



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

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Portland, Oregon 97201  
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[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** April 23, 2009  
**To:** Interested Person  
**From:** Abigail Fowle, Land Use Services  
503-823-0624 / [FowleA@ci.portland.or.us](mailto:FowleA@ci.portland.or.us)

**FINAL DECISION BY THE DESIGN COMMISSION**  
**RENDERED ON April 16, 2009**

**CASE FILE NUMBER:** LU 09-104346 DZM AD  
& Major Encroachment Review  
**The Weave Building**  
(PC # 09-103242 and DA # 07-147709)

**GENERAL INFORMATION**

**Applicant:** Jeff Kovel, Contact 503-525-9315  
Skylab Architecture  
1221 SW Alder  
Portland OR 97205  
  
409 Project LLC, Owner  
1221 SW Alder St  
Portland, OR 97205-2209

**Site Address:** 1300-1308 W BURNSIDE ST

**Legal Description:** BLOCK N1/2J TL 600 LAND & IMPS SEE R246883 (R667737011),  
PORTLAND

**Tax Account No.:** R667737010  
**State ID No.:** 1N1E33DD 00600  
**Quarter Section:** 3028

**Neighborhood:** Downtown Cmty Assoc., contact Jennifer Geske at 503-750-9843.  
**Business District:** Downtown Retail Council, contact Stephen Pirkel at 503-274-7682.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Plan District:** Central City - Downtown  
**Zoning:** EXd, Central Employment w/ Design Overlay

**Review Type:** DZM AD, Design Review with Modifications and an Adjustment Review  
**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 seeks Design Review approval for a 9-story commercial building at the corner of SW 13th Avenue and W. Burnside Street. The applicant is also proposing an option for 2 additional future floors, totaling 11-stories. An existing 2-story unreinforced masonry building will be demolished from the site. The new building will include retail at the ground floor level and mezzanine, office on the upper floors and a rooftop terrace and eco-roof. The proposal will be utilizing the eco-roof, locker room, and small development site floor area bonus options to achieve additional floor area. The total proposed project floor area for the 9-story building is 48,974 SF (9.78:1 FAR), and the total proposed project floor area for the 11-story option is 59,493 SF (11.8:1 FAR), both including bonuses. No parking or loading spaces are included in the proposal.

Projecting angled window bays above the ground floor of the building encroach into the public right-of-way on both SW 13<sup>th</sup> Avenue and W Burnside Street. Currently, the applicant has applied for a Street Vacation for the area of encroachment along W Burnside Street. Additionally, the applicant has submitted an application for a Major Encroachment Review for the encroachment along SW 13<sup>th</sup> Ave. However, because a decision on the Street Vacation has not been issued at this point, the applicant has included the W. Burnside encroachment as part of the Major Encroachment Review for the time being. Upon approval of the Street Vacation, the W. Burnside Street encroachment will be removed from the Major Encroachment Review.

New development within a Design Overlay Zone requires Design Review.

**Modifications Requested through Design Review:**

- 1) 33.510.215.C, Special Building Lines, requires that the building be setback from the W. Burnside Street lot line by 10 feet. The applicant is proposing a setback that ranges from 1 to 8 feet at the ground floor level of the building along W. Burnside Street.
- 2) 33.510.215.D.2.b, Building Line Standards, requires for a site with frontage on a required building line street and also with frontage on a special building line that the building extend to within 12 feet of the street lot line for 75% of the lot line. The space between the building and street lot line must be an extension of the sidewalk and committed to active uses. The applicant is proposing a building wall that is within 12 feet of the street lot line for 100% of lot line, but between the building and lot line is a 1 foot wide planting strip along most of the ground floor façade.

**Adjustment Review:**

- 1) 33.266.310.C.2.b, Number of Loading Spaces, requires 2 loading spaces for buildings greater than 50,000 SF of floor area where any of the floor area is in uses other than household living. Since the proposal includes a taller 11-story option, which consists of a floor area that is greater than 50,000 SF, staff has applied this more stringent standard to the building proposal. However, the applicant is not proposing any loading spaces and thus an adjustment has been requested.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- 33.825, Design Review
- 33.805, Adjustments
- *Central City Fundamental Design Guidelines*
- *Downtown Policies for Encroachments in the Public Right-of-Way (June 1982)*

## DESIGN COMMISSION DECISION

It is the decision of the Design Commission to approve the following:

- Design Review for a 9-story commercial building (and an 11-story option) at the corner of SW 13th Avenue and W. Burnside Street in the West End Subdistrict of the Central City Plan District. The new building will include retail at the ground floor level and mezzanine, office on the upper floors and a rooftop terrace and eco-roof.
- Modifications requested through Design Review:
  - 1) 33.510.215.C, Special Building Lines, to allow a 1'-0" to 8'-0" setback along W. Burnside Street.
  - 2) 33.510.215.D.2.b, Building Line Standards, to allow a 1'-0" deep planting strip between the building and lot line along SW 13<sup>th</sup> Avenue.
- Adjustment:
  - 1) 33.266.310.C.2.b, Number of Loading Spaces, to eliminate on-site loading.

The Design Commission **recommends approval** to the City Engineer for a Major Encroachment Review for projecting angled window bays above the ground floor level that cantilever into the public right-of-way, per Exhibit A.2.

Approval per the approved plans, Exhibits C.1 through C.32, signed and dated April 16, 2009 and subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 09-104346 DZM AD". All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Design Review approval is subject to approval of the Major Encroachment Review.
- C. No field changes allowed.

By:   
Jeffrey Stuhr, Design Commission Chair

Application Filed: January 23, 2009  
Decision Rendered: April 16, 2009  
Decision Mailed: April 23, 2009

Decision Filed: April 17, 2009

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on January 23, 2009, and was determined to be complete on **March 4, 2009**.

*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 January 23, 2009.

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 A.3.

**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. This report is the final decision of the Design Commission with input from other City and public agencies.

**Conditions of Approval.** This approval may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appeal of this decision.** This decision is final unless appealed to City Council, who will hold a public hearing. Appeals must be filed by 4:30 pm on May 7, 2009 at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case by appointment at, 1900 SW Fourth Avenue, Suite 5000, Portland, Oregon 97201.

If this decision is appealed, a hearing will be scheduled and you will be notified of the date and time of the hearing. The decision of City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

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, one in which new evidence can be submitted to City Council.

**Who can appeal:** You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$13,585.50 will be charged (one-half of the application fee for this case).**

Neighborhood associations and low-income individuals may qualify for a waiver of the appeal fee. 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. Fee waivers for low income individuals must be approved prior to filing your appeal; please allow three working days for fee waiver approval. Fee waivers for neighborhood

associations require a vote of the authorized body of your association. Please see appeal form for additional information.

**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.

- *Unless appealed*, The final decision may be recorded on or after **May 8, 2009 – (the day following the last day to appeal)**.

- 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.

Abigail Fowle  
April 16, 2009

**The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).**

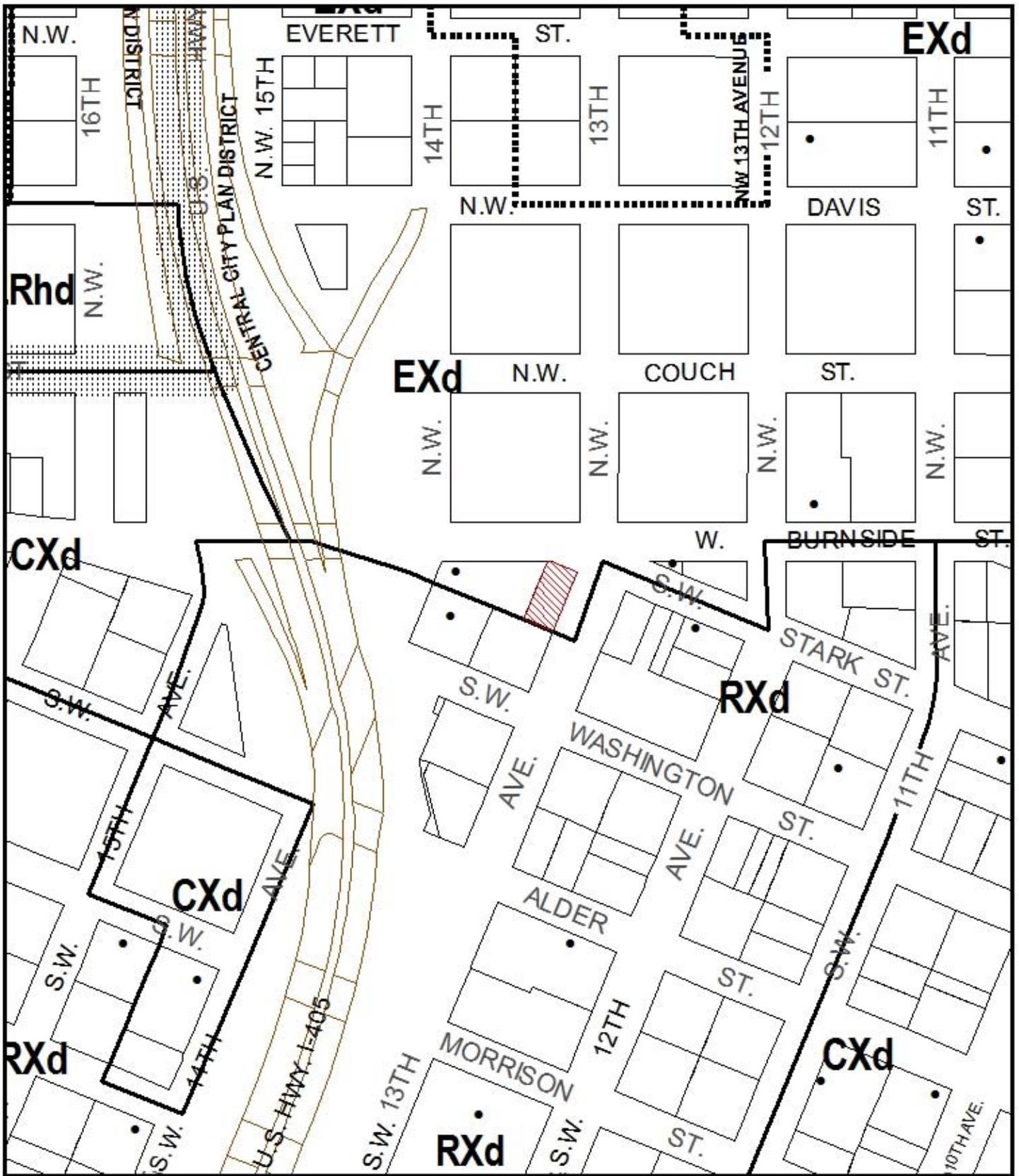
**EXHIBITS – NOT ATTACHED UNLESS INDICATED**

- A. Applicant's Submittal
  - 1. Written Narrative
  - 2. Major Encroachment Review Submittal
  - 3. 120 Day Waiver
- B. Zoning Map (attached)
- C. Plans & Drawings
  - 1. Site Plan (attached)
  - 2. Basement Plan
  - 3. Ground Level Plan (attached)
  - 4. Mezzanine Level Plan
  - 5. 2<sup>nd</sup> Level Plan
  - 6. 3<sup>rd</sup> Level Plan
  - 7. 4<sup>th</sup> Level Plan
  - 8. 5<sup>th</sup> & 7<sup>th</sup> Level Plan
  - 9. 6<sup>th</sup> & 8<sup>th</sup> Level Plan (& Optional 10<sup>th</sup> Level Plan)
  - 10. 9<sup>th</sup> Level Plan (& Optional 11<sup>th</sup> Level Plan)
  - 11. Roof Level Plan
  - 12. Roof Penthouse Level Plan (attached)
  - 13. South & East Elevations (attached)
  - 14. North & West Elevations (attached)
  - 15. South & East Elevations – 11-Story Option (attached)
  - 16. North & West Elevations – 11-Story Option
  - 17. Building Sections
  - 18. Ground Level Elevations
  - 19. Ground Level Storefront Detail
  - 20. Canopy Details
  - 21. Curtainwall Elevation
  - 22. Curtainwall Details
  - 23. Balcony Elevations & Details
  - 24. Penthouse & Parapet Details
  - 25. Penthouse Elevations
  - 26. Wall Details
  - 27. Ecoroof Planting Plan
  - 28. Ecoroof Irrigation Plan
  - 29. Ecoroof Operations & Maintenance Plan
  - 30. Preliminary Site Utility Plan
  - 31. Exterior Lighting Cutsheets
  - 32. Mechanical Equipment Cutsheets
- 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 – Land Use Response
  - 2. Bureau of Environmental Services – Ecoroof Letter of Certification
  - 3. Bureau of Transportation Engineering and Development Review
  - 4. Site Development Review Section of BDS
  - 5. Life Safety Section of BDS
  - 6. Water Bureau
- F. Letters: none

G. Other

1. Original LUR Application
2. Site History Research
3. Incomplete Letter
4. Encroachments in the Public Right-of-Way (June, 1982) – Relevant Policies
5. Code Guide for Window Projections into the Public Right-of-Way
6. Staff Report issued on April 10, 2009
7. Staff Presentation to the Design Commission at the April 16, 2009 Hearing
8. Staff Notes at the April 16, 2009 Hearing

cc: Applicants and Representatives  
Neighborhood Associations  
Those who testified, orally or in writing  
City Auditor's Office  
Development Services Center  
BDS Staff for Bureau of Buildings  
BDS Staff for Commission Book



# ZONING

 Site

 Historic Landmark



This site lies within the:  
CENTRAL CITY PLAN DISTRICT

File No. LU 09-104346 DZM,AD  
 1/4 Section 3028  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E33DD 600  
 Exhibit B (Jan 27,2009)

Weave Building  
**Design Review**  
**Location Plan**

**LEGAL DESCRIPTION**  
 Block N1/2J, Portland addition  
 West End Sub-Area of Portland's  
 Central City Plan District of  
 Portland, County of Multnomah,  
 State of Oregon

Total Lot Area : 5005 SF  
 Total Building Footprint : 4583 SF  
 92% of plot area



**\* Approved \***  
 City of Portland  
 Bureau of Development Services  
 Planner *[Signature]*  
 Date *4/16/09*

\* This approval applies only to the review's requested and is subject to all conditions of approval. Additional zoning requirements may apply.



*LA 09-104346 D2M AD Edw. C.1*

**\*Approved\***

City of Portland

Bureau of Development Services

Planner *Agar 7.F*

Date *4/16/09*

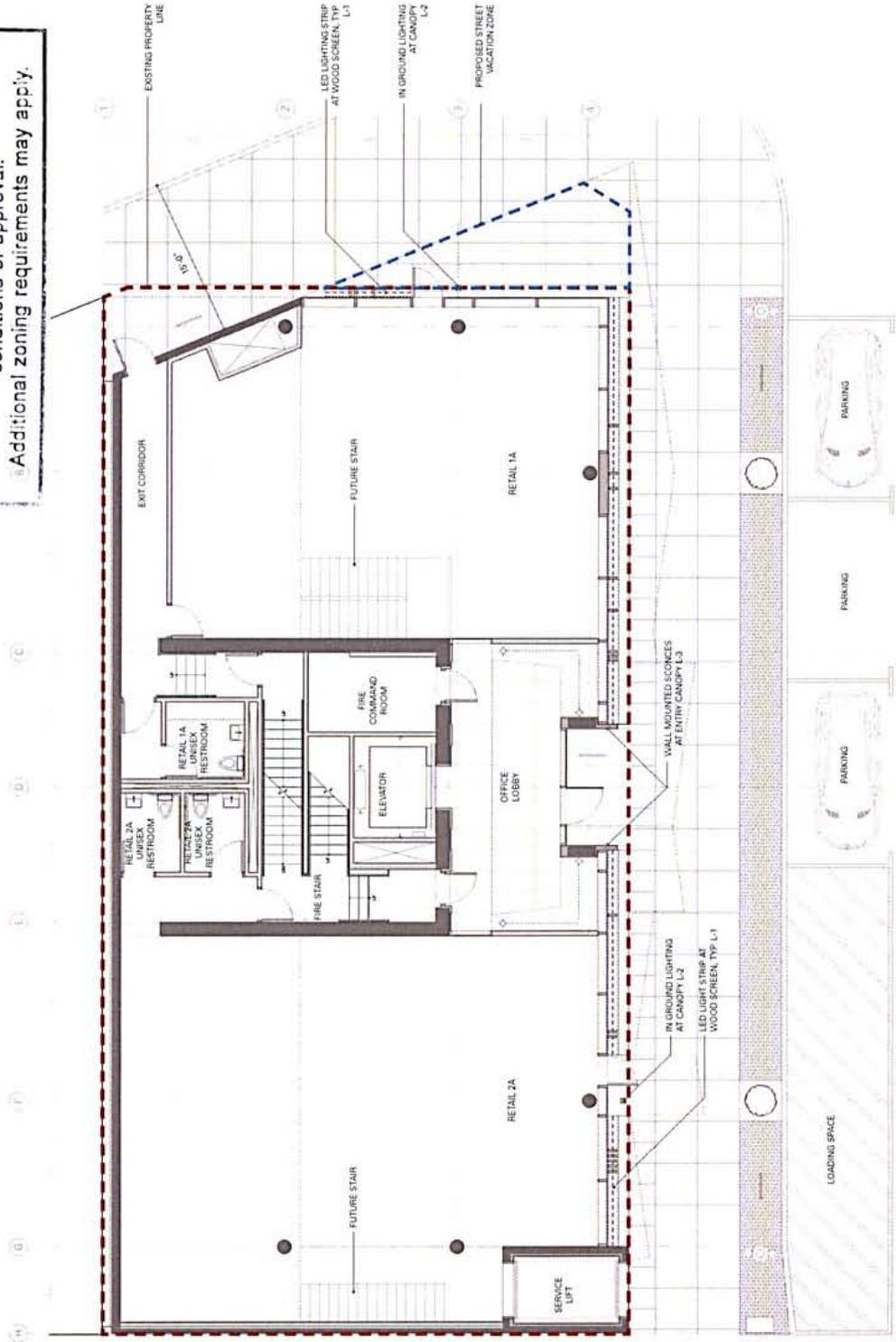
\* This approval applies only to the reviews requested and is subject to all conditions of approval.

Additional zoning requirements may apply.

Weave Building  
Design Review  
Floor Plans

Lobby 358 sf  
Retail 1A 1359 sf  
Retail 2A 1831 sf

Total gross area 4583 sf



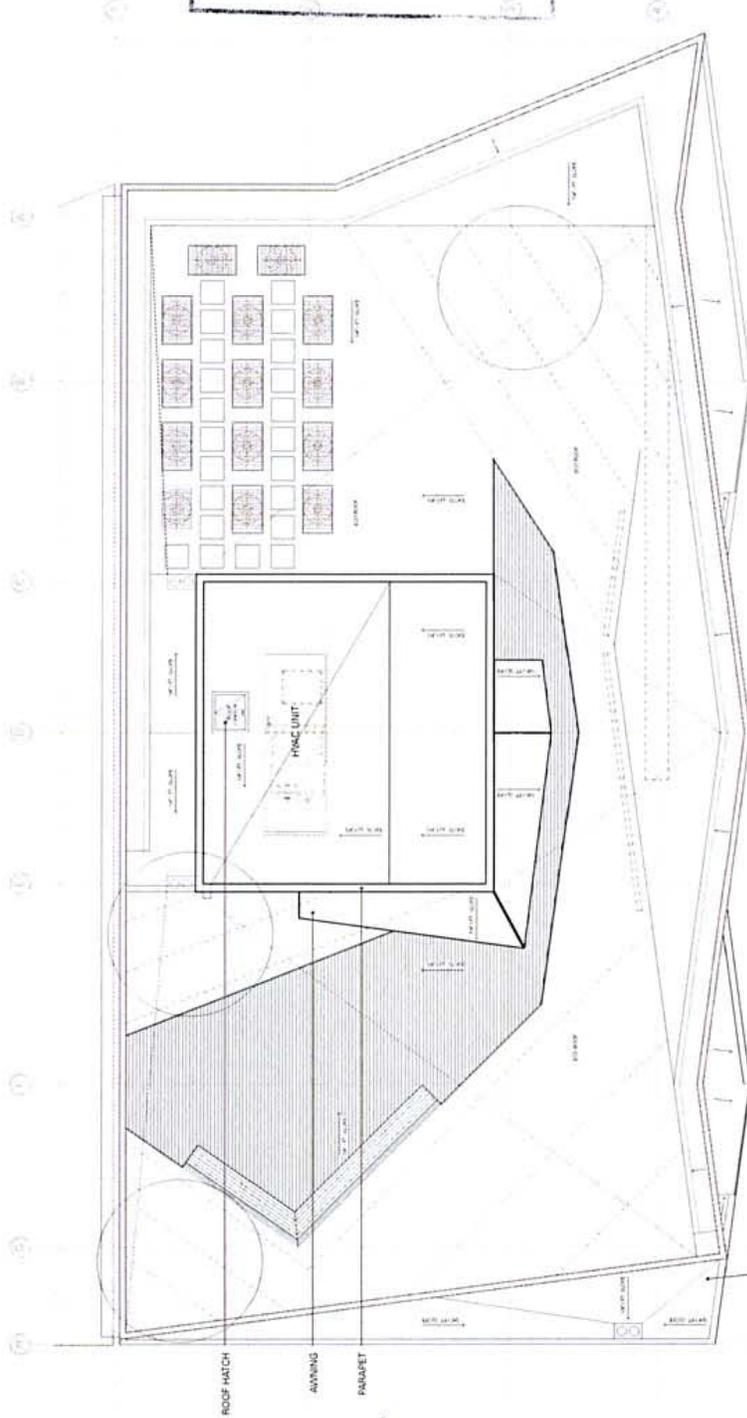
Ground Level Plan  
DRAWINGS C.15

LU 09-104346 DZM AD Exh. C.3

4.16.09

Roof Level Below 3493 sf  
 Eco Roof Below 2689 sf

Total Gross Area Below 691 sf

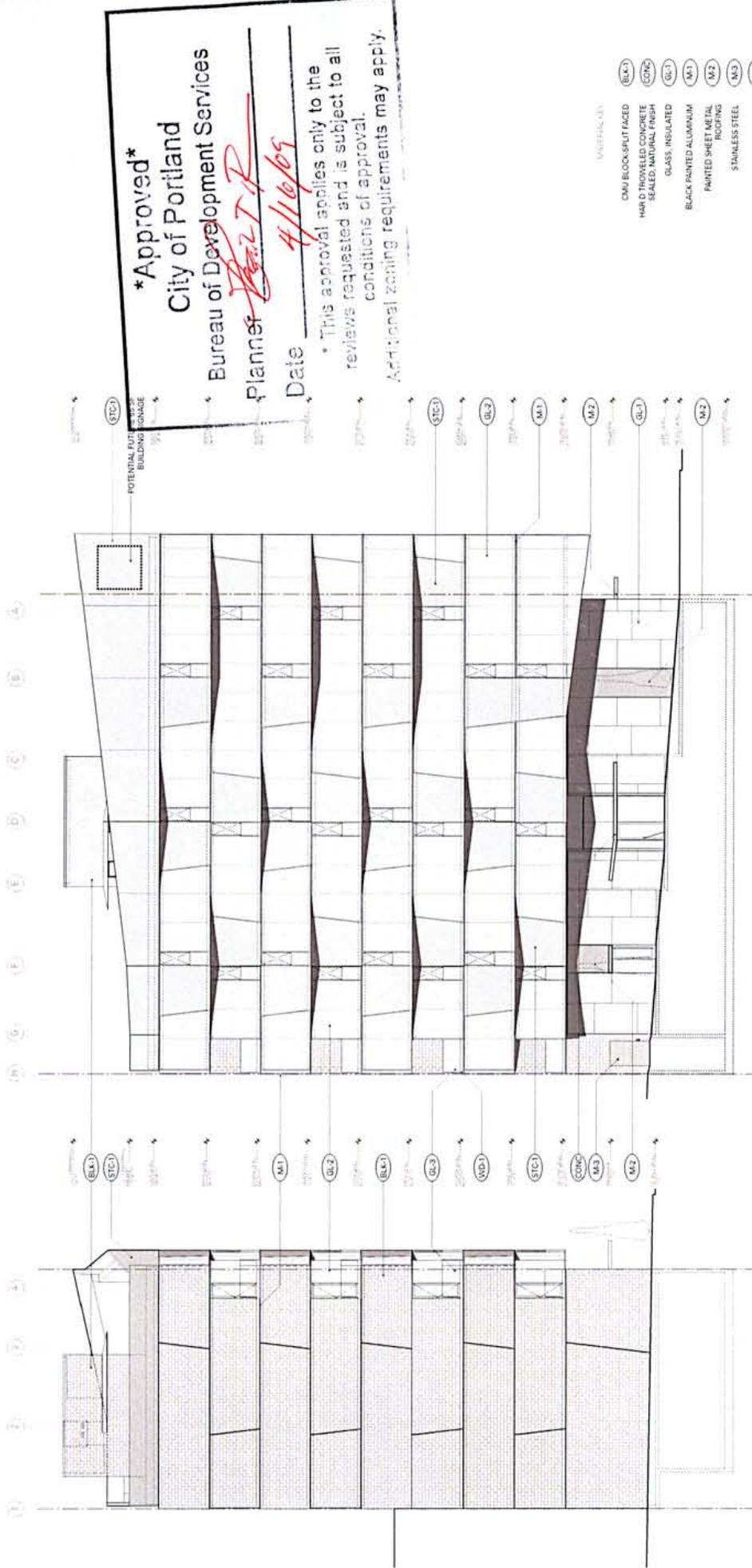


**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner *April T. R.*  
 Date *4/16/09*

\* This approval applies only to the reviews requested and is subject to all conditions of approval.  
 Additional zoning requirements may apply.



Lu 09-104346 DZM AD Exh. C.12



**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner *Barbara*  
 Date *4/16/09*

\* This approval applies only to the reviews requested and is subject to all conditions of approval.  
 Additional zoning requirements may apply.

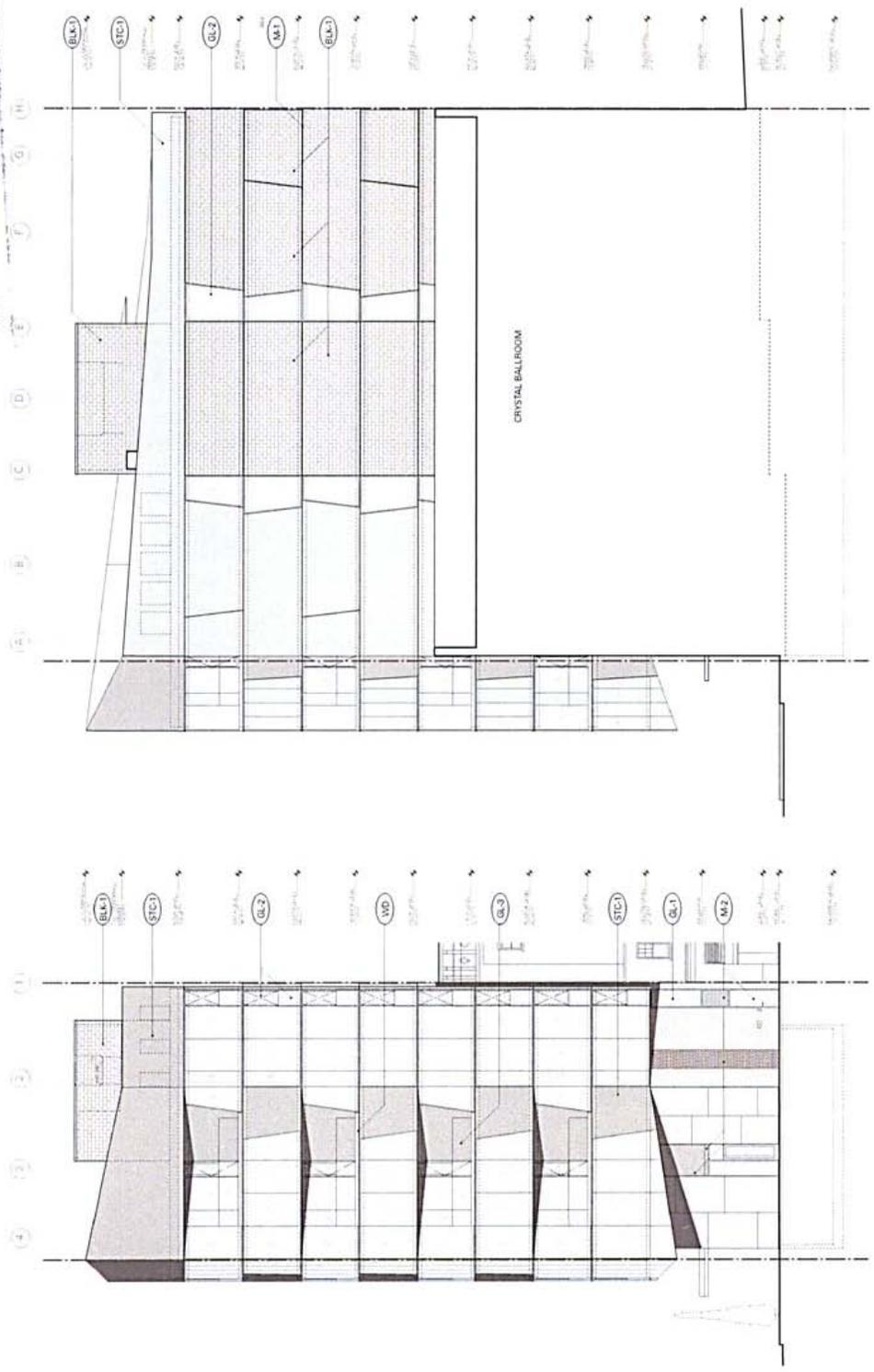
- (BL-1) CMU BLOCK SPLIT FACED
- (STC-1) HARD TROWEL CONCRETE SEALED NATURAL FINISH
- (GL-1) GLASS INSULATED
- (M-1) BLACK PAINTED ALUMINUM
- (M-2) PAINTED SHEET METAL ROOFING
- (M-3) STAINLESS STEEL
- STUCCO

**\*Approved\***  
**City of Portland**  
 Bureau of Development Services

Planner *[Signature]*  
 Date *4/16/09*

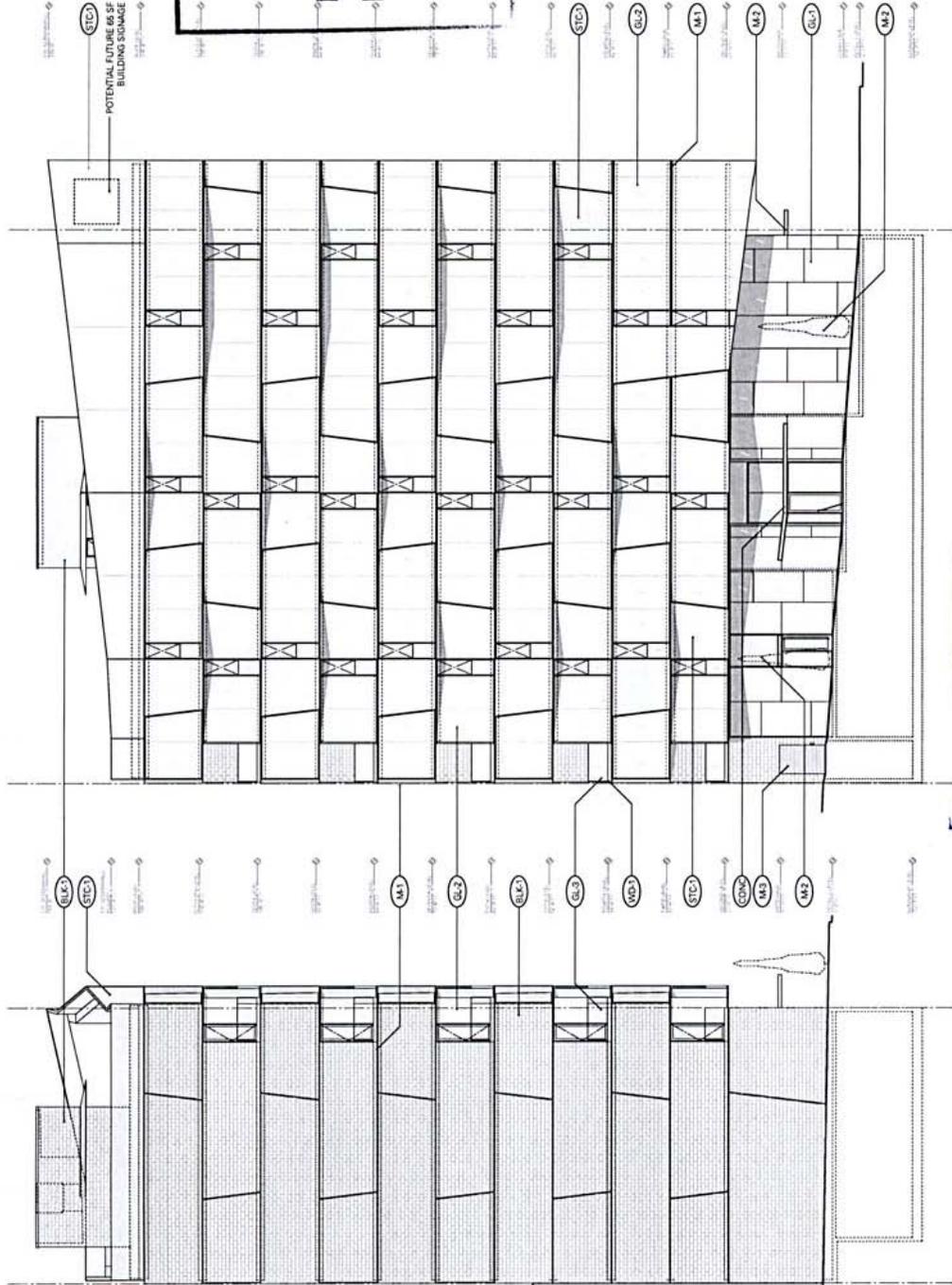
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Weave Building  
 Design Review  
 Elevations



- BLK-1 CMU BLOCK/SPLIT FACED
- GL-1 GLASS INSULATED
- AL-1 ALUMINUM
- AL-2 BLACK PAINTED METAL
- STC-1 STUCCO
- W-D W/BE DECKING

*LU 09-104346 DDM AD EXH. C.14*



**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner: *[Signature]*  
 Date: *4/16/09*

\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

- MATERIAL KEY
- CMU BLOCK/SPLIT FACED (BLK-1)
  - HARD TROWELED CONCRETE (CONC)
  - SEALED, NATURAL FINISH (BLK-2)
  - GLASS, INSULATED (GL-1)
  - BLACK PAINTED ALUMINUM (M1)
  - PAINTED SHEET METAL ROOFING (M2)
  - STAINLESS STEEL (M3)
  - STUCCO (STC-1)

2 Additional Levels - South and East Elevations  
 APPENDIX C.115.2

*11-STORY OPTION*