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REVISED STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION

CASE FILE: LU 15-261089 DZM
PC # 15-118947
East Burnside Apartments
REVIEW BY: Design Commission
WHEN: June 2, 2016 @ 1:30pm
WHERE: 1900 SW Fourth Ave., Room 2500A
Portland, OR 97201

Bureau of Development Services Staff: Benjamin Nielsen 503-823-7812 / Benjamin.Nielsen@portlandoregon.gov

Note: Revised findings are shown either boxed or double-underlined.

GENERAL INFORMATION

Applicant/Owner: Rich Miller, Affinity Property Management LLC
10506 E Burnside LLC
1303 SW 16th Ave, Portland, OR 97201

Owner's Representative: Jessica Greenlee, 10506 E Burnside LLC
1303 SW 16th Ave, Portland OR 97201

Architect: Bronson Graff, Ankrom Moisan Architects
6720 SW Macadam Ave, Suite 100, Portland, OR 97219

Site Address: 10506 E BURNSIDE ST

Legal Description: INC VAC ST LOT 22, KILWORTH AC
Tax Account No.: R451000690
State ID No.: 1N2E34CC 00500
Quarter Section: 3041

Neighborhood: Hazelwood, contact Arlene Kimura at 503-252-9429.
Business District: Gateway Area Business Association, contact Fred Sanchez at 503-256-3910.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Plan District: Gateway
Zoning: RHd – High Density Residential with 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:
The applicant requests design review for a proposed new five story, 52 unit residential apartment building in the Gateway Plan District. The proposed building will be 64'-2" tall at its elevator and stair overrun and 57'-2" at the top of its parapet and will have a floor area ratio of 2.4:1. It will include a common room and 15 spaces of tuck-under parking on the ground floor as well as four residential units; the remainder of the residential units will be located in the upper stories. The exterior of the ground floor will be composed of cast in place concrete, and the upper stories will be clad with ribbed and flat metal panel systems.

One Modification to the development standards in zoning code sections 33.526.280.C & D, Enhanced Pedestrian Street Standards, is also requested. The Modification requests that the required building line be allowed to extend to the street lot line for 55% of the length of the lot line, rather than the required 75%, and to allow ground floor active uses areas to be less than 25 feet deep.

This proposal has been revised since the original public notice to reduce the number of parking spaces proposed from 16 to 15 and to change the proposed building height from 63'-2" to 64'-2" to the top of the elevator and stair overrun and from 59'-2" to 57'-2" to the top of the parapet.

Design review approval is required for proposed new development and Modification requests in the Gateway Plan District.

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
- 33.825.040 Modifications That Will Better Meet Design Review Requirements
- Gateway Regional Center Design Guidelines

ANALYSIS

Site and Vicinity: The subject site, on the south side of E Burnside Street *[Neighborhood Collector Street, Community Main Street, Regional Transitway/Major Transit Priority Street, City Walkway, City Bikeway, Minor Emergency Response Street]* and near the eastern edge of the Gateway Plan District, was previously home to a single-family house and detached garage. The site is now vacant, though many existing trees remain on the site. The site, at 18,500 square feet, is large for a single-family dwelling by inner Portland standards, though not atypical when compared to nearby properties. Some of these properties are still occupied by single-family dwellings while others are occupied by various scales and types of multi-dwelling developments. The property immediately to the east is occupied by a single-story multi-dwelling building oriented in an "L" shape around a parking lot. The properties to the subject site's west are occupied by attached rowhouses that are three stories tall. To the south lies another multi-dwelling development and a single-dwelling house on a flag lot.

The MAX Blue Line runs through the median of E Burnside Street past the subject site. No parking is provided on the street, and there the only connections to the north side of

the street are provided at NE 108th Ave to the east and NE 102nd Ave to the west. At NE 102nd Ave, there is a MAX station as well. The high-density Russellville housing development lies immediately to the south of this transit station.

Zoning: The High Density Residential (RH) is a high density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage. The major types of new housing development will be low, medium, and high-rise apartments and condominiums. Generally, RH zones will be well served by transit facilities or be near areas with supportive commercial services. Newly created lots in the RH zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot area for development with detached or attached houses or for development with duplexes. Minimum lot width and depth standards may apply.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. 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 Gateway Plan District regulations encourage the development of an urban level of housing, employment, open space, public facilities, and pedestrian amenities that will strengthen the role of Gateway as a regional center. The regulations also ensure that future development will provide for greater connectivity of streets throughout the plan district. This development will implement the Gateway Regional Policy of the Outer Southeast Community Plan. Together, the use and development regulations of the Gateway plan district: promote compatibility between private and public investments through building design and site layout standards; promote new development and expansions of existing development that create attractive and convenient facilities for pedestrians and transit patrons to visit, live, work, and shop; ensure that new development moves the large sites in the plan district closer to the open space and connectivity goals of the Gateway Regional Center; create a clear distinction and attractive transitions between properties within the regional center and the more suburban neighborhood outside; and provide opportunities for more intense mixed-use development around the light rail stations.

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

- EA 15-118947 PC – Pre-application Conference to discuss a Type III Design Review for a proposed 5-story wood framed apartment building containing approximately 40 dwelling units and 21 on-site parking spaces to serve the residents.

Agency Review: A "Notice of proposal in Your Neighborhood" was mailed **April 27, 2016**.

The Bureau of Transportation Engineering responded with no objections to the proposal or the requested Modification and with comments about other right-of-way requirements. Please see Exhibit E-1 for additional details.

The Water Bureau responded with no objections to the proposal and with comments about available water service: Please see Exhibit E-2 for additional details.

The Fire Bureau responded with comments about fire code requirements: Please see Exhibit E-3 for additional details.

The Site Development Section of BDS responded with comments requiring a geotechnical report at the time of permit plan review and comments about erosion prevention: Please see Exhibit E-4 for additional details.

The Bureau of Parks-Forestry Division responded with comments about street tree planting requirements and a condition of approval requiring street tree planting prior to final plat approval: Please see Exhibit E-5 for additional details.

Staff notes that there is no final plat for this proposal, and that planting street trees prior to construction would not be feasible. Staff has consulted Urban Forestry regarding a revision to their requested condition of approval to have the street trees planted prior to the final inspection instead.

The Life Safety Section of BDS responded with comments about building code and life safety requirements: Please see Exhibit E-6 for additional details.

The Bureau of Environmental Services responded with comments stating that the stormwater plans and calculations received to date are incomplete and inadequate to approve the proposed stormwater design; however BES has also determined that an approvable stormwater management plan should not impact the design of the project, and that this plan will be reviewed during permitting. Please see Exhibit E-7 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **April 27, 2016**.

- Gail Priest, 221 SE 108th Ave, Portland, OR 97216, 5/10/2016: Email with concerns about the lack of adequate parking on site given the number of units proposed and comments about how difficult traffic and parking already are on SE 108th Street.

  Staff forwarded the email to the applicants and notes that no parking is required for any type of development within the Gateway Plan District per zoning code section 33.526.340.B.1.

- Richard Conner, 11435 NW Reeves St, Portland, OR 97229, testimony at 5/19/2016 hearing: Testimony in opposition of the proposal due to concerns about lessening the value of the adjacent lot to the east as well as concerns about light overflow and parking negatively impacting the property.

ZONING CODE APPROVAL CRITERIA

(1) DESIGN REVIEW (33.825)

Chapter 33.825 Design Review
Section 33.825.010 Purpose of Design Review
Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation,

enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria
A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

> **Findings:** The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Gateway Regional Center Design Guidelines.

Gateway Regional Center Design Guidelines
The Gateway Regional Center is the City of Portland's only designated regional center. The area is envisioned to redevelop into a highly urbanized, pedestrian-oriented center, with an overall built size and scale second only to Portland's Central City.

The purpose of design review is to carry out the urban design vision for the District by emphasizing unique district assets in a manner that is respectful, creative, supportive, and compatible with all its areas. Although the District is a complex urban environment, it can become a cohesive whole with the use of these design principles.

Gateway Regional Center Design Goals
Ten goals for design review in the Gateway Regional Center have been established to enhance the area's design quality, support its livability, and guide its transition to a pedestrian-oriented, active, urban regional center. They are:

1. Encourage urban design excellence.
2. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Gateway Regional Center as a whole.
3. Provide for a pleasant, rich, and diverse experience for pedestrians.
4. Assist in creating a regional center that emphasizes a mix of active uses and experiences and is safe, lively, and prosperous.
5. Provide for the humanization of the Gateway Regional Center through the promotion of parks, plazas, open spaces, public art, and trees.
6. Integrate and honor the diversity and history of Gateway.
7. Integrate sustainable principles into the development process.
8. Encourage the development of a distinctive character for subdistricts within the regional center, and link them.
9. Encourage and incorporate transit orientation and usage.
10. Enhance the physical and visual linkages between the Gateway Regional Center and adjacent neighborhoods.

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

A1. Strengthen Relationships Between Buildings and the Street. Integrate building setback areas with adjacent streets.

A2. Enhance Visual and Physical Connections. Enhance visual and physical connections between buildings and adjacent sidewalks. Orient semi-public building spaces to the sidewalk and street.

Findings for A1 & A2: The proposed multi-dwelling residential apartment building is setback slightly from the property line along E Burnside Street. The space within this setback is paved to match the wide sidewalk and contains planters and short-term bike parking upon it. The entry to the building is also accessed off this setback paved area.

Windows on the building here are provided to allow for views into and from within the lobby and amenity rooms on the ground floor of the building. These windows and the placement of these semi-public and semi-private spaces provide visual and physical connections between the proposed building and the street.

Therefore, these guidelines are met.

A3. Integrate Building Mechanical Equipment and Service Areas. Incorporate building mechanical equipment and/or service areas in a manner that does not detract from the pedestrian environment.

B5. Integrate Roofs, Rooftop Lighting, and Signs. Integrate rooftop components, functions and related screening elements with the building's architecture. Integrate exterior lighting, signs and any related structural equipment at or near the roof with the building's architecture. Orient lighting to highlight the building's architecture.

Findings for A3 & B5: Mechanical equipment proposed to be located on the site is either contained within portions of the building itself or placed on the roof. The electrical service and metering room, trash/recycling room, and electrical room are all enclosed and located towards the rear half of the building at the tuck-under parking lot area, keeping these spaces away from the primary pedestrian frontage along E Burnside and the outdoor amenity space at the northwest corner of the site. A generator adjacent to the electrical room is also located within the tuck-under parking area and is similarly enclosed. Landscape screening and a 6' tall wood fence with minimal spacing between the boards provide additional screening of these equipment areas from adjacent properties.

A small collection of ventilation shaft exhaust fans is located on the roof to handle bathroom and kitchen exhaust from the units. These fans take the place of the majority of sidewall vents which would provide extra visual clutter on the façade and which may have otherwise negatively impacted the pedestrian realm. On the roof, however, they are not visible from the sidewalk as they are well-screened by the building's parapets and the stair penthouse and elevator overrun. A solitary packaged rooftop air conditioning unit, also located on the roof, conditions public spaces within the building. Like the exhaust fans, this a/c unit is not visible from the sidewalk.

Four sidewall vents are necessary at the ground level, however, due to the distance required to vent to the roof. These four vents are covered by a 36" long prefinished sheet metal cap colored to match the ribbed metal panel behind it and which spans three of those panels. Each vent is also centered on the window below. Those on the west façade are located in private outdoor areas for those ground floor units. Those on the east façade face the driveway and a landscaped area. None have a significant impact on the pedestrian environment.

The stair penthouse and elevator overrun are located on the north quarter of the roof and are combined together as one architectural element. This combined element sits well-back from the north edge of the roof and is clad with the same 12" metal wall panel system which clads portions of the main building volume

below. This element of the roof will be minimally seen from the street and is well-integrated with the overall design concept of the building.

Finally, loading and parking are located behind the ground floor of the building in a tuck-under parking area that is well-removed from the sidewalk along E Burnside. The 20'-0" wide driveway to access this space provides minimal interruption at the sidewalk.

No rooftop lighting or signs located at or near the roof are proposed.

Therefore, these guidelines are met.

B1. Convey Design Quality and Building Permanence. Use design principles and building materials that convey quality and permanence.

B3. Design for Coherency. Integrate the different parts of a building to achieve a coherent design.

Findings for B1 & B3: The proposed building uses a simple rectangular massing that is effectively divided into two parts—a concrete ground floor base and a framed upper four-story mass that is clad in metal. At the ground floor, cast-in-place concrete is used extensively to form a durable and differentiated base to the building. Within this form, aluminum storefront windows are used in the building's public spaces along its north façade. The cast-in-place concrete base continues around the rest of the ground floor, being interrupted only at the residential ground floor units where the walls are set back and clad with the same AEP span metal panels used in the four-story mass above.

The main mass of the building consists of four stories of residential units. This portion of the building is clad with three different types of metal panel: a 20 gauge, prefinished 12" metal panel with a ½" reveal is used to form a frame around the building's sides on all four facades. Within this frame, a similar, but more textured 20 gauge, prefinished 12" metal panel with a 2" reveal is used in between vertical window bays on the west, south, and east facades. The window bays span between the top and the bottom of the frame around each façade, and each window bay is defined by a 22-gauge decorative prefinished metal frame of its own that projects out from the face of the building by 4". A combination of large and smaller-sized commercial-grade vinyl windows within these bays. Spanning between windows is a 6" horizontal aluminum Longboard panel system. Each interlocking panel is between 13-14 gauge (0.07") in thickness and is prefinished with a wood grain color and pattern.

The Design Commission raised concerns about the true durability and quality of the wood-grain patterning at the hearing on May 19, 2016. The applicants have furnished additional information regarding the warranty offered on the product (50 years, including color and gloss retention and adhesion) and the manufacturing process that suggests the material will retain its appearance. If the Commission still finds that there are concerns with the pattern, a condition of approval could be added that specifies a solid color instead.

Taken altogether, the window bays on the east façade and the west façade form a slightly irregular, though still harmonious, pattern across each façade. This contrasts with the symmetrical pattern of bays used on the south façade. The materials used, as well, are of high quality, with metal of sufficient thickness—and

indeed, even exceeding it in the case of the proposed Longboard panels—to reduce the likelihood of oil canning and to ensure that the metal panels and trim will be durable as well. The proposed commercial grade vinyl window systems will also be a durable building component.

The street-facing north façade composition diverges from that of the other three facades; within the same metal frame around the upper stories of the façade, the main mass of the dwelling units is pushed inwards. Windows in these bays are taller, floor-to-ceiling windows, though, and balconies project from the windows on the upper three stories on either side of the façade. These balconies are composed of flat metal rails and pickets, colored to match the gray metal frame on this façade, and PVC decking. (Similar balconies are used on the south façade.) A commercial grade vinyl door swings out onto each balcony. Finally, like the south façade, the north façade is symmetrical in its overall patterning.

The original proposal shown at the first hearing on May 19, 2016, proposed cladding the entirety of this façade with the 6" Longboard siding that is printed with the light-colored fir pattern instead of using the gray-colored metal panel between window bays. The Design Commission stated at that hearing that the north façade was too busy and lacked the compositional strength of the other three facades. Specifically, concerns were raised about the vertical metal window trim and the introduction of flat metal spandrel panels between the windows in the vertical bays. The Commission also expressed concerns about the repetitive nature of the fir print on the Longboard panels becoming too apparent due to its extensive use, and requested that the applicants revise this elevation with their comments in mind.

The applicants have responded with two potential alternative designs for the north façade. Both simplify the detailing in the recessed portion of the façade by removing the vertical metal trim from the window bays. Instead, the entire recess takes on the character of the vertical window bays on the other elevations. Yellow-colored metal trim frames the entire recess and extends inward along the trim's "jamb" walls, soffit, and sill. The fir-patterned Longboard panels now span between the windows, like they do on the other facades, and 12-inch, 20-gauge metal panels—shown alternatively with the ½" reveal or 2" reveal—painted yellow to match the trim and fir-pattered Longboard form the field between window bays. The proposed design, though simpler in design and material expression, therefore retains the spirit of the originally-proposed north façade and better maintains the overall design language of the other three elevations.

The composition of the ground level is described in further detail below under "B2. Integrate Ground Level Building Elements," and this description demonstrates that the ground floor utilizes materials of a high quality to achieve a coherent and integrated ground floor design.

Lighting is used at the ground floor for several functions. Two surface-mounted LED can fixtures are mounted on the underside of the steel canopy that projects over the sidewalk. In the adjacent soffit along the north side of the building, recessed cans are placed to provide lighting for pedestrians near the front of the building. Along the eastern soffit, similar recessed can fixtures are employed to provide both pedestrian-scale lighting and lighting on the driveway. These fixtures continue around to the south façade along with the soffit on the edge of the tuck-under parking area. Both of these fixtures are well-integrated into the soffits and provide necessary illumination without significant impacts on adjacent properties.

Deeper inside the tuck-under parking area, surface-mounted LED fixtures are proposed. These surface-mounted fixtures are veiled by a horizontal screen composed of metal Longboard panels that projects slightly below the soffit on its inner face, and which encircles the ceiling over the tuck-under parking area. This screen also helps to add another layer of visual enclosure to the tuck-under parking area and better integrate it within the composition of the building.

On the west side of the building, exterior wall sconces are used to provide illumination of the outdoor spaces at the two residential units on that side as well as at the outdoor amenity space. The applicant has indicated that these up-and-down sconce fixtures will be mounted on the cast-in-place concrete walls, though no information is given about their proposed location in the elevations, and no details are given about their mounting, junction boxes, and electrical conduit. Therefore, to ensure the proposed fixtures are well-integrated into the building's design, as a condition of approval, the junction boxes and electrical conduit for each sconce fixture shall be located within or behind the concrete wall, rather than mounted to its surface.

All told, the proposed building incorporates a coherent design scheme with well-integrated details and materials of high quality.

With the condition of approval that the junction boxes and electrical conduit for each sconce fixture shall be located within or behind the concrete wall upon which it is mounted, these guidelines may be met.

B2. Integrate Ground-Level Building Elements. Integrate the different ground-level building elements with the building's architecture.

Findings: The proposed building incorporates a distinct ground level composed primarily of cast-in-place concrete. Aluminum storefront windows are set deep within punched openings in the cast-in-place concrete at the building's public spaces along the north façade and portion of the east and west facades. A steel canopy, described in more detail in B4, below, projects from the eastern storefront window head on the north façade out over the sidewalk extension and a portion of the public sidewalk along E Burnside St. This canopy is differentiated in color from the gray, yellow, and wood-grained building mass above, but it is painted to match the aluminum storefront system, helping to integrate it into the ground floor of the building.

Along the north façade, the building is set back from E Burnside Street and the sidewalk is extended up to the building edge beyond its required width. Wood planters are set in portions of this sidewalk extension. These planters provide for additional visual variation and buffer along the sidewalk, and they are also integrated into the building's overall design concept through their use of wood, matching in style the metal Longboard panels with a wood grain finish, and in their placement against the cast-in-place concrete walls.

Two additional planters are set against the 6' tall gate assembly and fence proposed between the public sidewalk and outdoor amenity area at the northwest corner of the property. The fence itself is constructed of the same wood-grain finish metal Longboard system as that used in the upper floor mass above, except in this fence, 3" rectangular planks are used instead of the interlocking panels used in the wall system. These planks are spaced with a 1" gap to allow for some measure of visibility between the amenity space and the street.

The west side, south side, and a portion of the east side of the property, up to the mechanical/electrical room, is enclosed with a 6' tall wood fence that has been revised from the original proposal presented on May 19, 2016: the fence now extends to the length on the east property line that the Design Commission requested at that hearing, and the 1" gaps between the fence rails have been eliminated to more completely screen light and noise from the parking area.

A privacy screen, composed of the same 3" metal Longboard planks used in the gate assembly fence, is proposed between the outdoor amenity space and the private outdoor areas for two of the ground floor units. These privacy screens are also 6' tall; however, the spacing between planks is shown as only 0.5" for greater privacy. Since these screens are not connected to the primary fence system, this spacing should not interfere with the building's ground level coherency.

The four residential units on the ground floor are set back from the street behind the public lobby, amenity room, and long-term bike parking room. The façade expression at these units also incorporates materials used on the upper floors of the building: the same metal panel system is used, set deeply behind the cast-in-place concrete wall in a manner similar to the storefront window systems, along with the vinyl windows set within the metal panel walls, also like those used on the floors above.

A tuck-under parking lot is placed behind the ground floor residential units, and the building above extends almost completely over the parking lot. Two back of house spaces—the electrical service & metering and trash/recycling rooms—sit along the eastern face of the building, partially screening the tuck-under parking area. The trash/recycling room is composed of cast-in-place concrete walls and has outward swinging gates on its east façade that are composed of 6" metal Longboard panels with the same wood grain finish used repeatedly on the building and on other screening elements. The electrical service & metering room and the generator room are composed of the same materials, though neither has the swinging gates.

Behind these back-of-house uses, a stair enclosure and electrical room are also located within the tuck-under parking area. These are both composed of cast-in-place concrete, matching the aesthetic of the rest of the ground floor building.

Along with the ground level lighting described in "Findings for B1 & B3," the various elements on the ground level of the building help to complete the well-integrated design of the building as a whole.

Therefore, this guideline is met.

B4. Integrate Encroachments. Size and place encroachments to enhance the pedestrian environment. Where permitted, integrate skybridges that are visually level and transparent toward the middle of the block, where they will be most unobtrusive.

Findings: The proposed building has two types of encroachments over the E Burnside right-of-way: one is a canopy over the entrance at ground level, and the other type is balconies, of which there are six. The canopy extends out from the aluminum storefront system at the lobby entry and sits below the soffit on the north side of the building. It is composed of a simple painted steel frame with a prefinished ribbed metal deck. The canopy mostly covers the paved setback area

in front of the lobby, though it also extends approximately 4'-0" away from the face of the upper stories and out over the sidewalk along E Burnside. On its underside, two surface-mounted can lights provide light on the sidewalk extension. On its top, building name signage will be placed (though this signage is exempt from design review due to its area of approximately 16 square feet).

Above, on floors three through five, six balconies will extend out over the sidewalk extension and beyond over the right-of-way by about 18". The balconies are composed of flat steel rails and simple steel pickets that are attached to a steel channel base. All of these components will be painted to match the gray color of the ribbed metal panel in the north façade's frame, helping to integrate these encroachments with the building's overall design.

Therefore, this guideline is met.

B6. Integrate Ecological / Sustainable Concepts. Integrate ecological/sustainable features or concepts with site and development designs.

Findings: The proposed building incorporates several sustainable features—some of which are required by other city codes and regulations. Stormwater is proposed to be handled via a stormwater planter provided at the southeast corner of the site rather than funneling into the combined sewer under E Burnside Street. Though BES has not yet accepted this proposed design, a similar on-site stormwater management system will be required and ultimately provided.

LED light fixtures are used for lighting exterior spaces, the driveway, and tuck-under parking area. These fixtures use considerably less energy than standard incandescent fixtures and do not contain mercury like fluorescent fixtures.

The building itself is clad primarily in metal—both steel and aluminum, specifically. Though it is not stated whether any recycled content is being used in the proposed cladding systems, both materials can ultimately be recycled should they be removed from the building in the future. The building also incorporates natural ventilation for the units through the use of operable windows and ceiling fans, along with mechanical ventilation.

Finally, the development of a higher-density residential building on this formerly single-dwelling parcel will help to support the light rail station just three blocks to the west. This station also makes it feasible to make more trips by transit, walking, or biking than would a similar development located elsewhere in East Portland.

Therefore, this guideline is met.

C3. Support Open Spaces with New Development. Develop buildings that are oriented to adjacent open spaces.

Findings: The subject site does not lie in close proximity to any open spaces in or near the Gateway Plan District; however, the provision of a wide sidewalk along E Burnside helps to reinforce the City Walkway designation of E Burnside Street, which can help—albeit incrementally—residents reach open spaces that are some distance from the site.

The proposal does create a new, small outdoor amenity space near the northwest corner of the site. This private space provides exterior space for all residents and is adjacent to the amenity room in the building.

Therefore, this guideline is met.

C4. Develop Complementary Parking Areas. Develop, orient and screen parking area to complement adjacent buildings and the pedestrian environment.

Findings: The proposed development incorporates a tuck-under parking area on the south half of the site. This parking area is accessed via one curb cut and driveway on the east side of the site, and this driveway runs along the length of the east side of the building. The tuck-under parking area is set back behind the building's lobby, amenity space, and four ground floor residential units, which greatly reduces its impact on the pedestrian environment. Its location almost completely under the building also helps reduce its visual impact from neighboring properties and the heat island effect that could occur from a large, open paved area. A screen suspended from the inner edge of the soffit also helps to add another layer of visual enclosure to the tuck-under parking area and better integrate the parking area within the composition of the building. The tuck-under parking area is further screened from adjacent properties by the tall landscaping—including the possibility of saving an existing large Douglas Fir tree—and a 6' tall wood fence that wraps around the west, south, and a portion of the east side of the site. As requested by the Design Commission at the May 19, 2016 hearing, the fence is now a solid fence with gaps between the planks only large enough to allow for thermal expansion. Along the rest of the east side of the site, an existing hedge on the neighboring property—along with new landscaping screening on the site itself—helps to screen the new tuck-under parking area from the adjacent property's exposed parking area.

The LED light fixtures described above in "Findings for B1 & B3" provide illumination for the tuck-under parking area and the driveway, and the suspended screening element helps to prevent glare and impacts on adjacent properties.

Therefore, this guideline is met.

C5. Transition to Adjacent Neighborhoods. Orient the building mass of new development toward the higher-density areas and/or active streets of the regional center.

Findings: The proposed building extends up to the property line along E Burnside at the site's north end but leaves considerable (and required) setbacks along its east, south, and west sides. Given the lower scale, single-story development on the site to the east, the building mass is shifted more towards the west, leaving a larger than required setback on the east side. This area also accommodates a driveway, keeping this function off of the west side of the property and away from the taller attached rowhouses and is closer to the existing parking area on the property to the east.

The scale of the proposed building, though perhaps larger than some existing buildings immediately surrounding it, is nevertheless stepping down in scale from the nearby Russellville housing complex just across SE 105 Ave to the west of the site. That development includes large, full-block buildings on multiple blocks and is significantly more massive and dense than the proposed building on the subject site, which is closer to the eastern edge of the Gateway Plan District. The proposed

building also does not extend to the maximum height allowed in this area, which is 100'; rather its proposed height is only 57'-2" to the top of parapet and 64'-2" to the top of the elevator overrun.

Therefore, this guideline is met.

C6. Build on View Opportunities. Incorporate semi-public building spaces to facilitate views to and from public amenities. Develop new buildings to emphasize pedestrian views down streets or corridors at focal points or wayfinding markers.

Findings: The proposed building's lobby and amenity rooms face the sidewalk along E Burnside Street, which is the only street abutting the site. Large windows in these rooms provide views out to the street and the MAX line in its median. The slightly setback building wall along the ground floor on this façade also accommodates a generous sidewalk extension at the building's entry, creating a semi-public outdoor space along E Burnside. On the floors above, six balconies provide additional private view opportunities towards E Burnside Street and beyond, possibly extending to the MAX station at SE 102nd Avenue and E Burnside. Six additional balconies are provided at the south façade, affording views to points southward in the Gateway Plan District.

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.

Modification #1: Enhanced Pedestrian Street Standards, PZC 33.526.280.C & D – decrease the length of the required building line from 75% of the length of the lot line to 55% and to allow ground floor active uses areas to be less than 25 feet deep.

Purpose Statement: These regulations enhance and ensure the continuity of the pedestrian environment along key streets in the Gateway plan district. The standards help maintain an urban character along the Enhanced Pedestrian Streets by reinforcing the continuity of pedestrian-oriented, active ground-level uses and strengthening the relationship between those uses and the pedestrian environment. Active uses include but are not limited to: lobbies, retail, residential, commercial, and office. Together with the ground floor window, entrance, and pedestrian

standards, the Enhanced Pedestrian Street standards foster an efficient, safe, and interesting route for pedestrians to move through the Gateway plan district.

Standard: 33.526.280.C, Required Building Lines. Either Paragraph C.1. or C.2., below, must be met. Exterior walls of buildings designed to meet the requirements of this subsection must be at least 15 feet high.

1. The building must extend to the street lot line along at least 75 percent of the lot line; or
2. The building must extend to within 12 feet of the street lot line for 75 percent of the lot line and the space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes or vendor's stands.

Standard: 33.526.280.D, Ground Floor Active Uses. Buildings must be designed and constructed to accommodate uses such as those listed in Subsection A, above. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to active uses. This standard must be met along at least 50 percent of the ground floor of walls that front onto a sidewalk, plaza, or other public open space. Areas designed to accommodate active uses must meet the following standards:

1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
2. The area must be at least 25 feet deep, measured from the street frontage wall;
3. The area may be designed to accommodate a single tenant or multiple tenants;
4. The street-facing façade must include windows, or be structurally designed so doors and windows can be added when the space is converted to active building uses; and
5. Parking is not allowed in the areas that are required to meet the standard of this subsection.

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines; and*

Findings: Due to required 14-foot setbacks in the RH zone, the proposed building was already limited in its capacity to meet the full 75% width standard. The proposed Modification allows for a single, 20-foot wide driveway to access the well-hidden tuck-under parking at the southern portion of the site, while still maintaining a useable landscaped area on the western portion of the site. This proposed design better integrates the parking into the design of the building—and the site (Guideline C4 – Develop Complementary Parking Areas)—as well as affording an opportunity for a shared, private outdoor amenity space (Guideline C3 – Support Open Spaces with New Development), which additionally provides view opportunities from the outdoor amenity space to the street (Guideline C6 – Build on View Opportunities).

The required 25-foot depth for the active space, meanwhile, is not as necessary as it may be on a site that is zoned to accommodate a more-public use in the interior space, such as a retail space. It should be noted that the RH zone does not allow any commercial uses. The lobby and a building amenity room are both provided along the street, and both have large amounts of glazing. The shallower depth of these spaces is reasonable given that they will likely not be transitioning to a retail-type of use; the site lies near the edge of the Gateway Plan District, and the

residentially-focused uses here help to further transition to the nearby residential neighborhood just a little farther east along E Burnside Street (Guideline C5 – Transition to Adjacent Neighborhoods).

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: The Enhanced Pedestrian Street Standards are designed to ensure that there will be an urban, pedestrian-oriented character to the sidewalk—along E Burnside Street in this instance—and that active spaces within the building communicate their activity to the outside, and vice versa. The building lobby, which contains the mail room, will be frequently used by residents and visitors. The large glazing along the street-facing wall and on the east side of the lobby will help bring this activity to the street. Similarly, the amenity room is also highly glazed, and, when combined with the outdoor amenity space as well, it will also place a large amount of activity along the street edge, thus meeting the purpose of the design standard.

Therefore, this Modification merits approval.

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 proposed five-story residential building, located in the Gateway Plan District, is a well-composed building composed of quality materials. The proposed building helps to improve the pedestrian environment along E Burnside street with its wide sidewalk and large amounts of glazing looking into active building areas. The tuck-under parking area in the rear is well-integrated into the building design and well-screened from pedestrians and neighboring properties.

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval**.**

TENTATIVE STAFF RECOMMENDATION

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

Staff recommends approval of the proposed five-story multi-dwelling residential building, consisting of 52 units in five stories and with 15 tuck-under parking spaces, located within the Gateway Plan District, and as shown in Exhibits C-1 through C-74 and per the conditions listed below.

A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this

information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 15-261089 DZM". All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

B. Street tree planting shall be required prior to final inspection.

C. The junction boxes and electrical conduit for each sconce fixture shall be located within or behind the concrete wall upon which it is mounted.

D. No field changes allowed.

Staff also recommends approval of the requested Modification to zoning code standard 33.526.280.C & D – Required Building Lines and Active Ground Floor Uses.

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Procedural Information. The application for this land use review was submitted on November 5, 2015, and was determined to be complete on March 25, 2016.

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 November 5, 2015.

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 waived the 120-day review period, as stated with Exhibit (Exhibit G-4). **The review period will expire on: November 25, 2016.**

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 our office at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201. Please call the file review line at 503-823-7617 to schedule an appointment.

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, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

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:

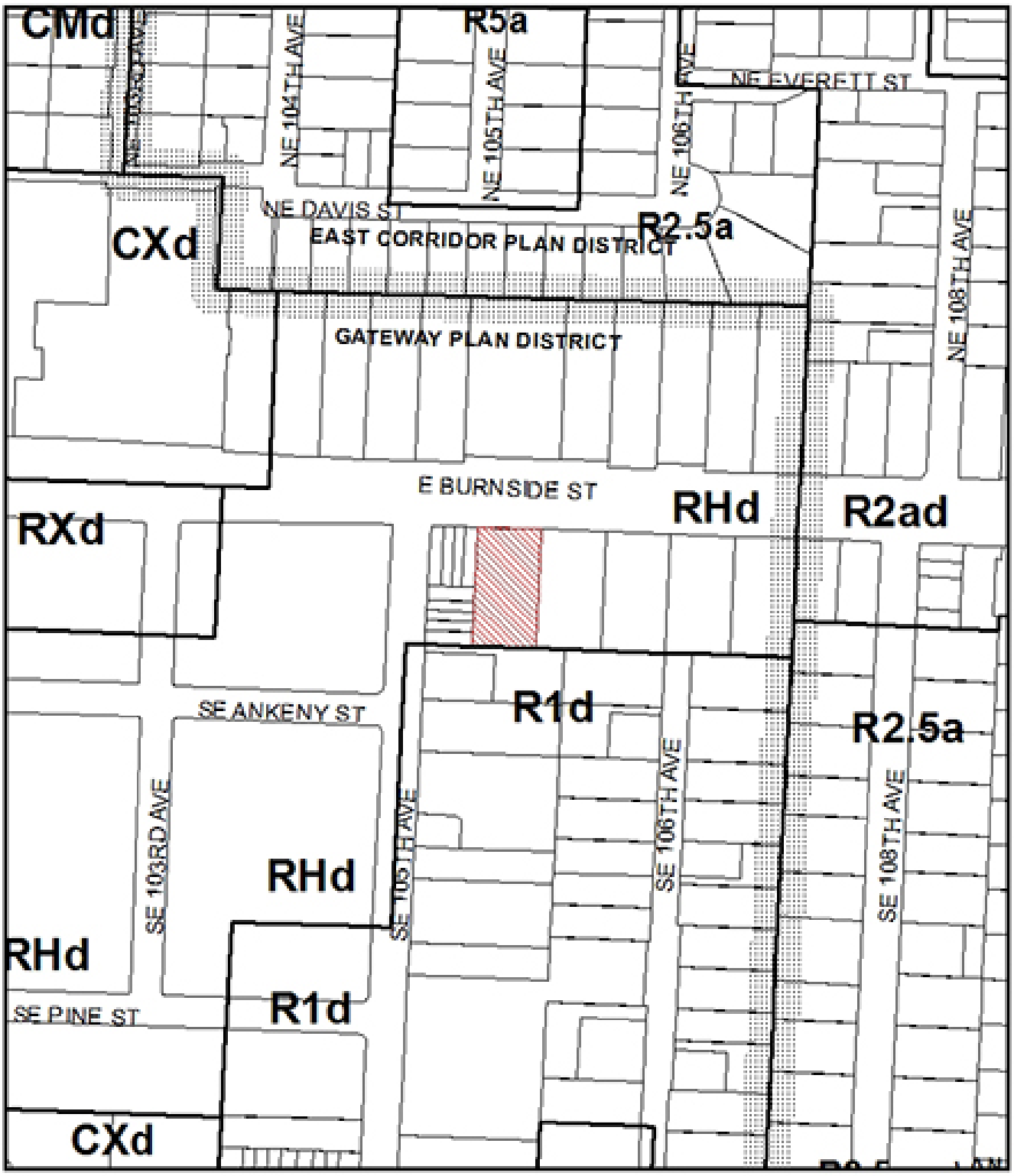
- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

Benjamin Nielsen
May 27, 2016

EXHIBITS – NOT ATTACHED UNLESS INDICATED

A. Applicant's Submittals
   1. Original Written Statement
   2. Original Drawing Set
   3. Revised Drawing Set dated 2/19/2016
   4. Revised Drawing Set dated 3/24/2016
   5. Revised Drawing Set dated 3/29/2016
   6. Revised Drawings dated 3/29/2016 and received 4/4/2016
   7. Utility Plans & Storm Water Calculations
   8. Modification Narrative
   9. Revised Drawing Set dated 4/29/2016
   10. Revised Written Statement and Product Information Cut Sheets Booklet dated 4/29/2016
   11. Revised Utility Plans & Stormwater Calculations
B. Zoning Map (attached)
C. Plan & Drawings
   1-82. Drawing Package (exhibits C-18, C-23, C-25, C-27, & C-34 attached)
   83. Manufacturer's Product Cut Sheets Package
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. Bureau of Transportation Engineering and Development Review
   2. Water Bureau
   3. Fire Bureau
   4. Site Development Review Section of BDS
   5. Bureau of Parks, Forestry Division
   6. Life Safety Review Section of BDS
   7. Bureau of Environmental Services
F. Letters
   1. Gail Priest, 05/10/2016, email with concerns about parking
G. Other
   1. Original LUR Application
   2. Pre-application Conference Summary
   3. Statutory Quit Claim Deed
   4. Signed 120-Day Waiver
   5. PBOT RFC Response
   6. BES RFC Response
   7. Incomplete Application Memo
   8. Neighborhood Contact Requirement Certification
   9. Follow-up Email to Jessica Greenlee, dated 3/24/2016
   10. Follow-up Email to Jessica Greenlee, dated 4/13/2016
H. Hearing
   1. Staff Report, dated May 9, 2016
   2. Staff Memo to the Design Commission, dated May 12, 2016
   3. Staff Presentation, dated May 19, 2016
   4. Applicant Presentation, dated May 19, 2016
   5. Public Testimony Sign-in Sheet from May 19, 2016 hearing



ZONING

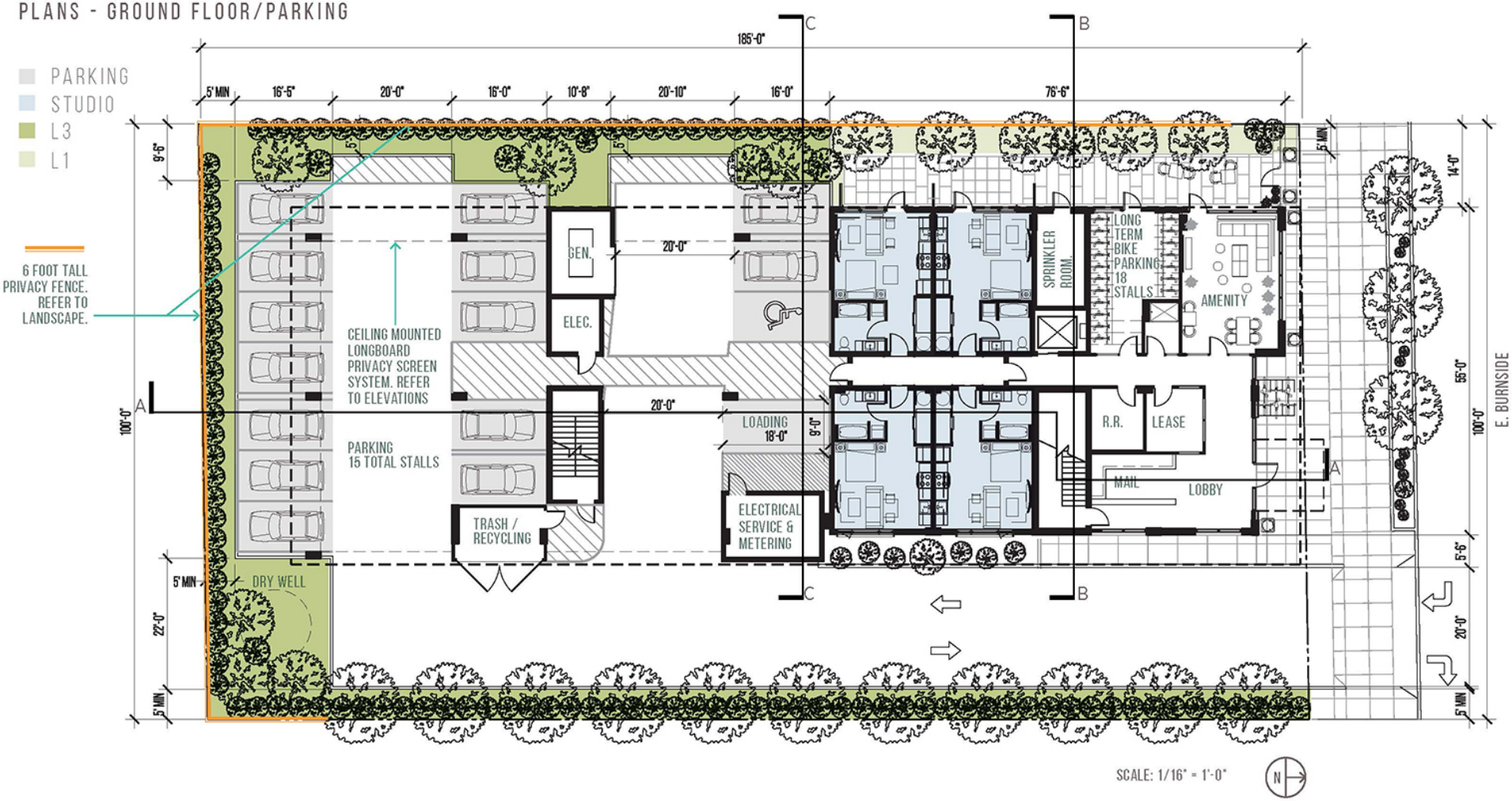
Site

File No. LU 15-261089 DZM
1/4 Section 3041
Scale 1 inch = 200 feet
State_Id 1N2E34CC 00500
Exhibit B (Mar 29, 2016)

NORTH

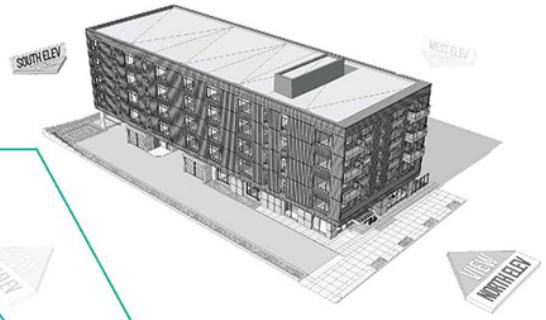
This site lies within the:
GATEWAY PLAN DISTRICT

PLANS - GROUND FLOOR/PARKING



NOTE: REFER TO CITY OF PORTLAND ZONING CODE: 33.248.020 (A AND C) FOR SPECIFIC L1 AND L3 LANSCAPING MINIMUM STANDARDS.

ELEVATIONS - NORTH AND SOUTH - B&W



BALCONY SYSTEM ATTACHED VIA KNIFE PLATE - PAINTED STEEL PICKET RAIL AND FRAME WITH SYNTHETIC FLOOR DECKING'

'LONGBOARD'- PREFINISHED 6" EXTRUDED ALUMINUM TONGUE & GROOVE CLADDING, 'LIGHT FIR WOODGRAIN FINISH'

VPI VINYL WINDOWS - ENDURANCE SERIES - WHITE FINISH

PREFINISHED 'AEP SPAN"
"FLEX" & "PRESTIGE" SERIES
12" METAL PANEL WALL SYSTEM 20 GA.
DURA TECH 5000 FINISH COOL ZINC GRAY
PANEL PROFILES: 2" REVEAL & 1/2" REVEAL

PAINTED STEEL CANOPY TO MATCH COLOR OF STOREFRONT WINDOW SYSTEM

CAST-IN-PLACE CONCRETE WITH ARCHITECTURAL FINISH

STOREFRONT WINDOW SYSTEM - KAWNEER 451-T SERIES

NORTH ELEVATION

SOUTH ELEVATION

SCALE: 1/16" = 1'-0"

ELEVATIONS - EAST - B&W

DECORATIVE 22 GA. PREFINISHED METAL 'FRAME' TRIM, SET OFF FACADE 4" WITH 2" FACE PROFILE

'LONGBOARD'- PREFINISHED 6" EXTRUDED ALUMINUM TONGUE & GROOVE CLADDING, 'LIGHT FIR WOODGRAIN FINISH'

VPI VINYL WINDOWS - ENDURANCE SERIES - WHITE FINISH

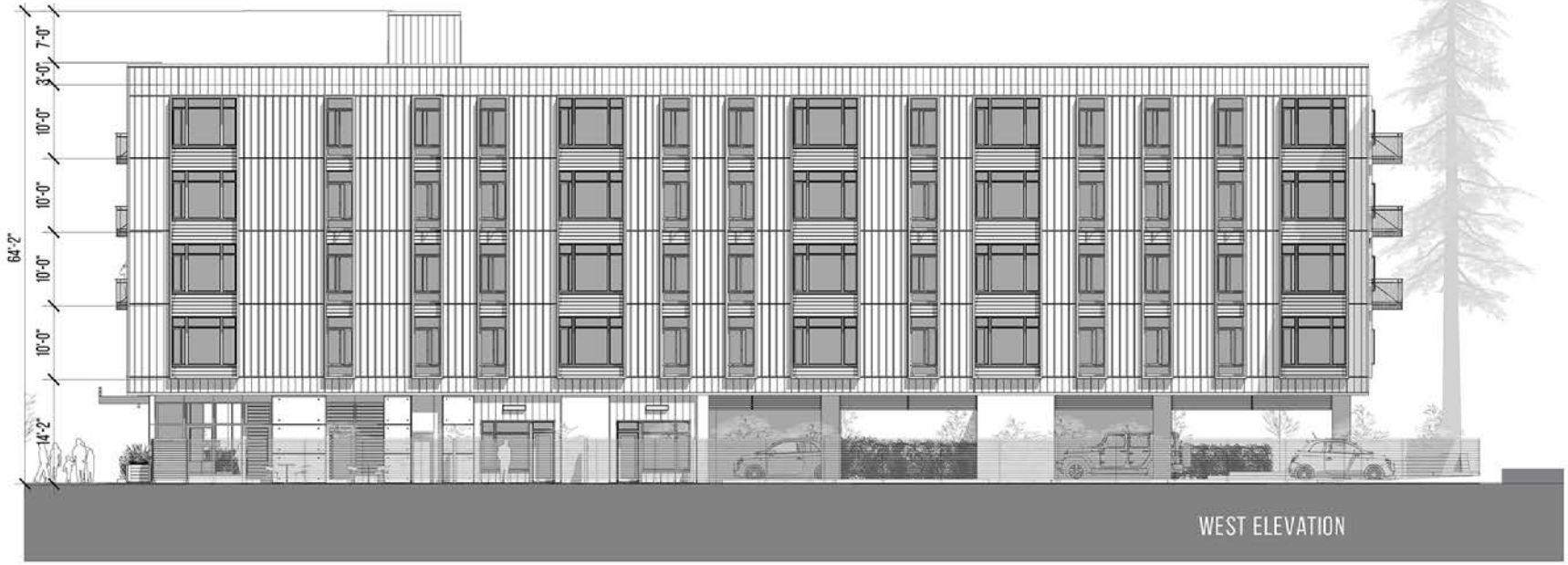
PAINTED STEEL GATE WITH 'LONGBOARD'- PREFINISHED 6" EXTRUDED ALUMINUM PRIVACY SCREEN SYSTEM, 'LIGHT FIR WOODGRAIN FINISH'

'LONGBOARD'- PREFINISHED 3" EXTRUDED ALUMINUM PRIVACY SCREEN SYSTEM, 'LIGHT FIR WOODGRAIN FINISH'

EAST ELEVATION

SCALE: 1/16" = 1'-0"


WEST ELEV
SOUTH ELEV
EAST ELEV
NORTH ELEV


64'-2"
7'-0"
3'-0"
10'-0"
10'-0"
10'-0"
10'-0"
14'-2"
WEST ELEVATION

SCALE: 1/16" = 1'-0"

GROUND LEVEL FROM NW