



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

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

CASE FILE: LU 14-244909 DZM AD  
PC # 13-226390

REVIEW BY: Design Commission

WHEN: July 9, 2015, 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: JEFF MITCHEM / [JEFFREY.MITCHEM@PORTLANDOREGON.GOV](mailto:JEFFREY.MITCHEM@PORTLANDOREGON.GOV)**

**GENERAL INFORMATION**

**Applicant:** Joe Zody  
FFA Architecture & Interiors Inc  
520 SW Yamhill Street Ste 900  
Portland OR 97204  
  
Kevin Cavenaugh  
Guerrilla Development Co  
3435 NE 45th Ave., Suite J  
Portland OR 97213

**Owner:** Portland Development Commission  
222 NW 5th Ave  
Portland, OR 97209-3812

**Site Address:** 11 NE M L KING BLVD (Block 76 East)

**Legal Description:** BLOCK 76 LOT 5 EXC PT IN STS LOT 6&7 EXC PT IN ST LOT 8 EXC PT  
IN STS, EAST PORTLAND

**Tax Account No.:** R226505070

**State ID No.:** 1N1E34DA 03500

**Quarter Section:** 3030

**Neighborhood:** Kerns, contact Steve Russell at 503-784-8785.

**Business District:** Central Eastside Industrial Council, contact Peter Fry at 503-274-2744.

**District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010.

**Plan District:** Central City - Central Eastside

**Zoning:** EXd, Central Employment with a Design overlay

**Case Type:** DZM AD, Design Review with a Modification and an Adjustment

**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 the *Fair-Haired Dumbbell* – 64,700 square feet of mixed use development (office over ground floor retail) on a 13,000 square-foot block (Block 76 East) bounded by NE Martin Luther King Blvd and NE Couch St. The proposal includes twin six-story buildings connected by suspended pedestrian bridges at each floor with two small plazas at the ground level – *central pass-through plaza* at approximately 2,000 square feet and *north plaza* at approximately 1,200 square feet. Each building is proposed to be approximately 77' in height, of wood frame construction, open floor plan work space over a one-story concrete podium containing retail spaces, lobby, building services and long-term bike parking (39 spaces). The proposed skin for the buildings is hand-painted acrylic pattern over synthetic stucco. On-site parking is neither required nor proposed. On-site loading is required but not proposed (Adjustment required.)

Design review is required because the proposal is for new construction within a Design Overlay.

**Modification Requested**

**33.140.230.A-D. Ground Floor Windows in the EX Zones.** Requires exterior ground floor walls have windows (with views into working areas) at least 50% of the length and 25% of the ground floor wall area. The project proposes the following on the central courtyard facing elevations – 39% length / 39% area (meets.)

**Adjustment Requested**

**33.266.310. Loading Standards.** One loading space meeting Standard A is required. No internal loading is proposed.

**Approval Criteria:**

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

- 33.825 Design Review
- Adjustment Criteria (33.805.040)
- 33.825.040 Modifications that will better meet Design Review requirements
- Central City Fundamental Design Guidelines
- Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan

**ANALYSIS**

**Site and Vicinity:** The vacant site is bounded by E Burnside to the south, NE Martin Luther King Boulevard to the east, and NE Couch Street to the north and west. The proposed project will occupy the east half of Block 76 bifurcated by the reengaged one-way couplet formed by NW Couch (west bound) and E Burnside (east bound). The remainder of Block 76 (west) is currently vacant.

The recently rehabilitated Convention Plaza building – now called the Eastside Exchange – is located kitty-corner across NE 3<sup>rd</sup> Avenue and Couch Street from the block. The Couch Street Pedestrian Plaza, which abuts the Eastside Exchange building to the south, was also recently completed as part of the overall Eastside Exchange project. The Eastside Exchange building, whose historic name is the “Ira F. Powers Warehouse and Factory,” was listed in 2011 as an Historic Landmark on the National Register of Historic Places.

Currently, Couch Street forms a unique configuration abutting the site to the north. Couch Street heads west across MLK Boulevard, curves southward around the site, and then turns into an access ramp for the Burnside Bridge. (This configuration was constructed as part of the Burnside-Couch couplet, completed in late 2010.) Currently there is a dead-end fragment of Couch Street from NE 3<sup>rd</sup> Avenue. This fragment is about 55 feet long. As part of the overall Burnside Bridgehead development and the newly formed Local Improvement District (LID), the fragment will be removed and a new street – NE Couch Court – will be constructed to provide westerly access from Couch Street to Third Avenue.

Couch Court will curve southward from 3<sup>rd</sup>, meeting Court at an off-set angle. This will result in an unusually wide, wedge-shaped sidewalk right-of-way (ROW) across NE Couch Street from the project site. Although specific plans for this wedge-shaped sidewalk ROW are unclear at this point, it has great potential to be a unique space within the overall Burnside Bridgehead redevelopment. It could be a gathering space with design elements that go beyond the perfunctory ROW design elements typically installed as part of new sidewalk ROW. There is general support from Burnside Bridgehead property owners for this vision.

Significant redevelopment is underway and planned for the immediately surrounding area as part of Burnside Bridgehead redevelopment. Under construction is Block 75, a 10-story 104'-4"-tall mixed-use building immediately north of the subject site across NE Couch Street. The block located west of the subject site, known as Block 67 (a high-rise mixed-use building) is also under construction.

Redevelopment of the Burnside Bridgehead area has been planned in various manifestations for over a decade. In 2010, the Portland Development Commission (PDC), generated a document entitled *The Burnside Bridgehead framework plan* for the area, which is comprised of four blocks. The plan was developed in conjunction with Beam Development as the strategic adviser, a citizen advisory committee, a technical advisory committee, and a consultant team. The "site context" section of the document states the following in part:

*Located at the geographic center of Portland, the Burnside Bridgehead is bound by NE Martin Luther King Blvd. to the east, the Burnside Bridge to the south, NE 2nd Ave. to the west, and NE Davis St. and the I-5/I-84 interchange to the north. The project site is 4.04 acres in size and includes four city-size blocks of development area. The majority of the project site is zoned EXd (Central Employment), which permits a variety of commercial, employment, industrial and residential uses.*

*The Burnside Bridgehead has historically been underdeveloped due to its topography and a challenging relationship with the surrounding street infrastructure. Three factors contribute to the site's perceived isolation from the City: the elevation differential from the flank of the Burnside Bridge; the adjacency of the I-84/I-5 interchange, and the disconnect from the urban grid. The Burnside Bridgehead Framework Plan has considered these physical challenges and proposed important linkages to the surrounding neighborhood. With these connections in place, the centrality of the site within the larger urban context puts it in the unique position of acting as a portal and potential hub between east and west, north and south. The Burnside Bridgehead site also represents the opportunity to solidify the vitality of the Central Eastside Industrial District through a largely ground-up development that reinforces its character, scale, and economy.*

The subject site is located within the Central Eastside Industrial District (CEID), which is bounded by Interstate 84 to the north, the Willamette River to the west, SE Powell Boulevard to the south, and SE 12<sup>th</sup> Avenue to the east. The CEID is about 681 acres in area, contains approximately 1,122 businesses, and employs about 17,000 people. Block 76E is also located within the Kerns neighborhood, which is bordered by the Buckman, Lloyd, Sullivan's Gulch, Laurelhurst, and Sunnyside neighborhoods.

The area surrounding the subject site contains a wide variety of uses, such as manufacturing and production, warehouses, so-called "creative" firms and start-up companies, small offices, scattered residential buildings, car dealerships, social service agencies, restaurants, bars, nightclubs, a skateboard park, and locally owned independent retail shops. E Burnside, from approximately SE 6<sup>th</sup> Avenue to SE 12<sup>th</sup> Avenue, has become a destination area for new retailers and restaurateurs in recent years, resulting in an increasingly pedestrian-oriented corridor that is active during daytime as well as nighttime hours.

With regard to the transportation environment surrounding the subject site, the Transportation Element of Portland's Transportation System Plan (TSP) classifies E Burnside, NE MLK Boulevard and Couch Street as Major Transit Priority Streets, Major City Traffic Streets, Regional Main Streets, City Walkways, and City Bikeways. NE 3<sup>rd</sup> Avenue is a designated Local Service Walkway. It is also classified as a Local Service Bikeway, although immediately to the south 3<sup>rd</sup> Avenue is classified as a City Bikeway. NE Davis Street is classified as a Local Service Bikeway and Local Service Walkway. At this time, it is unclear how the TSP will classify NE Couch Court after it is constructed.

The southbound alignment for the Central Loop Line of the Portland Streetcar is located on MLK Boulevard with an existing stop on the subject's site's east frontage. This stop is also shared by TriMet bus route #6. At the northeast corner of NE Couch Street and MLK Boulevard there is a bus stop for TriMet bus routes #12, 19, and 20.

### **Zoning:**

**Base Zone:** The Central Employment (EX) base 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.

**Overlay Zone:** The Design (d) overlay 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.

**Central City Plan District:** The Central City Plan District implements the Central City Plan and other plans applicable to the downtown 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 that address special circumstances existing in the Central City area. The site is within the Central Eastside Subdistrict of the Central City Plan District.

**Land Use History:** Design Advice Requests – February 6, 2015; April 10, 2015.

**Agency Review:** A "Request for Response" was mailed on April 14, 2015. The following Bureaus have responded with no objections to this land use review (please refer to Exhibits E 1-6):

1. Bureau of Environmental Services
2. Bureau of Transportation
3. Water Bureau
4. Fire Bureau
5. Site Development
6. Life / Safety

**Neighborhood Review:** A "Notice of Proposal in Your Neighborhood" was mailed on May 28, 2015. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## **ZONING CODE APPROVAL CRITERIA**

### **DESIGN REVIEW (33.825)**

#### **33.825.010 Purpose**

Design Review ensures:

- That development conserves and enhances the recognized special design values of a site or area;
- The conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district;
- That certain types of infill development will be compatible with the neighborhood and enhance the area; and
- High design quality of public and private projects.

**(1) 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.

It is important to emphasize that design review goes beyond minimal design standards and is viewed as an opportunity for applicants to propose new and innovative designs. The design guidelines are not intended to be inflexible requirements. Their mission is to aid project designers in understanding the principal expectations of the city concerning urban design.

The review body conducting design review may waive individual guidelines for specific projects should they find that one or more fundamental design guidelines is not applicable to the circumstances of the particular project being reviewed.

The review body may also address aspects of a project design which are not covered in the guidelines where the review body finds that such action is necessary to better achieve the goals and objectives of design review in the Central City.

**Findings:** The site is designated with design overlay zoning (d). Therefore the proposal requires Design Review approval. Because the site is within the Central City Plan District and the Central Eastside Subdistrict, the applicable approval criteria are the *Central City Fundamental Design Guidelines* and the *Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan*.

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 access ways for pedestrians that provide connections to the Willamette River and Greenway.

**Findings for A1:** The proximity of the subject site to the Willamette River establishes the proposed building as a pivotal architectural anchor for the Burnside Bridgehead, in concert with the recently approved Block 67 and 75 buildings. The proposed building addresses this river proximity in its centralized courtyard orientated toward the river as well as a public plaza (approximately 1,100 square feet) of pervious landscaping and organic ground cover. The glazing and skybridges located at the upper floors will provide oblique views of the river and Portland's Westside beyond.

*Therefore this guideline is met.*

#### **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.

#### **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.

#### **C4. Complement the Context of Existing Buildings.**

Complement the context of existing buildings by using and adding to the local design vocabulary.

**Findings for A4, A5, C3-1, and C4:** Per the City’s plans for the area, the Burnside Bridgehead is emerging as a four-block area with a distinct identity knitting into the larger Central Eastside. The foundation of this identity is not necessarily similarity and repetition; rather, it is an identity built on appropriately balanced and high-quality architectural variety, and modern interpretations of the Central Eastside warehouse typology. Specifically, the area is developing such that each individual building boasts its own unified design aesthetic. However, instead of rendering an architecturally disjointed district, the result is a burgeoning area of seemingly boundless variety to visitors, residents, and workers, piquing their visual interest and encouraging exploration of the Bridgehead and the immediately surrounding area. The complexion of this vision includes the following projects:

- The Block 67 building designed by Skylab Architecture and approved by Design Commission in 2013, located about 90 feet from the subject site, boasts a bold, unique design with irregular angles, a variety of uses, a variety of public and private outdoor spaces, and a distinct glazing pattern.
- The recently restored Eastside Exchange – whose historic name is the Ira F. Powers Warehouse and Factory – also boasts a distinct identity by virtue of its historic character.
- The Block 75 designed by Works Partnership Architecture (under construction) makes a strong contribution as a bundle of tubes arranged irregularly to recess at some points and project at other points, creating an array of outdoor spaces at each floor level on the east and west facades. The north and south facades are differentiated from the east and west facades by the smoothness of their curtain-wall glazing and metal paneling, yet these facades are also unified with the east and west facades by the similar inclusion of differently sized outdoor spaces at the upper floor levels.

With its canted building faces, rhythmic window patterning and patterned skin, the Fair-Haired Dumbbell has the potential to make a significant contribution to this dynamic architectural vision within an area of the Central City increasingly defined by the uniqueness of individual buildings. However, regarding the actual pattern on the boxes, the Design Commission had a healthy debate regarding the relevance of the proposed pattern. The majority of the Commissioners questioned the relevance of a pattern that appeared “borrowed” from somewhere else. Instead, the Commission advised the Applicant to present a concept for the pattern that has meaning locally – tie it to something with meaning to place (not in a literal sense).

***Therefore these guidelines are not yet met.***

**A5-3. Plan for or Incorporate Underground Utility Service.**

Plan for or incorporate underground utility service to development projects.

**Findings for A5-3:** The electrical service vault for the proposed development will be located underground within the west end of the through-block pedestrian connection/plaza. Aside from being underground, urban design elements of the west end of the plaza, including landscape planters, seating, and short-term bicycle parking will also help to soften the appearance of the vault and allow it to blend with its surroundings.

*Therefore this guideline is met.*

**A7. Establish and Maintain a Sense of Urban Enclosure.**

Define public rights-of-way by creating and maintaining a sense of urban enclosure.

**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 for A7 and A8:** The buildings feature expansive ground floor glazing on all four façades. Clear floor-to-ceiling storefront glazing will allow views within and through most of the ground floor, with the exception of the northwest corner where views will be into long-term bicycle parking. The high-visibility corner of NE MLK Boulevard and NE Couch Street features spill-out capacity within a small public plaza (approximately 1,100 square feet.) The storefront glazing halted approximately 12' shy of each corner of both buildings to allow the cladding pattern to reach the ground plane.

The ground-floor glazing allows ample views into and out of the building's ground floor, developing a visual connection between the private interior of the building and the public space of the surrounding streetscape and the through-block pedestrian path/plaza. This glazing, placed in carefully considered and strongly articulated skin pattern as previously described, also provides a defined street wall that imbues MLK Boulevard, Couch Street, and the through-block connection with a comfortable sense of urban enclosure.

In addition to the aforementioned skin treatment and glazing pattern, ground floor programming (retail and office elevator/stair access) also contributes to a vibrant streetscape. The office elevator and stair entry points are located under the second level pedestrian bridge oriented to the through-block pedestrian path/plaza.

*Therefore these guidelines are met.*

**A9. Strengthen Gateways.**

Develop and/or strengthen gateway locations.

**Findings for A9:** The subject site is part of the larger four-block East Burnside Bridgehead development area, which is envisioned as a gateway between the westside of the Central City across the Willamette River and the eastside of the Central City, especially the Central Eastside Industrial District (CEID). In concert with the Block 67 and 75 development underway, and the recently renovated historic Eastside Exchange building, the proposed building will help to anchor the Bridgehead area. The building's distinct, bold patterned "wrap" aids in this endeavor, especially at the high-visibility intersection of NE MLK and Couch. Additionally, the building will add a substantial amount of commercial space and residential units to this area, in keeping with the Portland Development Commission's Framework Plan for the Bridgehead. Befitting the Bridgehead's gateway identity, these uses will add vitality to the pedestrian environment and increase streetscape activity.

*Therefore this guideline is met.*

**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.



**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.

**C1-2. Integrate Signs.**

- a. Retain and restore existing signage which reinforces the history and themes of the district, and permit new signage which reinforces the history and themes of the East Portland Grand Avenue historic district.
- b. Carefully place signs, sign supports, and sign structures to integrate with the scale, color and articulation of the building design, while honoring the dimensional provisions of the sign chapter of the zoning code
- c. Demonstrate how signage is one of the design elements of a new or rehabilitation project and has been coordinated by the project designer/ architect. Submit a Master Signage Program as a part of the project's application for a design review.

**C13. Integrate Signs.**

Integrate signs and their associated structural components with the building's overall design concept. Size, place, design, and light signs to not dominate the skyline. Signs should have only a minimal presence in the Portland skyline.

**Findings for B2, B3, C12, C1-2, and C13:** The through-block pedestrian connection/plaza is an inextricable part of the overall proposal. Pedestrian connections through sites such as this, and Blocks 75 and 76 support the overall vision of the Burnside Bridgehead as a pedestrian-oriented area boasting unique gathering spaces and access routes for traversing within and through varied block geometries and grades. In this spirit, the proposed through-block connection provides access between MLK Boulevard and Couch Street and also acts as a gathering space with bicycle parking, landscaping, seating, and lighting, as well as glazing and multiple entries along the abutting building façade.

All mechanical units will be located atop the roof, far from the pedestrian environment below. None of these units will project above the surrounding mechanical screening enclosure. Louvers for mechanical exhaust are all the same color – slate gray – and will be located at consistent locations – integrated within entrances to the office floor plates from the pedestrian bridges on levels 2-6. No ground floor louvers are proposed. The consistent coloring and door system integration render a unified design element rather than haphazard utilitarianism.

Signage is not proposed at this time; therefore guidelines relevant to signage do not apply. The applicant understands that any future signage in excess of 32 square feet will be subject to design review per Portland Zoning Code Section 33.420.041. Staff finds that signage integration is an important consideration for this project given the complexity of the skin patterning and advises the Design Commission request information from the Applicant regarding signage parameters (materials, size and location).

Exterior lighting is proposed as follows:

- **Canopy-Mounted Building Façade Lighting.** All six frontage-facing elevations feature retail entrances protected by metal canopies. Each of these canopies will feature up-cast lighting which will illuminate the building facades.
- **Surface-Mounted Lights at Bridge.** Down-cast lighting will be mounted under each of the pedestrian bridges connecting the buildings.
- **In-Ground Landscape Up-Lighting.** Recessed ground lighting will be included in the north plaza illuminating the underside of the tree canopies.

All of the proposed exterior lighting is well integrated within building and ground plane

overall design concept and is primarily intended to highlight the building's architecture, while being sensitive to its impacts on the skyline at night.

*Therefore these guidelines are 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.

**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.

**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.

**Findings for B1, B4 and B5:** The project proposes two public open space elements – a through-block east-west pedestrian path/plaza connecting the MLK Boulevard and the Couch Street sidewalks, and a spill-out plaza on the north elevation. Both of these open space elements provide safe, comfortable places where people can stop, socialize, rest, and enjoy the amenities contained therein. Both play a significant role in the pedestrian-oriented vision of the Burnside Bridgehead area by increasing options for pedestrians to safely travel through and gather within the site. The path/plaza contains an integrated stormwater planter and seating while the northern courtyard is programmed for café spill-out with organic surface material supporting a formalized grove of Japanese Cherry trees.

Short-term bicycle parking at both ends of the path/plaza, concrete seating, the adjacency of retail entry doors, and moveable tables and chairs mean that the space will be used by a variety of people for a variety of purposes. Therefore, both spaces will create ample opportunity for passive and active interaction among people parking their bikes, people dining at the patio tables, passersby perhaps stopping to rest by sitting on the pre-cast concrete seating, and patrons entering and exiting retail spaces. The floor-to-ceiling glazing abutting the path/plaza also aids in the success of the space by fostering a visually seamless relationship between the building's interior and the exterior environment of the spaces.

Guideline B1 calls for developing “pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.” The subject block is quite obviously not a super-block or even simply a larger-than-normal block; however, if the site is considered within its larger context of the Burnside Bridgehead development area, the proposed through-block plaza provides a convenient and visually interesting access route that supplements the existing pedestrian system especially given the addition of the office entry points. This pathway reinforces a direct pedestrian pathway through site to the Burnside Bridge access point across NE Couch Street. This alignment has the potential to aid in stitching together these multiple Bridgehead sites both visually and functionally. However, of each of the buildings 64' of frontage interior-facing (toward the central plaza), only 14' (21%) is glazed. And, combined with the fact that 24' (38%) of the plaza space is beneath the overhead pedestrian bridge, the plaza runs the risk of being a dark space with compromised visual and physical connections into buildings' active interior spaces.

*Therefore these guidelines are not yet 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:** The office elevator and stair access is located under the second-level pedestrian bridge offering significant weather protection and accessibility from both MLK Boulevard and Couch Street. Additionally, all of the retail entries include metal canopies.

Generous landscaping (shade trees) within the plaza spaces also adds weather protection. The trees provide shade for pedestrians and the landscape planters help to mitigate for heavy rain events.

*Therefore these guidelines are met.*

**B7. Integrate Barrier-Free Design.**

Integrate access systems for all people with the building's overall design concept.

**Findings for B7:** All entries to the building are at grade with abutting sidewalks. Although the east-west through-block connection contains stairs, the nearby public sidewalks along both MLK Boulevard and Couch Street are at grade, allowing persons with disabilities to travel in the same direction. Additionally, persons with disabilities can still enjoy the amenities of the northern public space and a majority of the through-block connection, as the stairs occupy only a small portion of the through-block connection at the very west end. Amenities in these areas include seating, moveable tables and chairs, pathway lighting, concrete and steel planters, and expansive views of the building's interior provided by abundant clear glazing at the ground floor.

*Therefore this guideline is 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 for C1:** All eight of the ground-floor facades feature floor-to-ceiling glazing. This glazing fosters a seamless connection between the building interior and the exterior environment. People inside the building can enjoy views of activity occurring along abutting public sidewalks and the abutting east-west pedestrian path/plaza. The inverse is true as well; pedestrians outside the building will have ample views of the building's active interior spaces.

At the building's upper floors, a variety of large punched window openings provide views to surrounding points of interest. In many cases, this glazing is floor to ceiling. Additionally, the pedestrian bridges at each floor between buildings are sufficiently sized (24' wide x 34' long) to accommodate gathering as well as pass through between the two buildings. These locations of glazing and bridges at the upper floors provide pleasant westerly views of the City's westside and the Willamette River, northerly views of the Lloyd District, easterly views of the E Burnside commercial corridor and Mount Hood beyond, and southerly views

of the heart of the Central Eastside Industrial District.

*Therefore this guideline is met.*

**C2. Promote Quality and Permanence in Development.**

Use design principles and building materials that promote quality and permanence.

**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.

**Findings for C2 and C5:** The proposed cladding system is a synthetic stucco finished with field-applied acrylic paint in a complex pattern – an intricate and colorful pattern. At the time of publication of this Staff Report, the Applicant had provided no details, specifications or material samples of the proposed cladding system with the proposed pattern applied. The only information submitted by the Applicant is a Manufacturer’s Cut Sheet for Senerflex Platinum Continuous Insulation indicating an “acrylic polymer finish” (Land Use Review Submittal, Sheet C24).

Research conducted by staff on this proposed material and application yields the following findings:

**Synthetic vs Traditional 3-Coat Stucco.** The project is proposed to be wood-framed with plywood sheathing as a substrate to the remainder of the wall system – insulation board, reinforcing mesh and stucco finish. Staff has concerns relating to the lack of breathability in synthetic systems and the potential for build-up of moisture leading to wall deflection and cracking, and likelihood of molding especially on the highly visible north elevation.

**Integral vs. Field-applied Color.** As proposed, the stucco will not include any integrated color patterning, but will be top-coated in the field to achieve the complex finished pattern. While research indicates that field-applied painting techniques are more conducive to greater pattern complexity, top-coat finishes generally have poor light/color fastness. Therefore, Staff has concerns regarding the long-term durability of the finished pattern.

**Maintenance and Warranty.** The Applicant has not submitted evidence of precedent projects or testimonials as to the general efficacy of the proposed cladding system and finishing technique. According to the Senergy website, the warranty schedule for the proposed wall system is commensurate with upgrades and ranges from 5-15 years.

The Regional Arts and Culture Council (RACC) was approached by the Applicant seeking an endorsement of the proposed painting of the skin as a RACC-certified process. RACC responded indicating that they do not have the expertise nor are they in the position to approve material choices for new construction and cannot make any endorsement of specific substrate or paint materials for a project of this scope and permanence. As a result, the Applicant has indicated that he is in search of an expert in the proposed material and application (synthetic stucco w/ top-coat acrylic paint). At the time of publication of this Staff Report, no expert had been identified.

Various application methods were discussed at the two Design Advice Requests (January 23 and April 3, 2014). At the first of these hearings, the Commission determined conclusively that a ***painted solution will not meet guidelines*** and advised the applicant to pursue a more durable material in order for the project to truly impart the sense of quality and permanence envisioned for all projects comprising the Burnside Bridgehead

development area, and the larger Central City Plan District. Despite this clear direction by the Design Commission, it is presently the intention of the project's developer and lead designer to field-apply a pattern in acrylic paint over a synthetic stucco cladding system.

Staff has made the Applicant aware that prior to the Design Commission making a determination on the approvability of any cladding system and skin pattern application, sufficient details must be submitted, including but not limited to:

1. **Specifications and Details.** Drawings and specifications for exterior wall material and paint.
2. **Field-application Methodology.** Process (construction sequencing, duration, etc.) for applying the finished wall material and surface design treatment (field-applied or pre-fabricated off-site) including
  - a. Artist selection process.
  - b. Scaffolding and/or lift requirements.
  - c. Image projection method.
  - d. Day and/or night-time application.
  - e. Weather protection work surface/area.
  - f. Artist crew coordination with stucco application.
  - g. Working period duration. Based on the Applicant's recent relevant experience (field-applied paint at the Zipper, RACC regulated), a crew of two requires 16 hours/200' of frontage to paint one story = 12' of frontage/hour/story. Therefore, the combined frontage for the proposed project of 512 feet, would require 42 hours/floor or 255 total hours of painting time (31 eight-hour shifts.)
3. **Durability, Maintenance and Warranty.** Information detailing the suitability of the proposed system for the intended application, proposed maintenance/preservation program (easements, covenants, endowments, etc.) and manufacturer's warranty for all proposed materials.
4. **Precedent Projects.** Images of and testimonials regarding the efficacy of the proposed system at the ground level and upper floors under similar environmental context (NW weather conditions.)
5. **Material Sample.** Mock-up segment of wall cladding system with proposed finish pattern applied to scale.

***Because these items have not been submitted, these guidelines are not yet 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 for C7:** The two buildings feature four intersection-facing corners (MLK/Couch, Couch/Couch, Couch/Burnside and MLK/Burnside) and four interior-facing corners. The cladding treatment at all eight corners is non-glazed building wall – the patterned “wrap” intentionally engaging with the pedestrian environment at the ground plane within the touch-zone. Storefront glazing begins approximately 12' from each corner with retail proposed at five of eight corners while the remaining three enclose mechanical rooms (generator, trash, water). Continuous metal canopies are proposed over all storefront glazing (approximately 40' (62%) of the length of each building face) and due to the canted/oblique building faces, spill-out potential is maximized especially fronting the north plaza facing the MLK/Couch corner.

Thus, the four patterned street-facing corners are featured as architectural highlights within the immediate pedestrian environment, and significant spill-out potential enhances the highly visible northeast corner and the re-engaging Burnside/Couch couplet.

*Therefore this guideline is 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 for C8:** The building design differentiates the sidewalk level from the upper floors while allowing the patterned “wrap” to touch the ground plane at the corners. Approximately 60% of all street-facing facades feature common glazed storefront systems with continuous canopies above. All of these characteristics serve to effectively delineate the sidewalk level from the building’s upper floors.

*Therefore this guideline is met.*

**C9. Develop Flexible Sidewalk-Level Spaces.**

Develop flexible spaces at the sidewalk-level of buildings to accommodate a variety of active uses.

**Findings for C9:** The ground floor of each building contains nearly continuous retail space and other active use (bike parking). The sidewalk/public space connectivity of these spaces and the inclusion of more than one entry door for many of the retail spaces mean that they could be divided easily in the future, to create additional retail spaces.

*Therefore this guideline is 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 for C11:** All rooftop mechanical equipment will be centralized and screened within a continuous bladed enclosure. Building cross-sections indicate a downward sloping roof condition that will further recess rooftop units. The elevator overrun is positioned central to the block and, given the outwardly canted building wall, will be unseen from the street level. In addition, the parapet detail features returned cladding so the patterned “wrap” will appear from oblique distant views to partially wrap the roof of the building.

*Therefore this guideline is met.*

**(2) 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.*

**140.230.A-D. Ground Floor Windows in the EX Zones.** Windows must extend 50% of length and 25% of area of all ground floor building walls. The project proposes the following on the central courtyard facing elevations – 39% length (does not meet)/ 39% area (meets.)

**Criterion A: *Better meets design guidelines.*** *The resulting development will better meet the applicable design guidelines.*

**Findings:** The central courtyard facing elevations have the potential to aid in stitching together multiple East Burnside Bridgehead sites both visually and functionally with an active, well lit and safe place. However, of each of the buildings 64' of frontage interior-facing (toward the plaza), only 14' (21%) is glazed. And, combined with the fact that 24' (38%) of the plaza space is beneath the overhead pedestrian bridge, the plaza runs the risk of being a dark space with compromised visual and physical connections into buildings' active interior spaces.

***Therefore, this approval criterion is not yet met.***

**Criterion B: *Purpose of the standard.*** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

**Findings:** Per Section 33.130.230, the purpose of the standard encourages that blank walls are limited to *provide a pleasant, rich and diverse pedestrian experience....encourage continuity...encourage surveillance...and, avoid monotony.* The central courtyard façade elevations offer no mitigation for the lack of windows per the elements addressed in this purpose statement.

***Therefore, this approval criterion is not yet met.***

### **(3) ADJUSTMENT REQUESTS (33.805)**

#### **33.805.010 Purpose**

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

#### **33.805.040 Approval Criteria**

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

The following adjustment is requested:

**33.266.310 Loading Standards** – to reduce the number of required on-site loading spaces from one to zero.

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

**Findings:** The purpose of the Loading Standards states: *A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.*

Considering that all abutting streets are classified as a Major Transit Priority Street and/or parking access restricted streets, the one-way couplet configuration, and adjacent Street Car, opportunities to access on-site parking and loading are severely limited at this site. The nature of the occupancies is business offices and creative work space, with tenants that have small offices and operations requiring computer equipment, conference spaces, and general work space. The demand for supplies and production stock is routinely small deliveries carried out by local couriers in cars and vans, and national delivery services such as Fed-Ex or UPS with similar vehicle types.

Because of the highly access constrained project frontages, high transit and pedestrian volumes and the effectiveness of national delivery services for the proposed use, the Adjustment meets the purpose and intent of the regulation. PBOT and BDS staff have determined that centralized on-street loading would better serve the project as a whole than would the requirement for on-site loading.

*This criterion is met.*

- B. *If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in a C, E, or I zone, the proposal will be consistent with the desired character of the area; and*

**Findings:** The site is located in a Commercial (C) zone and is consistent with the desired character of the area which includes the allowance of mixed-use developments. Retail and office uses are acknowledged as the central focus of the district and the distribution function of buildings is recognized as an important operational trait that should be accommodated and acknowledged. Incorporating loading within existing centralized on-street loading areas allows this function to be part of the visible activity of the building.

*This approval criterion is met.*

- C. *If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and*

**Findings:** Only one adjustment is requested. *This criterion is not applicable.*

- D. City-designated scenic resources and historic resources are preserved; and

**Findings:** There are no city-designated scenic or historic resources on this site. *This criterion is not applicable.*

- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and



**Findings:** Staff does not anticipate any significant impacts from the proposed adjustment. Staff notes that, in this particular case, a national delivery service loading program serves as the mitigation to introducing an on-site loading space that could result in negative impacts to traffic patterns in this functionally complex context. In addition requiring an on-site loading space could result in the need for additional adjustments, such as allowing access on a parking-restricted street and potentially allowing reverse motion along Street Car line. Staff believes the proposal for eliminating loading is the most desirable of these potential scenarios.

*This criterion is met.*

- F. If in an environmental zone, the proposal has a few significant detrimental environmental impacts on the resource and resource values as is practicable;

**Findings:** This site is not within an environmental zone. *This criterion is not applicable.*

## 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. Per findings described in this Staff Report and Recommendation, Staff has raised issues that need additional resolution and/or detail as follows:

1. **Promote Quality and Permanence in Development.** Regarding the proposed wall system, cladding details and applied patterning, the following is required
  - a. **Wall System Specifications and Details.** Drawings and specifications for exterior wall system, material and paint.
  - b. **Wall Cladding Application Methodology.** Process (construction sequencing, duration, etc.) for applying the finished wall material and surface design treatment (field-applied or pre-fabricated off-site).
  - c. **Wall Cladding Durability, Maintenance and Warranty.** Information detailing the suitability of the proposed system for the intended application, proposed maintenance/preservation program (easements, covenants, endowments, etc.) and manufacturer's warranty for all proposed materials.
  - d. **Wall Cladding Precedent Projects.** Images of and testimonials regarding the efficacy of the proposed system at ground level and upper floors under similar environmental context (NW weather conditions.)
  - e. **Wall Cladding Material Sample.** Mock-up segment of wall cladding system with proposed finish pattern applied to scale.
2. **Contribute to a Vibrant Streetscape.** Of each building's 64' of frontage facing the internal plaza, only 14' (21%) is glazed. And, combined with the fact that 24' (38%) of the plaza space is beneath the overhead pedestrian bridge, the plaza runs the risk of being a dark space with compromised visual and physical connections into the buildings' active interior spaces.
3. **Compliment Context.** Regarding the actual pattern on the boxes, the Design Commission sought rationale for the relevance of the proposed pattern. The majority of the Commissioners questioned the relevance of a pattern that appeared "borrowed" from somewhere else. Instead, the Commission advised the Applicant to present a concept for the art that has meaning locally – tie it to something with meaning to place (not in a literal sense).

**TENTATIVE STAFF RECOMMENDATION**

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

**Denial** of the project as currently proposed – twin six-story buildings connected by suspended pedestrian bridges at each floor with two small plazas at the ground level.

**Procedural Information.** The application for this land use review was submitted on December 3, 2014, and was determined to be complete on April 13, 2015.

*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 December 3, 2014.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on August 11, 2015.**

**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.

**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.

**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. This Staff Report will be

posted on the Bureau of Development Services website. Look at [www.portlandonline.com](http://www.portlandonline.com). On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 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 Design Commission, only evidence previously presented to the Design Commission 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. **Appeals must be filed within 14 days of the decision. An appeal fee of \$5,000.00 will be charged.**

**Appeal Fee Waivers:** 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 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.

Planner's Name: Jeff Mitchem

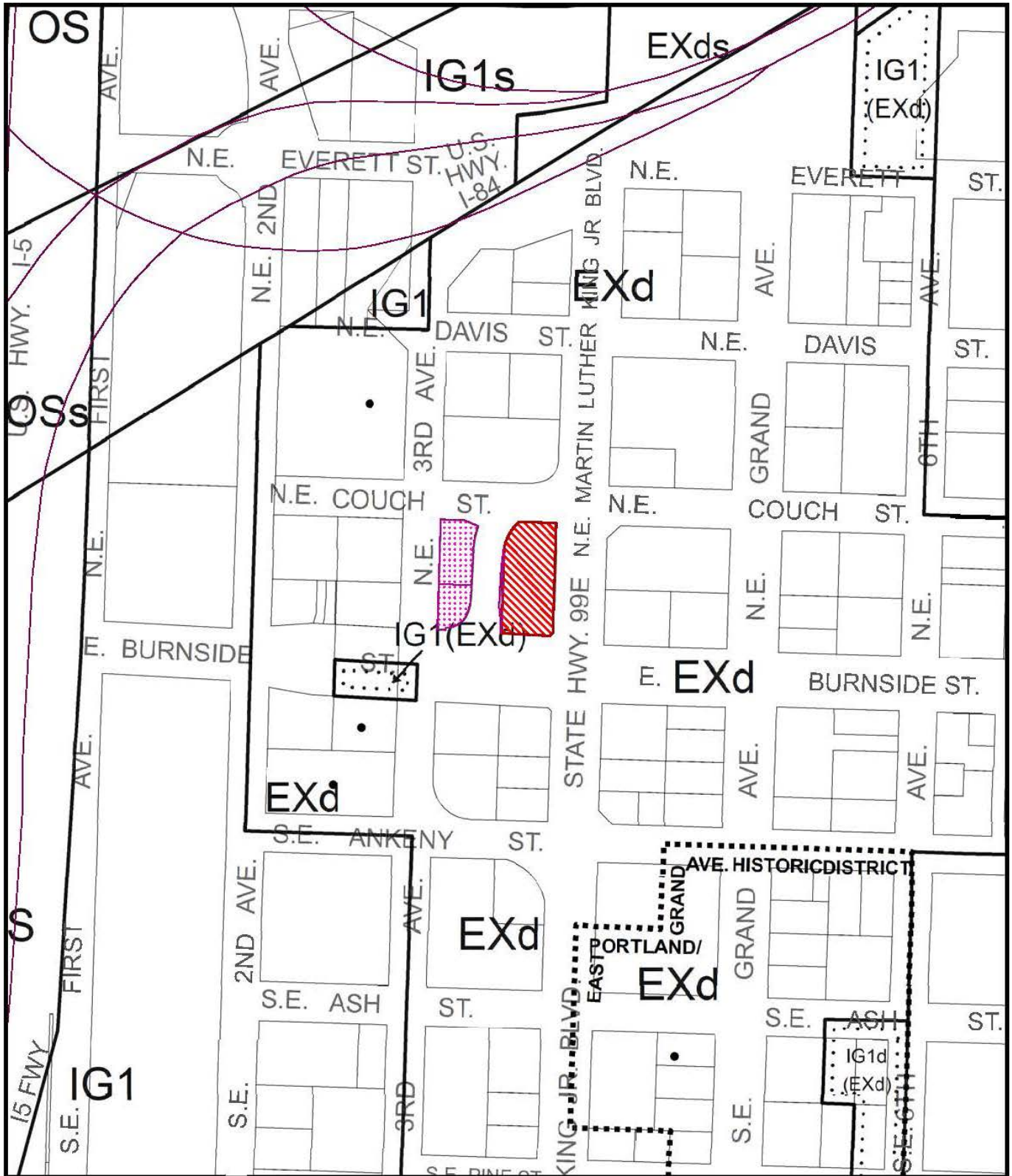
Date: June 8, 2015

### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
- B. Zoning Map (attached):
  - 1. Existing Zoning
  - 2. Proposed Zoning
- C. Plans & Drawings:
  - 1. Land Use Review Submittal (Sheet C1-C28)
    - Sheet C10, Ground Floor & Site Plan (attached)
    - Sheet C14, East Elevation (attached)
    - Sheet C15, West Elevation (attached)
    - Sheet C16, North and South Elevations (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. Mailing list
    - 1. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of Bureau of Development Services
  - 6. Life / Safety
- F. Letters: None
- G. Other:
  - 1. Original LUR Application
  - 2. DAR Notes

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



# ZONING

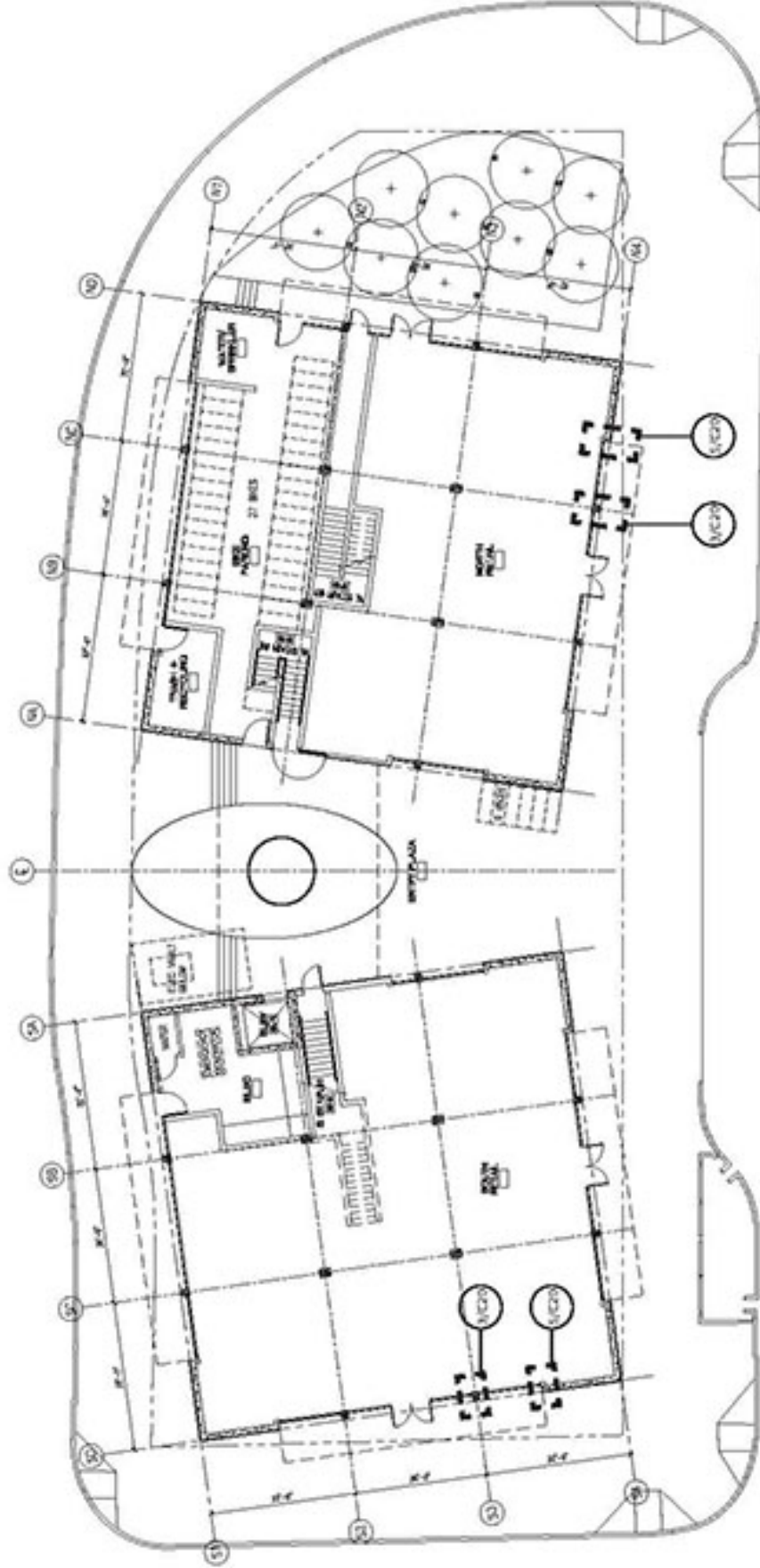
-  Site
-  Also Owned
-  Historic Landmark

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



File No. LU 14-244909 DZ, AD  
 1/4 Section 3030  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E34DA 3500  
 Exhibit B (Apr 27, 2015)

NE Couch St.



E Burnside St.

NE Couch St.



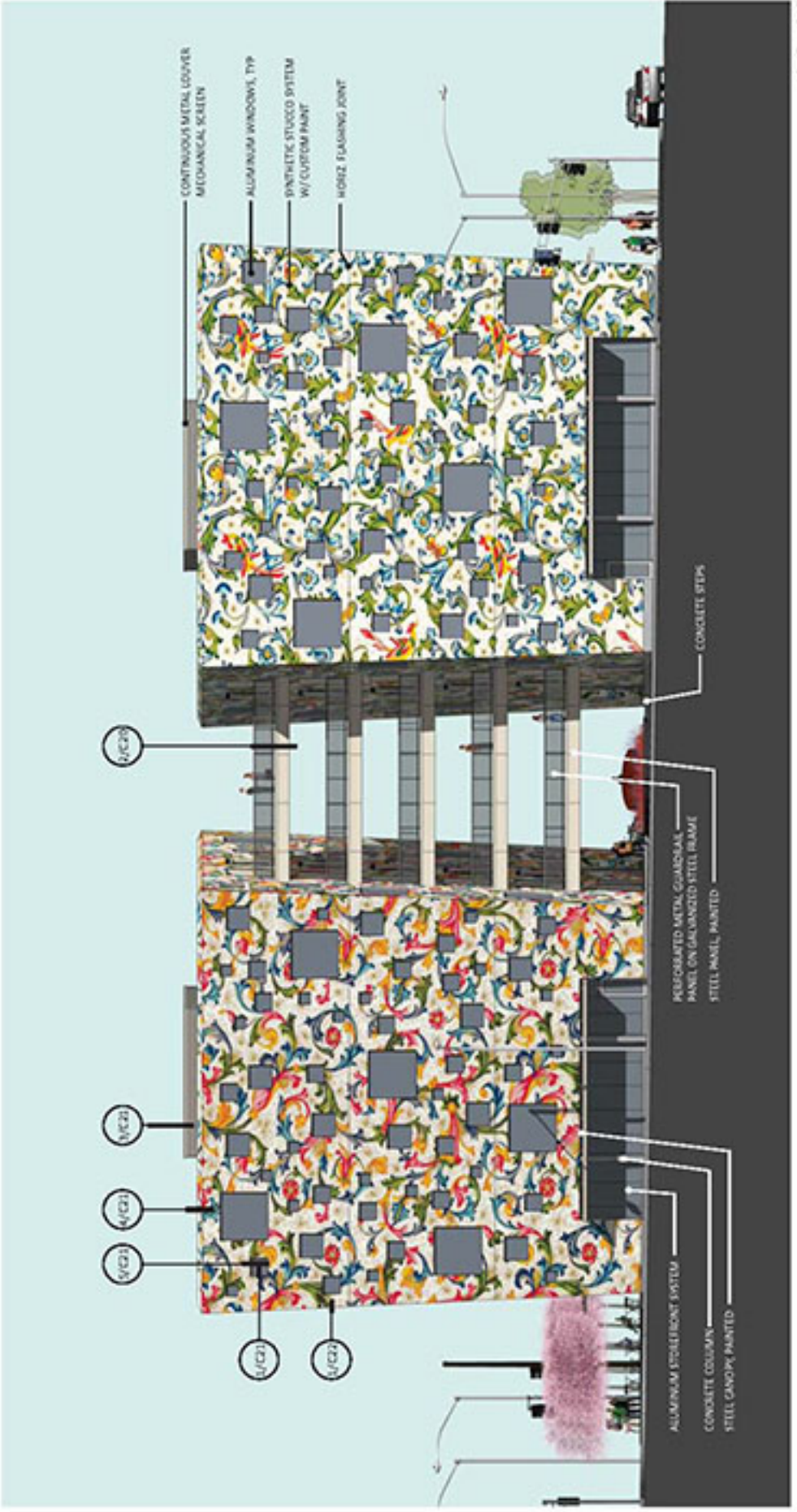
1/16" = 1'-0"

C10

Martin Luther King Jr. Blvd.

Ground Floor & Site Plan

The Fair-Haired Dumbbell | May 29, 2015



1/16" = 1'-0"

C15



West Elevation - NE Couch St.

The Fair-Haired Dumbbell | May 29, 2015



North Elevation - NE Couch St.



South Elevation - E Burnside St.





3/16" = 1'-0"