



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 21-061842 DZM HR – *550 SE MLK Housing*
(PC # 20-201592; & DA 20-219065)

REVIEW BY: Design Commission

WHEN: September 30, 2021 @ 1:30 PM

REMOTE ACCESS: Design Commission Agenda:

<https://www.portlandoregon.gov/bds/42441>

Due to the City’s Emergency Response to COVID19, this land use hearing will be limited to remote participation via Zoom. Please refer to the instructions included with this notice to observe and participate remotely.

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: Megan Sita Walker 503-865-6515 /
MeganSita.Walker@portlandoregon.gov

Please note this report does not yet recommend approval. Aspects of the proposal that do not meet the approval criteria or elements staff has raised issues with are boxed.

GENERAL INFORMATION

Applicant: Marcus Lima | GBD Architects
1120 NW Couch St Suite 300
Portland, OR 97209
(503) 224-9656

Owner’s Agent: Sarah Zahn | Urban Development + Partners
116 NE 6th Ave, Ste 400
Portland, OR 97232

Owner: Burns Bros Inc
4949 Meadows Rd #330
Lake Oswego, OR 97035-3162

Site Address: 550 SE M L KING BLVD

Legal Description: BLOCK 101 LOT 1-4 TL 2000, EAST PORTLAND

Tax Account No.: R226506710, R226506710

State ID No.: 1S1E02BB 02000, 1S1E02BB 02000

Quarter Section: 3131

- Neighborhood:** Buckman, contact Richard Johnson at buckmanlandusepdx@gmail.com
- Business District:** Central Eastside Industrial Council, contact ceic@ceic.cc.
- District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010 x313
- Plan District:** Central City - Central Eastside
- Other Designations:** Part of proposal is located on the site is located within the East Portland Grand Avenue Historic District
- Zoning:** EXd – Central Employment (EX) with Design (d) overlay, as well as a Historic Resource Protection overlay for part of the site located in the East Portland/Grand Avenue Historic District.
- Case Type:** DZM, HR – Design Review with Modifications and a Historic Resource Review
- Procedure:** Type III, with a public hearing before the Design Commission and a concurrent Type II Historic Resource Review. The decision of the Design Commission can be appealed to City Council.

Proposal:

The Applicant is requesting approval for a Type III Design Review with Modifications and a concurrent Type II Historic Resource Review for a proposed new half block, 7-story "5-over-2" mixed-use building in the Central Eastside Subdistrict of the Central City Plan District. Ground-level uses include commercial retail spaces, residential amenities, parking with approximately 60 parking stalls, and approximately 132 residential dwelling units of varying sizes at levels 2-7. The Type II Historic Resource Review is required as a small portion of the east building wall is within the East Portland/ Grand Avenue Historic District.

The proposal requests approval of the following **Modifications** to required development standards:

Modification 1

- Request to modify Ground Floor Windows coverage, PZC, 33.510.220 to reduce from 40% coverage to 33.9% on SE Washington.
- Request to modify Ground Floor Windows length, PZC, 33.140.230.B, to reduce length from 50% to 36.2% on SE Washington.

Modification 2 – Request to modify Ground Floor Active Use, PZC, 33.510.225 on SE Martin Luther King Jr. Blvd to reduce the requirement from 50% to 23.1%. The standard requires the ground floor of walls that front onto a sidewalk be designed and constructed to accommodate active uses in accordance with standards of the section for height and depth of space, accessibility, and glazing requirements. Regarding the required minimum depth of 25', the Modification request is to allow 26.9% of the required space to only be between 13'-8" and 21'-3" deep.

Design Review is required because the proposal is for non-exempt new construction within in Design Overlay zone. Modification Reviews are required because the applicant is requesting to not meet the standards indicated above.

Historic Resource Review is required for the portion of the East facade of the proposed building that is within the East/ Portland Grand Avenue Historic 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:

Design Review and Modification Approval Criteria

- *Central City Fundamental Design Guidelines*
- *Special Design Guidelines for the Design Zone of the Central Eastside District*
- *PZC, 33.825.040 Modifications That Will Better Meet Design Review Requirements*

Historic Resource Review Approval Criteria

- *Central City Fundamental Design Guidelines*
- *Special Design Guidelines for the Design Zone of the Central Eastside District*
- *Design Guidelines for East Portland/Grand Avenue Historic District Zone*

ANALYSIS

Site and Vicinity:

The site is a little less than a half block site located in the Central Eastside Subdistrict of the Central City Plan District. The site is 18,450 SF pre-dedication along SE MLK (17,850 SF post-dedication). The eastern half of the block sits in the East Portland/Grand Avenue Historic District Zone, and is developed with two primary Contributing Resources in the Historic District, one of which is a Historic Landmark:

- New Logus Block. An individually listed Historic Landmark, built in 1892, and located at 525-535 SE Grand Ave.
- Chamberlain Hotel Building. A listing on the Historic Resource Inventory, built in 1897, and located at 509 SE Grand.

The site is located in the Central City Pedestrian District and the City's Transportation System Plan (TSP) classifies the abutting rights-of-ways (ROWs) as follows:

- SE Martin Luther King Jr. Blvd (one-way headed south): Major City Traffic Street, Major Transit Priority Street, Civic Main Street, City Walkway, City Bikeway, Major City Walkway, Priority Truck Street.
- SE Stark Street. Traffic Access Street, City Bikeway, Neighborhood Corridor, Major City Walkway, Local Service Transit.
- SE Washington Street. Traffic Access Street, Local Service Transit Street, Bikeway and Walkway.

The site is in the EX Central Employment Base zone, in the heart of the Central Eastside Industrial District. The Grand Ave Historic District, which the eastern half of the site lies within, is populated with three and four story historic buildings, interspersed with a mix of commercial warehouse and industrial style structures. The site is uniquely positioned, straddling between the established historic and changing employment and industrial districts. Directly west across SE MLK is the recently completed Eastside Office (approved in 2017 per LU 16-289173 DZC AD). The surrounding area is comprised of a mix of uses including retail, office, and light industry. Local restaurants, bars and a variety of retail activate the area through an extended time range. The adjacent area is also populated by a variety of building types from older one and two-story concrete commercial warehouses to masonry apartments. Zoning code changes over the last decade have offered expanded opportunities for the upgrade and adaptation of these older warehouses for new creative industrial office uses which have helped to sustain employment levels in the district.

Zoning:

The Central Employment (EX) zone allows mixed uses and is intended for areas in the center of the City that have predominantly industrial-type development. The intent of

the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

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

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

The Central City Plan District implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation Management Plan. The Central City plan district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area. The site is within the Central Eastside Subdistrict of this plan district.

East Portland/Grand Avenue Historic District is listed in the National Register of Historic Places under two of the eligibility criteria: "A" for its association with the development of the City of East Portland (which was annexed into Portland in 1893) and "C" for its examples of commercial architectural styles from the period 1883 to 1939.

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

- PR 16-237900. Public registry review to adjust north/south property line to the east. This PLA was for one tax account that includes 2 historic properties.
- LU 17-124540 HR, DZ. Approval of Historic Resource Review and Design Review for the reuse of the Historic Chamberlain Hotel into hotel units. Proposal is to be integrated with this current review and connection between two hotel areas is provided through a shared courtyard mid-block off SE Stark.
- EA 16-256415 DA. Design Advice request hearing for a 13-story version of the proposal approved per LU 17-109848 DZ HR.
- LU 17-109848 DZ HR. Approval of Historic Resource Review and Design Review for a new mixed-use building development on this site with two options for height (8 and 7-stories) and two versions of parking (with and without a basement).
Note: This approved proposal was never completed
- EA 20-201592 PC. Pre-Application Conference held on November 10, 2020 for the subject proposal.
- EA 20-219065 DA. Design Advice request meeting held on January 7, 2021 with the Design Commission for the subject proposal.

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed **September 8, 2021**. The following Bureaus have responded with no issue or concerns:

The following Bureaus have responded with comments expressing no issues or concerns with the approval of the proposal with conditions:

1. Bureau of Environmental Services (See Exhibit E-1)
2. Life safety Division of BDS (See Exhibit E-2)
3. Fire Bureau (See Exhibit E-3)
4. Site Development (See Exhibit E-4)
5. Urban Forestry. See Exhibit E-5. Urban Forestry responded stating that they do not object to the approval of the proposed development with recommend Conditions of Approval to ensure the protection of the red oak street tree. See recommended Condition of Approval language from Urban Forestry below:
 1. *Changes to ground floor use or façade materials will not require equipment or scaffolding that will require removal of the red oak street tree.*
 2. *A Tree protection plan for the red oak street tree must be presented to Urban Forestry as a condition of the Final Plat.*

Note: Staff has not yet received comments from the Bureau of Transportation Engineering.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **September 8, 2021**.

A total of two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Bruce Burns, Burns Bros., Inc., wrote in support of the proposal on September 8, 2021. See Exhibit F-1 for additional information.
- Joshua Baker, Buckman Community Association Landuse Co-Chair, wrote in support of the proposal on September 9, 2021. See Exhibit F-2 for additional information.

Procedural History:

- A Design Advice Request (DAR) was held with the Design Commission on January 7, 2021.
- The Land Use Review application was submitted on June 29, 2021.
- Staff issued an Incomplete letter on July 28, 2021 and the applicant requested that the case be deemed complete on August 6, 2021.
- On August 6, 2021 the applicant submitted a response to the Incomplete letter including: A response the DAR Summary Memo comments, Drawings and Appendix Set, and a Stormwater Report.
- A memo summarizing remaining issues to be addressed was issued on August 16, 2021.
- A hearing was scheduled for September 30, 2021, 55 days after being deemed complete.

ZONING CODE APPROVAL CRITERIA

(1) 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.

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

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

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

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

The Central City Fundamental Design Guidelines 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 all of the 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. Unless specified otherwise, findings relate to both the 8 and 7-story options.

CONTEXT

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

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

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

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

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

Findings for A1, A2, A2-1, A3 and A5-3: The proposal addresses the above-mentioned guidelines in the following ways:

- The proposed courtyard is located off of SE Stark, which continues out to connect this site frontage to the river.
- The proposal responds Portland themes by providing a long-lasting structure with full height massing along the primary SE MLK frontage and upper floors that pull back to respond to the adjacent historic resources and the East Portland/ Grad Avenue Historic District to the east. The proposal also incorporates multiple eco roofs. These elements serve to incorporate Portland-related themes into the overall design concept.
- The building's orientation to the street and the use of design elements to link active retail uses to opportunities for spill out space in adjacent rights of way help to incorporate East Portland themes into the design.
- The project respects the block pattern by maintaining a strong alignment to the city block structure and street grid. Located on a traditional 200-foot block, the building façade along SE MLK runs the entire length of the block. Along SE Stark however, a courtyard is proposed mid-block between the subject site and the historic Chamberlain building to the east that helps to break down the scale of the building in a responsive way while enhancing the pedestrian environment.
- The electrical service to the building will be provided from new underground service lines. To minimize the impact of services on the elevations, the gas meters have been located inside the loading bay, and the generator fuel port has been located on a return wall to the east of the garage opening.

Therefore, these guidelines are 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.

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.

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 A5, C1, C3-1 and C4: The proposal does not yet address the above-mentioned guidelines in the following ways:

- Work is still needed to consider ways to maintain the bar expression while also providing rhythms that help to visually breakdown the mass of the 200' long frontage. The current design continues to employ a fenestration pattern that accentuates an uninterrupted full block expression which is not an appropriate contextual response in an area with finer grain massing.
- A strong, celebrated structural system which organizes proportional glazing with large full-height windows or groupings of vertically oriented windows within a punched frame is a common design element that links the architecture in the area. The proposed design does not yet

complement the context of existing buildings as there is a lack of integration of common local building elements seen in the area and strongly expressed in both contemporary and historic buildings immediately adjacent to the site.

- As discussed at the DAR, the challenge of this site continues to be the need to respond to the surrounding context of warehouses and light industrial buildings, with large multi-lite framed windows, and the directly adjacent historic buildings, with punched vertical double-hung windows, while also expressing the residential nature of this proposal.
- While minor changes made in the LU submittal from what was shown during the DAR help to increase the overall coherency of the upper floors along the SE MLK frontage, the changes are minor in response to the stated need to address significant design issues relative to Context guidelines notes at the DAR.
- The proposed fenestration on all upper story elevations does not yet adequately respond to the surrounding context of the Central Eastside area at-large or to the strong architecture of adjacent contemporary or historic context immediately to the east and west of the site.
- Staff notes that accentuating a clear structural rhythm, typical of the surrounding context, will help break down the scale of the building and could also serve as a method to organize contextually responsive fenestration at upper floors. The exploration of groupings of vertically oriented windows, infill panels, and balconies or Juliettes within a clear structural rhythm are ways to adequately respond to the surrounding context while expressing a residential character.
- While the proposal as designed includes windows that will allow for views in all directions to significant areas of the city, the proposal does not include balconies or Juliette to enhance these views or significant occupiable outdoor area above the ground floor.
- The treatment of the SE Stark and SE Washington facades have improved at the ground floor with extension of the storefront system and new entries which are unifying elements in the area. However, on upper floors, work is still needed to express a coherent fenestration that treats these facades as true street-facing facades and not side walls. Staff notes that the work to express a celebrated structural rhythm with groupings of windows and recessed infill panels could help the SE Stark and SE Washington facades as street-facing facades.
- The use of deep ground floor piers is an appropriate contextual response that helps the building relate to the strongly expressed structural systems seen in warehouse and industrial buildings in the area as well as in adjacent contemporary and historic precedents. However, some additional work to create a more cohesive ground floor would help relate to the strong ground floor expression of the surrounding context and therefore help to incorporate unifying elements.
- Contextually responsive ground floor elements seen in warehouse-style buildings in the area and in adjacent contemporary and historic context include regularized bays defined by the structural rhythm of the building infilled with clear storefront glazing with low stem walls, consistent use of materials and door types.
- While revisions since the original LU submittal have greatly improved the overall coherency of the ground floor expression, refinements to the ground floor to better relate to the surrounding context could be helpful. Specifically, more work is needed to simplify employ a consistent use of

materiality, consistent and regularized proportions of glazing, maximizing clear glazing active uses/ minimize stem wall heights.

- While the canted columns at the ground floor, could relate to the single-story auto-oriented context of the area, they seem out of place for the scale of the building.

Therefore, these guidelines are not yet met.

A5-4. Incorporate Works of Art. Incorporate works of art into development projects.

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

Findings for A5-4 and A5-5: An 'art wall' is proposed at the rear wall of the courtyard off of the SE Stark frontage and lighting is proposed to highlight this feature. However, this feature is significantly setback from the public right of way and no water element is present. At the DAR Commissioners noted that the courtyard is an opportunity for integrating art and water into the design in a way that adds richness to the sidewalk experience. Integrating art and water into the design of the open space in a way that enhances the experience of pedestrians in the public right of way also enhances and embellishes the area, supports successful open spaces, and speaks to the history of loading and staging activities in the right of way in the areas.

Therefore, these guidelines are not yet met.

A6-1. Use Special East Portland Grand Avenue Historic District Design Guidelines. Projects located within the East Portland Grand Avenue Historic District shall use the special historic design guidelines developed for the historic district.

Findings for A6-1: Because a small part of the site lies within the East Portland/ Grand Avenue Historic District, the applicant is also seeking Type II Historic Resource Review for a one-story part of the structure and part of the associated ecoroof that lies mid-block within the East Portland/Grand Avenue Historic District, as well as the Central Eastside Subdistrict of the Central City Plan District. Refer to the findings below under Historic Resource Review for further findings related to the historic district.

Therefore, these guidelines are met.

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

Findings A8: The proposal addresses the above-mentioned guideline in the following ways:

- The changes to the ground floor programming made since the Design Advice Request, to include truly active ground floor uses along SE MLK that wrap up the majority of the SE Stark frontage and almost half of the

SE Washington frontage, greatly improve the building's response to its primary SE MLK frontage and help the proposal contribute to a vibrant streetscape and maintain a sense of urban enclosure.

- The active ground level uses include retail at the corners and a lobby/lounge and 'Fab Lab' space as active residential amenity. Large ground floor windows will provide views into and out of these active spaces.
 - The main residential lobby and retail entrances are recessed and will provide an active ground floor by engaging pedestrian activity on all frontages. The introduction of entry points on all frontages and operable storefront provide pedestrian connectivity and contribute to moments of reveal along the improved 15' wide sidewalk. The corner retail space at SE MLK and SE Stark will serve as an accessible connection through to the activity of the proposed courtyard located off of SE Stark.
- The changes to include active uses including retail along SE MLK that wrap around to SE Stark and SE Washington contribute greatly to the streetscape condition. Staff does have some concerns with some elements of the ground floor design that limit physical and visual connections between the building and the wider sidewalk condition and thus limit coherency of the ground floor. Specifically, staff has some remaining concerns with the inconsistent storefront treatment along SE MLK, and the SE Stark and SE Washington with the treatment with the 24" tall and 38" tall concrete stem walls at operable storefront, and the treatment at the take out windows as these limit visual connections between the building and the wider sidewalk. Staff supports and is confident that operability of the storefront and the potential for spill out space within the new 15' wide sidewalk can remain a celebrated opportunity of the design while balancing impact on pedestrians and maximizing glazing that allows visibility and connectivity with the active ground floor uses at all times of year.

Therefore, these guidelines are not yet met.

C1-1. Integrate Parking.

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

Findings for C1-1: Vehicle access to below and at grade mechanical stackers and bicycle parking is proposed via a 20' wide curb cut and drive aisle accessed off of SW Washington. The applicant has submitted a Driveway Design Exception (DDE) to locate the proposed roll-up door closer to the street to maintain the edge of the building at the sidewalk. The changes made since the LU submittal to differentiate the garage door from the service uses to the east, such as removing the continuous brow, continuing the expression of the storefront to the east at the Water Riser Room have helped to mitigate the presence of the garage door and better integrate parking into the design concept. The applicant has mentioned that the coiling roll-up door was proposed to be replaced with a roll-up door consisting of glazed panels. However, the drawings do not yet reflect that change.

Therefore, this guideline is met.

PEDESTRIAN REALM

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

A7-1. Maintain a Sense of Urban Enclosure When Single-Story Buildings are Set Back. Maintain a sense of urban enclosure, through the use of landscaping and other means, when single-story buildings are set back from the property line. Do not set buildings back from the property line within the East Portland Grand Avenue Historic District.

Findings for A7 and A7-1: The project establishes and maintains urban enclosure by bringing the building faces to the abutting rights-of-way along SE MLK, SE Stark and SE Washington. The project enhances this sense of enclosure by establishing active circulation and visual connections to retail spaces and spaces for active residential amenity at the ground level. Large areas of clear glazing, large continuous canopies, and recessed building entries maintain a sense of pedestrian scale and connect the activity of the building to the activity of the public right of way. The courtyard proposed off of SE Stark breaks the frontage mid-block along SE Stark to create a unique enclosed area that is accessible through the retail space at the corner of SE MLK and SE Stark. This courtyard space is well-designed to be an amenity to the public and to building residents and is supported by active uses that open out onto this space.

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.

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.

B3-1. Reduce width of Pedestrian Crossings.

- a. Where possible, extend sidewalk curbs at street intersections to narrow pedestrian crossings for a safer pedestrian environment.
- b. Maintain large service vehicle turning radii where necessary.

Findings for B1, B2, B3, and B3-1: The proposal addresses the above-mentioned guidelines in the following ways:

- The proposal includes pedestrian access to the building from all frontages. By supporting points of entry from all streets, with large areas of clear glazing, recessed entries and continuous weather projection, the project reinforces and enhances the pedestrian system and experience.
- Active uses at the ground level, with areas of clear operable storefront provide opportunities for the pedestrian to engage with the building.
- Lastly the new 15' wide sidewalk with frontage improvements and street trees clearly delineate the pedestrian realm.

- Staff notes concern with the potential impact of building exhaust on pedestrians on SE Stark and SE Washington because louvers are proposed at or near ground level either above storefront glazing without a canopy or at sidewalk level adjacent to the generator room located immediately to the west of the Landmark New Logus Block building. Additional information to confirm that these louvers are intake only is needed, or exhaust will need to move from the ground level of the building.

Therefore, these guidelines are not yet met.

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

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.

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.

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

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

Findings for B4, B5, B6, B6-1, B7 and C6: The proposal addresses the above-mentioned guidelines in the following ways:

- The project incorporates design elements that will enhance adjacent public spaces. Including active ground floor uses with entrances on all three frontages. all wrap the building, activating the street frontages.
 - The recessed entries to the retail spaces and the residential amenity space with deep, continuous canopy coverage provide pedestrian weather protection and support opportunities for pedestrians to stop and rest.
 - The proposed design will be fully ADA accessible, including all site development, building floors and entrances at grade.
 - While the proposed courtyard oriented to the north will not be accessible directly from the public right of way along SE Stark, the activity in the landscaped courtyard will be visible from the sidewalk and it will be accessible to visitors of the adjacent retail space and building occupants.
- Staff notes that the proposed 38" and 24" heights of the concrete stem walls along SE MLK could be lowered to create a more inviting open sidewalk level condition. The applicant has indicated that the 38" height that occurs mid-block along SE MLK is intended to support counter height seating at the proposed sections of operable storefront. Staff notes

that there still could be a better balance of maximizing operable glazing with a minimal stem wall to support ample opportunities for spill out activity and dining that would activate the new 15' wide sidewalk condition.

- With the features described above, the project incorporates a series of transition spaces connecting the public, semi-private, and private spaces along the site's multiple street frontages.

This guideline is therefore 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.

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.

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

Findings for C7, C8 and C9: The proposal addresses the above-mentioned guidelines in the following ways:

- The corners of the building are programmed with active uses. On the ground level, the corner retail units utilize large ground-level storefront glazing framed by concrete and smooth metal panel piers to provide visual connectivity between interior active uses and the activity along the sidewalk to promote active intersections.
- Above the ground level, the living areas, which are the most active spaces in the units, are located on the corners. Staff notes that reincorporating Juliettes into the design or balconies could serve to convey the residential character of the upper floors while also serving to highlight building corners and support active intersections.
- At the ground level courtyard, additional access is provided via the retail space along SE Stark, and via the lobby/ lounge spaces along SE MLK. An additional retail entry is proposed along SE Washington. Thus, serving to connect all frontages to sidewalk level spaces.
- The sidewalk level of the building is differentiated using several elements, including a increased glazing and sections of operable storefront (sliding storefront on SE MLK, to-go windows on SE Stark and SE Washington, and a roll up door adjacent to the courtyard. The sidewalk level of the building is further differentiated with recessed entrances, continuous canopies, building materials, and landscaping at the courtyard. These elements work in combination to provide a multifaceted pedestrian scale experience. With the addition of the courtyard, the ground level of the building extends the visibility and activity of the building out to engage with the activity of the public realm.
- While there is a requested Modification to reduce the depth of required active for a percentage of the SE MLK frontage (see Modification findings below for more information), the ground floor retail spaces, lobby/ lounge, residential amenity space, and the accessible courtyard are

designed for flexibility with a focus on maximizing usable areas, and multiple points of entry.

Therefore, these guidelines are met.

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

Findings for C8-1: The project allows flexibility for potential loading and staging on sidewalks at the driveway entry fronting SE Washington St.

Therefore, this guideline is met.

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

Findings for C10: Above-grade encroachments are not proposed for this project.

Therefore, this guideline is not applicable.

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 C11: Mechanical screening will also be integrated with the building design with a centrally located screened mechanical penthouse as to not detract from views of the city or mountain.

Therefore, this guideline is met.

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

Findings C12: The proposal utilizes a thoughtful approach to use exterior lighting in subtle ways to highlight points of entry recessed canopy lights and lighting to highlight the art wall feature (see sheet C-40). At the ground level, exterior lighting will also come indirectly from interior retail lighting, providing a dynamic experience which will be complemented by integrated landscape and path lighting in the courtyard.

Therefore, this guideline is met.

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 C1-2 and C13: The current proposal does not include information on proposed building signage.

Therefore, these guidelines are not applicable.

QUALITY & RESILIENCE

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 proposal does not yet address the above-mentioned approval criteria in the following ways:

- The change to a profiled metal cladding as the primary cladding materials for the upper floors is an improvement that adds needed depth and texture to the façade. However, staff is not clear what other material options were studied in response to Commission comments at the DAR. Specifically, staff is not clear if the use of brick was studied which would have responded to Commission comments noting that the use of brick would be a very appropriate contextual response that could provide texture, depth and scale as well as project a residential character.
- It appears that the project employs high quality and durable materials. However, please see comments below noting additional documentation is needed to confirm the durability of proposed materials and detailing.
- The gauge of proposed metal cladding, flashing and louvers has not yet been indicated. Additional information on the proposed gauge for all pre-finished metal elements including the primary vertical chevron metal cladding, the 'Smooth Charcoal Metal Panel' at the ground floor and upper stories, all louvers at the ground floor, the 'brass louvers' at upper floors, the rooftop penthouse screen, and prefinished flashing. See sheets C-32 through C-38 for enlarged details and C-39 for materials.
- As mentioned above in response to Guidelines A5, C1, C3-1 and C4, the proposed design does not yet successfully relate to the context of the area, to nearby contemporary or historic buildings, and is not successfully convey the residential character of the upper floors of the building.
- Staff suggests that employing an expressed structural system that serves to organize contextually responsive fenestration at upper floors (vertically oriented windows, infill panels, and balconies/ Juliettes) is a way to

respond to surrounding context while expressing the residential character of the building in a coherent way.

- Since the DAR, the Juliette balconies, which helped to signify the residential character of the upper floors have been removed. Staff encourages reintegration of balconies or Juliettes.
- Staff notes that use of “wood-grain” finish on the upper story windows to serve as a way to express the residential character of the upper floors (as noted in the applicant’s response to the DAR summary memo) is not an adequate response to convey the residential character of the building.
- The use of more durable materials at the ground floor - such as concrete or steel plate instead of metal panel shown at columns and around the garage door opening - would be more appropriate in these high impact areas.

Therefore, these guidelines are not yet met.

(2) HISTORIC RESOURCE REVIEW (33.846.060)

The following Guidelines apply to the 2100 SF building footprint located within the East Portland Grand Avenue Historic Design Zone boundary.

Chapter 33.846.060 - Historic Resource Review

Purpose of Historic Resource Review

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Resource Review Approval Criteria

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: A small portion of the site is located within the East Portland Grand Avenue Historic District and the proposal is for a non-exempt treatment. Therefore, Historic Resource Review approval is required for the portion of the proposed structure that is within in the East Portland/ Grand Avenue Historic District. The approval criteria are the *Design Guidelines - East Portland Grand Avenue Historic Design Zone*. Because the site is within the *Central City Plan District*, the *Central City Fundamental Design Guidelines* these are also approval criteria.

Staff has considered all guidelines and addressed only those applicable to the portion of the proposal within the district. The Design Guidelines - East Portland Grand Avenue Historic Design Zone and the Central City Fundamental Design Guidelines are addressed concurrently.

Design Guidelines - East Portland Grand Avenue Historic Design Zone **Central City Fundamental Design Guidelines**

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

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

C4. Complement the Context of Existing Buildings. Complement the context of

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

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

Findings A4, C2, and C5: The proposal addresses the above-mentioned guidelines in the following ways:

- The portion of the proposed building that is located within the East Portland/ Grand Avenue Historic District and therefore subject to Historic Resource Review is limited to a mid-block portion of the single-story section of the East Elevation. This area consists of a single-story wall clad in tradition dark brick with a section of eco-roof atop the single-story mass. In general, the proposed building responds to the Historic District boundary and the neighboring resources, the Chamberlain Hotel Building, a contributing resource built in 1897, and the New Logus Block, an individually listed Historic Landmark built in 1892, by pulling back the upper 6-floors of the building. This important design move that allows the proposed building and the single-story brick wall to related to and engage with the existing resources in a coherent respectful way.
- Pulling the upper floors of the building back and limiting the section of the building within the district to a single story, the proposal helps ensure that the historic east facades of the adjacent resources will remain visible from the proposed courtyard, from SE Stark and SE Washington, and from and upper floors of the proposed building. As such, the proposal enhances adjacent resources, and enhances the district as a whole.
- The use of traditional materials for the brick clad wall and minimal rooftop landscaping are visually compatible with the adjacent brick resources.

Therefore, these guidelines are met.

Guidelines for New Construction and Additions

A6-1i. Siting and Building Orientation.

1. In addition to meeting zoning requirements, siting and building orientation should be visually compatible with adjacent buildings and the District's architectural character.

Introduction: Scale and Proportion. The architectural character of the District must be considered when addressing this guideline. The reader is referred to the third section of this document, "East Portland/Grand Avenue Historic District's History, Character and Context" for information which will aid in understanding the District's character. In addition, this document contains many photographs, both contemporary and historic. They are included to aid the reader in understanding the area's character.

A6-1k. Scale and Proportion.

1. The scale, form, proportion, and detailing of the new building or addition should be compatible with adjacent historic buildings and the architectural character of the District. The relationship of voids to solids, the size and relationships of window bays, doors, entrance and other architectural elements should be of a scale and proportion that is visually compatible with the adjacent historic buildings and the District.

Introduction: Materials, Colors, Textures. Materials, colors and textures schemes will be reviewed. After issues of height, mass and bulk the building characteristic having the

greatest impact on the District's character will be its exterior materials and colors. Maintaining the integrity of exterior materials is important to protecting the character of the District. For additional guidance, consult the State Historic Preservation Office in Salem at 1 (503) 378-6508, or the East Portland Historic District Advisory Board.

A6-11. Materials, Colors, Textures

1. Exterior materials, colors and textures used in new buildings should be visually compatible with adjacent buildings and the District's architectural character.
2. The use of traditional materials such as brick and concrete are encouraged. The use of non-traditional metal, wood and plastic as major exterior surfaces is discouraged.

Introduction: Rear and Side Walls. Portland and the East Portland/Grand Avenue Historic District share a pattern of orienting corner building entrances to the adjacent north-south street. Within the Historic District city blocks are small resulting in most buildings extending to one or more of the block 's corners. Orientations to King Boulevard and Grand Avenue are characteristic of the East Portland/Grand Avenue District. New buildings should respect this pattern.

A6-1m. Rear and Side Walls. Side walls and rear walls should be compatible with building facades or public street elevations, but can be simple and basically blank.

Findings for A6-1i, A6-1k, A6-11 and A6-1m: The proposal addresses the above-mentioned guidelines in the following ways:

- The proposed one-story element is part of the loading and parking entry structure for the new 7-story mixed-use development. Its massing and location narrowly abuts the street along SE Washington.
- The placement of the single-story mass allows this small area associated with building service uses to serve as a contextually appropriate backdrop and art wall for the proposed courtyard located off of SE Stark.
- The single-story brick volume with a minimally landscaped roof utilizes traditional materials and is visually compatible with adjacent buildings and the District as a whole, and enhances the District's architectural character.

Therefore, these guidelines are met.

(3) MODIFICATION REQUESTS (33.825)

33.825.040 Modifications That Will Better Meet Design Review Requirements:

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

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

The following Modifications are requested:

1. Modification 1

- Request to modify Ground Floor Windows coverage, PZC, 33.510.220 to reduce from 40% coverage to 33.9% on SE Washington.
- Request to modify Ground Floor Windows length, PZC, 33.140.230.B, to reduce length from 50% to 36.2% on SE Washington.

Purpose Statement: In the Central City plan district, blank walls on the ground level of buildings are limited in order to:

- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
- Encourage continuity of retail and service uses;
- Encourage surveillance opportunities by restricting fortress-like facades at street level; and
- Avoid a monotonous pedestrian environment.
- The plan district modifications to the base zone standards for ground floor windows are intended to promote ground floor windows in a larger number of situations than in the base zones and to provide additional flexibility in meeting the standard.

In the EX zone, blank walls on the ground level of buildings are limited in order to:

- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, or allowing public art at the ground level;
- Encourage continuity of retail and service uses;
- Encourage surveillance opportunities by restricting fortress-like facades at street level; and
- Avoid a monotonous pedestrian environment.

33.510.220.B Standard: The following ground floor window standards apply in the RX, CX and EX zones. The standards of B.1 and B.2 apply to new development and major remodeling projects. B.3. only applies to major remodeling projects. To meet the standards, ground floor windows must be windows that allow views into work areas or lobbies, or be windows in pedestrian entrances. Windows into storage areas, vehicle parking areas, garbage and recycling areas, mechanical and utility areas and display cases attached to outside walls do not qualify. Windows into bicycle parking areas are allowed to qualify for up to 25 percent of the ground floor windows coverage requirement. The bottom of the windows of nonresidential spaces must be no more than 4 feet above the finished grade:

1. Ground level facades that face a street or open area shown on Map 510-8 must have windows that cover at least 60 percent of the ground level wall area. For the purposes of this standard, ground level wall area includes all exterior wall area from 2 feet to 10 feet above the finished grade.
2. All other ground level facades that face a street lot line, sidewalk, plaza, or other publicly accessible open area or right-of-way must have windows that cover at least 40 percent of the ground level wall area. For street facing facades of dwelling units the regulations of 33.130.230.B.4 apply. For the purposes of this standard, ground level wall area includes all exterior wall area from 2 feet to 10 feet above the finished grade.
3. Optional artwork. Projects proposing to use artwork as an alternative to the ground floor window requirements may apply for this through the

adjustment procedure. Projects may also apply for a modification through design review if they meet the following qualifications. Buildings having more than 50 percent of their ground level space in storage, parking, or loading areas, or in uses which by their nature are not conducive to windows (such as theaters), may be allowed to use the design review process. Artwork and displays relating to activities occurring within the building are encouraged. In these instances, the artwork will be allowed if it is found to be consistent with the purpose for the ground floor window standard.

33.140.230.B Standard: Windows must be at least 50% of the length and 25% of the ground level wall area. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall.

Findings for A and B: The applicant requests to reduce the amount of ground floor windows from 40% coverage to 37.4%, in combination with a reduction from the 50% length requirement to 38.4%, all on the SE Washington frontage. Garage access must be along SE Washington.

The team has worked to consolidate building services and limit inactive areas at the street edges. The SE Washington frontage is where the majority of building services elements are proposed to be located, including the water riser, and generator rooms in addition to the garage door for access to parking and loading.

It is likely that given the programmatic limitations, the proposed building frontage on SE Washington would only be able to meet the standards with very thin piers or a butt-glazed storefront system on SE Washington; staff notes that those designs may not serve as an appropriate contextual response to the deep piers expressed at the ground floors of more warehouse and industrial style buildings in the area. The applicant has worked to create a larger glazed area set into the cast in place concrete mid block on SE Washington (mirrors the condition on SE Stark). However, staff notes that extending the storefront to the garage opening would allow more visibility into the retail space along SE Washington and reduce the Modification request.

Given that there remains design solution that would increase the coherency of the storefront expression and reduce the Modification request along SE Washington, the proposal as designed does not yet better meet the applicable design guidelines and does not meet the purpose of the Ground Floor Windows Standard.

Therefore, this Modification does not yet warrant approval.

- 2. Modification 2** - Request to modify Ground Floor Active Use, PZC, 33.510.225 on SE Martin Luther King Jr. Blvd to reduce the requirement from 50% to 23.1%. The standard requires the ground floor of walls that front onto a sidewalk be designed and constructed to accommodate active uses in accordance with standards of the section for height and depth of space, accessibility, and glazing requirements. Regarding the required minimum depth of 25', the Modification request is to allow 26.9% of the required space to only be between 13'-8" and 21'-3" deep.

Purpose Statement for 33.510.225 Ground Floor Active Uses: The ground floor active use standards are intended to reinforce the continuity of pedestrian-active ground-level building uses. The standards help maintain a healthy urban district through the interrelationship of ground-floor building occupancy and street level accessible public uses and activities, and they encourage a transit-supportive, pedestrian-oriented environment that is safe, active with uses, and comfortable for residents, visitors, and others. Active uses include but are not limited to: lobbies, retail, commercial, and office uses, but do not include storage, vehicle parking, garbage, recycling, mechanical, or utility uses.

Standard: 33.510.225.C. The ground floor active use standards apply to new development and major remodels on sites with frontage on a street shown on Map 510-9.

C. Ground floor active use standards.

1. Dwelling units are prohibited on the ground floor.
2. Buildings must be designed and constructed to accommodate uses such as those listed in Subsection A. Areas designed to accommodate these uses must be developed at the time of construction. 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:

- a. 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;
 - b. The area must be at least 25 feet deep, measured from the street-facing facade;
 - c. The area may be designed to accommodate a single tenant or multiple tenants. In either case, the area must meet the standards of the Accessibility Chapter of the State of Oregon Structural Specialty Code. This code is administered by BDS; and
 - d. The street-facing facade must include windows and doors.
3. In the Pearl District and West End subdistricts, on the portion of a site within 100 feet of a streetcar alignment shown on Map 510-13, parking is not allowed in the portions of a building that meet the ground floor active use standard of Paragraph C.

- 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.*

Findings for A and B: The changes to the ground floor programming made since the Design Advice Request, to include truly active ground floor uses along SE MLK that wrap up the majority of the SE Stark frontage and almost half of the SE Washington frontage, greatly improve the building's response to its primary SE MLK frontage and help the proposal contribute to a vibrant streetscape.

The active ground floors uses include retail at the corners and a lobby/lounge and 'Fab Lab' space as active residential amenity along with an additional retail space along the full-block SE MLK frontage. Large ground floor windows will

provide views into and out of these active spaces and operable sliding storefront along SE MLK will encourage further use and activation of the new 15' wide sidewalk. The proposed design with truly active uses wrapping all three frontages, paired with design elements that support a vibrant streetscape (large amounts of glazing, operable storefront, recessed entries on all frontages and continuous pedestrian coverage) reinforce the continuity of pedestrian-active ground-level building uses along SE MLK. To ensure that the ground level in its entirety continues to support the vibrancy indicated in the proposal, staff has recommended Condition of Approval 'C', that the ground level of the building will maintain retail space for at least the area shown on Exhibit C.18 and Appendix sheet C.81. With this recommended condition, the proposal meets the purpose of the Ground Floor Active Use standard and better meets the guideline A8 *Contribute to a Vibrant Streetscape* and C9 *Develop Flexible Sidewalk-Level Spaces*.

Therefore, this Modification warrants 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 challenge of this site continues to be the need to respond to the surrounding context of warehouses and light industrial buildings, with large multi-lite framed windows, and the directly adjacent historic buildings, with punched vertical double-hung windows, while also expressing the residential program of this proposal.

While outstanding issues remain and staff cannot yet recommend approval of the Design Review for the proposal, as a whole, for the reasons listed in the findings above, staff recommends approval with a recommended condition of a Modification to Required Active Uses, and approval of the concurrent Type II Historic Resource Review Historic as those project elements meet the applicable Historic and Modification approval criteria.

TENTATIVE STAFF RECOMMENDATION

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

Staff **does not yet recommend approval** of the Design Review with Modifications and a for a proposed new half block, 7-story "5-over-2" mixed-use building in the Central Eastside Subdistrict of the Central City Plan District. Ground-level uses include commercial retail spaces, residential amenities, parking with approximately 60 parking stalls, and approximately 132 residential dwelling units of varying sizes at levels 2-7. The Type II Historic Resource Review is required as a small portion of the east building wall is within the East Portland/ Grand Avenue Historic District.

Staff **does not yet recommend approval** of Modification 1:

- Request to modify Ground Floor Windows coverage, PZC, 33.510.220 to reduce from 40% coverage to 33.9% on SE Washington.

- Request to modify Ground Floor Windows length, PZC, 33.140.230.B, to reduce length from 50% to 36.2% on SE Washington.

Staff **recommends approval** of the concurrent Type II Historic Resource Review for the portion of the East single-story brick wall with eco roof that is located within the East Portland/ Grand Avenue Historic District.

Staff **recommends approval with condition 'C'** for Modification 2: Request to modify Ground Floor Active Use, PZC, 33.510.225 on SE Martin Luther King Jr. Blvd to reduce the requirement from 50% to 23.1%. The standard requires the ground floor of walls that front onto a sidewalk be designed and constructed to accommodate active uses in accordance with standards of the section for height and depth of space, accessibility, and glazing requirements. Regarding the required minimum depth of 25', the Modification request is to allow 26.9% of the required space to only be between 13'-8" and 21'-3" deep.

Recommended Condition 'C':

- C.** The ground level of the building will maintain retail space for at least the area shown on Exhibit C.18.

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Procedural Information. The application for this land use review was submitted on June 29, 2021, and was determined to be complete on August 6, 2021.

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 June 29, 2021.

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 extended by the applicant, **the 120 days will expire on: December 4, 2021**

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. Any new written testimony should be emailed to **Megan Sita Walker** at MeganSita.Walker@PortlandOregon.gov. If you cannot email comments and must mail comments via USPS mail, your comments to the Design Commission can be mailed c/o the Design Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

Please note regarding USPS mail: If you choose to mail written testimony via USPS, due to the Covid-19 Emergency, USPS mail is only received a couple times a week, and testimony must be received before the close of the record. Therefore, please mail testimony well in advance of the hearing date.

If you are interested in viewing information in the file, please contact the planner listed on this decision. The planner can provide information over the phone or via email. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. A digital copy of the Portland Zoning Code is available on the internet at <http://www.portlandoregon.gov/zoningcode>.

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. 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..

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

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. **Appeals must be filed within 14 days of the decision. An appeal fee of \$5,513 will be charged.**

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 website: <https://www.portlandoregon.gov/bds/article/411635>. 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **the date following the end of the appeal period** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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).

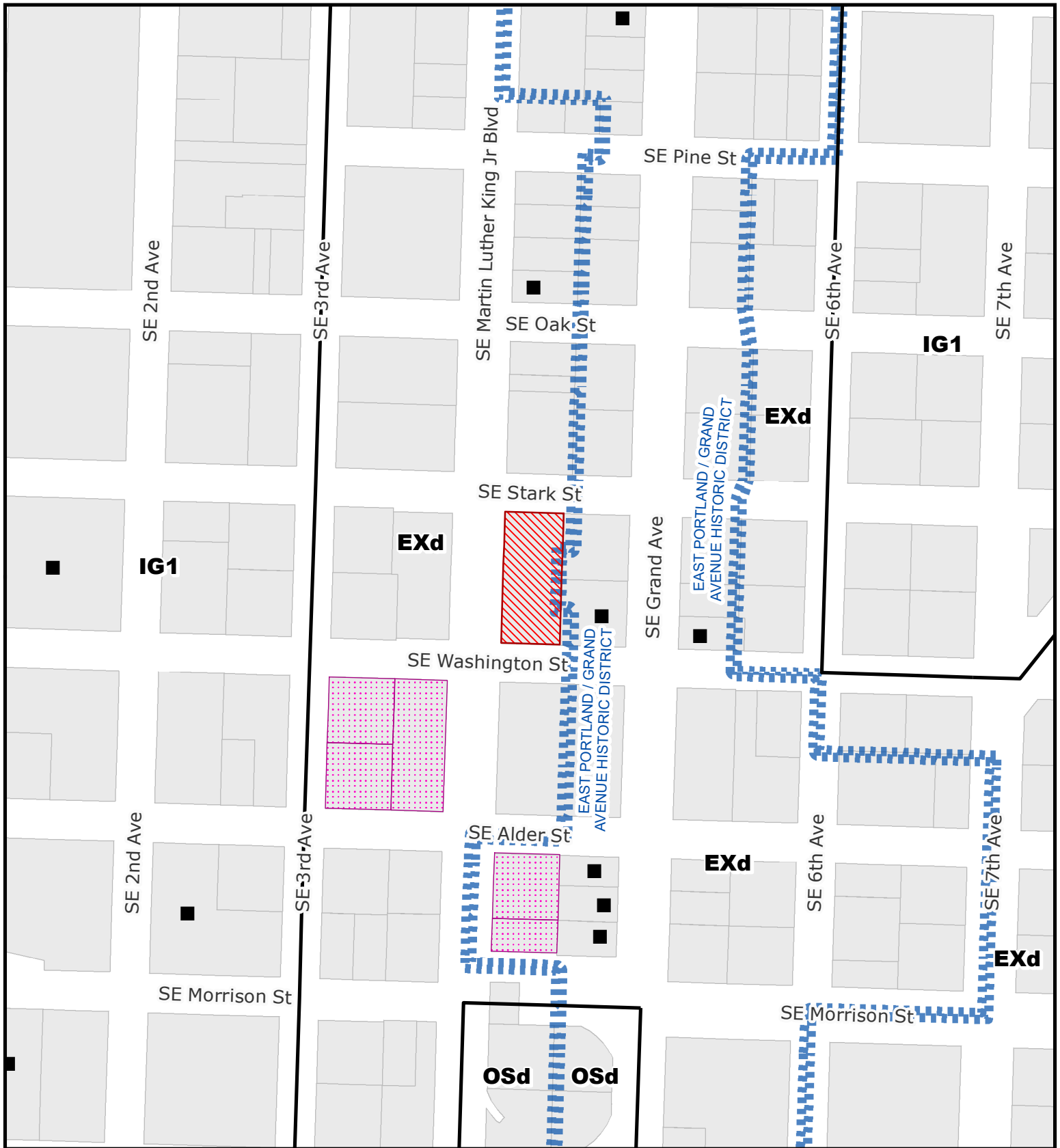
Megan Sita Walker
September 20, 2021

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Original Project Description and Narrative
 2. Original Drawing Packet
 3. Original Appendix
 4. Response to Incomplete Letter, August 6, 2021
 5. Updated Drawing Packet, August 6, 2021
 6. Updated Appendix, August 6, 2021
 7. Response to DAR Summary Memo, August 6, 2021
 8. Stormwater Report, August 6, 2021
 9. Draft Ground Floor Revisions, August 26, 2021
 10. Final Drawing Packet for Hearing 1, September 10, 2021
 11. Final Appendix for Hearing 1, September 10, 2021
- B. Zoning Map (attached)
- C. Plans & Drawings
 0. Cover Page
 1. Cover Page
 2. Overall Site Plan (attached)
 3. Site Diagram: Primary Land Use
 4. Site Diagram: Transportation
 5. Existing Conditions – Aerial

6. Ground Floor Plan
 7. Index sheet
 8. Ground Floor Landscape Plan
 9. Ground Floor Courtyard Landscape Plan
 10. Rendering – Ground Floor Courtyard
 11. Rendering – Ground Floor Courtyard
 12. Rendering – Ground Floor Courtyard
 13. Rendering – Ground Floor Courtyard
 14. Level 2 Landscape Plan
 15. Roof Landscape Plan
 16. Cover
 17. Below Grade Floor Plan (attached)
 18. Ground Floor Plan (attached)
 19. Level 2 Floor Plan (attached)
 20. Level 3-7 Floor Plan
 21. Roof Plan
 22. West Elevation – Color
 23. West Elevation – B&W (attached)
 24. North Elevation – Color
 25. North Elevation – B&W (attached)
 26. East Elevation – Color
 27. East Elevation – B&W (attached)
 28. South Elevation – Color
 29. South Elevation – B&W (attached)
 30. Section – West
 31. Section - North
 32. Enlarged West Elevation & Section Details ('Composite Sheet - 550:1')
 33. Enlarged West Elevation & Section Details ('Composite Sheet - 550:2')
 34. Enlarged West Elevation & Section Details ('Composite Sheet - 550:3')
 35. Enlarged West Elevation & Section Details ('Composite Sheet - 550:4')
 36. Enlarged North Elevation & Section Details ('Composite Sheet - 550:5')
 37. Enlarged East Elevation & Section Details ('Composite Sheet - 550:6')
 38. Enlarged South Elevation & Section Details ('Composite Sheet - 550:7')
 39. Materials Palette
 40. Exterior Lighting Plan – Ground Floor
 41. Exterior Lighting Plan – Courtyard
 42. Rendering – Exterior Lighting in Courtyard
 43. Cut Sheets – Glazing
 44. Cut Sheets – Louvers
 45. Cut Sheets – Cladding
 46. Cut Sheets – Cladding & Windows
 47. Cut Sheets – Overhead Doors
 48. Cut Sheets – Cladding
 49. Cut Sheets – Sliding Doors at Retail
- 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 Environmental Services
 2. Life safety Division of BDS
 3. Fire Bureau

4. Site Development Section of BDS
 5. Urban Forestry
 6. Bureau of Transportation Engineering
- F. Letters:
1. Bruce Burns, Burns Bros., Inc., wrote in on September 8, 2021
 2. Joshua Baker, Buckman Community Association Landuse Co-Chair, wrote in on September 9, 2021
- G. Other
1. Original LUR Application
 2. Pre-Application Conference Summary Notes (EA 20-201592 PC
 3. DAR Summary Memo for DAR meeting w/ Design Commission on January 7, 2021 (DA 20-219065)
 4. Email correspondence between staff and the applicant
 5. Staff report and recommendation to the Design Commission, dated September 20, 2021
 6. Staff memo to the Design Commission for the 1st hearing, dated September 23, 2021
 7. Commission Memo and Guidelines Cheat sheet
- H. **1st Hearing**
3. Staff Presentation, September 30, 2021
 4. Applicant Presentation, September 30, 2021






ZONING

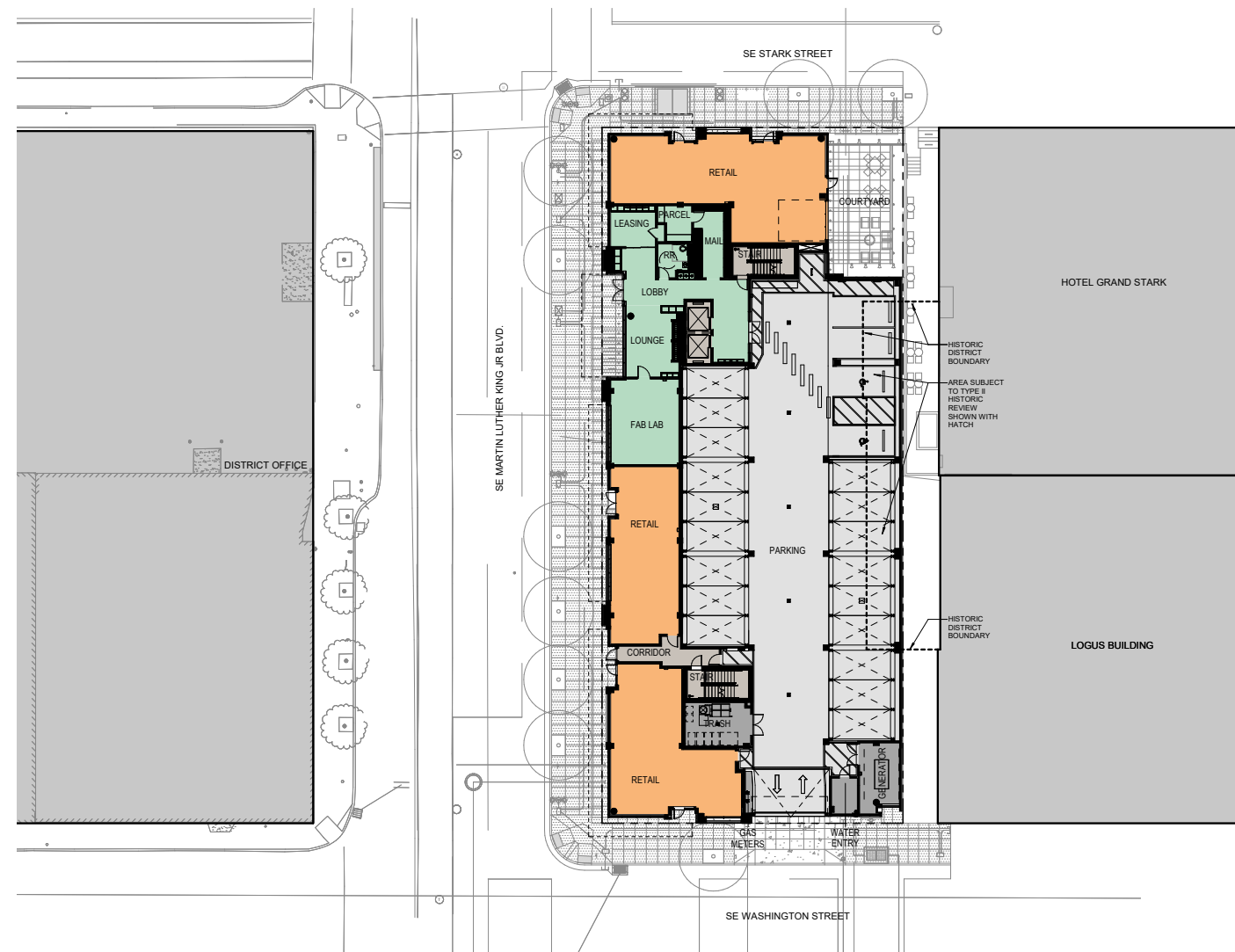


For Zoning Code in effect
August 1, 2020 - July 31, 2021

CENTRAL CITY PLAN DISTRICT
CENTRAL EASTSIDE SUB DISTRICT
EAST PORTLAND / GRAND
AVENUE HISTORIC DISTRICT

-  Site
-  Also Owned Parcels
-  Historic Landmark

File No.	LU 21 - 061842 DZM HR
1/4 Section	3131
Scale	1 inch = 200 feet
State ID	1S1E02BB 2000
Exhibit	B Jun 29, 2021



1 BUILDING
550 MARTIN LUTHER KING JR. BLVD

112,193
Total GSF (inc. UG Parking)

3,973
GSF of Commercial Space

883
GSF of Courtyard Space

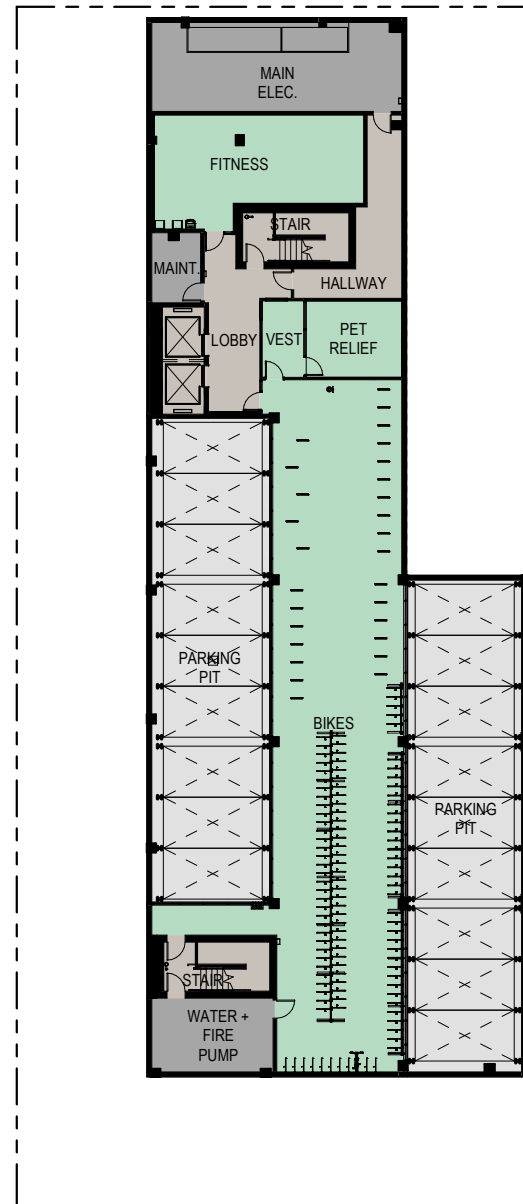
132
Units

59
Podium parking stalls

- RETAIL
- RESIDENTIAL
- CIRCULATION
- CIRCULATION
- SERVICE

OVERALL 550 MLK SITE





9,330
Total GSF (inc. UG Parking)

170
Bike Parking Stalls

- RETAIL
- RESIDENTIAL
- PARKING
- CIRCULATION
- SERVICE

BELOW GRADE FLOOR PLAN





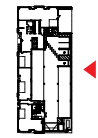
WEST ELEVATION



NORTH ELEVATION



550-6



EAST ELEVATION



SOUTH ELEVATION