



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

**CASE FILE:** LU 14-169513 DZM AD & Major Encroachment Review (PC # 13-173133 & DA #13-186674) 419 E Burnside  
**REVIEW BY:** Design Commission  
**WHEN:** September 4, 2014 @ 1:30pm  
**WHERE:** 1900 SW Fourth Ave., Room 2500A Portland, OR 97201

**Bureau of Development Services Staff:** Hillary Adam 503-823-3581 / Hillary.Adam@portlandoregon.gov

**GENERAL INFORMATION**

**Applicant:** Erik Winter, Robert Boileau | Myhre Group Architects  
 620 SW 5th Ave Suite 500 | Portland, OR 97204

**Owners:** Jack Paauw, Allison Finn | Trinsic Acquisition Company, Llc  
 605 First Ave #100 | Seattle, WA 98104

RH Burnside LLC  
 2250 NW Flanders St #G02 | Portland, OR 97210-3475

Central City Concern  
 232 NW 6th Ave | Portland, OR 97209-3609

**Site Address:** 419 E BURNSIDE ST & 20 NE MARTIN LUTHER KING JR BLVD

**Legal Description:** BLOCK 107 LOT 1 EXC PT IN ST LOT 2 LOT 7&8, EAST PORTLAND; BLOCK 107 LOT 3 LOT 4 EXC PT IN ST, EAST PORTLAND; BLOCK 107 LOT 5 EXC PT IN ST & LOT 6, EAST PORTLAND

**Tax Account No.:** R226507220, R226507240, R226507260, R226507220, R226507220

**State ID No.:** 1N1E35CB 08800, 1N1E35CB 08900, 1N1E35CB 08700, 1N1E35CB 08800, 1N1E35CB 08800

**Quarter Section:** 3031

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

**Business District:** Central Eastside Industrial Council, contact Peter Fry at 503-274-1415.

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

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

**Zoning:** EXd – Central employment with Design overlay

**Review Type:** DZM AD – Design Review with Modifications and Adjustment  
**Procedure:** Type III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

**Review Type:** Major Encroachment Review  
**Procedure:** The Design Commission will make a recommendation to the City Engineer. The Design Commission’s Recommendation will be considered in the City Engineer’s Recommendation to City Council. City Council will make the final decision.

**Proposal:**  
The applicant proposes a new 6-story ¾-block mixed-use building with 153 residential units, 3 live/work units, ground floor commercial space, as well as shared and private rooftop terraces. The proposal includes an arcade along E. Burnside that includes living area above the public right-of-way. Parking is provided within the building for 81 vehicles, including 17 tandem spaces, to be accessed from NE Grand Avenue, with 2 loading spaces accessed from NE Couch Street. Exterior materials include cast-in-place concrete, metal panel, operable storefront systems, fiberglass doors, and vinyl windows. The existing 2-story building at the northwest corner of the block is proposed to remain.

**Modifications** are requested to:

- 33.140.230.B *Ground Floor Windows in the EX Zone* – to reduce the amount of ground floor windows on Couch Street from the required 50% of the length to 31%;
- 33.266.220 *Bicycle Parking Standards* – to reduce the width of approximately 100 of the required 232 long-term bicycle parking spaces from the required 2’-0” to 1’-6”;

An **Adjustment** is requested to:

- 33.510.265.F(6.b) *All Parking* – to allow vehicle parking access on NE Grand Avenue, a parking access restricted street.

An **Exception** is requested to:

- *Encroachments in the Public Right-of-Way Policy* to reduce the clearance for the arcade building projections from the standard 17’-6” to approximately 13’-0” on the east and approximately 16’-4” on the west, resulting in an average clearance of approximately 14’-8”.

Because the proposal is for a new development in the Central City Plan District, Design Review is required.

Because the proposal includes a major encroachment in the right-of-way, a recommendation from the Design Commission to the City Engineer is required.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant 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
- 33.825.040 *Modifications That Will Better Meet Design Review Requirements*
- 33.805.040 *Approval Criteria*

## ANALYSIS

**Site and Vicinity:** The subject property is a full-block site bound by E Burnside Street, NE Grand Avenue, NE Couch Street, and NE Martin Luther King Jr. Boulevard. The south half of the site is currently occupied by a used car sales lot with a large wood-framed canopy and 1-story sales office and, on the north half, a 2-story brick building and surface parking lot owned and occupied by Central City Concern. The 2-story brick building is proposed to remain with the proposal to occupy the remaining  $\frac{3}{4}$  of the block.

**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.

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

- LU 04-031157 DZ – Design review approval for exterior alterations on the existing 2-story building at the NW corner, appealed and upheld by the Design Commission;
- LU 10-126979 DZM– Design review approval for exterior alterations on the existing 2-story building at the NW corner with Modifications to parking area standards and pedestrian standards;
- EA 13-173133 PC – Pre-Application Conference for the  $\frac{1}{2}$  block version of the current proposal; and
- EA 13-186674 DA – Design Advice Request for the  $\frac{1}{2}$  block version of the current proposal.

**Agency Review:** A “Notice of proposal in Your Neighborhood” was mailed August 15, 2014. The following Bureaus have responded with comments or concerns:

The **Bureau of Environmental Services** responded, stating they could not yet recommend approval. BES is requesting additional information regarding untreated runoff as well as additional information on the footings for the arcade columns relative to the location of the existing public stormwater facility located on Burnside Street. Please see Exhibit E-1 for additional details.

The **Bureau of Transportation Engineering** responded, requesting that the garage access gate be located 20 feet back from the property line (back of sidewalk) in order to prevent queued vehicles from blocking the sidewalk. Please see Exhibit E-2 for additional details.

The **Life Safety Division of BDS** responded, noting potential conflicts with Building Code requirements as well as information on the Building Code appeals process. Please see Exhibit E-3 for additional details.

The **Parks Bureau – Forestry Division** responded with no concerns but noted that street trees will be required to be protected or planted on all frontages. Please see Exhibit E-4 for additional details.

The following Bureaus have responded with no issue or concerns:

- Site Development Section of BDS
- Water Bureau
- Fire Bureau

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on August 15, 2014.

No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## **ZONING CODE APPROVAL CRITERIA**

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

#### **Chapter 33.825 Design Review**

##### **Section 33.825.010 Purpose of Design Review**

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

##### **Section 33.825.055, Design Review Approval Criteria**

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

**Findings:** The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because 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 11<sup>th</sup> and 12<sup>th</sup> 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.*

**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.

**Findings:** Located a few blocks from the Willamette River, the proposed building features a main entry located on Burnside Street, which leads directly to the Burnside Bridge. The river can then be directly accessed by some via a stair to the Eastbank Esplanade. On the roof, six floors above the street, at the southwest corner of the building is a communal rooftop deck with views toward the river and

the west hills. *This guideline is met.*

**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.

**Findings for A2 and A2-1:** The proposal features a community garden space on the roof level to be used and shared by residents of the development. While these gardens will most likely not be visible from the street, they will be visible from higher vantage points and will be cultivated by residents of the building. While primarily designed as an amenity for the residents, this activity is a subtle reinforcement of the significant history of the Central Eastside as a center for produce distribution. In addition, although the symbolism described in the Guidelines are not incorporated in a literal way, the incorporation of a rooftop communal garden space and the generous provision of access to the outdoors and views beyond reinforces a more subtle theme of Portland, which is generally a marked appreciation for the abundance of nature and our place in it.

In addition, staff notes that the Central Eastside has a long history of being a transportation center within the City; it was the location of the City's first rail line, and the Grand and Union (MLK) couplet served a major streetcar line, later supplanted by automobiles. A few blocks to the south of the is the East Portland Grand Avenue Historic district, an area noted for the handful of extant late-1880s early 1900s buildings, but also for its many buildings designed for auto-related uses such as service centers and showrooms. While roll-up storefront systems are a rather common feature incorporated into new buildings and tenant improvement projects in the City of late, they seem particularly appropriate at this location as a continuation of the auto-related theme of the historic district to the south. In addition, the proposal features a ground-level bicycle room which can be seen from the exterior, reinforcing the growing popularity of the bicycle as a favored mode of transportation. *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.

**A5-1. Reinforce the Effect of Arcaded Buildings Fronting on East Burnside Street.** Maintain, continue, and reinforce the effect of sidewalk arcaded buildings fronting on East Burnside Street.

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

**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.

**Findings for A4, A5, A5-1, C4 and C3-1:** The Burnside Bridgehead area is an area in transition. Only two projects have been approved: a 21-story residential tower with retail and office, clad in glass and metal on a concrete podium and a 10-story mixed-use building on August 21<sup>st</sup>. Additional projects are under consideration and the area appears to be an area destined for exciting, perhaps even whimsical, architecture, which will become landmark buildings for their respective designers. A common theme seems to be one of pushing boundaries. The proposed building is quieter than some of the proposals for this area, but it does push boundaries, literally speaking.

In 1931, East Burnside Street was widened, resulting in the creation of arcaded sidewalks as the first 13 feet of the ground floors were claimed for right-of-way. The current proposal calls for an arcaded sidewalk along Burnside, as a means to continue the pattern of extant arcades, as well as gain floor area. This will result in private living area being located in the five floors above the sidewalk, but will unify the proposed building with the historic pattern of East Burnside which has a unique character relative to the rest of the city. *These guidelines are met.*

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

**Findings:** The proposal includes below-grade utility vaults to be located beneath the sidewalk along East Burnside Street. *This guideline is met.*

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

**Findings:** The proposal includes a very large area (approximately 42' x 56') of north-facing wall on the property line between the north and south halves of the lot to be commissioned by the Regional Arts and Culture Council (RACC). While the applicant has expressed intent to work with RACC, staff is unaware of a formal contract in place or the extent of any financial commitment by the applicant. As such, this aspect of the proposal seems fluid and the area devoted to art may require additional thought in case a contract is not secured.

***Provided the applicant can demonstrate that RACC is a willing and funded participant, and with a condition of approval that the proposed art be commissioned, designed, and installed prior to issuance of the final Certificate of Occupancy, this guideline is met.***

**A6. Reuse/Rehabilitate/Restore Buildings.** Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

**Findings:** The existing structures on the site include an open-air wood canopy stretching the full width of the Burnside frontage, a small one-story sales office, and a 2<sup>nd</sup> floor patio above a carport for Central City Concern. The existing buildings result in approximately  $\frac{3}{4}$  of the block essentially being used for surface parking, which is a significant underutilization of the site considering its zoning, proximity to downtown, and the significance of the four intersections surrounding the site. Although relatively iconic, the existing canopy structure is in poor shape and does not merit on-site preservation. In this case, restoration of the existing buildings on site is neither practical nor preferred. *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.

**Findings:** On all frontages, the building is proposed to be built to the property line in order to maintain the sense of urban enclosure. In addition, the proposed arcade adds an additional layer of enclosure, in keeping with the character of the unique building typology along East Burnside Street. The arcade provides shelter from rain and sun while the columns also provide a layer of protection from vehicular activity on the street. *This guideline is 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:** The proposal includes significant amounts of glazing on the Burnside, Grand, and Martin Luther King Jr. façades. Many of the storefront windows are proposed to open to provide unobstructed views between the interior and exterior at the ground floor. In addition, the provision of an arcade allows the possibility of 3 or 4-season utilization of the sidewalk area in front of the commercial spaces as these areas are certain to be protected from most weather, thus increasing the opportunity for continued vibrancy of the streetscape throughout the year. *This guideline is 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.

**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.

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

**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, B3, B7, and B3-1:** A continuous barrier-free sidewalk is proposed around the proposal, essentially in alignment with the existing condition. Two existing curb cuts are proposed to remain while one, providing access to NE MLK, will be closed. The proposal includes a slight curb extension at the southeast corner of the property which will reduce the width of the pedestrian crossing to the east while maintaining the necessary turning radii. For the most part it appears that below-grade utility vaults are located outside of the movement zone with other service amenities, such as potential bicycle parking spaces located adjacent to the arcade columns, also outside of the movement zone. Street trees are proposed to remain or be planted in the furnishing zone on all frontages except Burnside. With the exception of the private rooftop terraces, which are only accessible from the associated units via a spiral staircase, all other areas of the proposal are accessible to all persons. *These guidelines are 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.

**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.

**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.

**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.

**Findings for B2, C12, C13, and C1-2:** As noted above, the proposal will result in a reduction of curb cuts on the block. Also noted is the presence of the arcade columns which will provide a physical and visual buffer to protect pedestrians from vehicular traffic along Burnside. Lighting is proposed in the arcade soffit which will illuminate the Burnside sidewalk. No other lighting is identified. In order to confirm that these guidelines are met, additional information must be provided, particularly along the Grand, Couch and MLK frontages.

Areas for signage have been identified to be located beneath the 2<sup>nd</sup> floor and diverse sign precedent images have been provided; however, no specific information has been provided for proposed signs, such as proposed materials or method of attachment. With the exception of the building address sign, staff anticipates that many of the retail signs would be exempt from review if fewer than 32 square feet. Staff notes however, that the building address sign appears to be larger than 32 square feet and is therefore subject to review. No details have been provided indicating the material, method of attachment, or associated lighting for this sign; these details must be provided in order for staff to determine that these guidelines are met with regard to this sign. Staff also suggests that specific details be provided for retail and live/work signage so that it may be considered with regard to these guidelines.

***These guidelines are not yet met; however with additional information provided, demonstrating that adequate and integrated lighting and signage are proposed, these guidelines could be 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.

**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 B4, B6, and B6-1:** As noted above, the proposed arcade along Burnside provides a generous amount of weather protection along this frontage. Canopies are also proposed along the MLK façade and portions of the Couch and Grand façades. The proposed canopies are aligned with the extent of the commercial space along MLK and the live/work spaces along Grand and Couch. While no integrated seating is proposed. It is anticipated that at least one of the commercial spaces will feature outdoor seating providing such opportunity in a manner that does not conflict with the pedestrian zone. *These guidelines are 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:** The proposal includes a number of recessed balconies oriented south, a few recessed balconies on the west façade, and a few narrow balconies projecting north. In addition, substantial communal rooftop decks are proposed, oriented to the southwest, south, and southeast, with additional private terraces oriented east and north. The second floor also features patios on the inside of the L-shaped building; however views will be limited from these patios because of the 2-story adjacent building.

Staff notes that additional balconies could be incorporated into the building to provide additional opportunities for enhancing the tenants' views. Specifically, staff suggests that additional recessed balconies be incorporated into the east façade, on floors 2-5, in order to add interest to this rather relentless and flat façade, while strengthening the coherency of the building through additional application of an already-employed building element. In addition, staff suggests that the narrow projecting balconies be revised to recessed balconies to strengthen the overall aesthetic and provide more exterior space to these tenants.

***This guideline is not yet met, however, with incorporation of additional recessed balconies on the Grand Avenue façade, this guideline could be met.***

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

**Findings:** Staff has organized the following findings under areas of concerns:

**Metal Panel.** While staff has not seen actual product samples, it is anticipated these will be presented at the September 4<sup>th</sup> hearing. Staff notes that the proposed primary material is a composite metal panel which is stronger than typical metal panel. The applicant is proposing this material in three shades of gray. An additional red box-rib metal panel is proposed at the rooftop as well as in a vertical column extending the full height of the building at the main entry, in a

similar manner at the west façade balconies, and at areas on the inside of the L. Staff supports the introduction of a differentiating architectural feature at the gasket between the two arcades but has concerns with the extension of horizontally-oriented box rib metal panel at the ground level, as this could become easily damaged and provide opportunities for storage of unwanted trash.

**Fiber Cement.** Previous versions of the proposal showed a substantial amount of fiber cement which has now been reduced to the area on the north party wall designated as a RACC-commissioned art wall. However, staff notes that the fiber cement is shown to wrap around the back of the north wall to face the balconies on the west façade. Staff suggests that, given the proposed design, this wall may be more appropriate if it is a simple concrete form which is much more versatile and is already part of the material palette for the proposed building.

**Arcade Materials.** Staff notes that in the previous DAR, the Commission expressed concern about the need for fireproofing the arcade and what kind of aesthetic would result. The applicant is proposing the arcade columns to be constructed of concrete and wrapped in metal panel; details can be found on page 124. A wood soffit is proposed for the underside of the arcade above the sidewalk. Staff notes that with the introduction of wood, sprinklers will most likely be required, and will compromise the intended aesthetic. Staff suggests a simple metal or plaster soffit would be more appropriate. Staff also has concerns, again, that metal at the ground level could be easily compromised, particularly if bicycles are stored adjacent. As such, staff suggests that the columns remain bare or painted, as this is much more common in the district. Staff also notes that graffiti was a concern in the previous DAR and bare or painted concrete columns would be easier to maintain than metal panel.

**Windows.** Grand Avenue needs additional articulation to mitigate for the flatness of the façade. Staff suggests additional recessed balconies arranged in an orderly manner, as well as additional layering in the window bays. Staff notes that the section details, on pages 108 and 109, show that the light gray spandrel panels and red break metal mullions are shown to be in the same plane, recessed 1” behind the dark gray primary metal cladding, with the window recessed an additional 5”. Staff believes that additional recessing of the windows would help strengthen the layering and texture of the building volumes and reduce the overall flatness which is most apparent on the Grand Avenue façade.

***This guideline is not yet met; however, with resolution of the above noted concerns, this guideline could be met.***

**C1-1. Integrate Parking.** Integrate parking in a manner that is attractive and complementary to the site and its surroundings. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

**Findings:** The proposal features at-grade and below-grade parking accessed from NE Grand Avenue, as well as loading spaces, accessed from NE Couch Street. Each area is entirely located within the building envelope. The parking garage access appears to be approximately 8 feet back from the street lot line, in a concrete recess with a coiling metal gate. PBOT has requested that this gate be recessed no fewer than 20 feet from the back of the sidewalk; however, planning staff would prefer that the gate is closer to the sidewalk in order to maintain the urban edge. The loading area access also features a coiling gate but is located at the street lot line, flush with the concrete exterior wall. Staff notes that neither of these conditions is ideal, as one has no relief while the other has too much,

resulting in relatively dead spaces. With regard to the loading area, staff notes that a Modification to the ground floor windows standard is required along this façade, which is further discussed below. With regard to bicycle parking, other than in-unit parking, the proposal features a bicycle storage room that is fully visible from NE Grand, adding diversity to this streetscape. Staff notes that additional consideration is required at the garage and loading areas, as well as resolution of the conflicting desires of PBOT and planning staff.

***This guideline is not yet met; however, with additional consideration of the garage and loading entry areas, this guideline could be met.***

**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:** Staff has organized the following findings under areas of concerns:

**Ground Level.** Staff notes that while the Grand Avenue live/work units have two bay types across each unit's frontage, these three bays have a sense of rhythm that seems to break down toward the south end of this façade and around to the Burnside and MLK ground level façades. Staff suggests that these ground levels could be better organized, either repeating the rhythm of the Grand Avenue façade or establishing their own rhythm that responds to their program and environment. For instance, the Burnside façade could counter the potentially squatty feel of the arcade by removing the transoms and emphasizing verticality.

**Fiber Cement.** Staff notes that the proposed art wall is the only area of the building where fiber cement panel is proposed; however, it is shown to wrap around both sides of the north wall weakening what could be a dynamic expression at the end of this façade. As such, staff believes that the proposed art wall should be framed with the primary cladding material or that the wall should be revised to concrete, which is both versatile and already proposed at the ground level. Staff notes that the section details for the fiber cement wall, on page 116, show flashing between panels which could be cumbersome for an artist to work around, while concrete provides a clean surface which can easily accept any medium applied to it.

**Rooftop.** As previously noted, the rooftop hosts many functions, including common terraces and gardens, private terraces, vertical circulation, and mechanical units and screening, as well as other building services. Staff notes that certain elements of the rooftop will require a Building Code Appeal which has not yet been processed; therefore, in the event the appeal is denied, changes may be required to the layout of the rooftop program. In addition, in an attempt to simplify, at staff's request, the multiple forms appearing on the roof, the applicant has unified the rooftop areas by establishing screening around many of the areas. While the intent is to simplify the roof projections by establishing a continuous height, the result is a significant amount of tall screening around relatively small mechanical units and other areas that may not require screening. Staff is concerned that because of the height of the screening, as well as the color selected, the rooftop is now a major feature of the design, detracting from the building below. Staff also notes that the private penthouses do not appear to relate to the building below and appear foreign in their form and fenestration; a singular row of penthouses near the center of the building may help unify this feature and organize the program of the rooftop.

***This guideline is not yet met; however, with resolution of the above noted concerns, this guideline could be met.***

**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 the most part, the proposed building is designed to the property lines, with the upper floors extending over the property line along Burnside. Nearly all entry and exit doors are set within recessed areas, to create transition areas and protect pedestrians. The 13-foot sidewalk beneath the arcade provides areas for café seating, movement zones, and bicycle parking, all of which will help activate this corridor and provide transitions between public spaces and less public spaces. Staff notes that the recessed area at the northwest egress stair may be larger than is desirable, considering that there are limited views to this space and it may invite undesirable activities. Also, as previously noted, the garage gate is recessed approximately 8 feet, with PBOT desiring 20 feet, while the loading gate is flush with the street, resulting in a too-large transition area for the garage and a non-existent transition area for the loading area. Staff notes that the egress door to the east of the loading area will also have to be recessed in order to prevent the door from swinging into the right-of-way.

***This guideline is not yet met; however, with resolution of the transition areas at the garage and loading areas, the northwest egress stair, and the northeast egress, this guideline could be 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:** The stairs, upper floor access points, and garage entries of the building are located toward the center of each façade allowing flexibility with the large ground floor commercial spaces. The ground level of the building features substantial glazing, with operable sections of storefront near the corners. At the upper levels, the southeast corner of the east bar building is broken with a recessed balcony designed to lighten the feeling of this corner which is the high side of the property and the lowest clearance for the arcade. In contrast, the southwest corner shows a complete box on the Burnside frontage which is slightly broken as it wraps around to the west façade on MLK. The northeast corner features small balconies arranged in a single column aligned with the break in the siding. Ultimately, the most distinctive feature of the building is the arcade which is a projection of the southwest and southeast corners of the building over the sidewalk. *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.

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

**Findings for C8 and C9:** The ground level of the proposed building is distinctly different from the upper levels in material, use, and form. The ground floor is the location of all commercial activities in the building, including live/work spaces on Grand Avenue. The live/work units provide the opportunity for residential use but are designed to accommodate commercial activities. In addition, the commercial spaces are designed so that they can be modified to accommodate tenants of various sizes. The primary materials are concrete and aluminum storefront, as opposed to metal panel on the upper floors. In addition, the ground floor is marked by the arcade along Burnside with residential units above creating a striking void at the ground level of the Burnside Street façade. *These guidelines are 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 and C8-1:** The applicant is proposing arcades along the Burnside Street frontage which will enhance the character and reinforce the history of this arcaded district. The arcades will provide shelter from weather as well as a sense of protection from the vehicular traffic on Burnside. At the previous DAR, there was a significant amount of conversation about how much of the sidewalk area should be allowed to be covered by either arcades or oriel projections. The applicant has removed the oriel projections and is now only proposing a pair of arcades along Burnside, each of which is approximately 83' wide with a 23' gap between. However, the plans show that an entrance canopy approximately 15' square is proposed within this recess. While staff supports the proposal for two nearly half-block arcades, based on historic precedents, the proposed entrance canopy seems excessive, particularly since it prohibits the opportunity to plant any trees along this frontage.

***This guideline is not yet met, but with removal of the 15' x 15' entrance canopy, or other slight reduction of sidewalk cover on Burnside, staff believes this guideline could be 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:** As noted above, the roof of this building is occupied by a number of uses, including mechanical equipment, common terraces, common garden areas, private terraces. The mechanical equipment is grouped in an attempt to concentrate these uses; however as noted above, the equipment is wrapped with tall screening in an attempt to reduce the number of different element heights on the roof. The result is a rather tall screen around large portions of roof area, which calls unnecessary attention to itself. Terraces primarily line the outside edge of the north, east, and south edges of the rooftop providing views of these parts of the city, and perhaps mountain views, rather than views of downtown. Staff notes that given that a 21-story building will be constructed to the west, these directions may provide better views than looking directly toward the west. As noted previously, the individual penthouses are currently designed as separate elements whose geometry create an awkward juxtaposition with the building below and may be

better integrated as a single bar toward the center of the building. Stormwater planters are integrated into the terrace design at the second floor as both a landscape feature as well as screening between the proposed building and the adjacent existing building. Staff notes that the rooftop of the proposed building is well-utilized, but requires further refinement of the organization and screening of rooftop elements in order to form a more cohesive grouping of all proposed elements.

***This guideline is not yet met; however with better integration of the many different elements and forms on the rooftop, this guideline could be met.***

## **(2) MODIFICATION REQUESTS (33.825)**

### **33.825.040 Modifications That Will Better Meet Design Review Requirements:**

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

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

The following modifications are requested:

1. 33.140.230.B *Ground Floor Windows in the EX Zone* – to reduce the amount of ground floor windows on Couch Street from the required 50% of the length to 25%;

**Purpose:** *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.*

**Findings:** When considered across the entire frontage of the length of the site along NE Couch, the total amount of ground floor windows exceeds the 50% required. However, when considering only the project area, windows account for only 25% of the total length of the Couch frontage. The applicant is seeking a lot confirmation to sever the two lots at the northwest corner of the block, occupied by the Central City Concern building, which would ultimately result in a non-conforming situation with regard to the individual proposed building except for this Modification. The applicant has indicated that the proposed concrete wall

serves as a shear wall and no additional openings can be introduced. Staff notes that all other sides of the building feature significant amounts of glazing, resulting in a concentration of service areas located behind the Couch façade and additional fenestration would not necessarily be desirable in this area. While the overall proposal, on balance, meets the purpose of the standard, staff believes that additional mitigation is required in order to better meet the design guidelines such as C6 *Develop Transitions Between Buildings and Public Spaces*.

Since opportunities at the ground level are limited, staff suggests that improvements to the 2<sup>nd</sup> level, where an enclosed terrace is proposed, may help to alleviate the fortress-like quality of this ground level façade. In addition, as noted above, the loading door and an egress door are currently designed to be flush with the concrete wall and should be slightly recessed. If possible, considering the shear requirements, this may help provide additional layering to the ground level on this frontage.

***Staff does not yet believe that this Modification merits approval; however with minor revisions to the layering of the loading and egress doors and the 2<sup>nd</sup> floor terrace façade, this Modification could merit approval.***

2. 33.266.220 *Bicycle Parking Standards* – to reduce the width of the required 238 long-term bicycle parking spaces from the required 2'-0" x 6'-0" to 1'-6" x 3'-4";

**Purpose:** *These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.*

**Findings:** The applicant proposes 259 long-term bike parking spaces, where 238 are required, with 153 located within the residential units, 85 located within a ground floor bike storage room on Grand, and 21 located in a basement-level storage room. The applicant is requesting a reduction in the dimensions for all long-term spaces from the required 2'-0" x 6'-0" to 1'-6" x 3'-4". Staff notes that 153 of these spaces will be in units and will not conflict with other bicycles. Horizontal racks in the ground-level bike room appear to be able to accommodate 8 bicycles. The remaining 98 are proposed to be located within vertically-oriented staggered racking systems that have become fairly common.

Staff's primary concern is the reduction of the 6'-0" dimension to 3'-4". The Zoning Code only refers to the 6'-0" dimension in terms of horizontally-oriented bicycles, not vertically-oriented bicycles; however, reducing this 6'-0" dimension may result in a reduction of the 5'-0" required maneuverability area. Where two rows of bicycles share an aisle, the total dimension would be 11'-8" (3'-4" row of bicycles, 5'-0" maneuverability area, plus 3'-4" row of bicycles). Provided the Commission finds that 11'-8" is a wide enough area to accommodate two rows of vertically-oriented bicycles with a path between, this Modification could be found to meet the purpose of the standard. Staff believes that reduction of the width of the spaces better meets guidelines A2-1 *Recognize Transportation, Produce, and Commerce as Primary Themes of Portland* and C1-1 *Integrate Parking* as it allows more bicycle to be accommodated in a ground-level storage room that has views to the street, while also allowing more space for other more active uses.

***Provided the Commission finds that the purpose of the standard is met, with the reduction of the width and depth of the bicycle parking spaces, this Modification merits approval.***



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

**33.805.010 Purpose**

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

**33.805.040 Approval Criteria**

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

The following adjustments are requested:

- 1. **33.510.265.F(6.b) All Parking** – to allow vehicle parking access on NE Grand Avenue, a parking access restricted street.
- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

**Findings:** The purpose statement for Central City parking regulations is found in 33.510.261 *Parking*. It states that the purpose of the “parking and access regulations implement the Central City Transportation Management Plan by managing the supply of off-street parking to improve mobility, promote the use of alternative modes, support existing and new economic development, maintain air quality, and enhance the urban form of the Central City.”

Considering that all four of the streets surrounding the subject property are classified as Major Transit Priority Streets, and three of the four are parking access restricted streets, opportunities to access on-site parking are severely limited at this site. Couch is the only non-restricted street; however, the site is located within a block of what is essentially the Burnside Bridge onramp and Couch is a two-lane street, thus allowing vehicle access for 81 vehicles would be problematic on this street as well. The other three streets are three lanes wide and an existing curbcut is located at the proposed vehicular entrance.

Staff notes that parking within the building is limited to 81 spaces for 153 units, 17 of which are tandem spaces; thus, a maximum 53% of the residents will be driving a vehicle as their primary mode of transportation. Therefore a near equal number of tenants and users of the building are certain to use alternative modes of transportation as their primary mode to and from this site. *This criterion is met.*

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

**Findings:** The site is located in an Employment zone and is consistent with the desired character of the area which includes the allowance of mixed-use developments and encourages the recognition of transportation, of which automobiles are included, as a district theme. *This approval criterion is met.*

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

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

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

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

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

**Findings:** Staff notes that early in the development process, PBOT encouraged the applicant to locate the vehicular access on Grand as this street seemed to present these least significant conflicts. PBOT has requested that the garage access gate be located no fewer than 20 feet from the back of the sidewalk. Planning staff, however, considers such a recess to be an undesirable condition, as it creates a void where the urban form should be continuous. Staff notes that the most significant impacts will be to northbound traffic on Grand Avenue, a three-lane road. The applicant is proposing a curb extension which may help mitigate these impacts by encouraging slower traffic in this lane.

***With resolution of the location of the garage gate, relative to the sidewalk, in a manner that does not compromise the urban environment, this criterion is met.***

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

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

**(4) MAJOR ENCROACHMENT REVIEW APPROVAL CRITERIA**

Encroachments into the public right-of-way are regulated by policy included in *Encroachments in the Public Right-of-Way*, adopted by Portland City Council in June of 1982. This policy is intended to provide guidelines for the review of private and public structures in the public rights-of-way. The document consists of general policy statements and standards for the construction of above-grade, at-grade, and below-grade structures in the public right-of-way. Due to varying importance of the public right-of-way for traffic and pedestrian movements, open space, light and air, and amenities in different parts of the City, four specific district policies are proposed. This project falls within the “City-Wide District”.

**Proposed Encroachments**

The proposal has intermittent habitable spaces projecting 8’ into the public right-of-way. These projections are considered Major Encroachments. They cantilever from the concrete slab, which spans the 38’ wide lot. This configuration allows the building to

provide the protection of an arcade without having the issues of columns touching down in the right-of-way.

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

### **Chapter One: Section III. General Policies**

**A.** The public right-of-way is an important resource and the utility of the right-of-way should not be impaired. The City shall discourage private ownership or use in the public right-of-way.

1. The public right-of-way provides for the movement of pedestrian and vehicles, and for open space, landscaping, light, air, and vistas. As an important public resource, the public right-of-way should not be easily given up for private ownership or use.
2. The street level sidewalks are primary pedestrian circulation system and encroachments should not be permitted which adversely affect this system.

**Findings:** The proposed design continues the historic character of East Burnside which is a unique part of town resulting from a road-widening project in 1931 where the first 13 feet of the ground floors of existing buildings were removed to allow for a public sidewalk beneath the upper floors of the buildings. Arcades along Burnside are encouraged in the *Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan*. The proposal still allows for the movement of pedestrians and the arcade is open on the south, allowing light to penetrate the sidewalk area. Staff believes that the proposed encroachments do not adversely affect the pedestrian system, but rather enhance the system by providing shelter and enhancing the character of this district. *These policies are met.*

**B.** As a public resource, encroachments shall only be permitted as part of a project fulfilling a significant public goal of the Comprehensive Plan, the Downtown Plan, or other adopted Plans or Policies. Encroachments must be in conformance with the City objectives for promoting the “Portland Character” as defined by the rivers, parks, vistas, buildings of architectural significance and other important visual images, as defined by the Comprehensive Plan, Downtown Plans, Development Regulations, and Design Guidelines, or other neighborhood or area plans or guidelines.

**Findings:** The proposed arcades support the intentions of Central Eastside Design Guideline A5-1, which was implemented in order to reinforce the character of the existing arcaded buildings in the district. The arcades will provided opportunities for vistas not normally attained and will reinforce the arcaded vista of the East Burnside streetscape. *This policy is met.*

**C.** In order to receive City approval for encroachments, an applicant must demonstrate a public benefit that cannot be achieved without the encroachment.

**Findings:** The design of the proposal fulfills the goals of Guideline A5-1 of the *Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan*. The nature of this public benefit is the reinforcement of the unique character established by the extant arcades sidewalks along East Burnside and is entirely dependent on the allowance for an encroachment into the public right-of-way. The proposed encroachments are an exciting aspect of the proposal which help establish the building as a significant contribution to the Burnside Bridgehead area, which is rapidly accumulating interesting works of architecture that will soon define the neighborhood. The proposed building is a quieter building in this dynamic area and the proposed encroachments help the building establish

its own dynamic character while maintaining a grounding character for the rest of the district. *This policy is met.*

**Chapter One: Section VII. City-Wide District Policies**

**A. 1.** The intent of any permitted encroachment located in the City, and not in the Downtown, Pedestrian Districts, and the Downtown Retail Core, shall be to preserve and reinforce the stability of the City’s neighborhoods, industrial areas and institutional uses, in order to ensure the City’s economic vitality and livability, and provide for the public safety. Improvements not substantially consistent with the intent of these goals should be accommodated outside the public right-of-way so as not to impact the sidewalk as the primary pedestrian system.

**Findings:** This project adds residential and retail space to Portland’s Central Eastside. The introduction of more residential units in this area will increase the overall stability as it will then be home to many people rather than just a place to occasionally visit, and will therefore inspire greater stewardship. As the projections respond to a specific requirement for this part of East Burnside, they implicitly reinforce the character of that neighborhood. The arcade columns serve as a visual and physical buffer between vehicles and pedestrians along Burnside, thus adding to pedestrian safety. *This policy is met.*

**B. 4.** Building projections are discouraged and can only be permitted if the following additional conditions are met:

- a. The applicant must demonstrate to the City’s satisfaction that the building projection is needed for the economic feasibility or function of the project, and that other alternatives were explored and could not meet the project’s needs.

**Findings:** As submitted by the applicant: “The arcade was an element that both Staff and the Design Commission requested that our client consider including in the project, dating back to last year at the first DAR hearing. We have been proceeding with the arcade concept since that time with the understanding that Staff (BDS, Planning, BES and PBOT) will be supportive of the project (based on several meetings with Staff to date) as it helps knit the project into the existing neighborhood fabric. To remove the arcade and associated floor area at this point would be extremely detrimental to the project and would likely kill the project.” *This policy is met.*

- b. The building’s projected clearance over the public right-of-way shall be 17 feet, 6 inches. A higher clearance can be required by the City, depending on the width and length of the project, in order to accommodate the following sidewalk uses:
  - 1) clearance for street trees.
  - 2) clearance for maintenance equipment to repair utilities located under the sidewalk.

**Findings:** Due to the slope of the sidewalk, the minimum clearance of the projections varies from 13’-6” to more than 17’-4”. As such the applicant is requesting an Exception to the 17’-6” clearance requirement. Coffers are also proposed in order to provide the sense of additional height when under the projection. Staff notes that the proposed height allows for maintenance of the water utility vault located beneath the projection and that the electric utility vault is located near the corner of Burnside and Grand, away from the projections. Staff notes that no trees are proposed along Burnside; however, it may be possible to locate one tree in the area between the two arcades if the canopy is removed. At the previous DAR, the Commission pondered what the appropriate length of arcade projections might be. Staff notes that many of the extant arcades are found on half-

block frontages, resulting in 100-foot long arcades. One of the original arcaded buildings, the Burkhard Building occupied the full frontage on this very block; however it was demolished three years after the road widening. Staff notes that history shows a precedent for full-block arcade on this site and also notes that the proposal includes a break at the center resulting in two 83-foot-long arcades of varying relative height.

The applicant has provided information in the drawing package (pages 26-34) that provide a graphic analysis of existing arcades in the district. Staff has also visited the area and noted that the most comfortable arcade was the one under the Bossanova Ballroom, which has an average height of 14'-11" with an additional 8" coffer. As such, staff believes that a little additional height would be ideal on the east side of the arcade, provided it did not result in a significantly taller arcade at the west end where the sidewalk is 4'-6" lower than on the east end.

***With a little additional height in the arcade and removal of the central canopy to allow space for a street tree, this policy could be met.***

- c. The projection shall avoid excessive blockage of natural sunlight for pedestrians on the sidewalk and avoid a dark, tunnel-like appearance.

**Findings:** The arcades along the north side of East Burnside are more successful than the arcades along the south side of East Burnside due to direct sunlight. As noted above, the proposed arcade varies in height from 13'-6 to more than 17'-4". Staff visited the district in the height of summer and noticed that substantial amounts of light still managed to penetrate the sidewalks even at the lowest arcaded structures, with a clearance of only 10'-6". Staff believes that the proposed arcade will provide opportunity for both sun and shade, as is appropriate depending on the season. *This policy is met.*

- d. Columns in the public right-of-way to support the building projection shall be discouraged.

**Findings:** Staff notes that this policy document does not specifically address arcades as an encroachment type and therefore this policy seems to contradict other policy and guidelines which encourage arcade which, by definition, include columns. The proposed columns are located out of the pedestrian zone as far out to curb as possible, in order to allow free movement of people along this sidewalk. The columns help reinforce the arcaded character of the district. While staff would discourage other types of building projections to not be supported by columns, these proposed columns are entirely appropriate in this case. *This policy is met.*

**DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

**CONCLUSIONS**

The proposed building, located at the intersection of two of the City's most significant transportation couplets, is a relatively modest building with the unique ability to

ground the rapidly growing Burnside Bridgehead complex of buildings. The incorporation of an arcade on the Burnside frontage ties the proposed building into the exiting fabric of the neighborhood while serving as a transitional building from the older more traditional buildings to the more dynamic buildings of the Burnside Bridgehead. With additional consideration of the following areas the proposed building will ensure that that it is a respectable building worthy of its location:

- Securing the proposed art work (A5-4);
- Integration of signage and lighting (B2, C12, C13, C1-2);
- Introduction of additional balconies (C1, C2);
- Extent of fiber cement panel, use of metal panel at ground level, wood at arcade soffits, extent of window recesses (C2, C5);
- Location of garage and loading gates and egress doors relative to the wall plane (C1-1, C6, Ground Floor Windows Modification request, Adjustment request);
- Cohesion on all ground level façades, Rooftop organization and extent of box rib screening (C5, C11);
- Extent of Entrance Canopy (C10);
- Mitigation for ground floor windows Modification;
- Maneuverability area for long-term bike parking; and
- Height of the arcade

**TENTATIVE STAFF RECOMMENDATION**

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

Based on the concerns, noted in the above guidelines, A5-5, B2, C12, C13, C1-2, C1, C2, C1-1, C5, C6, C10, and C11, the Modification and Adjustment approval criteria, and in B.4 of the Encroachment Policies, staff does not yet recommend approval.

With resolution of the Bureau of Environmental Services and Bureau of Transportation concerns, the Guidelines, and Modification, Adjustment, and Major Encroachment Review approval criteria noted above, the proposal would merit approval.

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**Procedural Information.** The application for this land use review was submitted on June 13, 2014, and was determined to be complete on July 13, 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 June 13, 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. Unless further extended by the applicant, **the 120 days will expire on: July 13, 2015.**

**Some of the information contained in this report was provided by the applicant.** As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the

applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the recommendation of the Bureau of Development Services with input from other City and public agencies.

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

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. You may review the file on this case by appointment at our office at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201. Please call the file review line at 503-823-7617 to schedule an appointment.

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

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

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

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

**Recording the final decision.**

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

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

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

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

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

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

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

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

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

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

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

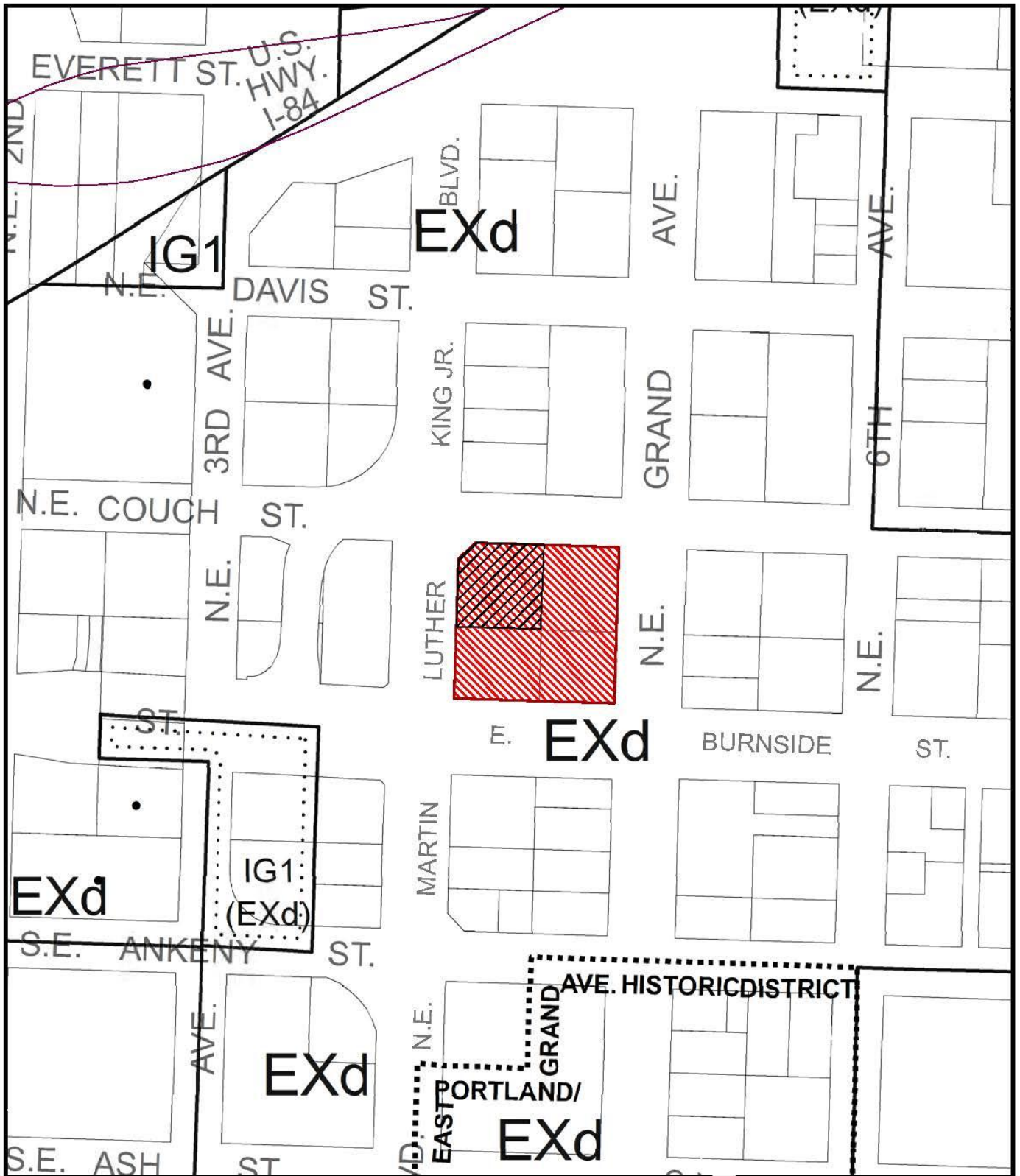
Hillary Adam  
August 25, 2014

**EXHIBITS – NOT ATTACHED UNLESS INDICATED**

- A. Applicant’s Statement
  1. BDS – Conference Facilitator Summary Memo from Pre-Application Conference
  2. Original Drawing Package (125 sheets)
  3. Arcade study



4. Response to Staff Concerns, dated August 7, 2014
5. Preliminary Life Safety Meeting notes
- B. Zoning Map (attached)
- C. Plan & Drawings
  1. Drawing Set (153 sheets), Revised August 15, 2014 (Site Plan and Elevations attached)
- D. Notification information:
  1. Request for response
  2. Posting letter sent to applicant
  3. Notice to be posted
  4. Applicant's statement certifying posting
  5. Mailed notice
  6. Mailing list
- E. Agency Responses:
  1. Bureau of Environmental Services
  2. Bureau of Transportation Engineering and Development Review
  3. Life Safety Division of BDS
  4. Bureau of Parks, Forestry Division
  5. Site Development Review Section of BDS
  6. Water Bureau
  7. Fire Bureau
- F. Letters: none received
- G. Other
  1. Original LUR Application
  2. Request for Evidentiary Hearing & Waiver of Right to Decision within 120 Days
  3. Memo, dated July 15, 2014
  4. Memo, dated July 25, 2014
  - 5.
- H. None



# ZONING

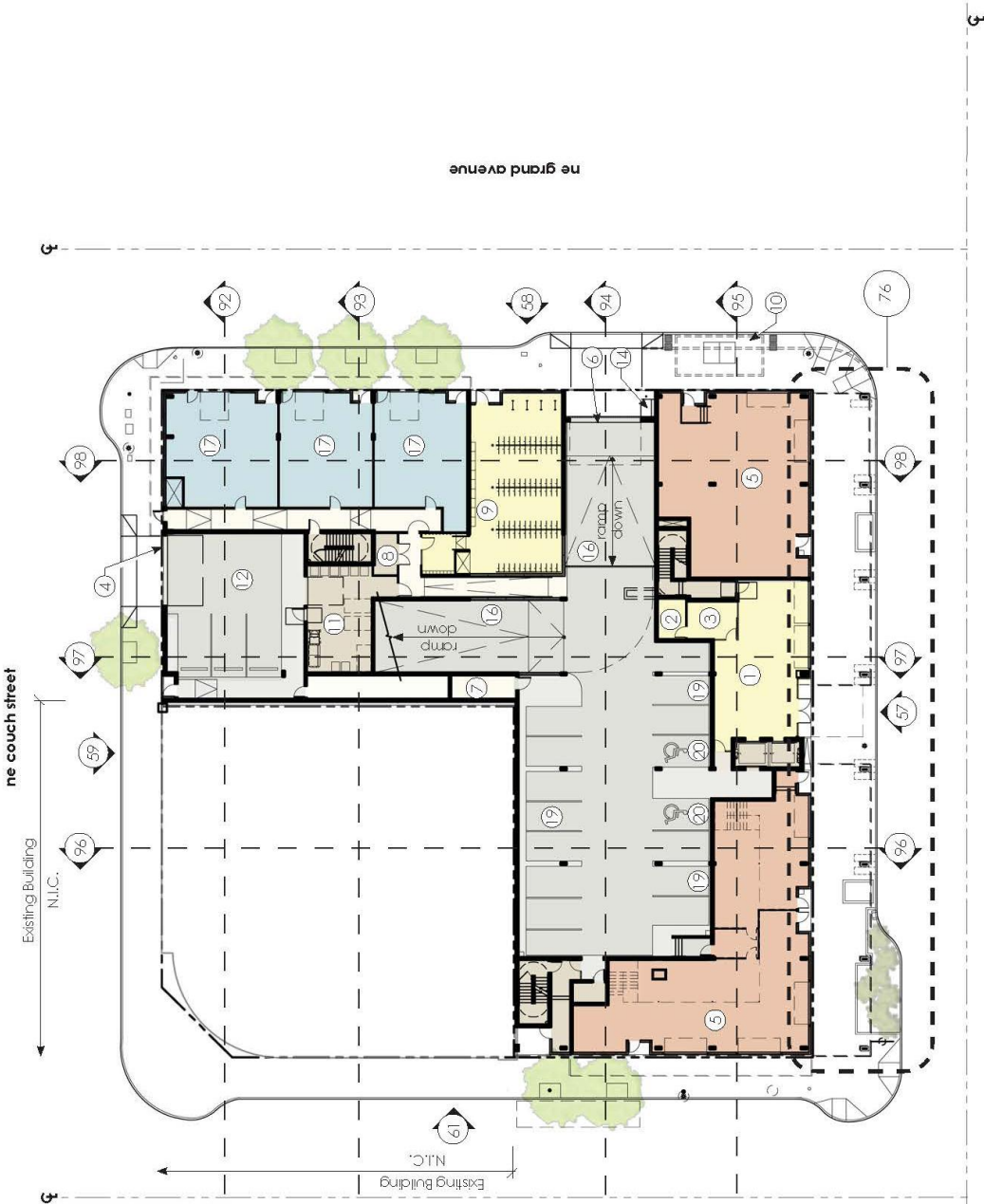
-  Project Area
-  Site



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

File No. LU 14-169513 DZM, AD  
 1/4 Section 3031  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E35CB 8900  
 Exhibit B (July 21, 2014)

**Floor Plan - First Floor**



**Section 3:**  
Design Concept

Legend

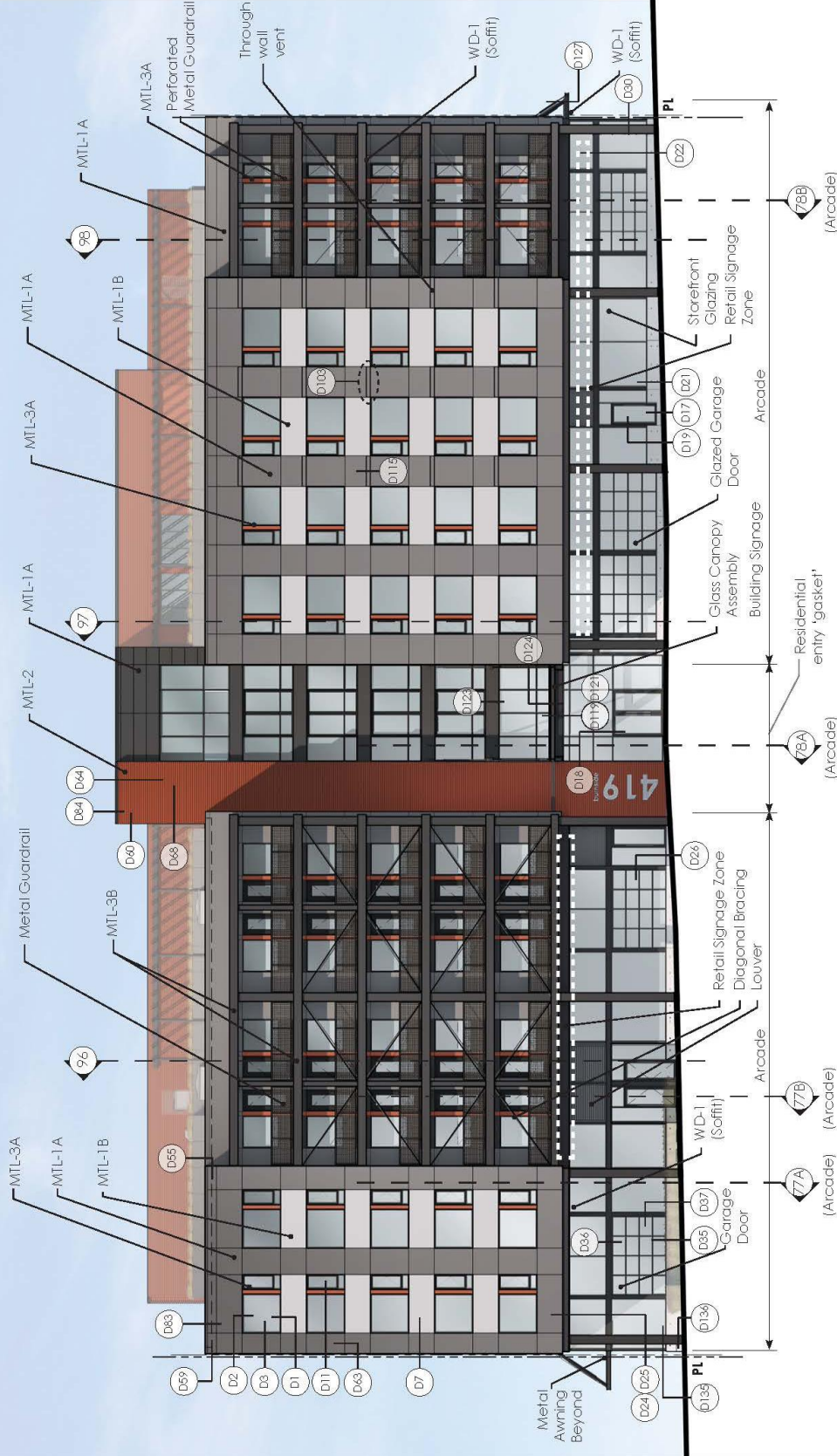
- 1 Residential lobby/lounge.
- 2 Storage.
- 3 Leasing office.
- 4 Loading entrance.
- 5 Retail/commercial.
- 6 Garage entrance.
- 7 Building Services.
- 8 Telecom room.
- 9 Bicycle/mail room.
- 10 Proposed below grade transformer vault location.
- 11 Trash/recycle.
- 12 Off-street loading.
- 13 Not used.
- 14 Proposed gas meter location.
- 15 Not used.
- 16 Vehicle ramp.
- 17 Live-work/Retail.
- 18 Not used.
- 19 Standard parking stall (8'-6"x16'-0"), typical.
- 20 Accessible parking stall.



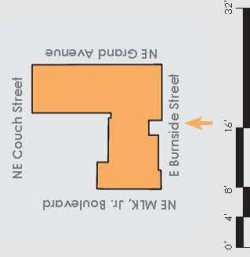
Exterior Elevation - South

Section 3:

Design Concept



- I.O. Stair Enclosure 145.35'
- I.O. Parapet 136.35'
- I.O. Sixth Floor 122.55'
- I.O. Fifth Floor 112.35'
- I.O. Fourth Floor 102.55'
- I.O. Third Floor 92.55'
- I.O. Second Floor 82.35'
- I.O. First Floor varies



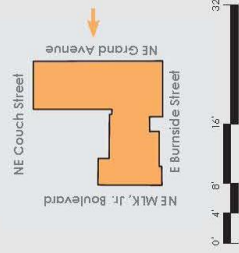
MTL-1 = Architectural Metal Panel | MTL-2 = Box Rib Metal Panel | MTL-3 = Break Metal | FCP-1 = Fiber Cement Panel | WD-1 = Wood Soffit | Refer to Section 4 for additional Material Info.



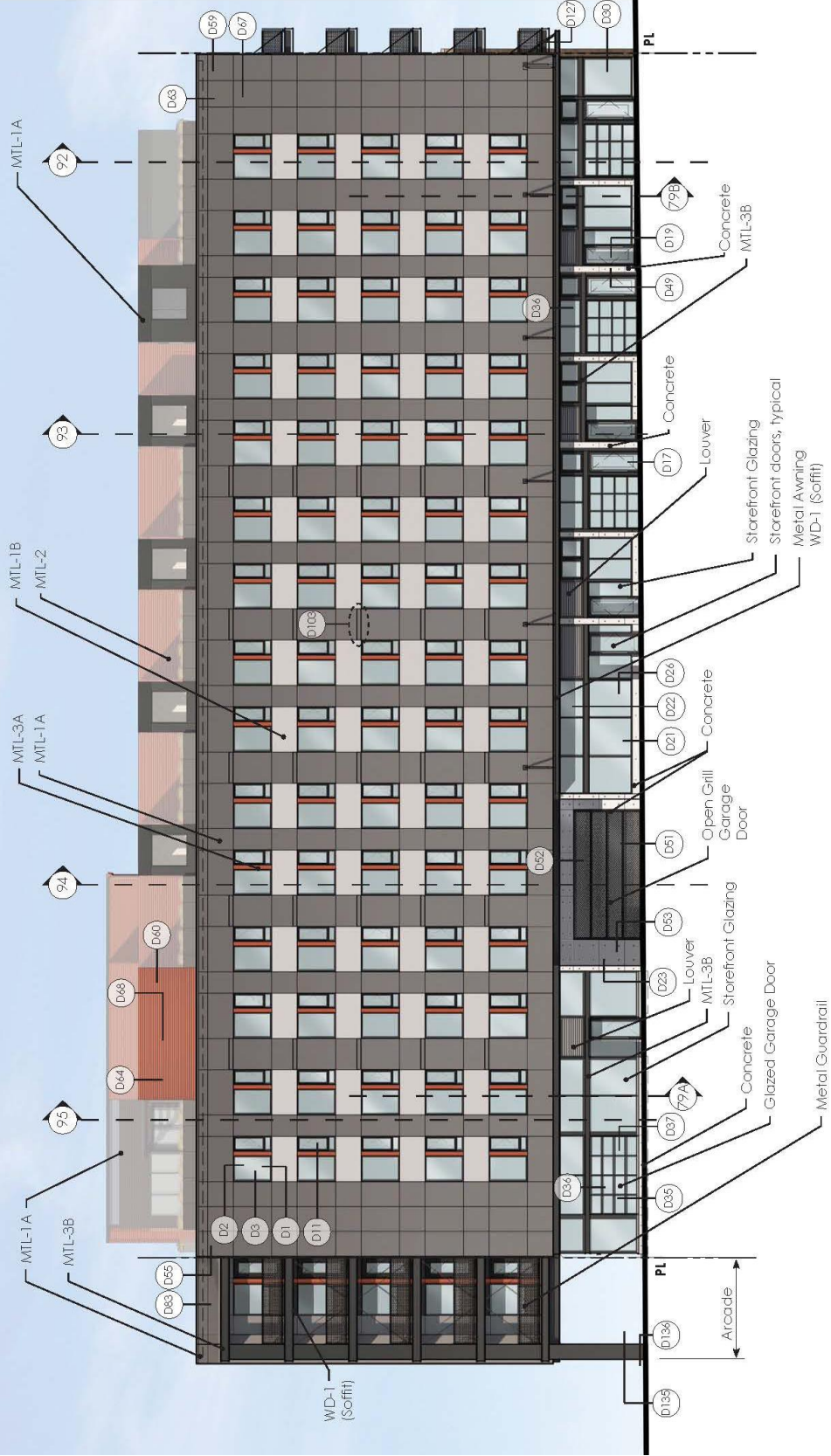
### Section 3:

Design Concept

- I.O. Stair Enclosure 145.35'
- I.O. Parapet 136.35'
- I.O. Sixth Floor 122.55'
- I.O. Fifth Floor 112.35'
- I.O. Fourth Floor 102.55'
- I.O. Third Floor 92.55'
- I.O. Second Floor 82.35'
- I.O. First Floor varies



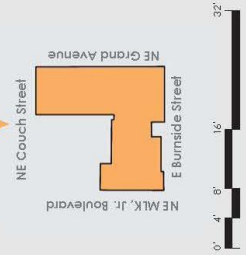
Exterior Elevation - East



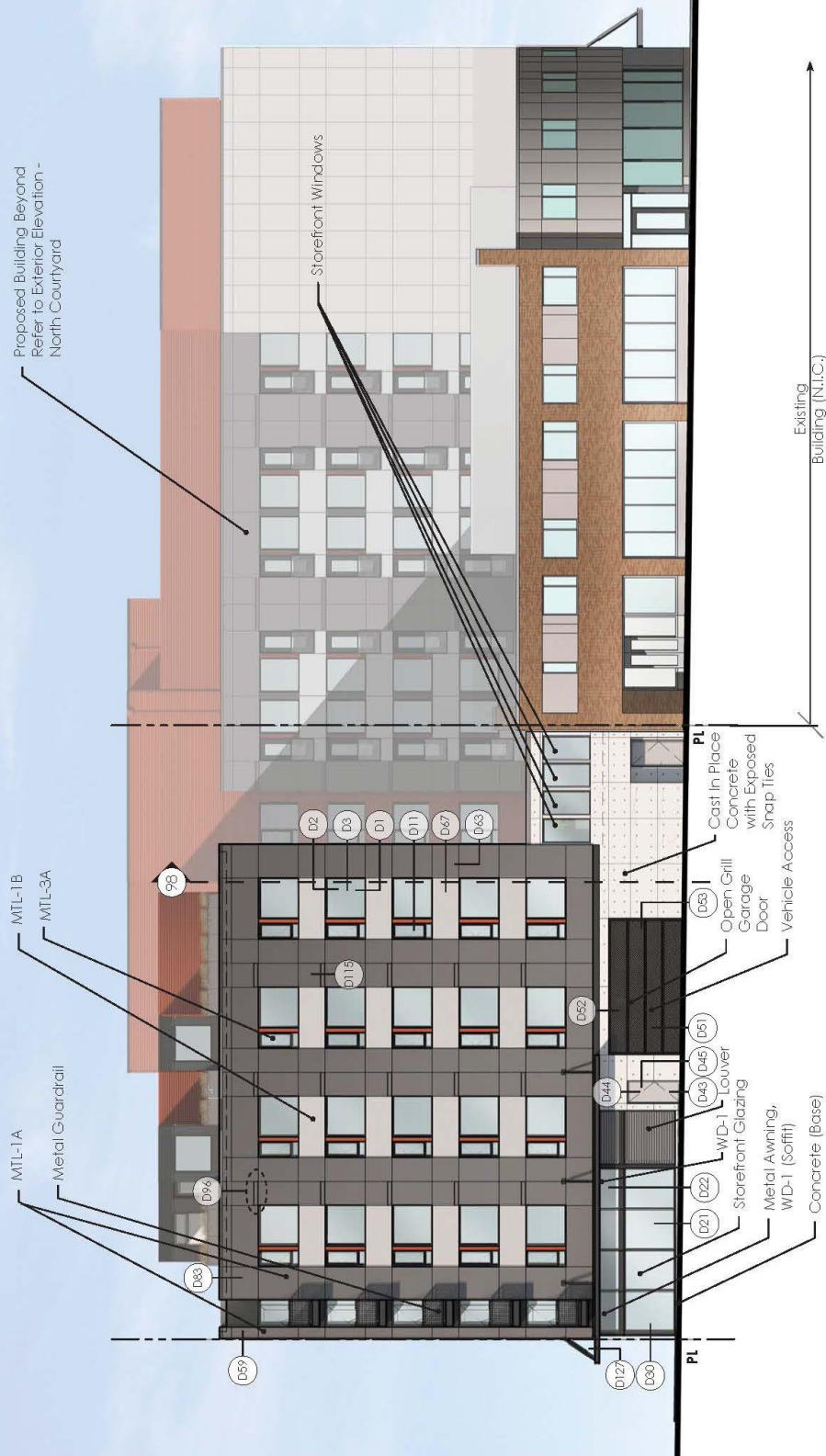
### Section 3:

Design Concept

- T.O. Stair Enclosure 145.35'
- T.O. Parapet 136.35'
- T.O. Sixth Floor 122.55'
- T.O. Fifth Floor 112.35'
- T.O. Fourth Floor 102.55'
- T.O. Third Floor 92.55'
- T.O. Second Floor 82.35'
- T.O. First Floor varies



Exterior Elevation - North



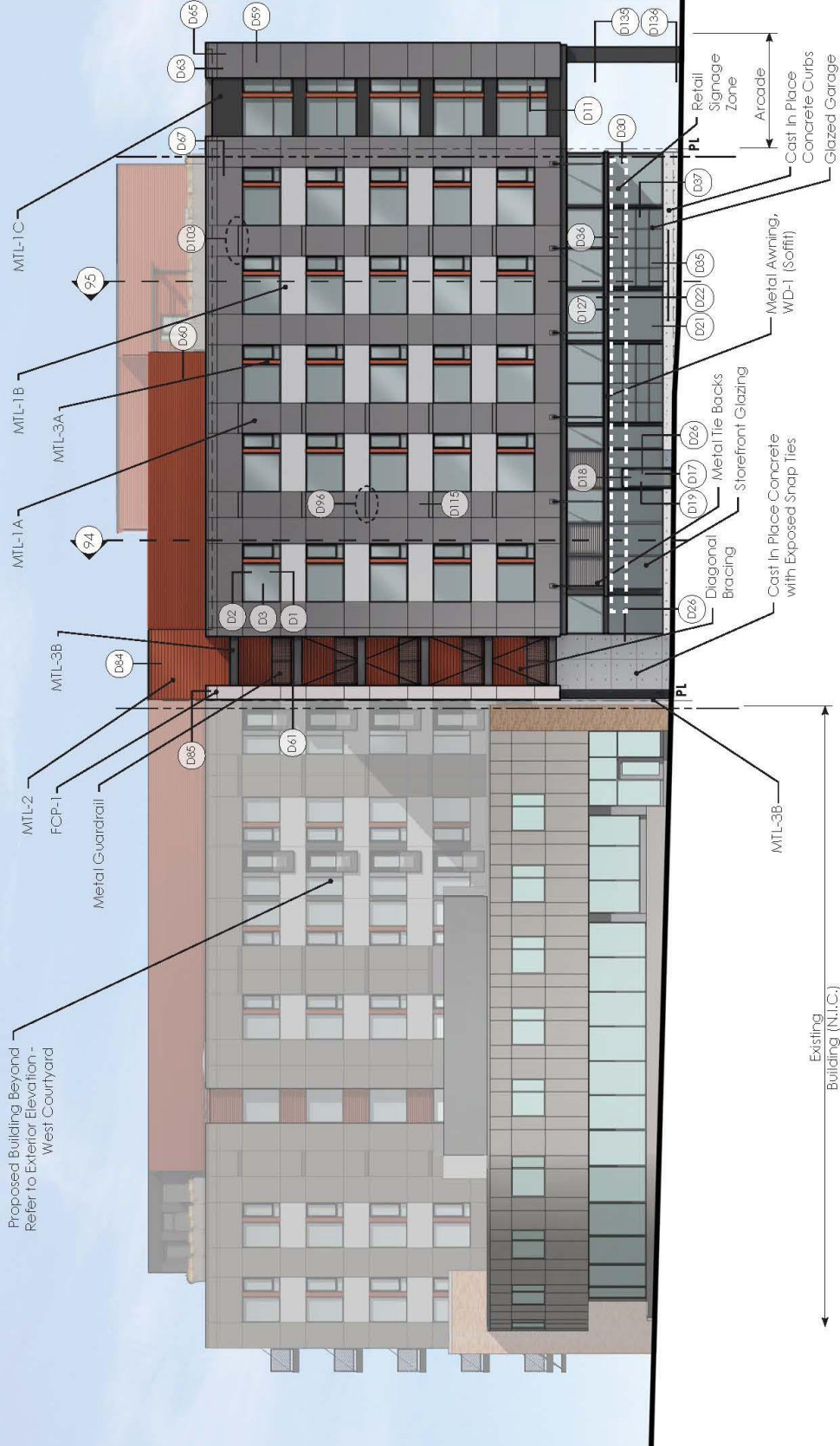
MTL-1 = Architectural Metal Panel | MTL-2 = Box Rib Metal Panel | MTL-3 = Break Metal | FCP-1 = Fiber Cement Panel | WD-1 = Wood Soffit | Refer to Section 4 for additional Material Info.



Exterior Elevation - West

Section 3:

Design Concept



T.O. Stair Enclosure  
145.35'

T.O. Parapet  
136.35'

T.O. Sixth Floor  
122.55'

T.O. Fifth Floor  
112.35'

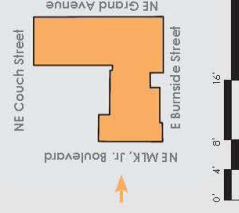
T.O. Fourth Floor  
102.55'

T.O. Third Floor  
92.55'

T.O. Second Floor  
82.35'

T.O. Mezzanine  
71.52'

T.O. First Floor  
varies



Proposed Building Beyond  
Refer To Exterior Elevation -  
West Courtyard

MTL-1 = Architectural Metal Panel | MTL-2 = Box Rib Metal Panel | MTL-3 = Break Metal | MTL-3B = Fiber Cement Panel | WD-1 = Wood Soffit | Refer to Section 4 for additional Material Info.