



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

FROM CONCEPT TO CONSTRUCTION

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**Revised 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:** December 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](mailto:Hillary.Adam@portlandoregon.gov)

**NOTE:** Changes in this report from the August 25, 2014 staff report are boxed.

**GENERAL INFORMATION**

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

Jack Paauw, Owner | Allison Finn, Owner  
 Trinsic Acquisition Company, LLC  
 605 First Ave #100 | Seattle, WA 98104

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

Central City Concern, Owner  
 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 157 residential units, 2 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 50 residential vehicles, including 11 tandem spaces, and 12 parking spaces for the adjacent building, to be accessed from NE Couch Street. Exterior materials include composite metal panel, box rib panel, plate steel, 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 50% to 23.3% of the required length and from the required 25% to 20.1% of the required area;
- 33.266.220 *Bicycle Parking Standards* – to reduce the width of the required 240 long-term bicycle parking spaces from the required 2'-0" x 6'-0" to 1'-6" x 3'-6";

An **Adjustment** is requested to:

- 33.266.310 *Loading Standards* – to reduce the number of required on-site loading spaces from one to zero.

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'-8" on the east and approximately 17'-4" on the west, resulting in an average clearance of approximately 15'-6".

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-1a and E-1b for additional details.

BES has since noted that the proposal is approvable with regard to the public stormwater facility and any requirements for the 2<sup>nd</sup> floor patios would have minimal impact of the approved design.

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 Bureau of Transportation will issue an official revised response prior to the December 4<sup>th</sup> hearing. The applicant has revised the proposal based on PBOT recommendations and staff anticipates that PBOT will be in full support of the revised proposal.

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.

**Procedural History:** At the September 4<sup>th</sup> Design Commission hearing, in addition to design comments, there was much discussion regarding the proposed location of the garage gate at NE Grand Ave, relative to the sidewalk. A follow-up meeting was held with the applicant, BDS, and PBOT to discuss the appropriate location for the garage access gate. Prior to the follow-up meeting, BDS staff reviewed the Adjustment approval criteria more thoroughly and determined that NE Couch Street would be the better location for garage access in terms of meeting the approval criteria, as NE Grand is identified in the Central Eastside design guidelines as a street that should be developed as a pedestrian-friendly retail corridor. This is reinforced by the recent installation of the streetcar along this street. As such, BDS staff and PBOT have had multiple discussions with the applicant which have resulted in relocation of the garage entrance to the NE Couch Street. As such, an Adjustment to 33.510.265.F.6.b to allow parking access on an access-restricted street is no longer necessary. Due to relocation of the garage entrance, the orientation of the entire building has been revised and now features a Grand Avenue primary residential entrance and a continuous arcade along East Burnside Street.

## 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 rooftop amenities, including a common patio and garden, from which views to the Willamette River can be appreciated. *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. 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 that 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. Initially, this wall was intended to be occupied by a RACC-commissioned art piece; however the Design Commission noted that an architectural solution was necessary for approval, rather than reliance on a relatively impermanent art piece. As such, the applicant has refined the design so that the party wall is now a clean blank wall, of high quality materials which can still offer itself as a blank canvas for a future art piece.

*However, since art is not specifically proposed for this wall, staff notes that this guideline is not applicable.*

**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:**

One existing curb cut is proposed to remain while three, providing vehicular access to NE MLK and NE Grand, will be closed. One additional curb cut will be added to NE Couch Street, adjacent to the existing curb cut and will serve the residents of the building. 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 and south while maintaining the necessary turning radii.

A continuous barrier-free sidewalk is proposed around the proposal, essentially in alignment with the existing condition. 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.

**Findings for B2 and C12:** 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, as well as under the canopies, which wrap the majority of the building. Mechanical units are proposed to be stacked and grouped on the roof, eliminating through-wall vents on the façades. 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.

**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 continuous arcade along Burnside provides a generous amount of weather protection along this frontage. Canopies are also proposed along the near entirety of the other frontages. 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, east and north. In addition, substantial communal rooftop decks are proposed, oriented to the south and southeast, with additional private terraces oriented west 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. The proposed building is six stories and is therefore shorter than the most recently approved Burnside Bridgehead buildings. Because of its height, views from adjacent properties will be preserved even as the neighborhood continues to develop. *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:** Throughout the building, the applicant is proposing high quality metal panels, including composite panel and box rib panel at upper levels, as well as painted plate steel at the ground level garages and arcade columns. Also proposed are high quality vinyl windows, set 6” to 8”, which will provide visual and textural interest to the façades through the shadow lines of the deep recesses, combined with the shadows of the box rib spandrel panels. The four façades feature a unified color and material palette, but allows each façade to have a unique expression through the organization of balconies and other breaks in the overall pattern.

In the previous design, staff noted concerns with proposed fiber cement panel, ground level treatments and rooftop organization. Staff notes the fiber cement panel has been eliminated from the proposal and the ground floor is much more organized in both program and exterior treatment. The rooftop has been relatively consolidated from the previous version in that private penthouses, and other rooftop projections, such as stair and elevator overruns, and mechanical screening are grouped together in essentially linear forms. Staff notes that the rooftop penthouse color has also been revised from red to black in an effort to minimize

the attention drawn to this level. Because many of the mechanical units are stacked, the height of the screening is essentially doubled; however the overall footprint of mechanical units is therefore reduced. *This guideline is 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.

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

**Findings for C1-1 and C8-1:** The proposal features at-grade secure parking for the adjacent building and below-grade parking for building residents, both accessed from NE Couch Street. Each area is entirely located within the building envelope. Through extensive negotiation with PBOT and BDS staff, as well as other stakeholder, the applicant relocated the garage access from the previously-proposed Grand frontage to NE Couch, thus eliminating pedestrian and vehicle conflicts on Grand, which is identified in the Central Eastside design guidelines as a street intended to serve as a pedestrian retail corridor. Due to this shift in program, the garage area on Couch was expanded in width. Staff notes, however, that the Couch façade is much more cohesive than the previous version, with the dark plate steel-clad garages serving as an anchor for the building above. Because the two parking garages do not include a space for loading, an Adjustment is requested to not provide on-site loading; this is further discussed below, however, staff notes that not providing an interior loading space allows for loading and staging on the sidewalk. *These guidelines are 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. 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.

*This guideline is 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 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 also features a solid strong façade holding the corner of the building with open balconies extending to the west. The open balconies help to lighten this portion of the façade which features a very dark base. Ultimately, the most distinctive feature of the building is the continuous arcade along Burnside, which brings pedestrians into the envelope of the building at the southeast and southwest corners of the building. *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 **painted plate steel** 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:** The applicant is proposing a single full-length arcade along the Burnside Street frontage which will enhance the character and reinforce the history of this arcaded district. The arcade will provide shelter from weather as well as a sense of protection from the vehicular traffic on Burnside. At the previous Design Commission hearing, the applicant proposed two arcades with an entrance canopy covering a portion of the sidewalk between the arcades. A couple commissioners noted that the break in coverage, coupled by a canopy only covering a portion of the sidewalk seemed like a cruel joke, suggesting that the canopy should extend the entire width. Since that hearing, the location of the residential entrance has been relocated to Grand Avenue, thus allowing full extension of the arcade along Burnside, as there is no longer a need to highlight an entrance by breaking the arcade. Staff notes that the historic precedent for an arcaded building on this particular block ran the length of the 200-foot-long building and that the façade is broken up into a rhythm that reduces the monotony of a single arcade. *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:** 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 stacked and grouped in an attempt to concentrate these uses; thus, the equipment is wrapped with tall screening in an attempt to reduce the number of different element heights on the roof. Common and private terraces align with the center of each wing of the building, providing views of various parts of the city and surrounding landscape. 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 applicant is proposing two alternate designs for the rooftop (see page 59 and 60). While staff supports the current design on page 58, and could support the first alternate design on page 59, the alternate proposal to not provide any active space on the rooftop would significantly compromise the proposal's ability to meet this guideline, as well as other guidelines above.

***With the condition of approval that the second alternate design on page 60 is not approved, this guideline is met.***

**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 C13 and C1-2:** Staff notes that the applicant has indicated a follow-up Type II design review application will be submitted for signage associated with the proposed building. As such, no signage is proposed as part of this proposal. Staff also notes that signs less than 32 square feet in area are exempt from design review.

*Because signage is not included for consideration in this proposal, these guidelines are not applicable.*

**(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 50% to 23.3% of the required length and from the required 25% to 20.1% of the required area;

**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 23.3% of the total length and 20.1% of the total area of the ground-level 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.

As noted on page 46, the amount of glazing on each of the other façades significantly exceeds that required, primarily because the other façades front active uses. The NE Couch façade has been designated as the back-of-house portion of the site where vehicular access is provided for both residents of the building and users of the adjacent building. Staff believes that NE Couch is the most appropriate location for vehicular access and believes that, on balance, the purpose of the standard is met, due to the amount of ground floor windows on the other three façades.

Staff believes that guidelines B-2 *Protect the Pedestrian* and C1-1 *Integrate Parking* as all vehicular areas are concentrated on one side of the property, resulting in fewer curb cuts, with the streets that are more pedestrian-friendly

free of vehicular movement. In addition, staff notes that the garage areas are proposed to be clad with plate steel, a high quality metal resistant to damage, which will visually integrate with the dark composite metal panel above.

*Therefore, this Modification merits approval.*

2. 33.266.220 *Bicycle Parking Standards* – to reduce the width of the required 240 long-term bicycle parking spaces from the required 2'-0" x 6'-0" to 1'-6" x 3'-6";

**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 240 long-term bike parking spaces, with 157 located within the residential units, 53 located within a ground floor bike storage room on MLK, and the remaining 30 located in storage rooms on each upper level. 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 157 of these spaces will be in units and will not conflict with other bicycles. The ground floor bike rooms include horizontal storage for 8 bicycles, with significant amount of room to navigate bicycles.

Staff's previous concerns regarding potential aisle width reductions have been alleviated by the diagrams provided on page 165. However, staff also notes that the current proposal will not result in a reduced aisle width. Staff notes that reduction of bicycle parking width, which is a commonly requested Modification better meets guideline A8 *Contribute to a Vibrant Streetscape*, in that it allows for tighter concentration of bicycle parking spaces which translates to more floor area used as active space.

*Therefore, 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. 33.266.310 Loading Standards** – to reduce the number of required on-site loading spaces from one to zero.

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

**Findings:** The purpose of the Loading Standards states: “A minimum number of loading spaces are 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.

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 and loading are severely limited at this site. Couch is the only non-restricted street. Through extensive negotiation, with the City and other stakeholder, the applicant has relocated the residential vehicular parking access to the Couch. Couch is also the proposed location of vehicular access for the neighboring building, also part of the site. With two garage entrances on this half-block portion of the site, providing additional space for loading would create a very harsh pedestrian environment and would potentially create significant disruptions to vehicular traffic on Couch. PBOT and BDS staff therefore determined that on-street loading would better serve the project as a whole than would the requirement for on-site loading. *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. Retail and commercial businesses are acknowledged as the central focus of the district and the distribution function of buildings is recognized as an important operational trait that should be accommodated and acknowledged. Locating the loading zones on the street allows this function to be part of the visible activity of the building. *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 does not anticipate any significant impacts from the proposed adjustment. Staff notes that, in this particular case, an on-street loading space serves as the mitigation to introducing an on-site loading space that could result in negative impacts to traffic patterns on four of the City’s busiest streets. In addition requiring an on-site loading space could result in the need for additional adjustments, such as allowing access on a parking-restricted street and potentially allowing reverse motion along a streetcar line. Staff believes the proposal for on-street loading is the most desirable of these potential scenarios. *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 habitable spaces projecting 17’ into the public right-of-way. These projections are considered Major Encroachments. They are supported by an arcade, which spans the full width of the lot. This configuration allows the building to integrate with the existing character of East Burnside which contains several older and a couple newer buildings with arcades over the public sidewalk.

*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 provide 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’-8” to more than 17’-4”, for an average clearance of 15’-6”. 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 27-35) 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. At the September 4, 2014 Design Commission hearing, staff expressed concerns with the proposed clearance heights, while the Commission felt comfortable with the proposed clearance. Staff notes that, since September, the arcade clearance has increased by 8 inches on each end, and on average. *This policy is 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'-8" 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 employs high quality materials and design details that add texture, interest, and a sense of permanence, and activation of the façades through the incorporation of balconies, and clear views at the ground level. 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 and allows this building to serve as a transitional building from the older more traditional buildings to the more dynamic buildings of the Burnside Bridgehead.

## TENTATIVE STAFF RECOMMENDATION

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

Pending Bureau of Transportation approval, staff recommends approval of a new 6-story ¾-block mixed-use building with 157 residential units, 2 live/work units, ground floor commercial space, as well as shared and private rooftop terraces in the Central Eastside subDistrict of the Central City Plan District.

Staff does not recommend approval of Alternate 2 rooftop option on Page 60.

Staff recommends approval of the following:

**Modifications to:**

- 33.140.230.B *Ground Floor Windows in the EX Zone* – to reduce the amount of ground floor windows on Couch Street from 50% to 23.3% of the required length and from the required 25% to 20.1% of the required area;
- 33.266.220 *Bicycle Parking Standards* – to reduce the width of the required 240 long-term bicycle parking spaces from the required 2'-0" x 6'-0" to 1'-6" x 3'-6";

**An Adjustment to:**

- 33.266.310 *Loading Standards* – to reduce the number of required on-site loading spaces from one to zero.

**An Exception 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'-8" on the east and approximately 17'-4" on the west, resulting in an average clearance of approximately 15'-6".

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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  
November 24, 2014

**EXHIBITS – NOT ATTACHED UNLESS INDICATED**

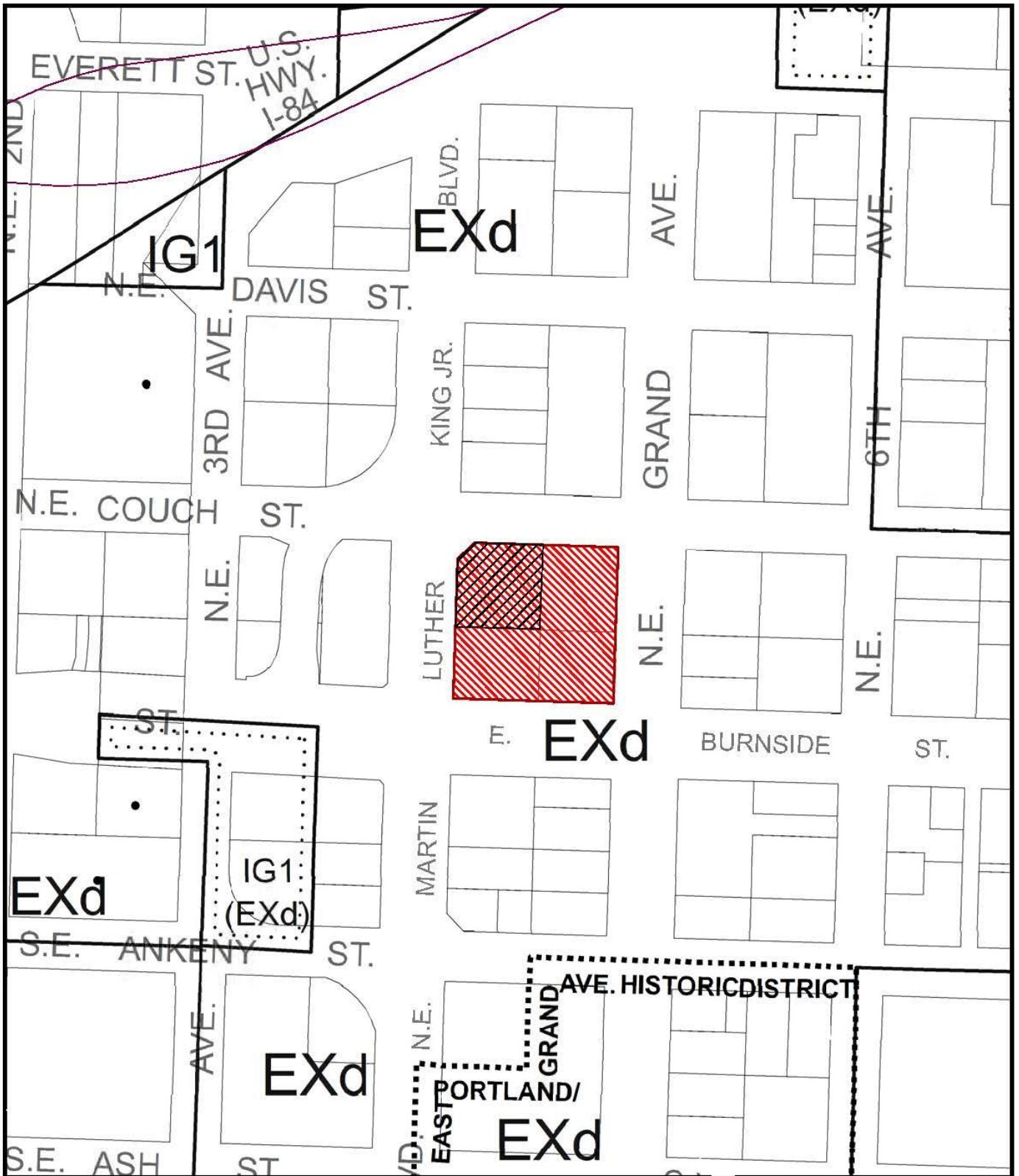
- A. Applicant's Statement
  1. BDS – Conference Facilitator Summary Memo from Pre-Application Conference
  2. Original Drawing Package (125 sheets)
  3. Arcade study
  4. Response to Staff Concerns, dated August 7, 2014
  5. Preliminary Life Safety Meeting notes
  6. Request for an Evidentiary Hearing and Waiver of Right to a Decision within 120 Days
  7. Traffic Engineer's Report, dated September 2, 2014
  8. Background Information from final drawing set (71 sheets)
- B. Zoning Map (attached)
- C. Plan & Drawings
  1. Building Data (page 46)
  2. Vicinity Map (page 47)
  3. Architectural Site Plan (page 48)
  4. Civil Plan – Site Utility Plan (page 49)
  5. Civil Plan – Site Grading Plan (page 50)

6. Civil Plan – Enlarged Plan (page 51)
7. Floor Plan – Basement (page 52)
8. Floor Plan – First Floor (page 53) (attached)
9. Floor Plan – Second Floor (page 54)
10. Floor Plan – Third-Fifth Floors (page 55)
11. Floor Plan – Sixth Floor (page 56)
12. Roof Organization Diagrams (page 57)
13. Roof Plan – With Amenity Spaces and Private Roof Decks (page 58)
14. Roof Plan – Amenity Spaces Without Private Roof Decks (page 59)
15. Exterior Elevation – South (E Burnside Street) (page 61) (attached)
16. Exterior Elevation – East (NE Grand Avenue) (page 62) (attached)
17. Exterior Elevation – North (NE Couch Street) (page 63) (attached)
18. Exterior Elevation – North Courtyard (NE Couch Street) (page 64)
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  4. Applicant’s statement certifying posting
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- 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. Memo, dated July 15, 2014
  3. Memo, dated July 25, 2014
  4. Memo to Design Commission, dated August 25, 2014
  5. Staff Report to Design Commission, dated August 25, 2014
  6. September 4, 2014 Drawing Set, revised August 15, 2014 (153 sheets)
- H. Hearing
1. Staff Memo to Design Commission, dated November 24, 2014
  2. Staff Report to Design Commission, dated November 24, 2014



# 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)

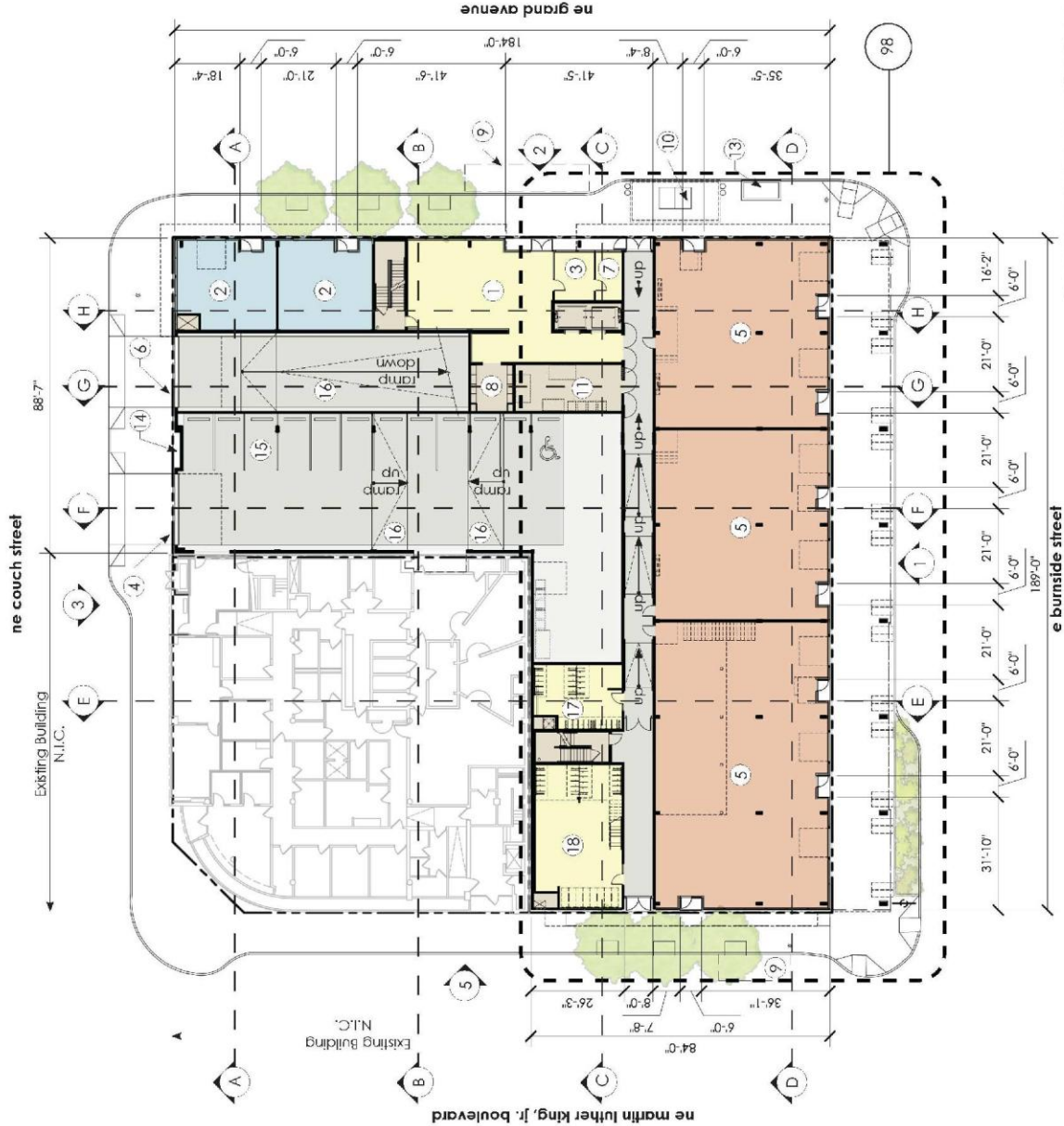
**Floor Plan - First Floor**

**Previous Concept (DR No. 1)**



A brief summary of changes between the previous concept from DR No. 1 and the current design proposal (in no order):

1. Relocate residential entrance from E Burnside Street to NE Grand Avenue.
2. Relocate vehicular garage entrances to NE Couch Street. Maintain two separate garage entrances for residents and CCC secure program.
3. Provide full block arcade along E Burnside Street.
4. Provide larger and continuous commercial/retail spaces along E Burnside Street.
5. Relocate bicycle room from NE Grand Avenue to NE MLK Boulevard.
6. Reconfigure E Burnside public storm water facility to allow it to be entirely outside of arcade footprint.
7. Extend proposed bulb-out at the intersection of E Burnside Street and NE Grand Avenue to the west.



**Legend**

- 1 Residential lobby/lounge.
- 2 Live-Work/Retail.
- 3 Leasing office.
- 4 CCC staff parking and loading entrance.
- 5 Retail/Commercial.
- 6 Resident garage entrance.
- 7 Work room.
- 8 Mail room.
- 9 Proposed on-street loading.
- 10 Proposed below grade transformer vault location.
- 11 Trash/recycle.
- 12 Not used.
- 13 Electrical switch vault.
- 14 Proposed gas meter location.
- 15 Standard parking stall (8'-6" x 16'-0"), typical.
- 16 Vehicle ramp.
- 17 Bicycle storage.
- 18 Bicycle lounge.



**CURRENT DESIGN**



Exterior Elevation - South (E Burnside Street)

CURRENT DESIGN



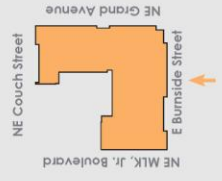
Section 3:  
Design Concept

Refer to Section 4 for additional exterior elevation information.



Previous Concept (DR No. 1)

- A brief summary of changes between the previous concept from DR No. 1 and the current design proposal (in no order):
1. Relocate 'gasket' element from E Burnside Street to NE Grand Avenue.
  2. Provide full block arcade along E Burnside Street.
  3. Simplified color scheme - eliminate one shade of grey (now a three-color palette); change primary cladding color from dark grey to white.
  4. Add horizontal box rib metal cladding above and below upper floor windows.
  5. Add horizontal box rib metal cladding at recessed deck walls.
  6. Adjust ground floor to have regular and repeating articulation.
  7. Adjust color of rooftop mechanical screening.
  8. Add diagonal bracing at sixth floor deck locations.



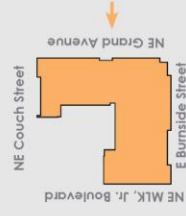
# Section 3:

Design Concept

Refer to Section 4 for additional exterior elevation information.

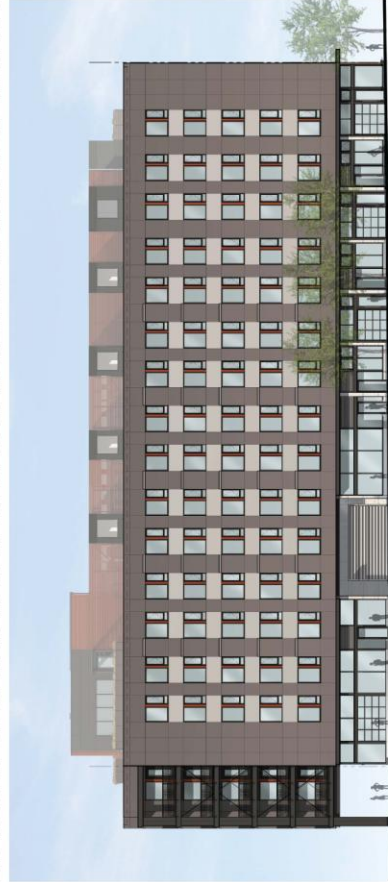
## CURRENT DESIGN

Exterior Elevation - East (NE Grand Avenue)



A brief summary of changes between the previous concept from DR No. 1 and the current design proposal (in no order):

1. Relocate "gasket" element from E Burnside Street to mid block along NE Grand Avenue.
2. Relocate vehicular garage entrance from NE Grand Avenue to NE Couch Street.
3. Simplified color scheme - eliminate one shade of grey (now a three-color palette); change primary cladding color from dark grey to white.
4. Add windows to northeast corner of building.
5. Add horizontal box rib metal cladding above and below upper floor windows.
6. Add horizontal box rib metal cladding at recessed deck walls.
7. Adjust ground floor to have regular and repeating articulation.
8. Adjust color of rooftop mechanical screening.
9. Add diagonal bracing at sixth floor deck locations.



Previous Concept (DR No. 1)



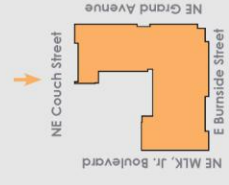
# Section 3:

Design Concept

Refer to Section 4 for additional exterior elevation information.

## CURRENT DESIGN

Exterior Elevation - North (NE Couch Street)



A brief summary of changes between the previous concept from DR No. 1 and the current design proposal (in no order):

1. Relocate vehicular garage entrances from NE Grand Avenue to NE Couch Street.
2. Simplified color scheme - eliminate one shade of grey (now a three-color palette); change primary cladding color from dark grey to white.
3. Relocate decks from NE corner to NW corner of NE Couch Street elevation. Align deck massing and material with garage door articulation at the ground floor.
4. Add horizontal box rib metal cladding above and below upper floor windows.
5. Add horizontal box rib metal cladding at recessed deck walls.
6. Add two glazed garage doors to continue ground floor language and character.
7. Adjust color of rooftop mechanical screening.
8. Relocate gas meter.



Previous Concept (DR No. 1)

Exterior Elevation - West (NE MLK Boulevard)

CURRENT DESIGN



Section 3:  
Design Concept

Refer to Section 4 for additional exterior elevation information.



Previous Concept (DR No. 1)

A brief summary of changes between the previous concept from DR No. 1 and the current design proposal (in no order):

1. Simplified color scheme - eliminate one shade of grey (now a three-color palette); change primary cladding color from dark grey to white.
2. Adjust window configuration.
3. Remove Juliet balcony at SW corner of MLK Boulevard elevation.
4. Extend ACM panel at Northern portion of NE MLK elevation to wrap corner.
5. Remove recessed stair alcove at ground floor.
6. Add horizontal box rib metal cladding above and below upper floor windows.
7. Adjust color of rooftop mechanical screening.

