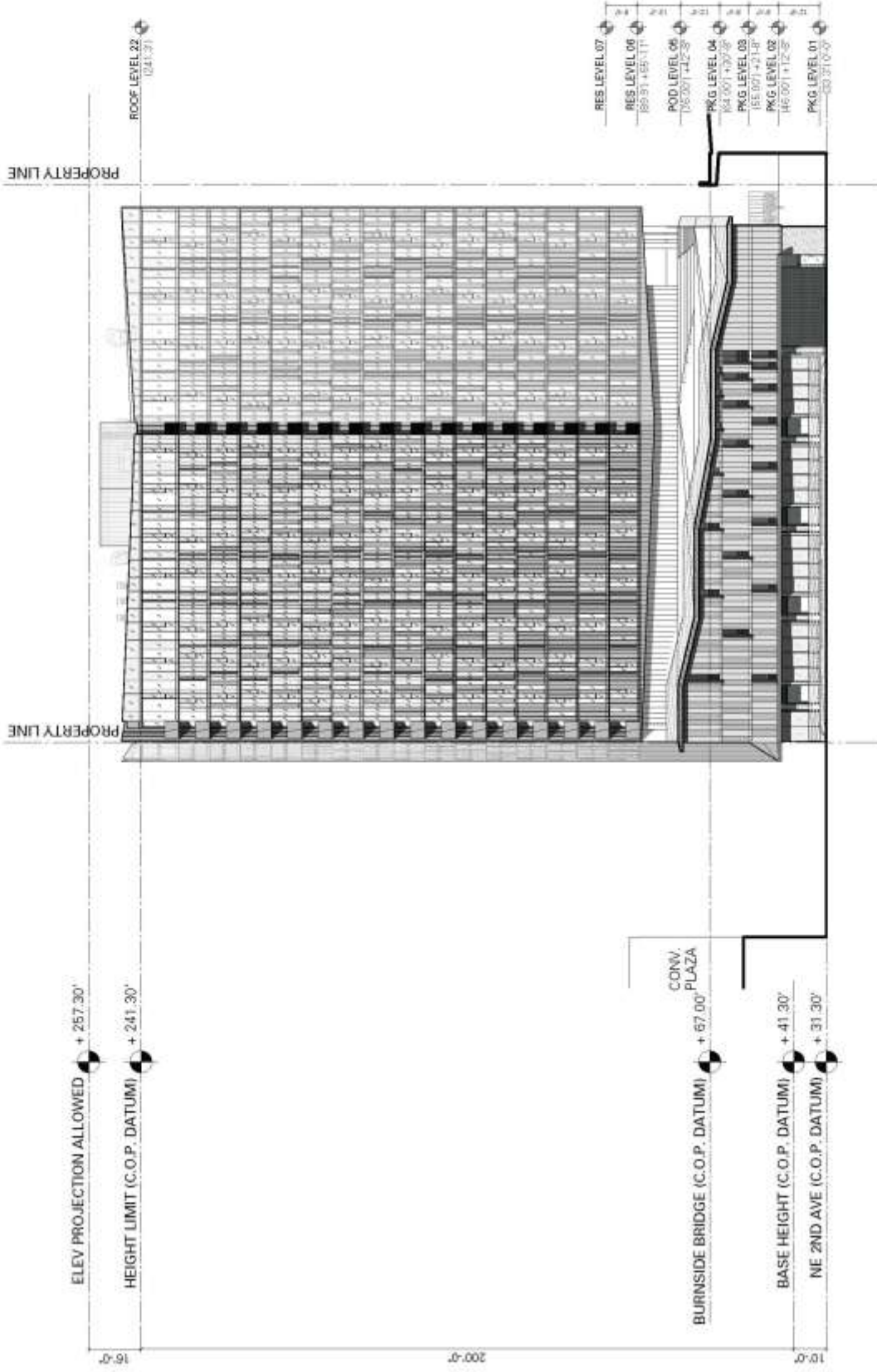
State Id 1N1E34DA 2501

Exhibit B (August 13, 2013)













enlargement B
NE 2nd Avenue,
see enlargement plan

enlargement A
NE 3rd Avenue,
see enlargement plan

enlargement C
Couch Plaza,
see enlargement plan

enlargement D
Pat Walk Terrace and Existing Skatapiari,
see enlargement plan

BBH project work limit line



Site Plan Key
Scale: 1" = 30' 0"

Design Review (13-192030 DZM)
DRAWINGS C.92
HIBIT: C.92
IPC: 13-1117431