



City of Portland  
**Bureau of Development Services**  
Land Use Services Division

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

**Date:** August 18, 2008  
**To:** Interested Person  
**From:** Kara Fioravanti, Land Use Services  
503-823-5892 / [kfioravanti@ci.portland.or.us](mailto:kfioravanti@ci.portland.or.us)

**NOTICE OF A TYPE II DECISION ON A PROPOSAL IN  
YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

**CASE FILE NUMBER: LU 08-146470 DZ**  
**bside6 Design Revisions**

**GENERAL INFORMATION**

**Applicant:** BSIDE6 LLC  
340 SE 6<sup>th</sup> Avenue/ Portland, OR 97214

**Representative:** Works Partnership Architecture (503) 234-2945  
Jennifer Dzienis  
1028 SE Water Avenue, Suite 210/ Portland, OR 97214

**Site Address:** 524 E BURNSIDE STREET  
**Legal Description:** EXC PT IN ST LOT 8 BLOCK 117, EAST PORTLAND  
**Tax Account No.:** R226507920, R226507920, R226507920, R226507920, R226507920  
**State ID No.:** 1N1E35CC 01700, 1N1E35CC 01700, 1N1E35CC 01700, 1N1E35CC 01700, 1N1E35CC 01700

**Quarter Section:** 3031  
**Neighborhood:** Buckman, contact Susan Lindsay at 503-725-8257.  
**Business District:** Central Eastside Industrial Council, contact Chris Hammond at 503-309-1971.

**District Coalition:** Southeast Uplift, contact Cece Hughley Noel at 503-232-0010.  
**Plan District:** Central City – Central Eastside Sub-district  
**Zoning:** EXd, Central Employment with design overlay  
**Case Type:** DZ, Design Review  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

**Proposal:** The applicant seeks Design Review approval for revisions to a previously approved Design Review application for a new seven-story building (LU 06-167111 DZ AD), which is currently under construction. The applicant is proposing a change in materials at a portion of the south building wall from concrete to insulated metal panels that will match the rest of the building's metal cladding. In addition, the applicant is proposing two new doorways at the ground floor of building's SE 6<sup>th</sup> Avenue (east) elevation: One recessed entrance, consisting of glazed storefront system and a single fully glazed door, and another doorway with a single metal door.

**Relevant Approval Criteria:**

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

- 33.825, Design Review
- *Central City Fundamental Design Guidelines*
- *Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan*

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. This application was submitted on July 16, 2008 and determined to be complete on July 25, 2008.

## ANALYSIS

**Site and Vicinity:** The site is within Central City's Central Eastside sub-district. It is a small lot, 38' x 100', that occupies a portion of a corner of a typical 200' x 200' downtown block. The site has frontage on East Burnside and SE 6<sup>th</sup> Avenue. Burnside is a major thoroughfare in Portland, separating North Portland from South Portland. Its designations include: Major City Traffic Street, Major Transit Priority Street, Local Service Bikeway, and City Walkway. It is a street that is currently planned to be reconfigured into a couplet situation with NE Couch Street. The improvements included in that plan will widen sidewalks, construct curb extensions, incorporate stormwater facilities, and integrate other new pedestrian facilities. The intent is to reduce the "Burnside Barrier" and reinforce Burnside as a successful pedestrian-focused street. SE 6<sup>th</sup> Avenue is a local service street that includes the following designations: Local Service Bikeway and Walkway. A unique characteristic of the Central Eastside District is the series of arcaded buildings over the sidewalk along East Burnside to Sandy Boulevard. The arcades were necessitated by the widening of Burnside in the late 1920's. They provide protection to the pedestrian in an auto-oriented environment. In addition, they help narrow the width of East Burnside, which is a physical and psychological obstacle to pedestrian movement. The arcading of building fronts is a beneficial tradition for pedestrians along East Burnside, and is encouraged to be a continued practice. What once was a vibrant area of town, this district is seeing a resurgence of activity, primarily with new commercial uses. This immediate area of town has seen a good amount of reuse of existing buildings with successful rehabilitations, and also some new development [the Subaru project a few blocks west], and it will continue to see new development [the Burnside Bridgehead project].

**Zoning:** The "EX" base zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses 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 "d" overlay zone promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development is subject to design review.

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

- LUR 97-00244 DZ [LU 97-014290] was a request for a fast food restaurant on this lot. City LUS staff and the Design Commission both denied the request.

- VZ 249-66 [66-034644] was a request to install 1 “illuminated poster panel” on the roof of an existing building. Additional information about this request and the City’s decision on this request are not on record.
- LU 06-167111 DZ, AD and Major Encroachment Review approved the bSIDE6 building that is currently under construction for this site.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **July 25, 2008**. The following Bureaus have responded with no issues or concerns:

- Water Bureau
- Bureau of Parks-Forestry Division
- Site Development Section of BDS

The Bureau of Environmental Services responded with the following comment:

*BES has no objections to the proposed revisions. NOTE: The building permit for this project is currently under review (#06-181935-CO) and BES has approved stormwater mgmt and sanitary connection. Further development of the property would be subject to the Bureau of Environmental Services’ standards and requirements during the building plan review process.*

**Neighborhood Review:** A “Notice of Proposal in Your Neighborhood” was mailed on **July 25, 2008**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

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

### **Central Eastside Design Goals**

The following goals and objectives define the urban design vision for new development and other improvements in the Central Eastside

- Encourage the special distinction and identity of the design review areas of the Central Eastside District.
- Provide continuity between the Central Eastside and the Lloyd District.
- Provide continuity between the Central Eastside and the river, downtown, and adjacent residential neighborhoods.
- Enhance the safety, convenience, pleasure, and comfort of pedestrians.

### **Central City Plan Design Goals**

This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven Central City policy areas. The nine goals for design review within the Central City are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

### **A8. Contribute to a Vibrant Streetscape.**

### **C7. Design Corners that Build Active Intersections.**

**Findings for A8 and C7:** The proposal will contribute to a vibrant streetscape and intersection at East Burnside Street and SE 6<sup>th</sup> Avenue. The glazed storefront systems, which span the length of the first floor along Burnside, and wrap the corner at SE 6<sup>th</sup> Avenue, allow for strong visual and physical connections between the interior of the building and the adjacent sidewalks. The addition of a glazed entry along SE 6<sup>th</sup> Avenue will reinforce these connections, attract pedestrian interest, and encourage movement around the corner and into the interior spaces of the building. *Therefore, these guidelines are met.*

### **C2. Promote Quality and Permanence in Development.**

### **C3. Respect Architectural Integrity.**

### **C5. Design for Coherency.**

**Findings for C2, C3, C5:** The proposed revision to the cladding material at a portion of the south building wall and the addition of two new doorways at the building's east elevation are consistent with the original design. The use of insulated metal panels at the upper levels of the entire south building wall will contribute to the design's coherency and will reinforce the quality and permanence of the building. Furthermore, the new glazed entry along SE 6<sup>th</sup> matches the proportions and detailing of the entries at the Burnside elevation, and the new metal doorway at SE 6<sup>th</sup> is consistent with an

adjacent doorway that was approved in the original application. *Therefore, these guidelines are met.*

### **C11. Integrate Roofs and Use Rooftops.**

**Findings for C11:** In the previous review (LU 06-167111 DZ AD), a condition of approval was placed on the treatment of the rooftop mechanical equipment. The applicant was required to work with BDS staff to decide whether the approved rooftop mechanical equipment would (1) receive a durable and consistent paint finish that matches the palette of the building finishes, or if [2] the approved rooftop mechanical equipment would be screened with a perforated mechanical screen that matches the detailing of the building. The applicant has demonstrated compliance with the first option, and the exterior of the rooftop mechanical equipment will receive a durable and consistent paint finish that matches the palette of the building finishes. *Therefore, this guideline 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 design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and therefore warrants approval.

## **ADMINISTRATIVE DECISION**

Approval of Design Review for revisions to a previously approved Design Review application for a new seven-story building (LU 06-167111 DZ AD), which is currently under construction. The approved revisions include: [1] a change in materials at a portion of the south building wall from concrete to insulated metal panels that will match the rest of the building's metal cladding and [2] two new doorways at the ground floor of building's SE 6th Avenue (east) elevation. Approval per the approved plans, Exhibits C-1 through C-7, signed and dated August 12, 2008, subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.7. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-146470 DZ. No field changes allowed."

**Decision rendered by:** \_\_\_\_\_ **on August 15, 2008**

By authority of the Director of the Bureau of Development Services

**Decision mailed: August 18, 2008**

**Staff Planner: Kara Fioravanti**

**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 July 16, 2008, and was determined to be complete on July 25, 2008.

*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 July 16, 2008.

*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 did not waive or extend the 120-day review period.

**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 decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project 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.

**Appealing this decision.** This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on September 2, 2008** 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. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Attending the hearing.** 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 the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**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 **September 3, 2008 – (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.

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

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

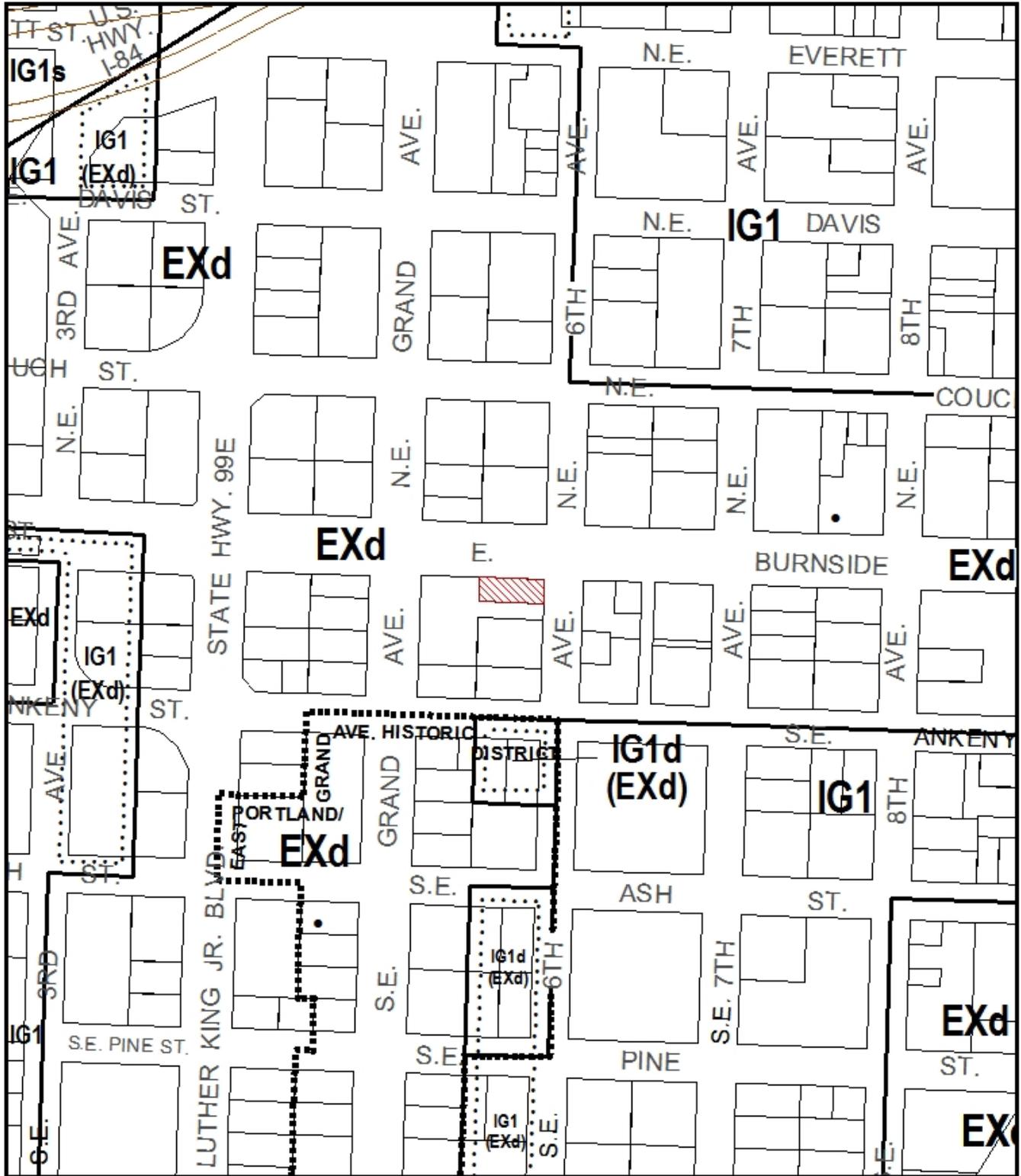
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement and Submitted Drawings

- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Upper Floor Plans
  - 3. Elevations [attached]
  - 4. Proposed partial East Elevation
  - 5. Metal Panel Details
  - 6. South Elevation Rendering
  - 7. South Elevation Rendering
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:  
*all responses copied in report*
- F. Correspondence:  
*none received*
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research

**The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).**



# ZONING

 Site

 Historic Landmark



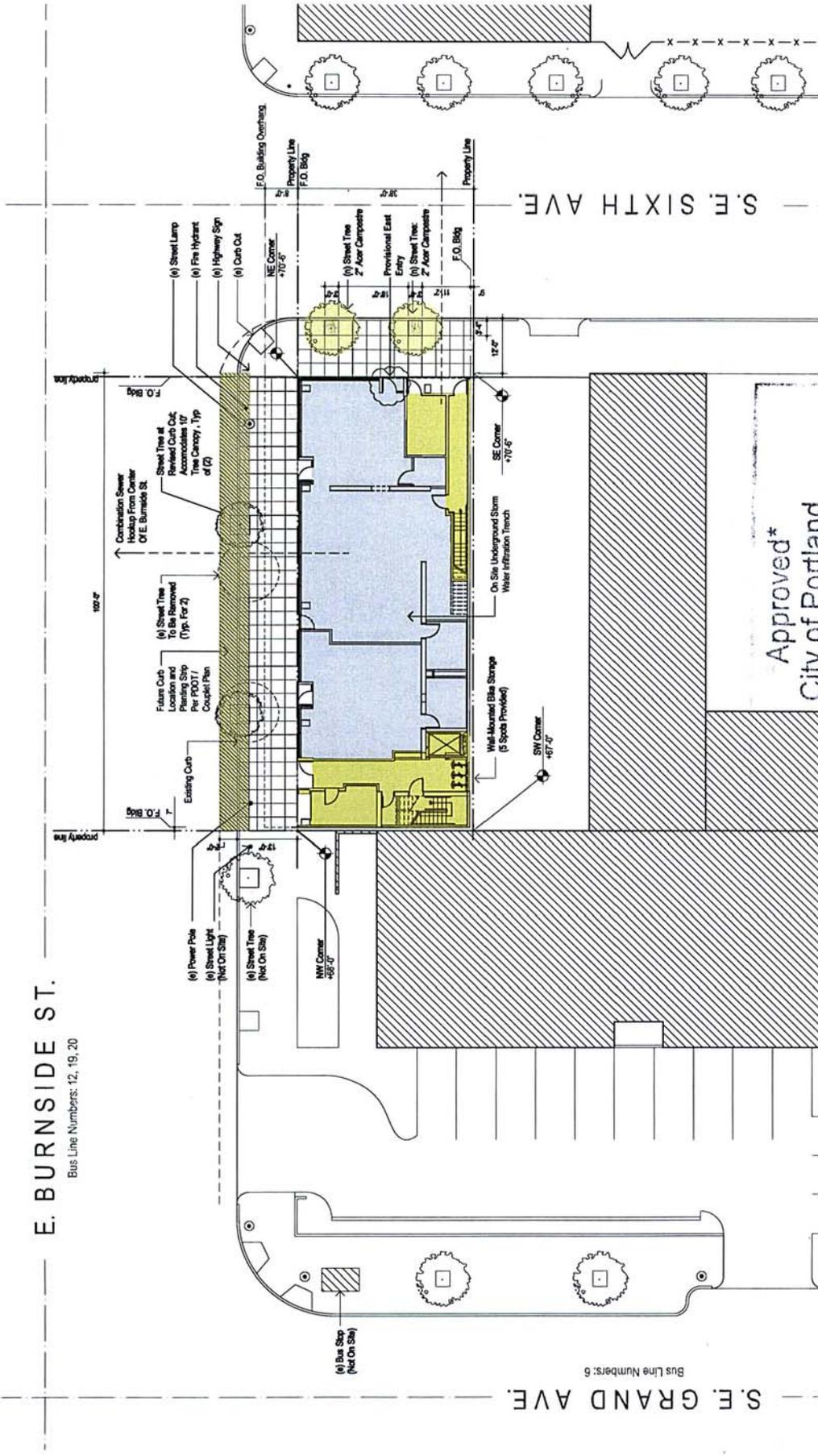
This site lies within the:  
CENTRAL CITY PLAN DISTRICT

File No.	<u>LU 08-146470 DZ</u>
1/4 Section	<u>3031</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E35CC 1700</u>
Exhibit	<u>B (Jul 18, 2008)</u>

08-146470 DZ

E. BURNSIDE ST.

Bus Line Numbers: 12, 19, 20



Approved\*  
City of Portland

Bureau of Development Services

Planner [Signature]  
Date 8/12-08

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

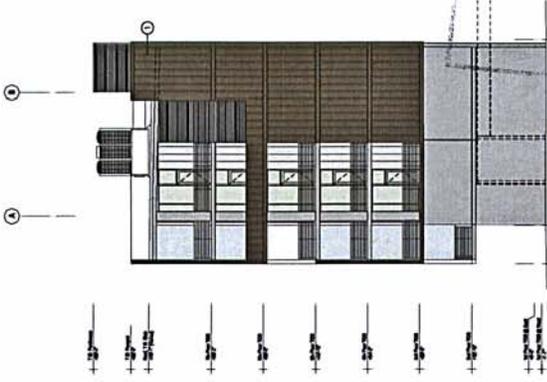
General Notes:  
Lot Size/Area: 38' x 100' (3,800 SF)  
Building Coverage: 3,703 SF (97%)  
Building Height: 90'-4"  
7 Story Building - 23,980 SF

FZh.c.1  
08-146470

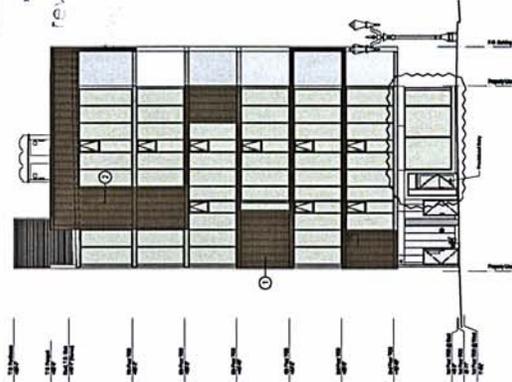
08-146470

534 east burnside street - design revisions  
design review works partnership architecture llc 07.11.2008

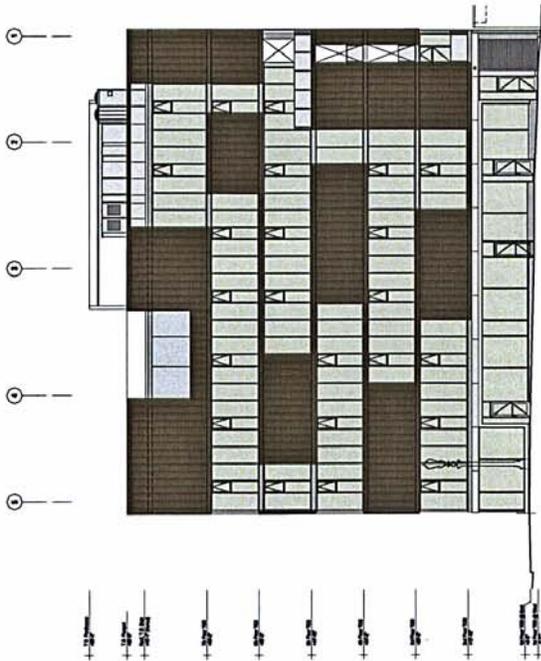
8



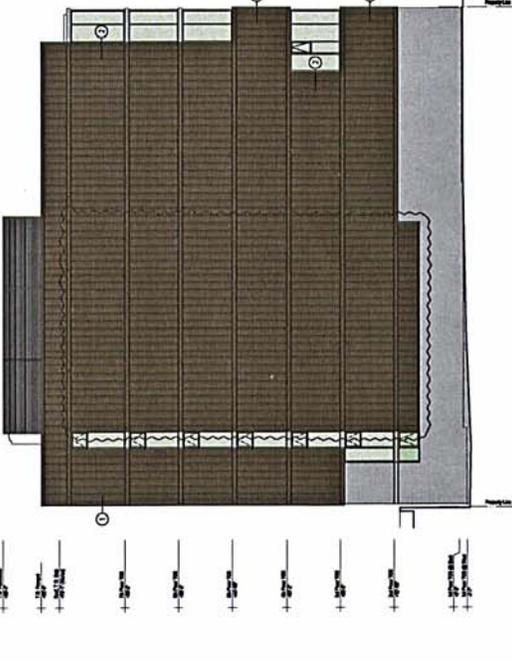
West Elevation



East Elevation



North Elevation



South Elevation

Building Elevations

\*Approved\*

City of Portland

Bureau of Development Services

Planner

Date

8/12/08

This approval applies only to the reviews requested and is subject to the conditions of approval. It may apply to other reviews.

FXMC.3  
08-146470