



# CITY OF PORTLAND ENVIRONMENTAL SERVICES



1120 SW Fifth Avenue, Room 1000, Portland, Oregon 97204 ■ Ted Wheeler, Mayor ■ Michael Jordan, Director

## Land Use Response Addendum

**Date:** February 3, 2021  
**To:** Tim Heron, BDS Land Use Services  
503-823-7726, Tim.Heron@portlandoregon.gov  
**From:** Rosa Lehman, BES System Development  
503-823-5519, Rosa.Lehman@portlandoregon.gov  
**Case File:** LU 20-205702  
**Location:** 701 E BURNSIDE ST  
**R#:** R226510460  
**Proposal:** DZ HEARING: The applicant requests Type III Design Review approval for a new 4-story mixed-use apartment building, an outdoor plaza and renovation of an existing one-story warehouse building. The new 4-story apartment building will have a 100' wide arcade fronting East Burnside Street, which is within the East Burnside Arcade District. Ground floor retail will front East Burnside Street, and the residential lobby will face NE 7th Avenue. An outdoor plaza area fronting NE 7th Avenue will be redeveloped as outdoor dining area for the adjacent one-story warehouse building. No Modifications or Adjustments are requested. All Infrastructure Bureau's Note: Since the RFC was submitted, the proposal has been revised to now include the restoration of the existing one-story ¼ block warehouse on the site. PBOT and BES note: Specific responses to the RFC are included in the 12-16-20 submittal attached in A7 and at this SharePoint link. Filename: Exh.A.3\_LU20\_205702\_DZ-710-E-Burnside\_REVD-SUBMITTAL\_12-16-20 Because the proposal is for new development in the design overlay zone, Design Review is required.

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This memo is an addendum to the initial BES Land Use Response issued by Bureau of Environmental Services (BES) staff on January 14, 2021, and is in response to the following new information that was received subsequent to those initial comments:

- Progress on Public Works Permit
- Confirmation from applicant that no existing stormwater facility will be impacted

### A. COMMENTS

BES approved 30% Concept Development Plans under the Public Works Permit (EP622) as of February 2, 2021. Prior to permit approval BES will require approved plans, a financial guarantee, receipt of all outstanding fees, and a signed permit document. The applicant should contact Andre Duval [andre.duval@portlandoregon.gov](mailto:andre.duval@portlandoregon.gov) with any questions as the PWP progresses.

The applicant confirmed that there are not existing stormwater facilities serving existing development to remain that would be impacted by the development proposed under the design review. Note that based on historic plumbing permits there appears to be a connection to the sewer in E Burnside from the subject site crossing the work area, therefore the existing system will need to be scoped and any impacts addressed with the building permit.

Based on this additional information, BES has no further objections to approval of the design review application.

### B. CONDITIONS OF APPROVAL

BES has no recommended conditions of approval.

### **C. ADMINISTRATIVE REVIEW**

The applicant may request a modification of a decision presented in this response, as applicable, via an administrative review as outlined in PCC sections 17.06.050, 17.32.150, 17.33.100, 17.34.115, 17.36.110, 17.38.060 and 17.39.120 and in those sections' associated administrative rules. Some portions of this response are not decisions, but guidance related to requirements that this proposal may be subject to during City review of other processes, such as a building permit or public works permit review. While these are not decisions that are ripe to be considered through an administrative review, if the outcome of a future administrative review needs to be anticipated at this time in order to inform the land use action, the administrative review process may be utilized. Some items, such as technical standards, are not reviewable. For guidance on whether a modification can be requested and whether the land use process is the proper time to request it, consult with the BES staff identified above prior to submitting a request.

There is no fee charged for an administrative review, and all BES penalties and late fees will be stayed pending the outcome of the review process, as applicable. To request an administrative review, the applicant must complete the Administrative Review Request Form (located here: [www.portlandoregon.gov/bes/68285](http://www.portlandoregon.gov/bes/68285)) and submit it to the Systems Development staff listed above within 20 business days of the mailing date of this response. The applicant should coordinate with the BDS planner to determine whether applying for an administrative review would have an impact on state-mandated land use timelines.