



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

Amanda Fritz, Commissioner
Paul L. Scarlett, Director
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www.portlandoregon.gov/bds

Date: November 1, 2013
To: Interested Person
From: Staci Monroe, Land Use Services
503-823-0624 / staci.monroe@portlandoregon.gov

**NOTICE OF A PUBLIC HEARING ON A PROPOSAL
IN YOUR NEIGHBORHOOD**

CASE FILE: LU 13-192030 DZM *Burnside Bridgehead Block 67*
PC # 13-111743
REVIEW BY: Design Commission
WHEN: Thursday, November 21, 2013 at 1:30 PM
WHERE: 1900 SW Fourth Ave., Room 2500A
Portland, OR 97201

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

Development has been proposed in your neighborhood requiring a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map are attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

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

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

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

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

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

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

Tax Account No.: R226504190, R226504240, R226504250, R226504270, R226504280, R226504290, R226504200, R226504320
State ID No.: 1N1E34DA 02000, 1N1E34DA 02100, 1N1E34DA 02400, 1N1E34DA 02500, 1N1E34DA 02200, 1N1E34DA 02300, 1N1E34DA 02001, 1N1E34DA 02602
Quarter Section: 3030
Neighborhood: Kerns, contact Steve Russell at 503-784-8785.
Business District: Central Eastside Industrial Council, contact Peter Fry at 503-274-1415.
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.
Plan District: Central City - Central Eastside
Zoning: EXd – Central Employment zone with a Design overlay
Case Type: DZM – Design Review with Modifications
Procedure: Type III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

Proposal:

Design Review for a mixed-use 21-story building; 16 stories of apartments (276 units) over 5 story podium with retail and office space (21,000 SF) and parking garage for 200 spaces. An 18-story alternative design (Option B) is also proposed: 13 residential floors (222 units) over 5-story podium (same amount of retail and number of parking spaces).

The project would encompass all of Block 67 and a portion of the Couch Street Pedestrian Plaza (vacated Couch Street) immediately north. A concept has been provided for the adjacent Block 76 to the east, however, it is for reference only. The ground level improvements include partial redesign of the western portion of the Couch Street Plaza. An elevated dock with a canopy is proposed along the majority of the NE 2nd frontage. A pet walk is proposed along the ground level at the SE corner. Garage entry points are located at the south end of the project along 2nd (2-way) and 3rd (1-way) Avenues. The residential entry is proposed at the north end off of the Couch Street Plaza, with commercial storefronts and entries off of NE 2nd and 3rd. The podium roof above the 5th floor would contain 8,300 SF of commercial space, enclosed and outdoor amenity space for the residents and a 9,327 SF eco-roof. Long-term bike parking (416 spaces) would be provided in the parking garage and in the residential units and 19 short term spaces would be provided along the site's frontage.

The building's podium base is comprised of cast-in-place textured concrete, metal panels and an anodized aluminium window wall system. Along the parking garage levels, a screen wall to naturally ventilate the garage consists of solid and perforated metal panels of varying perforation densities. The interior of the podium window wall system will be accented with wood mullions, which are visible through the glass. The tower façade is comprised of a similar anodized aluminum window wall system with spandrel and metal panels to create a gradient pattern that gets more transparent on the upper floors of the tower.

The following Modifications are requested:

- Provide 3 small (9' wide x18' long x10' vertical clearance) loading spaces within the podium garage instead of the 1 large (10' wide x 35' long x13' vertical clearance) loading space required (Section 33.266.310.C)
- Exceed the 200' height limit by 6' for a sloped parapet (Section 33.510.205.B)
- Not provide ground floor windows along Burnside at the finished grade level below the bridge deck (Section 33.140.230)
- To not located the 19 required short-term bike spaces within 50' of the main entrances on all facades (Section 33.266.200.220.A).

A potential Type II Transportation Impact Analysis Land Use Review may be necessary if Condition D of a prior Zone Change (LU 06-103735 ZC) is triggered. Information on land use allocations and allowable trades for this project and for the bridgehead area is being gathered to determine if this review will be necessary.

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:

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

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. This application was submitted on August 13, 2013 and determined to be complete on October 2, 2013.

DECISION MAKING PROCESS

The Bureau of Development Services will be making a recommendation on this proposal; our report and recommendation will be available 10 days before the hearing. The Staff report will be posted on the Bureau of Development Services website. Look at 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. The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <http://www.portlandonline.com/auditor/index.cfm?c=28197>

The neighborhood association, listed on the first page of this notice, may take a position on this application and may have scheduled an open meeting prior to making their recommendation to the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

We are seeking your comments on this proposal. The evidentiary proceeding before the Design Commission will be the only opportunity for the parties to submit oral and written evidence in this matter. Any appeal to the City Council will be limited to legal arguments concerning the Design Commission decision and the evidence in the record compiled by the Design Commission in support of that decision.

To comment, you may write to the Bureau of Development Services, 1900 SW Fourth Ave., Suite 5000 or FAX your comments to 503-823-5630; or you may testify at the hearing. In your comments, you should address the approval criteria. Please refer to the file number when seeking information or submitting testimony. Written comments must be received by the end of the hearing. The applicant and Planning staff will be at the hearing to answer questions and respond to comments. The general order of appearance for oral testimony at the hearing is as follows: Bureau of Development Services staff report, applicant testimony, testimony of interested parties who wish to ask questions or testify, staff response and closing comments, and applicant's closing comments. The Design Commission will make a decision about this proposal at the hearing or will grant a continuance.

Comments for a Design Review or Historic Design Review should be sent directly to the Planning staff listed in this document.

The applicant and proponents have the burden of proof to show that each and every element of the approval criteria are satisfied. In order to prevail, the opponents must persuade the Design Commission to find that the applicant has not carried the burden of proof with regard to one or more of the approval criteria. The opponents may also explain to the Design Commission how or why the facts asserted by the applicant are not supported by evidence in the record. Opponents

may wish to recommend conditions of approval which will make the proposal more acceptable, if approved.

Prior to the conclusion of the hearing before the Design Commission, any participant may request an opportunity to present additional evidence or testimony regarding the application. If such a request is made, the record will be held open for seven days to receive the new evidence and the record shall be held open for at least an additional seven days to provide the other parties an opportunity to respond to that new evidence.

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 extended at the request of the applicant.

APPEAL PROCESS

You can appeal the Design Commission decision to City Council. However, the appeal to City Council will be conducted as an on-the-record review of the Design Commission decision. The City Council will consider legal arguments (for example arguments pointing out ways the Design Commission decision improperly interprets or applies relevant approval criteria). The City Council will also consider arguments that the Design Commission findings are not supported by the evidence submitted to the Design Commission. However, the City Council will not accept or consider new evidence that was not submitted to the Design Commission.

A fee is charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver. City Council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA).

Failure to raise an issue, in person or by letter, by the close of the record by the Design Commission in this case may preclude an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the Design Commission, they may not be able to respond to the issue you are trying to raise. In such a situation, an appeal to LUBA on that issue may not be allowed.

Thank you for any information you can provide to help us make this decision. Please call me if you have any questions. My name and number are on the first page of this notice.

HEARING CANCELLATION

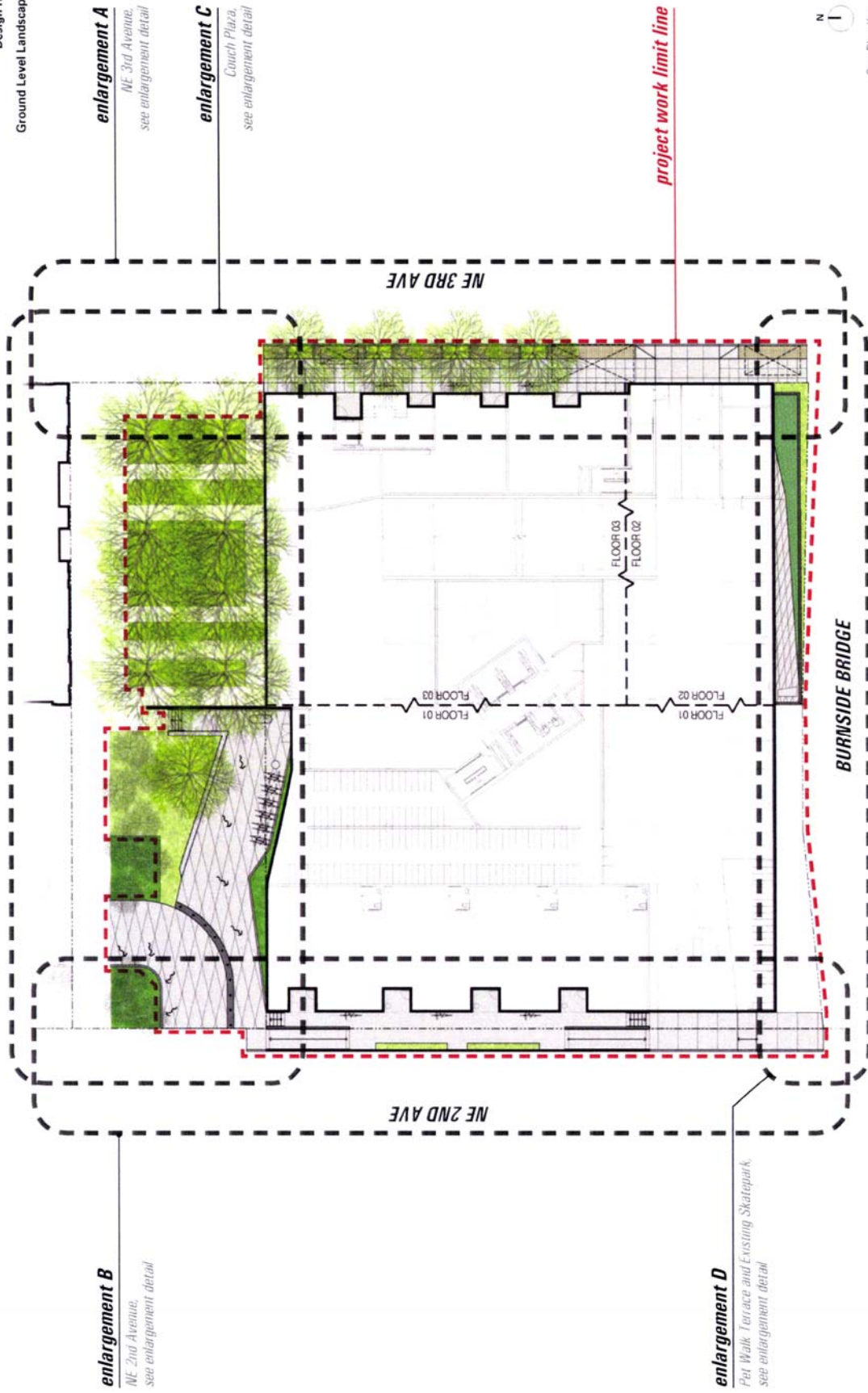
This public hearing will be cancelled if Portland Public Schools close due to inclement weather or other similar emergency. Check local television and radio reports for school closures. The hearing will be rescheduled for the earliest possible date. A renotification notice will not be sent. Please call the Bureau of Development Services at 503-823-7617, for information regarding cancellations or rescheduling.

To attend the hearing, public transportation is available. Tri-Met buses stop near the BDS building at SW Fifth or Sixth Ave. at SW Hall St. and SW Harrison St. Call Tri-Met at 503-238-7433 (or www.trimet.org/schedule/allroute.htm) for routes and times. Hourly rated public parking is available a half block south of the building on Fourth Ave.

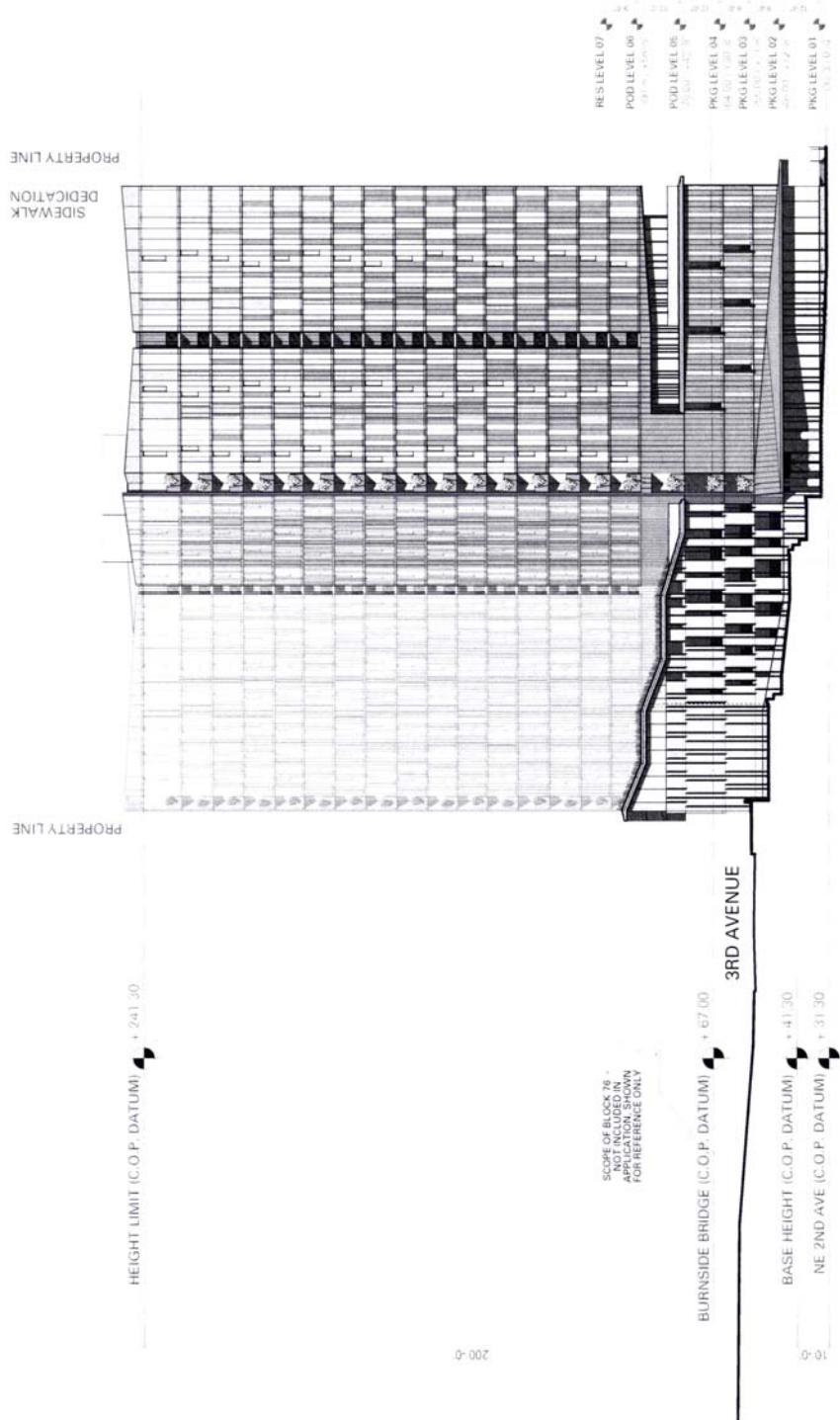
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

Enclosures: Zoning Map Site Plan Building Elevations

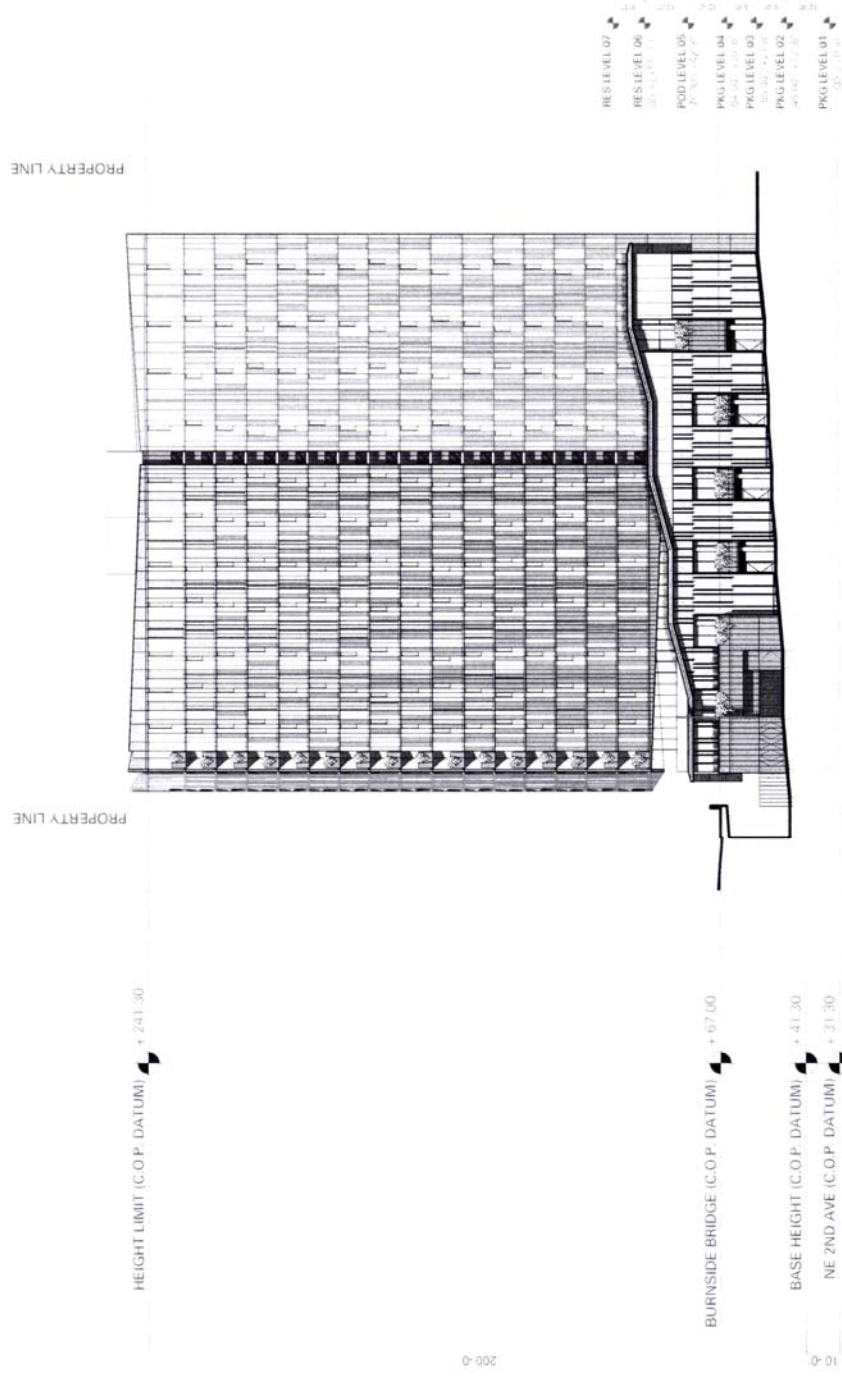




L013-192030 DZm



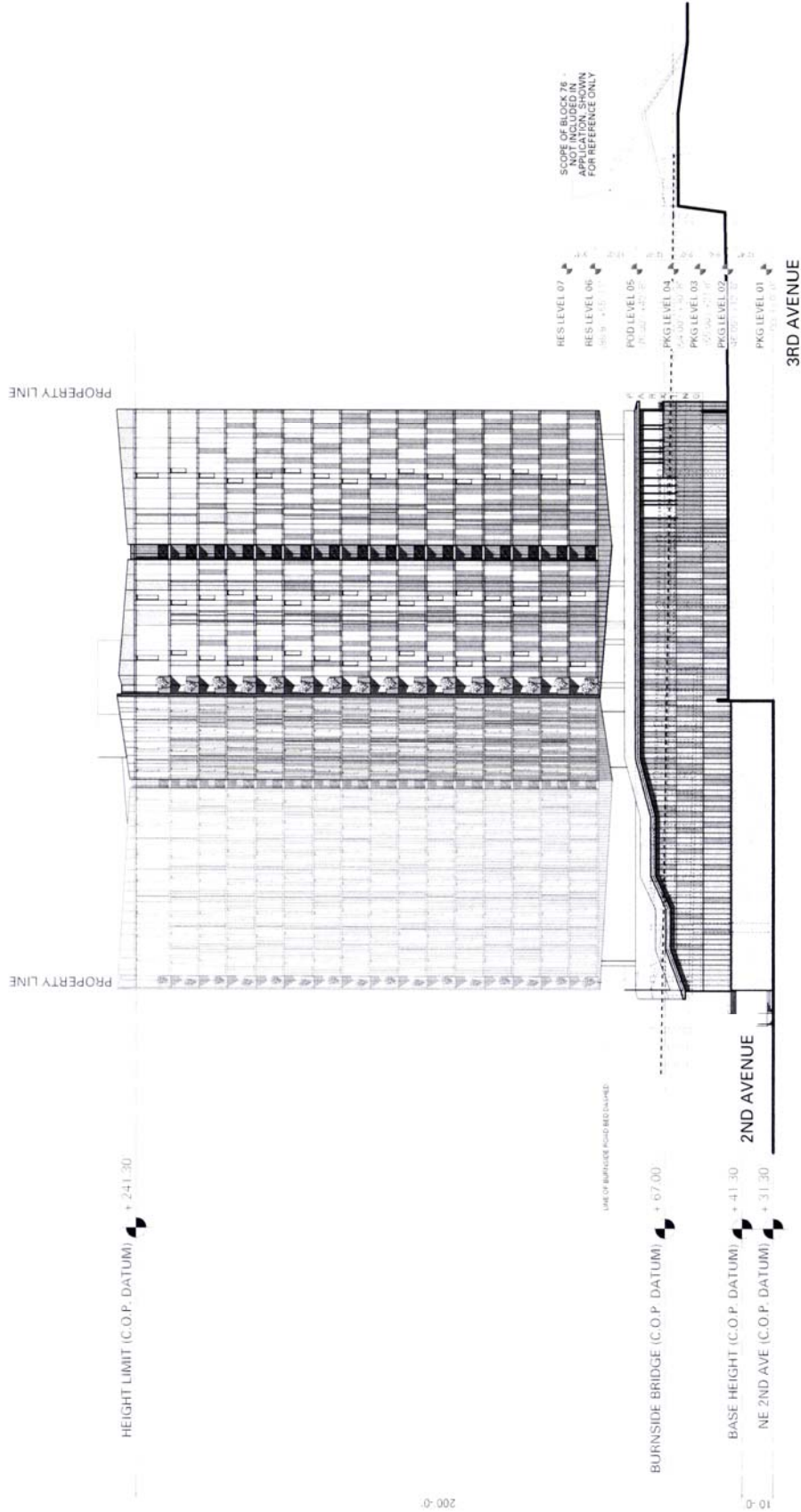
LU 13-192030 D2m



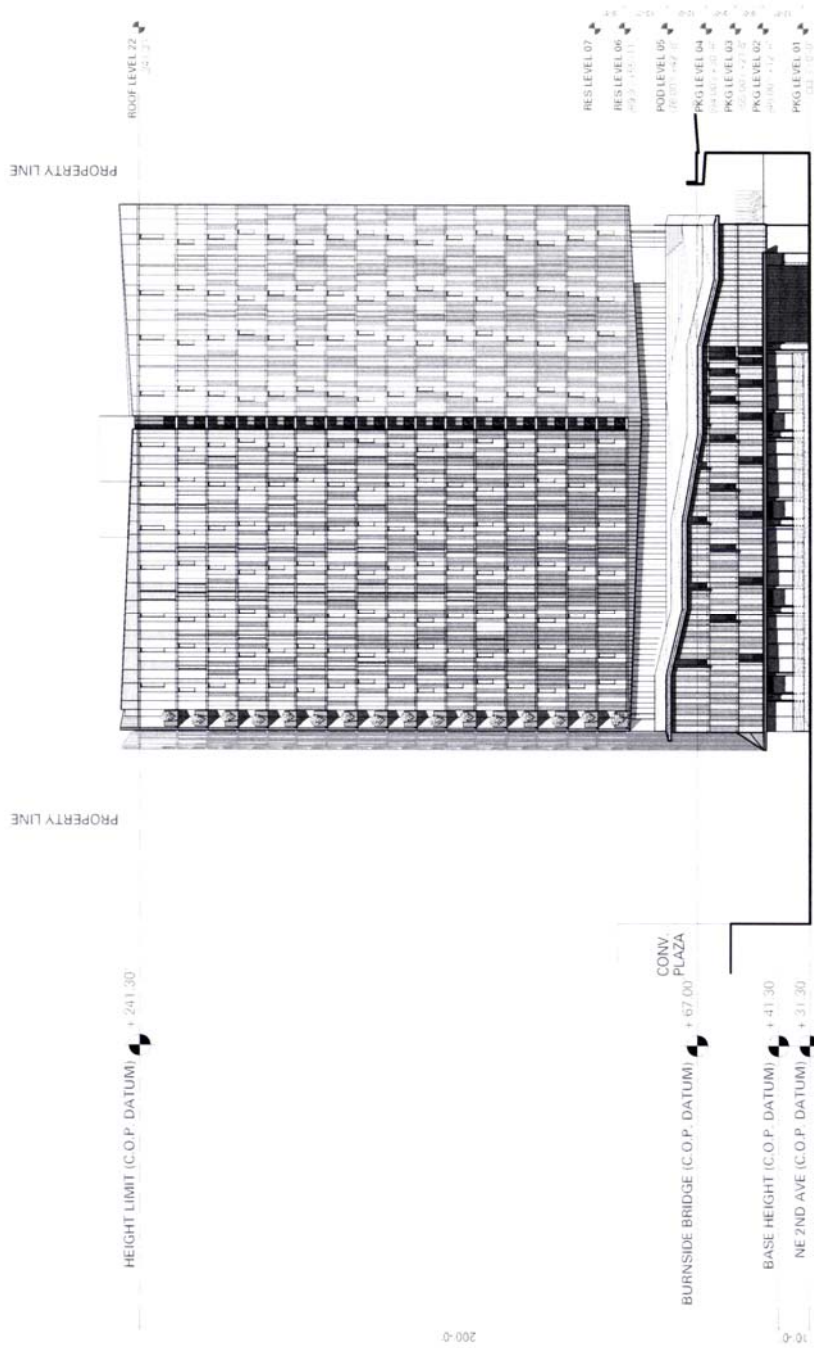
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W13-192030.D2M



LW13-192030.D24