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

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STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION

CASE FILE: LU 14-163479 DZM
PC # 14-103009
Block 75 – Mixed-Use Development
REVIEW BY: Design Commission
WHEN: Thursday, August 21, 2014 at 1:30PM
WHERE: 1900 SW Fourth Ave, Room 2500A
Portland, OR 97201

Bureau of Development Services Staff: Kate Marcello 503-823-7538; kate.marcello@portlandoregon.gov

GENERAL INFORMATION

Applicant: Jennifer Dzienis, Works Partnership Architecture | 503-234-2945
524 E Burnside Street, Suite 320 | Portland, OR 97214

Owners: Eric Cress, Block 75 LLC
116 NE 6th Avenue, Suite 400 | Portland, OR 97232

Jonathan Malsin, Block 75 LLC
1001 SE Water Avenue, Suite 120 | Portland, OR 97214

Site Address: 111 NE Martin Luther King, Jr Boulevard

Legal Description: BLOCK 75 LOT 1&2, EAST PORTLAND; BLOCK 75 LOT 3&4, EAST PORTLAND; BLOCK 75 LOT 5&6 EXC PT IN STS, EAST PORTLAND
Tax Account No.: R226504950, R226504970, R226504990
State ID No.: 1N1E34DA 03000, 1N1E34DA 02900, 1N1E34DA 03200
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 Plan District; Central Eastside Subdistrict
Zoning: Central Employment (EX) base zone; Design (d) overlay zone
Case Type: Design Review with a Modification (DZM)

Proposal: A new 10-story 104'-4"-tall mixed-use building is proposed to occupy the south half of the city block bounded by NE MLK Blvd, Couch St, 3rd Ave, and Davis St. An east-west pedestrian path connecting NE MLK Boulevard and NE 3rd Avenue is proposed along the north edge of the new building. The ground floor will include commercial retail space; floors 2 through 4 will include approximately 32,000 square

feet of flexible office space; and floors 5 through 10 will include 75 housing units. Underground parking for 40 vehicles will be accessed from NE 3rd Avenue. Primary building materials include metal panels, bronze glazing, and clear glazing.

The proposed building exhibits modulated square-shaped and rectangular tubes, some of which project over the sidewalk. The Notice of Proposal mailed on August 1, 2014 stated the following regarding the Oriel Window Standard:

Some of these tubes do not meet all of the Oregon Structural Specialty Code (OSSC) requirements for window projections into the public right-of-way. Specifically, two requirements are not met: 1. The maximum 12-ft width for each window projection; and 2. The minimum 12-ft separation between window projections.

The tube modulations have been revised such that exceptions to the Oriel Window Standard are no longer needed. All of the OSSC requirements are now met by the proposal.

Modification:
The applicant requests a Modification to 33.266.310.D (*Loading Standards*; *Size of loading spaces*). According to the Zoning Code, the proposal must include one on-site loading space that is 35 feet long x 10 feet wide, with a clearance of 13 feet. (This is a *Standard A* loading space per 33.266.310.D.a.) Instead, the applicant requests to provide two on-site loading spaces that are each 18 feet long x 9 feet wide, with a clearance of 9 feet (located within the below-grade parking area). Therefore a Modification is needed.

The proposal is for a new building on a site with Design (d) overlay zoning in the Central City Plan District; therefore Design Review is required. Modification requests are required for portions of a proposal that do not meet the applicable Zoning Code Standards.

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,
- Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan, and
- 33.825.040.A-B: Approval Criteria for Modification through Design Review.

ANALYSIS

I. Site and Vicinity: Block 75 is located north of the Burnside Bridge and is bounded by NE Martin Luther King Boulevard to the east, NE Couch Street/future Court Court to the south, NE 3rd Avenue to the west, and NE Davis Street to the north. The proposal will occupy the three-quarters of the block previously occupied by the Ararat bakery and restaurant building, which was demolished in 2008. The existing Union Arms apartment building, three stories tall and constructed in 1908, occupies the northeast quarter of the block.

The recently rehabilitated Convention Plaza building – now called the Eastside Exchange – is located across NE 3rd Avenue from the subject site. The Couch Street Pedestrian Plaza, which abuts the Eastside Exchange building to the south, was also recently completed as part of the overall Eastside Exchange project. The Eastside Exchange building, whose historic name is the "Ira F. Powers Warehouse

and Factory," was listed in 2011 as a Historic Landmark on the National Register of Historic Places.

Currently, Couch Street forms a unique configuration abutting Block 75 to the south. Couch Street heads west across MLK Boulevard, curves southward, and then turns into an access ramp for the Burnside Bridge. (This configuration was constructed as part of the Burnside-Couch couplet, completed in late 2010.) Currently there is a dead-end fragment of Couch Street from NE 3rd Avenue. This fragment is about 55 feet long. As part of the overall Burnside Bridgehead development and the newly formed Local Improvement District (LID), the fragment will be removed and a new street – NE Couch Court – will be constructed to provide westerly access from Couch Street to Third Avenue. Couch Court will curve southward from 3rd, meeting Court Court at an off-set angle. This will result in an unusually wide, wedge-shaped sidewalk right-of-way (ROW) abutting Block 75 along the northern edge of Couch Court and Couch Street. Although specific plans for this wedge-shaped sidewalk ROW are unclear at this point, it has great potential to be a unique space within the overall Burnside Bridgehead redevelopment. It could be a gathering space with design elements that go beyond the perfunctory ROW design elements typically installed as part of new sidewalk ROW. There is general support from Burnside Bridgehead property owners for this vision.

Significant redevelopment is planned for the immediately surrounding area as part of Burnside Bridgehead redevelopment. A low-rise office building is planned for the southerly adjacent block, which is substandard in size and irregular in shape, and is bounded by NE Couch Street to the west and north, E Burnside Street to the south, NE MLK Boulevard to the east. The block located southwest of Block 75, known as Block 67, will soon be home to a high-rise mixed-use building. This project was approved by the Design Commission in December 2013.

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

> *Located at the geographic center of Portland, the Burnside Bridgehead is bound by NE Martin Luther King Blvd. to the east, the Burnside Bridge to the south, NE 2nd Ave. to the west, and NE Davis St. and the I-5/I-84 interchange to the north. The project site is 4.04 acres in size and includes four city-size blocks of development area. The majority of the project site is zoned EXd (Central Employment), which permits a variety of commercial, employment, industrial and residential uses.*
>
> *The Burnside Bridgehead has historically been underdeveloped due to its topography and a challenging relationship with the surrounding street infrastructure. Three factors contribute to the site's perceived isolation from the City: the elevation differential from the flank of the Burnside Bridge; the adjacency of the I-84/I-5 interchange, and the disconnect from the urban grid. The Burnside Bridgehead Framework Plan has considered these physical challenges and proposed important linkages to the surrounding neighborhood. With these connections in place, the centrality of the site within the larger urban context puts it in*

> *the unique position of acting as a portal and potential hub between east and west, north and south. The Burnside Bridgehead site also represents the opportunity to solidify the vitality of the Central Eastside Industrial District through a largely ground-up development that reinforces its character, scale, and economy.*

Block 75 is located within the Central Eastside Industrial District (CEID), which is bounded by Interstate 84 to the north, the Willamette River to the west, SE Powell Boulevard to the south, and SE 12th Avenue to the east. The CEID is about 681 acres in area, contains approximately 1,122 businesses, and employs about 17,000 people. Block 75 is also located within the Kerns neighborhood, which is bordered by the Buckman, Lloyd, Sullivan's Gulch, Laurelhurst, and Sunnyside neighborhoods.

The area surrounding Block 75 contains a wide variety of uses, such as manufacturing and production, warehouses, so-called "creative" firms and start-up companies, small offices, scattered residential buildings, car dealerships, social service agencies, restaurants, bars, nightclubs, a skateboard park, and locally owned independent retail shops. E Burnside, from approximately SE 6th Avenue to SE 12th Avenue, has become a destination area for new retailers and restaurateurs in recent years, resulting in an increasingly pedestrian-oriented corridor that is active during daytime as well as nighttime hours.

With regard to the transportation environment surrounding Block 75, the Transportation Element of Portland's Transportation System Plan (TSP) classifies both NE MLK Boulevard and Couch Street as Major Transit Priority Streets, Major City Traffic Streets, Regional Main Streets, City Walkways, and City Bikeways. NE 3rd Avenue is a designated Local Service Walkway. It is also classified as a Local Service Bikeway, although immediately to the south 3rd Avenue is classified as a City Bikeway. NE Davis Street is classified as a Local Service Bikeway and Local Service Walkway. At this time, it is unclear how the TSP will classify NE Couch Court after it is constructed.

The southbound alignment for the Central Loop Line of the Portland Streetcar is located on MLK Boulevard. There is a Central Loop streetcar stop about ___ south of Block 75. This stop is also shared by TriMet bus route #6. At the northeast corner of NE Couch Street and MLK Boulevard there is a bus stop for TriMet bus routes #12, 19, and 20.

II. Zoning:

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

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

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

III. Land Use History:

1. City records indicate one prior land use review for the subject site. This land use review, **LU 06-103735 ZC**, approved a Zoning Map Amendment to change the base zoning from General Industrial 1 (IG1) to Central Employment (EX) and to add the Design (d) overlay zone, for approximately 2.94 acres that include Blocks 67 and 68 and the western half of Blocks 75 and 76.
2. **LU 06-103735 ZC** included the following condition of approval (Condition "B"):

Development on the site is limited to the Base Allocation and the Maximum Allocation of land uses shown on the table, below. Trades from one category to another are allowed as specified in the table.

Land Uses Allocations and Allowable Trades

Land Use	Base Allocation	Maximum Allocation after Trades	Allowable Trades
Residential	415 units	450 units	One dwelling unit for 450 square feet office One dwelling unit for 450 square feet of retail One dwelling unit for 450 square feet of industrial
Retail	150 ksf	250 ksf	1 ksf retail for 1,300 s.f. of office 1 ksf retail for 4 dwelling units 1 ksf retail for 1,400 s.f. industrial
Office	250 ksf	400 ksf	1 ksf office for 2.75 dwelling units 1 ksf office for 800 s.f. retail* 1 ksf office for 950 s.f. industrial
Industrial	100 ksf	100 ksf	Not applicable
These land use allocations and allowable trades are intended to achieve net new trips associated with the change in zoning, as estimated in the traffic impact study conducted for the zone change application. The following trip thresholds were used to determine the allowable land use allocations: **- 220 Net New Weekday AM Peak Hour, Inbound** **- 335 Net New Weekday PM Peak Hour** * If the Office allocation is increased to more than 390,000 s.f., the conversion cannot be taken entirely from Retail. The maximum retail reduction must be accompanied by at least 15,000 s.f. in Industrial reduction in order to stay under ODOT's trip cap of 220 weekday net new a.m. inbound trips.			

3. The Portland Development Commission has provided the following information on the land use allocations of recent and pending Burnside Bridgehead development. [Note: The Dumbbell(s) development has not yet been reviewed; therefore, the quantities listed here may change.]

	Eastside Exchange (Block 68)	Key Development (Block 67)	Beam Development (Block 75)	Key Development (Block 76W)	The Dumbbells (Block 76E)	Total
Residential (units)	0	276	69	0	0	345
Retail (SF)	4,452	16,759	8,330	18,000	7,000	54,541
Office (SF)	63,533	2,950	32,290	0	45,300	144,073
Industrial (SF)	0	0	0	0	0	0
Storage (SF)	3,062	4,088	0	0	0	7,150

IV. Public Notice: A *Notice of Proposal in Your Neighborhood* was mailed on Friday, August 1, 2014.

Agency Review:

- The following City bureaus/departments have responded with comments, but they have no objections to the proposal.
  1. The response provided by the Life Safety/Building Code Section of BDS states that a building permit is needed for the proposed development (Exhibit G-1).
  2. The Portland Water Bureau stated that there are "no existing water services to this property location," but that water is available from an existing water main in NE Davis Street and an existing water main on NE 3rd Avenue. The Water Bureau's response includes additional information, stating in part that the proposed development must comply with City Title 23.12.010 (Exhibit G-2).
  3. The Urban Forestry Division of Portland Parks & Recreation stated simply: "Street trees will be required on all street frontages" (Exhibit E-3).
  4. The Site Development Review Section of BDS stated in part that a geotechnical engineering report and an erosion control plan will be required at the time of building permit.
- Two City bureaus/departments have responded with comments and with concerns/objections regarding the proposal.
  5. The Development Review Section of Portland Bureau of Transportation does not object to the proposal; however, PBOT has concerns regarding the curb cut shown on the plans on NE 3rd Avenue, at the west end of the pedestrian through-block connection/plaza. The response stated: "PBOT has no intention of granting" the curb-cut request and "strongly opposes providing unnecessary curb cuts that reduce the amount of on-street parking and do not provide access to a legal loading or parking spaces. PBOT will allow that section of sidewalk to be constructed with a thicker section of concrete to prevent the rare moments when PGE needs access," so that the sidewalk is not damaged. PBOT's response also expresses "no objection to the requested modification to provide two smaller loading spaces in the garage."
  6. The Bureau of Environmental Services responded and stated that BES "cannot recommend approval" of this design review, and that although "there are no BES-specific approval criteria, the applicant should submit a plan that shows approvable stormwater management facilities."
     - BES stated in part that "potential soil contamination *may* [emphasis not added] limit the use of on-site infiltration depending on the location and extent of soil and/or groundwater contamination." This is related to the research conducted by BES Pollution Prevention staff, which indicated that the site "is suspected to have contaminated soils or groundwater."
     - BES "will not approve building permit applications" until the applicant shows that the proposed drywell facility "will be located on the lot that it serves or has received approval from BDS of a plumbing code appeal to allow the facility to be on a different lot within a recorded easement."
- One City bureau/department has not responded with comments:
  7. Portland Fire & Rescue

Neighborhood Review: Thus far, no written comments in response to the proposal have been received from the neighborhood association (Kerns Neighborhood Association) or notified property owners.

ZONING CODE APPROVAL CRITERIA

I. 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 within the Central City Plan District and the Central Eastside Subdistrict, the applicable approval criteria are the *Central City Fundamental Design Guidelines* and the *Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan*.

<u>Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan and Central City Fundamental Design Guidelines</u>

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

The underlying urban design objective for the Central Eastside is to capitalize on and emphasize its unique assets in a manner that is respectful, supportive, creative and compatible with each area as a whole. Part of the charm and character of the Central Eastside District, which should be celebrated, is its eclectic mixture of building types and uses. An additional strength, which should be built on, is the pattern of pedestrian

friendly retail uses on Grand Avenue, East Burnside and Morrison Streets, as well as portions of 11th and 12th Avenues.

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

Central Eastside Design Goals
The following goals and objectives define the urban design vision for new development and other improvements in the Central Eastside:
- Encourage the special distinction and identity of the design review areas of the Central Eastside District.
- Provide continuity between the Central Eastside and the Lloyd District.
- Provide continuity between the Central Eastside and the river, downtown, and adjacent residential neighborhoods.
- Enhance the safety, convenience, pleasure, and comfort of pedestrians.

Central City Plan Design Goals
This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven Central City policy areas. The nine goals for design review within the Central City are as follows:
1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole**.**

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

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

Findings for A1: The close proximity of Block 75 to the Willamette River establishes the proposed building as a new architectural anchor for the Burnside Bridgehead, in concert with the recently approved Block 67 building. The proposed building at Block 75 addresses this river proximity in its westerly orientation of modulated "tube ends" that feature large areas of glazing and balconies. The glazing and balconies located at the uppermost floors will

provide views of the river and Portland's Westside beyond. *Therefore this guideline is met.*

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

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

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

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

Findings for A4, A5, C3-1, and C4: Per the City's plans for the area, the Burnside Bridgehead is emerging as a four-block area with a distinct identity knitting into the larger Central Eastside. The foundation of this identity is not necessarily similarity and repetition; rather, it is an identity built on appropriately balanced and high-quality architectural variety, and modern interpretations of the Central Eastside warehouse typology. Specifically, the area is developing such that each individual building boasts its own unified design aesthetic. However, instead of rendering an architecturally disjointed district, the result is a burgeoning area of seemingly boundless variety to visitors, residents, and workers, piquing their visual interest and encouraging exploration of the Bridgehead and the immediately surrounding area. The Block 67 building designed by Skylab Architecture and approved by Design Commission in 2013, located about 90 feet from the subject site, boasts a bold, unique design with irregular angles, a variety of uses, a variety of public and private outdoor spaces, and a distinct glazing pattern. Plans for the exceptionally small block directly south of Block 75 and across NE 3rd from Block 67 intend to carry over Block 67's design aesthetic in a much smaller building. And, finally, the recently restored Eastside Exchange – whose historic name is the Ira F. Powers Warehouse and Factory – also boasts a distinct identity by virtue of its historic character.

The proposed Block 75 building makes a strong contribution to this Burnside Bridgehead ensemble. Similar to Block 67, the design for Block 75 is bold and holds its own. The design concept is comprised of a bundle of tubes arranged irregularly to recess at some points and project at other points, creating an array of outdoor spaces at each floor level on the east and west facades. The north and south facades are differentiated from the east and west facades by the smoothness of their curtain-wall glazing and metal paneling, yet these facades are also unified with the east and west facades by the similar inclusion of differently sized outdoor spaces at the upper floor levels. Thus Block 75 makes a valuable contribution to an area increasingly defined by the uniqueness of individual buildings.

Therefore these guidelines are met.

A5-3. Plan for or Incorporate Underground Utility Service.
Plan for or incorporate underground utility service to development projects.

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

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

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

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.

Findings for A7, A8, and B1: The building features large areas of glazing at the ground level on all four façades. Clear floor-to-ceiling curtain-wall glazing is placed at the most important – in other words, the most visually prominent and functionally significant – parts of the ground floor. The high-visibility corner of NE MLK Boulevard and NE Couch Street has curtain-wall glazing that steps back dramatically to follow the aberrantly curved shape of the site's southeast corner, albeit in a more rectilinear than curvilinear fashion. This same glazing extends beyond the corner and continues farther along the MLK and Couch façades, signaling the locations of retail entries and the commercial lobby entrance. The curtain-wall glazing is also placed at the building corners abutting the through-block pedestrian path/plaza, again, also indicating the visual and functional importance of this particular part of the site. The remainder of the ground-floor façade also contains abundant glazing, in the form of curtain-wall interspersed with bronze aluminum panels in some areas, and "tube ends" framed by white aluminum panels that match the upper-floor tube ends that dominate the east and west façades.

All of this ground-floor glazing allows ample views into and out of the building's ground floor, developing a visual connection between the private interior of the building and the public space of the surrounding streetscape and the through-block pedestrian path/plaza. This glazing, placed in carefully considered and strongly articulated patterns as previously described, also provides a defined street wall that imbues MLK Boulevard, Couch Street, 3rd Avenue, and the through-block connection with a comfortable sense of urban enclosure. As well, the "tube ends" located at the ground floor on the 3rd Avenue façade foster visually interesting urban enclosure by virtue of their framing, which projects outward from the glazing.

The proposal includes pedestrian gates that will be installed in the future only if

deemed necessary for security purposes. These gates would be located at the ends of the through-block pedestrian connection/plaza (adjacent to the MLK Boulevard frontage and the 3rd Avenue frontage). At each location, the gates are 8'-0" tall with evenly spaced steel vertical members spaced 0'-6" on-center, and with bronze plates and wood pulls at the mid-point where the two sections of gate come together when the gate is in the closed position. The gates would presumably be closed only during nighttime hours when on-site security could be a higher concern. Rather than exuding a harsh, utilitarian appearance, the gates employ a graceful design that could actually provide a comfortable sense of enclosure along the 3rd Avenue sidewalk during nighttime hours.

In addition to the aforementioned glazing patterns, design elements located at the commercial and residential lobby entries also contribute to a vibrant streetscape. The commercial lobby entrance is recessed approximately 10'-0" and is about 22'-0" wide, rendering a 220-square-foot area. This area is two stories in height and is surrounded by glazing on all three sides. This area also includes two white metal panel-framed "tube ends" at the east-facing portion of the recessed façade. The upper tube end cantilevers over the lower tube end, bringing the dramatic "push and pull" design theme of the upper floors to the ground floor. These design elements render this entrance wholly unique on the building, highlighting its importance.

Similarly, the residential entrance contains a unique design element signifying its importance. Cedar tongue-and-groove surrounds the entry. The glazing at the entrance reveals that this wood cladding extends from the exterior environment into the interior, lining the wall of the lobby. This is also a wholly unique condition on the building that emphasizes the entry's significance.

Guideline B1 calls for developing "pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks." The subject block is quite obviously not a super-block or even simply a larger-than-normal block; however, if the site is considered within its larger context of the Burnside Bridgehead development area, the proposed through-block pedestrian path/plaza provides a convenient and visually interesting access route that supplements the existing pedestrian system. This pathway aligns with the tower element located at the main entrance of the Eastside Exchange building across 3rd Avenue to the west. This alignment aids in stitching together these two Bridgehead sites both visually and functionally.

Therefore these guidelines are met.

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

Findings for A9: Block 75 is part of the larger four-block Burnside Bridgehead development area, which is envisioned as a gateway between the westside of the Central City across the Willamette River and the eastside of the Central City, especially the Central Eastside Industrial District (CEID). In concert with the recently approved Block 67 development and the recently renovated historic Eastside Exchange building, the proposed building will help to anchor the Bridgehead area. The building's distinct, bold design concept of a "bundle of tubes" aids in this endeavor, especially at the intersection of NE MLK and Couch. Additionally, the building will add a substantial amount of commercial space and residential units to this area, in keeping with the Portland Development Commission's Framework Plan for the Bridgehead. Befitting the

Bridgehead's gateway identity, these uses will add vitality to the pedestrian environment and increase around-the-clock streetscape activity. *Therefore this guideline is met.*

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

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

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

C1-2. Integrate Signs.
- **a.** Retain and restore existing signage which reinforces the history and themes of the district, and permit new signage which reinforces the history and themes of the East Portland Grand Avenue historic district.
- **b.** Carefully place signs, sign supports, and sign structures to integrate with the scale, color and articulation of the building design, while honoring the dimensional provisions of the sign chapter of the zoning code
- **c.** Demonstrate how signage is one of the design elements of a new or rehabilitation project and has been coordinated by the project designer/ architect. Submit a Master Signage Program as a part of the project's application for a design review.

C13. Integrate Signs.
Integrate signs and their associated structural components with the building's overall design concept. Size, place, design, and light signs to not dominate the skyline. Signs should have only a minimal presence in the Portland skyline.

Findings for B2, B3, C12, C1-2, and C13: The through-block pedestrian connection/plaza is an inextricable part of the overall proposal. Pedestrian connections through sites such as Block 75 support the overall vision of the Burnside Bridgehead as a pedestrian-oriented area boasting unique gathering spaces and access routes for traversing within and through the area. In this spirit, the proposed through-block connection provides access between MLK Boulevard and 3rd Avenue and also acts as a gathering space with bicycle parking, substantial landscaping, seating, and lighting, as well as abundant glazing along the abutting building façade.

A large loading space was originally proposed at the west end of this pedestrian connection/plaza. However, a Modification was added to this Design Review to allow for two smaller loading spaces located below-grade, in lieu of the large at-grade loading space. This eliminates any vehicle area (which would have been an unsettling visual and physical obstacle) within the most pedestrian-oriented part of the site.

Though not necessary anymore, the curb cut is still depicted solely to allow very infrequent vehicular access to the underground electrical vault located in this area. However, this curb cut is not supported by Development Review staff at the Bureau of Transportation, nor is it supported by Design Review staff because

of the deleterious impacts it would have on the pedestrian orientation of a path/plaza that is already quite constrained in its dimensions. A condition of approval will ensure that no curb cut is constructed at this location, reducing the potential for vehicular obstacles within the pedestrian environment of the sidewalk on 3rd Avenue and the abutting west end of the path/plaza.

All mechanical units will be located atop the roof, far from the pedestrian environment below. None of these units will project above the surrounding mechanical screening enclosure. Louvers for mechanical exhaust are all the same color – slate gray – and will be located at consistent locations – above the ground-floor window system on the MLK Boulevard and 3rd Avenue façades. On the MLK Boulevard façade, the louvers run horizontally along the upper portion of the ground floor. On the 3rd Avenue façade, the louvers are located above and align with entry doors. This is an appropriate location where louvers are traditionally placed on ground-floor storefronts. Moreover, the consistent coloring and patterning render a unified design element rather than haphazard utilitarianism; unfortunately the latter is often the case with louvers due to their consideration as an after-thought.

Exterior lighting is provided in multiple locations around the building where it can provide a sense of security for passersby, building patrons, residents, and workers. Within the through-block pedestrian connection/plaza, there are recessed circular light-emitting diode (LED) fixtures located within the stairway. There are also angled aluminum poles with down-lights. Additionally, exterior lighting is located at all building entries: The two lobby entries have recessed tubular fluorescent fixtures and the retail entries have recessed LED strip lighting. At the retail spaces, the lights are recessed into small projecting steel canopy-type fin elements located above the storefront windows. Each type of lighting is focused rather than overly diffuse, meaning that the pedestrian environment will be illuminated to an appropriate level for safety and visual interest without resulting in light pollution.

The proposal includes a comprehensive unified signage program for the building that ensures consistency around the building. Retail signs are each comprised of a rectangular metal panel attached to the underside of a small projecting steel canopy-type fin element above the ground-floor windows. Although individual signs less than 32 square feet in area are exempt from Design Review, the proposed signage program is included in the proposal to ensure design consistency regardless of tenant changes, and because the signs are such integrated elements of the ground-floor materials ensemble.

With the condition of approval that no curb cut be located at the west end of the pedestrian path/plaza on 3rd Avenue, these guidelines are 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.

Findings for B4 and B5: The through-block east-west pedestrian path/plaza, which connects with the MLK Boulevard sidewalk and the 3rd Avenue sidewalk,

provides a safe, comfortable place where people can stop, socialize, rest, and enjoy the amenities contained therein. This linear outdoor space is an inextricable part of the overall proposal, as it contributes to the pedestrian-oriented vision of the Burnside Bridgehead area and allows the proposed building to be truly 4-sided at the ground level. The path/plaza is flanked by a variety of landscaping in linear planters, with trees, shrubs, and groundcover. Short-term bicycle parking at both ends of the path/plaza, concrete seating, the adjacency of retail entry doors, and moveable tables and chairs mean that the space will be used by a variety of people for a variety of purposes. In other words, the space creates ample opportunity for passive and active interaction among people parking their bikes, people dining at the patio tables, passersby perhaps stopping to rest by sitting on the pre-cast concrete seating, and patrons entering and exiting retail spaces. The floor-to-ceiling glazing located along the north façade abutting the path/plaza also aids in the success of the space by fostering a visually seamless relationship between the building's interior and the exterior environment of the path/plaza.

Originally, a large loading space was proposed within the west end of this path/plaza. However, a Modification to the loading standard, processed as part of this Design Review, allows for two small loading spaces in lieu of one large space, and these two loading spaces will be located below-grade in the parking area. The relocation of the required on-site loading to the underground garage eliminates the need for a curb cut in this location.

Though not necessary anymore, the curb cut is still depicted solely to allow very infrequent vehicular access to the underground electrical vault located in this area. However, this curb cut is not supported by Development Review staff at the Bureau of Transportation, nor is it supported by Design Review staff because of the deleterious impacts it would have on the pedestrian orientation of a path/plaza that is already quite constrained in its dimensions. A condition of approval will ensure that no curb cut is constructed at this location, thus allowing the path/plaza to be a truly pedestrian space.

With the condition of approval that no curb cut be constructed at the west end of the pedestrian path/plaza, these guidelines are met.

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

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

Findings for B6 and B6-1: The commercial lobby is recessed about 10'-0" and is about 22'-0" wide. This results in a large weather-protected area on the Couch Street façade. Although the recession of the residential lobby is not as substantial, it is still sizable enough to provide adequate weather protection. Additionally, all of the recessed retail entries are covered by cantilevered tube elements located at the floor level above.

Generous landscaping within the through-block pedestrian path/plaza and along the edges of the driveway also adds weather protection. The trees provide

shade for pedestrians and the landscape planters help to mitigate for heavy rain events.

Therefore these guidelines are met.

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

Findings for B7: All entries to the building are at grade with abutting sidewalks. Although the east-west through-block connection contains stairs, the nearby public sidewalk along the southern edge of the building from MLK Boulevard to NE 3rd Avenue does not contain stairs, allowing persons with disabilities to travel in the same direction. Additionally, persons with disabilities can still enjoy the amenities of the west and east ends of the through-block connection, as the stairs occupy only a small portion of the through-block connection. Those amenities include seating, moveable tables and chairs, pathway lighting, concrete and steel planters, and expansive views of the building's interior provided by abundant clear glazing at the ground floor. *Therefore this guideline is met.*

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

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

At the building's upper floors, abundant glazing occurs at the ends of the modulated square-shaped and rectangular tubes. In many cases, this glazing is from floor to ceiling. Additionally, there are balconies located at some of the tube ends, and at areas on the north and south façades where deep recesses occur. These locations of glazing and balconies at the upper floors provide pleasant westerly views of the City's westside and the Willamette River, northerly views of the Lloyd District, easterly views of the E Burnside commercial corridor and Mount Hood beyond, and southerly views of the heart of the Central Eastside Industrial District.

Therefore these guidelines are 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: All parking for the proposed building is located underground. This below-grade parking is accessed from a driveway located on 3rd Avenue. The driveway is located parallel to the west end of the through-block pedestrian path/plaza. The driveway gradually ramps downward and then

turns southward to access the one level of underground parking, which contains 40 parking stalls, two areas of long-term bicycle parking, and two loading spaces. Where the driveway ends and the parking structure begins, there is a coiling metal mesh gate. Placing all of the parking below-grade is a boon for the pedestrian environment of Block 75 as well as the overall Burnside Bridgehead, which is envisioned as a highly pedestrian-oriented area.

The driveway will be flanked on each side by a landscaped strip containing a wide variety of very dense but appropriately spaced plantings, including but not limited to honey locust trees, Arnold tulip trees, and flowering shrubs and groundcover such as Georgia Petite Hawthorn, Star Jasmine, Aztec Pearl, and Daphne.

The proposed building is considered the first phase of a two-phase development for the subject block. The building planned for the second phase will be located in the remaining vacant northwest quarter of the block. As explained by the applicant, the massing of the building in phase 2 is planned to include a large portion of building cantilevering over the driveway ramp. This cantilevered building portion would act as a cap/cover for the driveway, concealing it from view not only from above, but also on both sides. Whether this specific design intent is achieved in the final phase 2 building design, the phase 2 building design is expected to include a successful screening solution for the driveway ramp.

However, in the absence of any guarantee of phase 2 timing and phase 2 design, the applicant has designed an 'interim' driveway cap as part of this current proposal. The goal is for phase 2 to begin construction soon after phase 1, resulting in no need for a parking cap. To facilitate this possibility, a condition of approval will stipulate that the driveway cap be constructed within 3 years of the issuance of a Certificate of Occupancy of Block 75 phase 1, unless construction of phase 2 has begun. The driveway cap has a rectilinear design and is comprised of steel tube framing with 2"x10" cedar members spaced 8" on-center. The driveway cap begins exactly where the driveway begins at the public sidewalk on 3rd Avenue, and it terminates where the driveway turns southward to enter the below-grade parking area. Based on the applicant's explanation and Staff's understanding that the phase 2 building will cover the driveway, a reprieve of three years before requiring the cap to be constructed – if plans for the phase 2 building become unexpectedly stalled – is reasonable.

With the condition of approval that the driveway cap be constructed within 3 years of the issuance of a Certificate of Occupancy of Block 75 phase 1, unless construction of phase 2 has begun, this guideline is met.

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

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

Findings for C2 and C5: The proposal employs design principles and durable building materials that impart the sense of quality and permanence envisioned for all projects comprising the Burnside Bridgehead development area, and the larger Central City Plan District. The design concept for the building is a bundle

of square-shaped and rectangular tubes arranged irregularly to recess at some points and project at other points, creating an array of outdoor spaces at the upper floor levels on the east and west facades. The tubes are oriented east and west. The proportions of framing and glazing at the tube ends vary; whereas some tube ends are evenly framed on all four sides by white metal paneling, the white metal paneling at other tube ends slants inward toward the glazing at irregular angles. The latter condition results in much larger areas of white at some tube ends than others. The tube ends' dramatic changes in building plane and stark white color stand in contrast to the north and south façades, which are characterized by smoothness in the form of curtain-wall glazing and metal paneling. However, all four façades are unified in two principal ways. First, bronze color is located on each façade; on the east and west façades, the glazing is bronze, and on the north and south façades, the glazing and metal panels are bronze. Second, all four façades contain balconies with clear glass railings at upper floor levels. On the east and west façades, the balconies occur at tube ends. On the north and south façades, the balconies occur as deep recesses into the building mass. Thus the building adheres to a carefully considered, cohesive, unified design concept that promotes the building as a bold, permanent fixture of the Burnside Bridgehead, the larger Central Eastside Subdistrict, and the larger Central City Plan District.

The project's high-quality materials correspond to its aforementioned high-quality design concept. The windows are insulated units with structural silicone curtain-wall framing. The aluminum panels are all Firestone products. The bronze metal panels located within the glazed curtain-wall areas are 1/8"-thick "honeycomb" panels; the white panels used for the tube ends and the bronze panels located at the sides of the tube ends are rigid for lasting durability; and the gray metal panels used at the tubular rooftop penthouse are composite backed panels. All balcony railings are clear tempered glass. The above-grade planters in the pedestrian path/plaza are metal and the fixed seating is pre-cast concrete.

Staff has concerns regarding the perforated metal screening's (1) design integration and (2) resulting visibility of the various units. With regard to design integration (Guideline C5), the perforated metal material is not found elsewhere on the building, resulting in a rooftop that appears somewhat disengaged with the overall building materiality. The screening does not have the appearance of a fully assimilated building element, part and parcel of the building's otherwise thoroughly unified design concept. With regard to visibility (Guideline C2), Staff considers the views of the mechanical units allowed by the perforated metal too ample to successfully conceal the units from view. Visibility is of utmost concern primarily due to the prominence of the building's rooftop; the Burnside Bridge located nearby and the expected infill development of the surrounding sites. A condition of approval requiring that the screening material for the rooftop mechanical enclosure be a solid metal material instead of the perforated material successfully addresses the design integration and visibility concerns, rendering the rooftop an integrated part of the overall building.

With a condition of approval that the rooftop mechanical screening be a solid, non-perforated metal material, these guidelines are met.

C7. Design Corners that Build Active Intersections.
Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs and pedestrian entrances to highlight building corners. Locate flexible sidewalk-

level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.

Findings for C7: The building has two corners at street intersections: at MLK Boulevard and Couch Street, and at 3rd Avenue and the future Couch Court. Both corners feature abundant glazing at every floor level. The building also features the "changes in façade plane" called for by this Design Guideline. The building corner at MLK Boulevard and Couch Street contains a dramatic step-back at the curved property line, with a retail entry door at the stepped back façade. At both the MLK-Couch and 3rd-Couch corners, the "push-pull" design concept of modulated square-shaped and rectangular tubes – with some tubes recessed and other tubes projecting – renders significant "changes in façade plane" that substantially highlight these two building corners. Thus the two building corners are not only highlighted within the ground-level pedestrian environment by large amounts of clear glazing, the building corners are also highlighted within the larger context of the Central Eastside, due to the visually striking modulated tubes. *Therefore this guideline is met.*

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

Findings for C8: The building design strongly differentiates the sidewalk level from the upper floors. Although some design elements of the upper floors are carried through to the ground floor, such as bronze aluminum panels and "tube ends" with white aluminum panel-framed glazed areas, at the ground floor these elements are more regularized. In contrast, the upper floors feature much greater modulation. The "tube ends" on the east and west façades employ a "push-pull" concept that involves the recession of some tubes and the projection of other tubes. Additionally, the white-panel framing varies greatly from tube end to tube end, with rectilinear tube ends allowing for balconies, and slanted tube ends (where the white metal panels slant inward) result in smaller areas of glazing. On the north and south facades, the bronze glazing and metal panels are configured to render a shifting pattern wherein glazing and panels are not consistently aligned across the façade. Additionally and perhaps more importantly, these two facades contain deeply recessed balcony areas that create stark breaks in the façade. All of these characteristics clearly delineate the sidewalk level from the building's upper floors.

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

Findings for C9: The ground floor contains several large retail spaces. The large sizes of the spaces and the inclusion of more than one entry door for many of the retail spaces mean that they could be divided easily in the future, to create additional retail spaces. *Therefore this guideline is met.*

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: Although they do not meet the City's definition of a Major Encroachment, nor do they require exceptions to the Oriel Window Standard of the International Building Code (IBC), many of the modulated tubes project beyond the property lines of the site. These projecting tubes "visually enhance the pedestrian environment" by providing a strong element of visual interest. These projecting tubes also "physically enhance the pedestrian environment" by providing weather protection along the ground floor, as explained in the findings for Guidelines B6 and B6-1. *Therefore this guideline is met.*

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

Findings for C11: The rooftop penthouse will be in the form of a tube similar in shape to those that comprise the building's upper floors. This tube-shaped penthouse will contain the stair overrun, elevator control room, and a water heater room. The tube consists of slate gray-colored aluminum composite paneling. The tube-shaped area is oriented in the same way – east-west – as the tubes that comprise the upper floors. Whereas the stair overrun, elevator control room, and water heater room easily could have been proposed as a one-story penthouse mass placed on the rooftop without forethought (as such rooftop penthouse sometimes are on new buildings), the proposed tube-like mass is integrated with the building by virtue of its similar dimensions, shape and orientation.

The rooftop will also contain dozens of differently sized mechanical units. They will be organized in orderly rows according to shape and size, to the extent practicable. All of the units will be located within a screen enclosure. None of the units will project above the screen. Careful consideration has been given to the footprint of the screened area. The footprint of the screened area is divided into four equally wide rectangular areas that follow the alignment of the tubes comprising the building's upper floors. These four rectangular areas follow the same "push-pull" design concept of the building's modulated tubes.

The screen is proposed as perforated metal painted gray to match other gray elements on the building such as louvers, guardrail caps, sheet metal flashing and ground-floor aluminum panels. The circular openings within the perforated metal result in 50% visibility.

Staff has concerns regarding the perforated metal screening's (1) design integration and (2) resulting visibility of the various units. With regard to design integration, the perforated metal material is not found elsewhere on the building, resulting in a rooftop that appears somewhat disengaged with the overall building materiality. The screening does not have the appearance of a fully assimilated building element, part and parcel of the building's otherwise thoroughly unified design concept. With regard to visibility, Staff considers the views of the mechanical units allowed by the perforated metal too ample to successfully conceal the units from view. Visibility is of utmost concern primarily due to the prominence of the building's rooftop; the Burnside Bridge located nearby and the expected infill development of the surrounding sites. A condition of approval requiring that the screening material for the rooftop

mechanical enclosure be a solid metal material instead of the perforated material successfully addresses the design integration and visibility concerns, rendering the rooftop an integrated part of the overall building.

With a condition of approval that the rooftop mechanical screening be a solid, non-perforated metal material, this guideline is met.

II. MODIFICATION REQUEST (33.825)

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

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

Modification Request:
The applicant requests a Modification to 33.266.310.D (*Loading Standards*; *Size of loading spaces*). The applicant requests approval to provide two on-site loading spaces that are each 18 feet long x 9 feet wide, with a clearance of 9 feet (located within the below-grade parking area).

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

Standard:
33.266.310.2: Loading Standards
Buildings where any of the floor area is in uses other than Household Living must meet the standards of this Paragraph.
b. One loading space meeting Standard A is required for buildings with at least 20,000 and up to 50,000 square feet of floor area in uses other than Household Living.
33.266.310.D: Size of loading spaces
a. Standard A: the loading space must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet.

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

Findings: The provision of two small loading spaces with 9'-0" clearance within the below-grade parking area, instead of an at-grade large loading space within the west end of the pedestrian path/plaza, better meets Central City Fundamental Design Guidelines *B2: Protect the Pedestrian*, *B3: Bridge Pedestrian Obstacles*, *B4: Provide Stopping and Viewing Places*, and *B5: Make Plazas, Parks, and Open Space Successful*. Without the loading space within the west end of the path/plaza, this area can serve its primary purpose of providing a human-scaled, pedestrian-oriented, pleasant, safe, comfortable, visually pleasing outdoor area. Tables and chairs can be placed within the area without the need to re-locate them each time a loading truck or any other type of vehicle arrives; pedestrians on the 3rd Avenue sidewalk can more easily discern the presence of a through-block connection because sightlines will not be obstructed by loading trucks; and users of the space can rest assured that they have freedom of movement within what is truly a vehicle-free space. *Therefore this criterion is met.*

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

Findings: The proposal remains consistent with the purpose statement for the Loading standard. The proposal is for two loading spaces each 18 feet long x 9 feet wide with 9-foot clearance, located side-by-side, within the below-grade parking area. Considering the programming of the building – no retail space appears large enough to accommodate a loading-intensive use such as a grocery store, there are only three floors of office space totaling an area of about 32,000 square feet; and the quantity of housing units is relatively low for a building of this size – two smaller loading spaces with slightly shorter clearance, to accommodate smaller-size loading trucks, will sufficiently serve the project's loading needs. The purpose statement for the Loading standard states that the appearance of loading areas should be "consistent with that of parking areas;" this is met simply by virtue of the loading spaces being located within the below-grade parking area, and being the same size as the parking stalls. Lastly, the placement of the loading spaces below-grade greatly reduces negative effects "on the traffic safety or other transportation functions of the abutting right-of-way." Whereas previously the at-grade loading space required a second curb cut for the project, the placement of loading below-grade eliminates this curb cut. The parking function and loading function will utilize one singular curb cut. And, finally, Portland Transportation staff has no objections to this Modification request. *Therefore this criterion is met.*

This Modification therefore 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 proposal employs design principles and durable building materials that impart the sense of quality and permanence envisioned for all projects comprising the Burnside Bridgehead development area, and the larger Central City Plan District. In concert with the recently approved Block 67 development and the recently renovated historic Eastside Exchange building, the proposed building will help to anchor the Bridgehead area. The building's distinct, bold design concept of a "bundle of tubes" aids in this endeavor, especially at the intersection of NE MLK Boulevard and Couch Street. With the condition of approval that the rooftop mechanical screening be composed of solid, non-perforated metal material, the building's design concept will remain strong and unified.

The through-block east-west pedestrian path/plaza, which connects with the MLK Boulevard sidewalk and the 3rd Avenue sidewalk, provides a safe, comfortable place where people can stop, socialize, rest, and enjoy the amenities contained therein. This linear outdoor space is an inextricable part of the overall proposal, as it contributes to the pedestrian-oriented vision of the Burnside Bridgehead area and allows the proposed building to be truly four-sided at the ground level. With the conditions of approval that no curb cut be located at the west end of the through-block pedestrian path/plaza, and that a cover/cap be constructed over the driveway ramp within 3 years of the issuance of a Certificate of Occupancy of Block 75 phase 1 unless construction of phase 2 has begun, the pedestrian orientation and human scale of the proposed development will be maintained.

As stated in the adopted plan for the area, "*The Burnside Bridgehead Framework Plan has considered…physical challenges and proposed important linkages to the surrounding neighborhood. With…connections in place, the centrality of the site within the larger urban context puts it in the unique position of acting as a portal and potential hub between east and west, north and south. The Burnside Bridgehead site also represents the opportunity to solidify the vitality of the Central Eastside Industrial District through a largely ground-up development that reinforces its character, scale, and economy."* Although POBT is on record noting plans for the wedge-shaped sidewalk ROW at Couch Court simply include standard concrete pavement and/or groundcover, in the spirit of the Framework Plan, this front door space has great potential to accomplish the goals noted above. This remnant wedge could be a gathering space with design elements that go beyond the perfunctory ROW design elements. There is general support from Burnside Bridgehead property owners for this vision. And, BDS staff has encouraged PBOT staff to treat the remnant wedge as an urban design opportunity that can enhance the larger development. While out of scope of this Type III land use review process, BDS staff also looks to the Design Commission for input to share with Portland Transportation staff.

TENTATIVE STAFF RECOMMENDATION

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

Staff recommends approval of a new 10-story mixed-use building at Block 75, 131,158 square feet in area (148,997 square feet in area including the below-grade parking), 104'-4" tall; with 40 below-grade parking stalls and two below-grade loading spaces, ground-floor retail space, about 32,000 square feet of office space, and 75 housing units; with an east-west pedestrian path along the north edge of the building.

Staff recommends approval of a Modification to 33.266.310.D (*Loading Standards*; *Size of loading spaces*) to provide two on-site loading spaces that are each 18 feet long x 9 feet wide, with a clearance of 9 feet (located within the below-grade parking area).

A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 14-163479 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

B. There shall be no curb cut constructed at the west end of the pedestrian path/plaza.

C. The rooftop mechanical screening must be a solid, non-perforated metal material.

D. The driveway cap must be constructed within 3 years of the issuance of a Certificate of Occupancy of Block 75 phase 1, unless construction of phase 2 has begun.

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Procedural Information. The application for this land use review was submitted on May 30, 2014, and was determined to be complete on July 3, 2014.

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 May 30, 2014.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period, as stated with Exhibit G-2.

Some of the information contained in this report was provided by the applicant. As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the recommendation of the Bureau of Development Services with input from other City and public agencies.

This report is not a decision. The review body for this proposal is the Design Commission who will make the decision on this case. This report is a recommendation to the Design Commission by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Design Commission will make a decision about this proposal at the hearing or will grant a continuance. Your comments to the Design Commission can be mailed, c/o the Design Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201 or faxed to 503-823-5630.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. You may

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

Appeal of the decision. The decision of the Design Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Design Commission, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

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

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

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

Recording the final decision.
If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

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

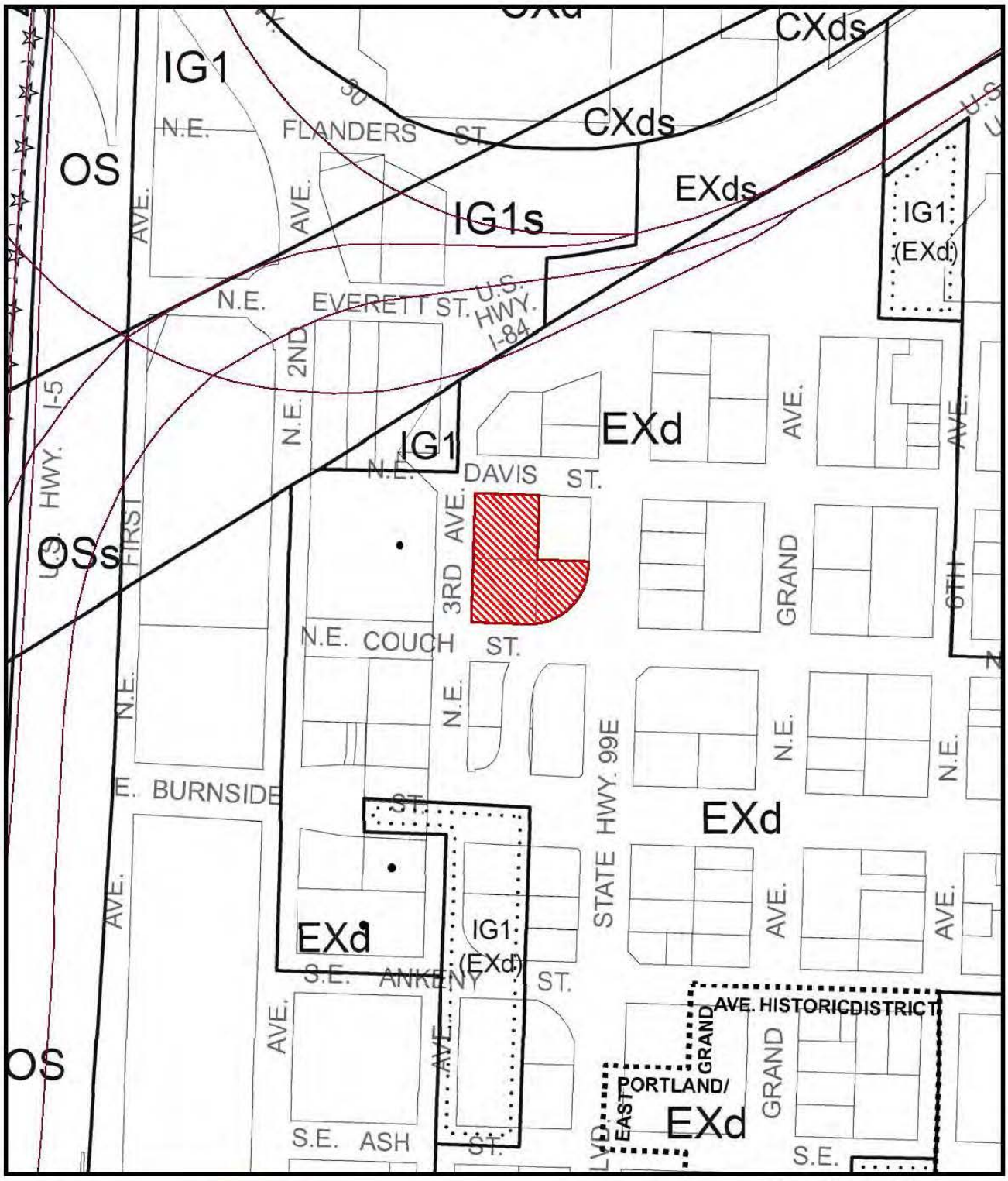
Kate Marcello
August 14, 2014

EXHIBITS – NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement
B. Zoning Map (attached)
C. 1. – 86. Plans, Drawings, Renderings, and Manufacturers' Cut sheets (Sheets 13, 46, 47, and 64 attached)
D. Notification information:
   1. Request for response
   2. Posting letter sent to applicant
   3. Notice to be posted
   4. Applicant's statement certifying posting
   5. Mailed notice
   6. Mailing list
E. Agency Responses:
   1. Life Safety/Building Code Section of Bureau of Development Services
   2. Portland Water Bureau
   3. Urban Forestry Division of Portland Parks & Recreation
   4. Development Review Section of Portland Bureau of Transportation
   5. Bureau of Environmental Services
F. Letters: None received.
G. Other
   1. Original Land Use Review Application
   2. Request for an Evidentiary Hearing and Waiver of Right to a Decision within 120 days, signed by applicant

3. Letter of Completeness (“incomplete letter”)
4. Memorandum regarding design issues
5. Memoranda from applicant
6. Site visit photographs
7. Map of Local Improvement District (LID) boundaries

H. Not Used



ZONING

Site

Historic Landmark

NORTH

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

File No. LU 14-163479 DZM
1/4 Section 3030
Scale 1 inch = 200 feet
State_Id 1N1E34DA 3200
Exhibit B (June 3, 2014)

111 NE Martin Luther King Jr Blvd
R150026, R150027, R150028

General Notes

Existing Empty Lot
Project Property Area: 27,189 sf
Impervious Area: 16,875 sf
Building Footprint: 13,754 sf
Building Height: 104'-4"

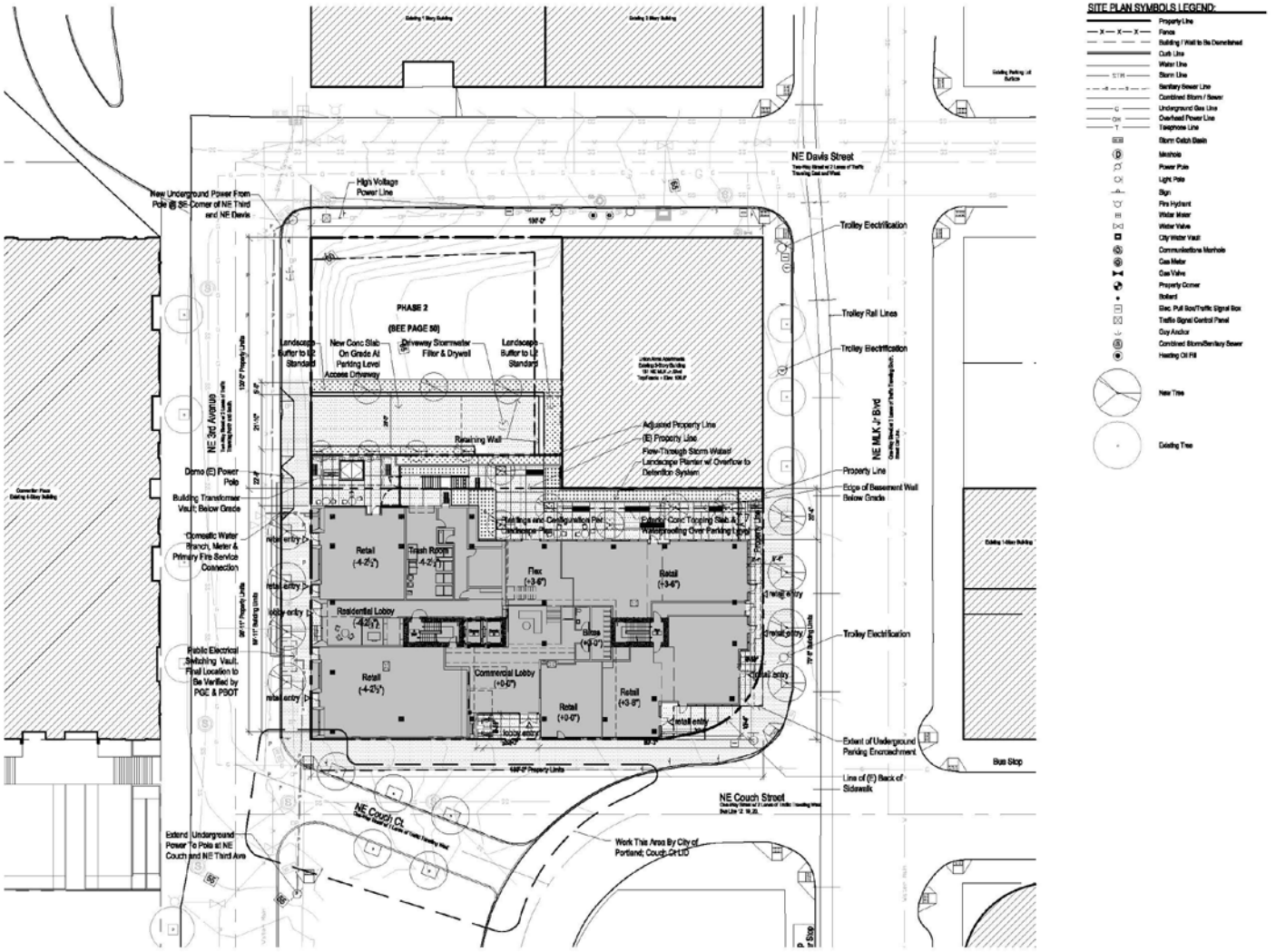
ROW improvements will be made on all three frontages along the property line and will include the addition of a street tree on NE Martin Luther King Jr Blvd and three new trees on NE 3rd Ave. A 5' (L2) Landscape buffer will be constructed between the driveway and the North-West adjacent property as well as the new driveway and the existing Union Arms Apartment building on the NE corner of the block.

Stormwater Management System:
Stormwater will be managed with the use of storm planters at the North Plaza in conjunction with a dry well system.

Parking: 38 + 2 ADA Spots provided

Loading: *1 Standard A Required/*
2 Modified Standard B provided
(see Appendix B)

Bicycle Parking:
Residential: 113 Long Term/4 Short Term
Retail: 2 Long Term and 2 Short Term
Office: 2 Long Term and 2 Short Term



Proposed Site Plan with Couch Ct Extension

View of East Facade from NE Couch St

View of South Facade from NE 3rd Ave

Perspective Viewing West Through North Plaza