The Design Commission has approved a proposal in your neighborhood. This document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website http://www.portlandonline.com/bds/index.cfm?c=46429. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

**Case File Number:** LU 16-285161 DZM AD
**PC #** 16-175010
**5 MLK**

**Bureau of Development Services Staff:** Benjamin Nielsen 503-823-7812 / Benjamin.Nielsen@portlandoregon.gov

**General Information**

**Applicant/Representative:** Kurtis Fusaro, Gerding/Edlen Development Company Inc
1477 NW Everett St
Portland, OR 97209

**Owner on Record:** MKB Investment Co
PO Box 325
Colton, OR 97017

**Site Address:** 5 SE Martin Luther King Jr Blvd

**Legal Description:** BLOCK 77 LOT 1 EXC PT IN ST LOT 2, EAST PORTLAND; BLOCK 77 LOT 3&4 EXC PT IN STS, EAST PORTLAND; BLOCK 77 LOT 5 EXC PT IN ST, EAST PORTLAND; BLOCK 77 LOT 6 EXC PT IN ST, EAST PORTLAND; BLOCK 77 LOT 7 EXC PT IN ST LOT 8 EXC PT IN STS, EAST PORTLAND

**Tax Account No.:** R226505110, R226505130, R226505150, R226505160, R226505170
**State ID No.:** 1N1E34DD 00500, 1N1E34DD 00400, 1N1E34DD 00300, 1N1E34DD 00200, 1N1E34DD 00100

**Quarter Section:** 3030

**Neighborhood:** Buckman, contact Rick Johnson at rickjohnson77@comcast.net
**Business District:** Central Eastside Industrial Council, contact Debbie Kitchin at ceic@ceic.cc.
**District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010.

**Plan District:** Central City - Central Eastside
Zoning: EXd – Central Employment with Design Overlay

Case Type: DZM AD – Design Review with Modifications and concurrent 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.

Proposal:
The applicant requests Design Review approval for a proposed 17-story, 370,863 square-foot mixed-use building in the Central Eastside Subdistrict of the Central City Plan District. The proposed building includes approximately 14,000 square feet of retail uses on the upper ground floor facing SE MLK Blvd and on the lower ground floor facing SE Ankeny St and SE 3rd Ave. Approximately 112,000 square feet of office uses are proposed on floors 2 through 6, and 220 residential apartments are proposed on floors 7 through 17. Large landscaped terraces are also proposed for floors 3 through 6, and a residential roof deck is proposed on the 17th floor.

158 structured parking spaces will be provided under the building and will be accessed from SE 3rd Ave. One loading dock space is proposed and will also open onto SE 3rd Ave. The main lobby entry for both the office and residential uses will be located at the northeast corner of the site, at the intersection of SE Martin Luther King Jr Blvd and E Burnside St. Bicycle access into the building will be provided from E Burnside St.

The applicant also requests a concurrent Adjustment Review for one Adjustment to zoning code standards:

1. 33.266.310.C.2.c, Loading Standards – Number of Loading Spaces. Reduce the number of required on-site loading spaces from two (2) “Standard A” spaces to one (1) “Standard A” space.

The applicant also requests two Modifications to the zoning code development standards:

1. 33.140.210.B.2, Height. Allow mechanical equipment and screening and a stairwell to cover 33.6% of the roof area above the height limit instead of the standard 10% maximum and to exceed the height limit by 18’ instead of the standard 10’ maximum. Allow the elevator overrun and mechanical equipment to be located 12’-0” from the street-facing roof edge instead of the standard minimum 15’-0”. Also, allow additional shorter mechanical units to be located closer to the parapet, outside of the proposed mechanical screening.

2. 33.266.220.C.3, Bicycle Parking Standards – Standards for all bicycle parking – Bicycle racks. Allow long-term bicycle parking spaces to be installed with spaces that are 17.69” wide by 6’-6” long instead of the standard minimum size of 2’-0” wide by 6’-0”.

This proposal has been revised since the public notice was issued to update the space provided for long-term bicycle parking—changing the request from 1’-6” to 17.69” and to indicate that additional smaller mechanical units are proposed outside of the mechanical screen.

Design Review is required for proposed new development and for proposed Modifications to development standards in the design overlay zones of the Central City Plan District. Adjustment Review is required for proposed Adjustments to zoning code standards.

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
ANALYSIS

Site and Vicinity: The subject site lies in the Central Eastside Subdistrict of the Central City Plan District at the southwest corner of the intersection of E Burnside St and SE Martin Luther King Jr Blvd [both are Major City Traffic Streets, Regional Main Streets, Major Transit Priority Streets, City Walkways, City Bikeways, Major Emergency Response Streets, Freight District Streets], and occupies the full block bound by SE Ankeny St [City Walkway, City Bikeway, Freight District Street, local service all other modes] and SE Third Ave [City Bikeway, Freight District Street, local service all other modes]. The site, currently constructed with a collection of unoccupied buildings (including the Buckman Building) and a small elevated parking lot, also lies at the east end of the Burnside Bridge. Adjacent parcels have seen tremendous redevelopment in the last few years. Recently completed development projects include the Yard and the Slate buildings on the north side of East Burnside. On-going redevelopment projects include the Fair-Haired Dumbbell on the north side of E Burnside, renovation of the landmark Towne Storage building on the west side of SE 3rd Ave, and the development of 419 E Burnside at the northeast corner of E Burnside and NE MLK Blvd.

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 “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. 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.

The Central City Plan District implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation Management Plan. The Central City plan district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area. The site is within the Central Eastside Subdistrict of this plan district.

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

- **EA 16-188383 DA** – Design Advice Request hearings for a proposed new mixed-use retail, commercial, and residential development with underground structured parking.
- **EA 16-175010 PC** – Pre-application conference for a proposed new 17-story mixed-use building with ground-floor retail, approximately 100,000 SF of office floor area, and approximately 200,000 SF of residential floor area.
- **16-137323 PR** – Zoning Confirmation Request for the property located at 5 SE MLK Blvd.
- **16-130246 IQ** – Historic Resource Inventory removal request to remove the Buckman Building at 5 SE MLK Blvd from the Historic Resource Inventory.
- LU 14-159917 ZC – Approval with conditions of a zoning map amendment to change this site’s zone from IG1 to EXd.
- EA 13-182208 PC – Pre-application conference for a Type III Zoning Map Amendment for the western one-half of the site from General Industrial 1 (IG1) to central Employment (EX) with a Design overlay zone, in compliance with the existing Comprehensive Plan Map designation.
- 12-111425 IQ – Street vacation inquiry to vacate the rounded corner at SE 3rd Ave and SE Ankeny Street.
- LU 02-152081 DZ – Design review approval with conditions for exterior alterations including new signage and light fixtures.
- LUR 01-00112 DZ – Design review approval to erect three panel antennas mounted on poles, as well as four new equipment cabinets, all on the roof of an existing 3-story building.
- VZ 169-62 – Approval of a variance to replace the three existing flat metal signs, total 250 square feet, with three wood cut-out letter (raised type) signs. Total 155 square feet. Plus 11 awnings with identification initials. Total 132 square feet.

**Agency Review:** A “Notice of proposal in Your Neighborhood” was mailed February 22, 2017.

The Bureau of Environmental Services (BES) initially responded with a recommendation for denial due to lack of required stormwater plans and stormwater management report. BES has since determined that the proposed stormwater management plan is conceptually approvable, though some details may remain to be addressed at the time of permit. BES therefore is able to recommend approval. Please see Exhibit E-1 for details about the initial recommendation.

A revised response from BES was received on May 11, 2017, which stated that the agency had no further objections to the approval of the design review application, though the response also notes that additional, more-detailed information may be required at the time of building permit review. Please see Exhibit H-14 for additional details.

The Bureau of Transportation Engineering’s (PBOT) initial response to the proposal stated that additional time was needed to complete the requested Adjustment Review and make a formal recommendation of approval or denial, but that the bureau expects that loading demands from the proposed mixed-use building would necessitate two required on-site loading spaces. A determination was made before the first Design Commission hearing on March 16, 2017, that PBOT would not support the requested Adjustment to provide only one “Standard A” loading space on-site. This decision was based on the loading demand analysis submitted by the applicants. PBOT also stated that additional “Standard B” spaces could not be used in lieu of a second “Standard A” space as required by the loading standard. Consequently, PBOT was unable to support approval of the proposal at the time. Please see Exhibit E-2 for additional details relating to PBOT’s initial findings.

The applicants have returned with a proposal for two “Standard A” loading spaces, effectively negating the previously-requested Adjustment to the loading standards. PBOT has approved the public works (30%) conceptual plan and has signed off on the necessary design exceptions for the driveway and garage door.

An amended response from PBOT was received on May 15, 2017, with no objections to the revised proposal which includes two “Standard A” loading spaces. The revised response also details the steps taken to analyze the proposed loading Adjustment and the associated Driveway Design Exception approval and conceptual approval for the proposed utility vault locations. Please see Exhibit H-15 for additional details.

The Water Bureau responded with no objections and with comments about available water service. Please see Exhibit E-3 for additional details.
The Fire Bureau responded, stating that all applicable Fire Code requirements shall apply at the time of permit review. Please see Exhibit E-4 for additional details.

The Site Development Section of BDS responded with comments referring the applicant back to their pre-application conference notes and with no additional comments. Please see Exhibit E-5 for additional details.

The Bureau of Parks-Forestry Division responded no objections and with comments about required street tree planting. Please see Exhibit E-6 for additional details.

The Life Safety Review Section of BDS responded with general life safety comments and directing the applicant to refer to previous correspondence from a life safety plans examiner. Please see Exhibit E-7 for additional details.

Staff forwarded these comments to the applicant and requested that the design team continue to work on addressing issues identified by BES and PBOT.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 22, 2017. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

One testifier presented testimony at the first Design Commission hearing for this proposal on March 16, 2017:
- Peter Finley Fry, Vice Chair of the Central Eastside Land Use and Development Committee: testimony in favor of the proposal, based on mixed uses, juxtaposition between new and old in the district, distinct functions. Mr. Fry also indicated that the Industrial Council supports the proposal.

ZONING CODE APPROVAL CRITERIA

(1) Design Review (33.825)

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

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

Section 33.825.055, Design Review Approval Criteria

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

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because the site is located generally within the Central City Plan District, the applicable design guidelines are the Central City Plan Fundamental Design Guidelines. As the site is also specifically located within the Design Zone of the Central Eastside District, the Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan also apply.
Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan and Central City Fundamental Design Guidelines

The Central Eastside is a unique neighborhood. The property and business owners are proud of the district’s heritage and service to the community and region. Light industry, distribution/warehousing, and transportation are important components of the district’s personality. To the general public, retail stores and commercial businesses provide the central focus within the district.

The underlying urban design objective for the Central Eastside is to capitalize on and emphasize its unique assets in a manner that is respectful, supportive, creative and compatible with each area as a whole. Part of the charm and character of the Central Eastside District, which should be celebrated, is its eclectic mixture of building types and uses. An additional strength, which should be built on, is the pattern of pedestrian friendly retail uses on Grand Avenue, East Burnside and Morrison Streets, as well as portions of 11th and 12th 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:** The proposed building orients several architectural and landscape elements towards the river:

- **Views to the Willamette River** and the Burnside Bridge are provided from the upper stories of the building, from some of the roof terraces, and from the roof deck on the 17th floor.

- **Curve at southwest corner.** The large curve at the southwest corner of the building, while also responding to the physical property line in this area, symbolizes the building’s connection to the Willamette River both in its physical form and its orientation, directing movement down the hillside and turning northward onto SE 3rd Ave.

- **Lobby.** The building’s main lobby is oriented to views of E Burnside Street at the base of the Burnside Bridge, allowing people who have crossed the bridge to see into this semi-public space and connecting it indirectly to the river.

*Therefore, 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:** A handful of Portland-related and East Portland themes are incorporated into the proposed development:

- **Building concept.** The building concept is based off of the region’s ecological features, and more-locally, off the transition from the river to the built environment. The building’s massing is expressive of these features, with its climbing terraces and towering masses clad with vertical spandrel panels that echo natural features found in the Columbia River Gorge.

- **Landscaping.** The proposed landscaping interacts with the overall building concept, again echoing the natural features found in Portland’s surrounding environment. The landscaping also continues a pattern established around the East Burnside bridgehead area, with mid-level roof terraces and gardens above the ground plane but still within view of the bridge.

- **Basalt base and planters.** The basalt stone masonry used at the base of storefronts along SE MLK Blvd, SE Ankeny St, and SE 3rd Ave and the basalt stormwater planter along SE Ankeny St, again, reflect the natural environment and natural materials found in the greater Portland region. The angled basalt masonry units used at the stormwater planter along SE Ankeny also subtly reference the district’s former cobblestone streets—one of which remains on the block of SE Ankeny St immediately west of the site.

- **Curve at intersection of SE Ankeny St and SE 3rd Ave.** The large radius curve at the southwest corner of the property exists because SE Ankeny St and SE 3rd Ave, together, used to serve as the route to an on-ramp from SE MLK Blvd to I-84, several blocks north of the site. Though no longer serving this function, the right-of-way remains owned by the city, and this past function is represented in the curve of the proposed building at this corner.
- **Workshop and bike repair.** The workshop space along the north side of the building provides work benches and bike repair stations, incorporating the current Portland themes of biking and crafting, the latter of which also references the past industrial nature of the Central Eastside district.

Therefore, these guidelines are met.

**A3. Respect the Portland Block Structures.** Maintain and extend the traditional 200-foot block pattern to preserve the Central City’s ratio of open space to built space. Where superblock exist, locate public and/or private rights-of-way in a manner that reflects the 200-foot block pattern, and include landscaping and seating to enhance the pedestrian environment.

**Findings:** The proposed development will occupy a full block, maintaining the traditional 200’ by 200’ block pattern. Landscaping is proposed along SE MLK Blvd, SE Ankeny St, and SE 3rd Ave in the furnishing zone, which is a typical street design pattern. Additional landscaping and seating opportunities are proposed adjacent to the sidewalk along SE Ankeny St.

Therefore, this guideline is 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.

**Findings for A4, A5, A5-1, & C4:** The proposed new tower building integrates elements and concepts from other recent and historic development at the East Burnside bridgehead area and the Central Eastside sub district that complement the context of existing buildings and enhances the character of the area. These include:

- **Tower massing.** The upper stories of the building consist of two primary masses, joined by a bridging element, as described in detail in Findings for C1, C3-1, and C5. The masses are offset from each other, with one at the northwest corner of the site and the other at the southeast. Both are oriented in a north-south direction, and this orientation relates to the Yard which has a similar NW-SE inflection of its tower mass, helping to establish an identity for this area when viewed from Downtown.

- **Terrace massing and carve-outs.** The proposal includes roof terraces that step up and around the site and establishing, somewhat, a podium on which the tower masses sit. This relates in character to the landscaped podium employed at the Yard building across E Burnside to the northwest of the site, and continuing this type of pattern, again, helps to establish the identity of the East Burnside bridgehead area. Portions of the northwestern tower mass are also carved out with
terraces, and, when viewed from the west while crossing the Burnside Bridge, this cutout echoes the arcade projections found in the East Burnside arcade district immediately to the east of the site.

- **Ground floor.** The ground floor incorporates active uses such as retail storefronts, lobbies, and working areas, clear glazing, and canopies that extend over the sidewalk which reflect the increasingly pedestrian character of the streets in this rapidly changing portion of the Central Eastside district. Other mixed-use buildings along E Burnside and at the bridgehead area incorporate similar features which help to define the context of the district.

- **Basalt planters.** The proposed basalt stone masonry stormwater planters along the south elevation of the building not only reference the natural environment surrounding Portland, but also subtly reference the historic cobblestone streets that were once present in this district and which still remain as the street material in SE Ankeny St for one block between SE 3rd Ave and SE 2nd Ave—adjacent to the site.

*Therefore, these guidelines are met.*

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

**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 A5-3 & C10:** The proposed building incorporates two primary types of minor encroachments into the right-of-way:

- **Canopies.** Canopies are proposed that extend over the rights-of-way on E Burnside St, SE MLK Blvd, and over the sidewalk at the intersection of SE Ankeny St and SE 3rd Ave. These canopies, described in more detail in Findings for C1, C3-1, and C5, provide cover for pedestrians and help to define the pedestrian environment around the building.

- **Underground utilities are proposed along SE 3rd Ave.** These include three electrical vaults and a vault for water service and water meter. These vaults are located, primarily, in the furnishing zone of the sidewalk, though portions of them extend into the through zone.

*Therefore, these guidelines are met.*

**A5-5. Incorporate Water Features.** Enhance the quality of public spaces by incorporating water features.

**Findings:** Though there are no continuously-functioning water features proposed in the public realm of this proposal, a linear, stepped stormwater planter is proposed in a narrow setback off the sidewalk along SE Ankeny St. This planter will provide for quiet, slowly moving water during rain events and will otherwise function to provide texture and life along the relatively inactive façade.

Private stormwater gardens are proposed on the terraces of the proposed building. A separate more-active water feature is also proposed at the sixth floor terrace, underneath the bridge massing. While these water features will not be visible from the public realm,
they will nevertheless enhance the quality of the outdoor spaces available to be used by residents and tenants.

*Therefore, 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.

**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.

**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 A7, B1, & C6:** The proposed new mixed-use building creates a sense of urban enclosure, contributes to a vibrant streetscape, defines different zones of the sidewalk, and develops transitions between public space on the street and private development with the following components of the development:

- **Minimal building setbacks.** Much of the proposed building is set up against the property lines of the full-block site—especially the upper stories. At the ground floor along SE MLK, however, the building is set back from the sidewalk edge by approximately 4'-0", allowing for an extension of the sidewalk and providing the potential for either greater pedestrian through space or a larger frontage zone. The ground floor is also set back along SE Ankeny St, allowing for a stormwater planter and landscaping to be placed adjacent to the sidewalk on this otherwise relatively inactive street frontage. This setback continues around the southwest corner where additional sidewalk space is created in the same manner as that along SE MLK Blvd. This space also serves as a transition area between the public space of the adjacent sidewalk and the private retail space inside the building.

- **Ground level storefront windows** are proposed along the majority of the ground floor on all four sides of the site. These windows provide views into active spaces and help to create a sense of urban enclosure along the sidewalks.

- **Canopies** are provided along nearly the entire length of the sidewalk along SE MLK Blvd, at the southwest corner of the building, and at the bike room entrance on E Burnside. In addition to providing weather protection, these canopies also help to define the sense of urban enclosure along the sidewalks adjacent to this building. The canopies also help to develop a sense of transition between the private development inside and the public space along the street.

- **Recessed building entries along SE MLK Blvd.** Like the canopies described above, the recessed building entries along SE MLK Blvd help to provide a transition space between private retail uses inside the building and the public sidewalk adjacent.

*Therefore, these guidelines are 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.

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.

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 A8, C7, C8, & C9: The proposed building incorporates many components that help to differentiate the sidewalk-levels of the building and that help to develop flexible sidewalk-level spaces and create active intersections. These include:

- Lobby. The proposed lobby occupies the northeast corner of the building. This area is highly-glazed allowing views into and out of the building. A deep canopy extends over the sidewalk at the lobby entry, giving extra emphasis to this corner of the building. The portion of the lobby at the corner is two stories tall, giving extra emphasis to the corner. Elevator and stair functions are located deep inside this large space, allowing for a variety of more active and flexible uses along the street frontages.

At the first Design Commission hearing on March 16, 2017, some commissioners were concerned that the main lobby's interior configuration, with proposed terracing and proposed interior planters up against the window, hampered or precluded active use of the ground floor along the east and north elevations. Commissioners requested that the design team explore raising the floor up to grade level along these facades and moving (or removing) the plants away from the windows. The proposed lobby plan appears unchanged since the last hearing, (Exhibit C.11) and a new detail has been provided that still shows the planter against the window (Exhibit C.26).

At the second Design Commission hearing on May 18, 2017, the lobby design was unchanged from the first hearing. Commissioners spent much time discussing the issue, and the majority agreed that the proposed landscaping looked like it was meant to screen the interior lobby space from the exterior sidewalks, and that, combined with the platforms proposed, the portion of the lobby along the street edges would be too inactive to successfully meet the guidelines. Ultimately, commissioners determined that the proposed planters and platforms should at least be movable and not built-in elements so that the lobby space has the most possible flexibility. Therefore, the Design Commission revised a staff-recommended condition of approval requiring that the proposed planters and platforms, if installed, shall not be permanent or built-in to maintain the greatest flexibility in the lobby.

- Retail spaces along SE MLK Blvd. Retail spaces front the remainder of SE MLK Blvd. Three doors are provided into retail space here, and these spaces can be demised into three separate retail uses or combined into one larger retail space.
The combination of clear glazing, articulated storefront details, and zinc canopy and soffit—as described in Findings for C2, C3-1, and C5—helps to differentiate the ground level here from the upper stories.

- **Retail space at corner of SE Ankeny St & SE 3rd Ave.** The retail space at the southwest corner of the building is two stories tall and defined by its tall, curved, clear-glazed façade and articulated, industrial-style canopy—as described in Findings for C2, C3-1, and C5. This space can be connected to the retail space above, facing SE MLK Blvd, extending the flexibility of both spaces. Were this to happen, however, it would be important that at least one entrance along SE MLK Blvd and the entrance at the southwest corner of the building remain open and accessible by building patrons to ensure activation at the southwest corner and the ground level along SE MLK Blvd. Thus, a condition of approval requiring at least one storefront entrance along SE MLK Blvd and the storefront entrance at the southwest corner of the building to remain open and accessible by building patrons is needed to best meet these guidelines.

- **Bike room/workshop area.** The long-term bike storage room is located behind a narrow workshop area to the west of the lobby along E Burnside. An entrance connecting to the Burnside Bridge ramp provides access for pedestrians and for bicycle riders parking their bikes in the bike room. An angled canopy, like those used along the east elevation is also provided at the door. Though less flexible than the retail spaces proposed along SE MLK Blvd, this space will still present an active frontage to E Burnside. Furthermore, since the sidewalk on the bridge ramps up over this space, additional activity may become more apparent in the office space on the story above the workshop area.

At the first Design Commission hearing on March 16, 2017, the design team showed a conceptual art installation on the street-facing portion of the soffit in the workshop area. Commissioners expressed support for the idea, noting that it creates a sense of excitement along the Burnside Bridge. The design team stated that additional information would be provided by the second hearing, though this information was not in the submitted drawing package. Commissioners also had questions about how lighting would work in this space.

At the second Design Commission hearing on May 18, 2017, no additional views of the proposed art installation were provided; however, the commissioners were keenly interested in the scope and design of the proposed art piece. The development team described the intent of the piece, which is to convey a sense of motion and reflect the natural landscape, but in a surreal and non-literal way, and the commissioners approved of the proposed approach and stressed that it was important that the piece not be too literal. Although the ultimate design and method of projecting the anticipated video installation are not yet defined, and although these issues do not necessarily preclude meeting these guidelines, the guidelines, as well as Guideline A5-4 – Incorporate Works of Art, would be better met by addressing these issues.

*With the condition of approval that the planters and platforms inside the lobby shall not be permanent or built-in; and,*

*With the condition of approval that at least one storefront entrance along SE MLK Blvd and the storefront entrance at the southwest corner of the building shall remain open and accessible by building patrons, these guidelines will be met.*

A9. **Strengthen Gateways.** Develop and/or strengthen gateway locations.
**Findings:** The proposed development helps to define a gateway at the east end of the Burnside Bridge, and which serves as a gateway not just from the west, but also for pedestrians, bicyclists, and motorists coming from the east. The development also lies at a gateway from north to south. The proposal strengthens the gateway here in the following ways:

- **Relationship to the Yard.** The proposal sets up a relationship with the Yard on the north side of the Burnside Bridge by dint of its location and its similar height and scale. When viewed from the west and from the east, the proposal, with the Yard, establishes a frame that focuses the view along E Burnside towards the Central Eastside from the west and towards Downtown from the east. The proposal also relates to the Yard with the same NW-SE inflection, helping to identify and complete the sense of the gateway when viewed from Downtown.

- **Relationship to the development context at the bridgehead.** Recent and planned development at the Burnside bridgehead—including the Yard, the Slate, “Slate 2.0”, the Sideyard, 419 E Burnside, and the Fair-haired Dumbbell—creates a series of new urban spaces that focus on the intersections of E Burnside & MLK Blvd, E Burnside & NE Couch St, and NE MLK Blvd & NE Couch St. Though largely dominated by motor vehicle traffic at the moment, once construction is complete in this area, pedestrian activity will likely greatly increase, and the proposed building will define the southern edge of these new urban spaces.

- **Designed “in the round”.** The proposed new building is designed to be viewed from all four sides. When viewed from the west, the proposed building rises up from the lower foreground warehouse buildings in the Central Eastside industrial district, and the cutout area on the west façade’s north edge ties the relates the proposed building to the E Burnside arcade district just beyond. Viewed from the east, the building presents a muscular face that is softened by landscaped terracing stepping up from the intersection of E Burnside and SE MLK. Viewed from the north, the building's base massing relates to the scale of adjacent warehouse buildings, the landscaped terraces and connection under the tower bridge component relate to visible (and soon-to-be-visible) landscaped terraces at the Yard and Sideyard, and the tower masses complete the backdrop for pedestrian activity of the urban spaces along NE Couch and on the Burnside Bridge. Viewed from the south, the proposal steps up in massing from the warehouses of the Central Eastside industrial district with landscaped terracing.

*Therefore, this guideline is 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.

**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 B2, B6, & B6-1:** The proposal integrates several elements that protect the
pedestrian from the rain and the sun and that create a safer and more pleasant pedestrian environment around the building. These include:

- **Canopies.** The canopies proposed that extend over the sidewalk and sidewalk setback area along SE MLK Blvd and at the southwest corner of the site provide integrated weather protection for pedestrians along these building frontages. These canopies also help to provide protection at the building entries along these frontages. A similar, singular canopy is provided at the bike room entrance off of E Burnside.

- **Ground level exterior lighting** is proposed on the steel profile columns at the storefront windows along the east elevation. These light fixtures provide illumination that will reflect off the canopies and illuminate the sidewalks underneath.

- **Placement of mechanical equipment.** Most of the building’s mechanical equipment is proposed to be located on the roof, enclosed in mechanical screening or a penthouse and well away from pedestrians. Some mechanical uses are also proposed near the parking and loading entries at the northwest corner of the building along SE 3rd Ave. These are screened behind solid walls and architectural louvers on lower level one and the level one floors, and that helps to integrate them into the building design and limit their impact on the pedestrian environment. A continuous strip of architectural louvers is also proposed above the storefront windows at ground levels, and some of these will serve ventilation functions for the retail and/or restaurant uses housed within. Most these will be blanked off and will be decorative only. Their placement above the storefront windows will largely keep them away from pedestrians and should limit the impact of mechanical uses behind these louvers on the pedestrian realm.

Therefore, these guidelines are met.

**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.

**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 B3 & B3-1:** Proposed site improvements include a new, integrated curb extension at the intersection of E Burnside and SE MLK and a large new sidewalk extension at the intersection of SE Ankeny and SE 3rd Ave. Both provide additional pedestrian space in a portion of the city that is seeing increasing amounts of pedestrian activity due to increased development. These wider sidewalk areas also help to narrow the distance to cross SE MLK Blvd, SE Ankeny St, and SE 3rd Ave. The wider sidewalk at the southwest corner of the site, particularly, improves pedestrian safety by eliminating the large, sweeping curve in the street that was once used to funnel traffic to an I-84 on-ramp.

Therefore, 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.
B5. **Make Plazas, Parks and Open Space Successful.** Orient building elements such as main entries, lobbies, windows, and balconies to face public parks, plazas, and open spaces. Where provided, integrate water features and/or public art to enhance the public open space. Develop locally oriented pocket parks that incorporate amenities for nearby patrons.

**Findings for B4 & B5:** The proposal introduces stopping places in three primary locations, and it orients several building features towards public spaces, integrates water features to enhance public space, and develops new public space, as follows:

- **Ground floor setback along SE MLK Blvd and recessed entries.** The ground floor along SE MLK Blvd is setback 4'-0", providing informal opportunities for stopping and viewing into the retail spaces along this street outside of the main sidewalk through zone. This space will also allow more room for exterior seating if the spaces along this street are occupied by restaurant uses.

- **The stormwater planter along SE Ankeny St** provides informal sitting space on the planter wall just off the sidewalk.

- **Ground floor setback and widened sidewalk at southwest corner.** The sidewalk extension proposed in this setback and the proposed widened sidewalk in the right-of-way will allow for additional sidewalk seating and opportunities for informal stopping and viewing places. The sidewalk extension, too, will function like a miniature plaza, and the doors of the retail space at this corner will open directly onto this wide sidewalk.

- **Roof terraces and roof deck.** The proposed roof terraces and roof deck are oriented to provide towards the Willamette River, which is the central city’s largest public open space. Views from the river to these terraces should, thus be possible as well.

*Therefore, these guidelines are met.*

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

**Findings:** The building integrates the following access systems for all people:

- **Lobby entrance.** The proposed building includes a lobby entrance at grade along SE MLK Blvd, which allows for barrier-free access to the building. Elevators accessed from the lobby provide barrier-free access to upper stories and the parking garage.

- **Retail entrances along SE MLK Blvd.** The three retail entrances along SE MLK Blvd are provided at grade, though the grade slopes downward to the south. These spaces could be demised into individual retail spaces or combined into one larger space. In the latter case, interior ramps can be added to the floor plan to accommodate the change in grade.

- **Retail entrance at the southwest corner.** The retail entrance at the southwest corner of the building is also accessible from grade.

- **Pedestrian parking garage entrance.** A pedestrian entrance to the parking garage is also provided at grade from the sidewalk along SE 3rd Ave. This entrance connects to the upper level of the parking garage and also provides access to the elevators to reach the office, residential, and lower parking garage levels.

- **Bicycle parking entrance at E Burnside.** The last entrance into the building is
located on the north side and provides at-grade access from the Burnside Bridge ramp. A new concrete strip is proposed to connect the bridge to the building at this entry. Though the entry is above the floor level of the bike parking room, an interior ramp provides barrier-free access to the space.

*Therefore, this guideline is 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 proposed building provides numerous view opportunities, including views to Downtown, views to the Central Eastside and other districts, views to the Willamette River, and views to and from surrounding streets. In detail, these elements are:

- **Views from upper stories.** Residents and tenants of the upper stories of the proposed building will have views in all directions—able to see Downtown, the Willamette River, the Central Eastside, other parts of the city, and the mountains. Clear glazing will enable these views.

- **Views from roof deck and roof terraces.** Like views from the upper stories, many possible views will be available to occupants of the roof deck and, to a lesser extent, the roof terraces. Occupants of the roof terraces may also be visible from the streets below.

- **Views to and from lobby.** The lobby will be clad with clear glazing and will allow views into the lobby space by passersby from E Burnside St and SE MLK Blvd. Occupants of the lobby will also have views out of the surrounding urban environment.

- **Views to and from retail spaces.** Like the lobby, clear glazing will allow into and out from the active retail spaces along SE MLK Blvd, SE Ankeny St, and SE 3rd Ave.

- **Views to and from bike room/workshop area.** The proposed workshop area in front of the bike room will have clear glazing like the lobby and retail spaces. This area will be slightly below the grade of the adjacent bridge ramp sidewalk, which may restrict these views, somewhat, but which may also allow views into the office space above from the sidewalk in this area.

*Therefore, this guideline is met.*

**C1-1. Integrate Parking.**

- **a.** Integrate parking in a manner that is attractive and complementary to the site and its surroundings.

- **b.** Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

**Findings:**

- **Structured parking** is proposed as part of the new development. The parking entrance and upper-most level are located at “Lower Level 1”, with a garage entry from the northwest corner of the site, off of SE 3rd Ave. The parking takes advantage of the topography on the site: while it is at grade along SE 3rd Ave, Lower Level 1 is below grade along the SE MLK Blvd and E Burnside frontages and partially below grade along the SE Ankeny frontage. This helps to integrate
the parking with the building and, ultimately, hide most of it below grade.

- The design team has indicated that the garage and loading exterior is proposed to be clad in metal panel, though the specific material is not yet identified, and the material is not yet indicated on the drawings. The panels are shown as having a gray color like that used on the vertical spandrel panels above. At the first Design Commission hearing on March 16, 2017, commissioners found that the proposed metal panel would be a material that integrates well with the overall design of the building and, which with adequate protection at the corners of the overhead doors, would be a durable and quality material. The proposed material has been identified as a coated metal panel wall system—specifically, an insulated metal panel, as shown on Exhibit C.64.

Therefore, this guideline is met.

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

**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.

**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 for C2, C3-1, & C5:** The building’s massing and façade patterning concept is “conceived as an urban landform, referencing both the regional ecology and its immediate urban context.” Incorporated into this “urban landform” concept is the concept of a transition from river to cliffside which can be found in the natural environment of the Columbia River Gorge and, more immediately and metaphorically, the transition from the Willamette River to the urban context of the Burnside Bridgehead.

This concept expresses itself as a full-block-sized base that erodes as the building rises into a series of cascading terraces at the southwest corner of the site and which, through the middle of the site, joins to a secondary, smaller series of terraces that erode again to the east and west along the north façade of the building. This base of the building also embraces a large radius curve in the property line at the southwest corner of the site and creates the most dramatic departure from the otherwise rectilinear massing and façade patterning. Though this based off the property line, this dramatic curve also becomes symbolic of the building’s connection to the Willamette River both in its physical form and its orientation, directing movement down the hillside and turning northward onto SE 3rd Ave.

Extending up from the eroded, terraced base are two tower masses which rise up to 200’ from grade. The masses are offset from each other, with one at the northwest corner of the site and the other at the southeast. Both are oriented in a north-south direction. Between them, an east-west-oriented bridge element connects the two towers. The uppermost landscaped terrace passes underneath.

The façade patterning concept extends the “landform” concept with a vertical, staggered pattern. Departing somewhat from a literal interpretation of the “landform”, the vertical patterning becomes less dense as it moves down towards ground level. Protruding fins add shadow and life to the exterior and almost suggest a sculptural abstraction of rain on the building’s facades. This primary patterning is proposed to dominate over a subtler
horizontal spandrel pattern that occurs at each floor and is a reflection of the utilitarian needs of a modern high-rise.

At the first Design Commission hearing held on March 16, 2017, commissioners asked the applicants for a clearer description of how the landform concept/vertical patterning is organized around the building. Specifically, commissioners were trying to establish the “rules” that governed placement of the opaque spandrel panels and the vertical fins. The applicants have now provided some explanation that tries to address commissioners’ questions (see sheet App.46). The pattern is explained as deriving foremost from the need to provide opacity at the residential units on the upper stories; each bedroom has two lites and each living room has three. Much is unfortunately left unwritten beyond this; however, it is evident in examining the facades that additional rules come into play. The lites themselves appear to come in three distinct sizes, which places some restraint on the potential patterning. It is also evident, and touched upon on sheet App.46, that the transparency of each façade increases from the upper stories towards the ground floor, with larger glazed areas provided at the office-use floors.

Two other rules that are unwritten also appear to govern the patterning on the building's facades. The first is that no two porcelain panels of the same color should be placed next to each other. Similarly, as the panels move down the façade, some occasionally shift, yet with few exceptions, these panels always join at a corner with the panels above, creating continuity in the vertical expression of the panels while at the same time creating an organically-styled variability in these columns. A third apparent rule regarding these vertical spandrels is, as each moves down the façade, shifting to the left or right following the second rule, once the column of spandrels stops, it does not start up again farther down. Vertical columns also begin at the top of the building and nowhere else. A fourth apparent rule is that the vertical fins are always attached to the opaque porcelain spandrel panels on at least one side—the exception being the bridge massing of the building, where the vertical fins are also used but where no porcelain spandrels are used. There does not appear to be a discernible pattern in their exact placement beyond this; they appear to be randomly placed.

While these rules appear to be followed very closely, there are a few spots on the building where the rules appear to be broken—and broken without need. On the east elevation between levels 8 and 9, one of the vertical porcelain columns is broken with a space of clear glazing separating them. This could be easily corrected. Similar discontinuities appear on the west façade between levels 6 and 7; on the south elevation between levels 12 and 13, between levels 9 and 10.

Special focus was given to the curve at the southwest corner of the site at the first Design Commission hearing, held on March 16, 2017. Commissioners had concerns that the expression of the curve and the terracing above was well-enough composed and that the two disparate elements could either be better-integrated, or that the terrace elements should instead extend down to the sidewalk, replacing the curve. The design team presented studies at that hearing showing their explorations into the matter, though no concept particularly seemed to hit the mark in terms of integration of the two components.

Since the first hearing, staff has worked with the design team to study additional options—both rectilinear and curvilinear—to attempt to reconcile the curve in the property line with the terraces. The design team has presented some of these studies in their revised drawing package on sheet number App.47, and the original curve proposal remains the applicants’ preferred design.

After reviewing the different options with the applicants (including massing studies that
were provided after the printing of the revised drawing package as well as different vantage points which more clearly show how the terracing is affected by proposed shifts in massing), staff believes that the curve and terracing concepts are best-integrated with the massing presented in “Study 01” on sheet App.47. This massing concept adds a new terrace step at the east end of the curve, allowing the terrace concept to slightly follow the curve. Though this addition may at first read as merely a gesture towards better integration of the two concepts, it most-successfully, out of all the studies, completes both elements. Additionally, when viewed from above—as tenants and residents will see this space—the terracing concept is more complete on its own accord, with another terrace step added at the fourth floor along the south edge of the building. This improves upon the proposal from the first hearing (and again in the current preferred proposal) where the terracing here stepped down from the fifth to the third floor, which was much more abrupt and out of character with the rest of the terracing on both sides of the building; no other terraces step down two stories. As was previously stated, this additional terrace at the fourth floor then follows the curve from the east, allowing the terrace concept to be read along the curve instead of ending abruptly at its end points.

Diving into the materials and details of the concept, the proposal incorporates many building materials and components that promote quality and permanence, that are creative and innovative in their implementation, that enhance the overall character of the district, and that help to form a coherent composition. These include:

- **Window wall system.** The proposed primary cladding system for the building will be a window wall system, rather than a curtain wall system—though differentiating between the two types of systems from the exterior would be difficult, at best. The proposed system is a structural glazed system with interior aluminum mullions, jambs, sills, and heads. The exterior will be expressed by clear-clear double-pane glazing (a light blue color) that will have a flush appearance on the building’s exterior, with a minimal sealant joint between glazing units.

  Spandrel panels are inserted in the same fashion. Glass spandrel panels will be composed of the same clear-clear double-pane glazing used on the vision glass but will have a back-painted surface (the color of which is still undefined. See the findings in this section, below). Vertical spandrels will be composed of two colors of porcelain panel that will be glazed into the window wall system just like the vision and spandrel glass. These colors, while not yet indicated in the C-exhibits but as observed with physical samples, will be two different light shades of warm gray. Both have a slight pearlescent quality to provide a small level of soft reflectance.

  Vertical mullion cap fins will extend out from some mullions to provide texture and shading to the window wall system. These fins are indicated as a dark blue color with an 8” length and a tapered profile, as indicated on Exhibit C.34. At the first Design Commission hearing on March 16, 2017, the applicants presented two potential profiles: one was the profile shown on Exhibit C.34. The other was a rectangular 8” x 2” profile. Commissioners suggested that the former would integrate better with the building’s overall composition.

- **Storefront system.** The proposed storefront system incorporates very similar details to the window wall system; like the window wall system, the storefront system utilizes structural glazing, with interior aluminum mullions, jambs, sills, and heads.

  On the exterior, the glazing will appear butt glazed and separated by a minimal sealant joint. The glass itself will be clearer than that used on the upper stories
(though no specific glazing product has yet been specified). This information needs to be indicated clearly in the permit drawings, to ensure both visibility into the ground floor and integrity of the proposed composition.

Additional articulation will be provided to the storefront windows at the retail spaces through the introduction of built-up painted steel columns that will divide the storefront windows into discrete bays. Similarly-shaped, but slightly-recessed, coated steel profile beams divide the storefront windows at the southwest corner into a tall base and middle transoms.

A continuous row of architectural louvers caps the storefront systems across the entire retail frontage. While some of these louvers may be functional, the majority will be blanked off and insulated behind the louvers. This row of louvers helps to ensure the coherency of the storefront system and provides a visual transition between the glazing and zinc panel soffits/canopies.

- **Canopies/soffits at storefront systems.** Integrated, continuous zinc panel soffits and canopies extend out from the top of the storefront systems, providing both weather protection and facilitating the transition from the base of the building to the upper story massing and façade patterning. The soffits and canopies angle up and out towards the street. The proposed panel material is a composite of zinc panels sandwiching a mineral-filled core. This composite material should be very rigid and unlikely to pillow or oil-can. The same material is used again at the storefront entry recesses; this, again, helps to create a congruity of material usage and expression at the building’s base. Joints in the canopies and soffits align with mullions in the storefront windows below and with mullions in the window wall system above, helping to further integrate these components into the overall building composition.

At the southwest corner of the site, the zinc panel soffit follows the curve from the south side of the building to the west side. At this double-height section of the retail storefront, an 8'-0” deep built-up steel channel canopy system wraps around the corner below the soffit, dividing the transoms into a lower and upper section. The canopy outriggers will be similar in profile to the built-up steel columns used in the storefront design, helping integrate this canopy into the overall system. Ribbed steel decking and standing seam metal roofing are proposed on these canopies, which, though less-finely finished than the zinc panel canopies used along SE MLK, relates better to the warehouse character of existing buildings in the adjacent IG1-zoned parcels of the Central Eastside.

- **Storefront base and stormwater planters.** The proposed storefront systems rest on curbs faced with coursed ashlar-patterned basalt stone masonry. This material is perhaps the most-explicit reference to the building’s design concept, and it provides additional texture at the ground level of the building. In addition to its haptic qualities, the introduction of this stone masonry at the building’s base could also be read as being metaphoric for the transformation of the Central Eastside from an industrial warehouse district to its current incarnation as an increasingly mixed-use district. This stone masonry base also helps the ground floor to adjust to the topography on the site, stepping down as it winds its way around the perimeter of the site.

Along SE Ankeny St, this basalt stone masonry base becomes more prominent due to the steep grade change from east to west. The base also opens up to house a stepping stormwater planter, with the relatively flat masonry pattern continuing along the sidewalk edge and a deeper, more angular masonry unit being used at
the building face. The use of these larger, angular stone masonry units provide additional texture and shadow along what is an otherwise relatively inactive façade lacking building entries due to the topography of the site. These masonry units also more-directly reference the texture of the basalt cliffs found in the Columbia River Gorge, tying this planter back to the overall concept.

- **Terrace pavers.** The proposed pavers at the roof terraces on levels 2 through 6 are simple square pedestal pavers. The color is indicated as a light gray on the landscape drawings, which would blend well with the proposed building cladding. The pavers are proposed to be arranged into concentric circle patterns, playing off of the circles and arcs proposed as part of the landscape concept.

- **Landscape plantings.** Proposed landscape plantings add a variety of vertical greenery, ground cover, and plants that will drape over the edges of the terraces. Different species of plants are also proposed on the south side of the building than are proposed on the north side of the building, reflecting the different climatic conditions that will be experienced due to differences in sun exposure. Landscaping on the level 17 roof deck will incorporate the same plantings that are proposed on the south side terraces. All planting areas will be irrigated with an automatic irrigation system, which will help to ensure the plants’ survival.

- **Soffits at northwest corner and tower bridge/aperture.** The soffit panels at the building cutout at the northwest corner of the building and the soffit panels at the bridge component are now better resolved with details provided on Exhibit C.49. Two types of materials were shown to commissioners at the first Design Commission hearing, and both were viewed by commissioners as being of high quality and integrating well with the building. Product information about these materials was provided before the second hearing on May 18, 2017.

  The circular recess in the soffit under the bridge element has also been better resolved: the circular recess itself has been relocated such that the structural column no longer penetrates it.

- **Horizontal spandrel panel color.** The horizontal spandrel panel color, used at every floor slab, was proposed at the first Design Commission hearing to be a dark gray color and would be painted on the back/interior side of the glazing. This color is now indicated on Exhibits C.44, C.45, and C.46.

- **Details and materials at roof deck.** The roof deck at the 17th floor has numerous built-in elements, including planters, a pool, and benches shown on the floor plan and shown on an enlarged section (Exhibit C.40). Railings and built-in benches are described in greater detail on exhibits that follow. At the first Design Commission hearing on March 16, 2017, relatively little focus was given by commissioners to this roof deck area, though this was not for lack of care, but rather it reflected a general acceptance of the proposed plan for this area.

  For the second hearing on May 18, 2017, the original drawings provided to the Design Commission still lacked detail and indicated that cast-in-place concrete would be used as a cladding material around some of the amenity rooms on the roof deck. Staff commented in the recommendation to the Design Commission that this material was not used elsewhere on the building (except, perhaps, at one other location, described below), and was therefore not well-integrated with the overall concept of the building. Staff had suggested that these walls be clad with spandrel glass panels or the same porcelain panel system that is glazed into the curtain wall system and that is used to clad the columns at the roof terrace.
Another important building component that was not clearly identified in drawings submitted on May 1, 2017, but which is critical to the overall composition of the building, is the material proposed to be used on the fascia and parapet of the building canopy that extends over a portion of the roof deck. This canopy is essentially an extension of the bridge massing roof, and therefore, the cladding on its fascia should be identical to that used around the rest of the tower—which is to say, it should be spandrel glazing panels. This appears to be what is indicated on the overall building elevations, but it is less clear on other drawings.

A revised Exhibit C.40 was submitted to staff on May 17, 2017, and more-clearly shows the opaque spandrel glazing around the parapet fascia. The same revised exhibit also indicates some porcelain spandrel panels on the exterior façade, though “architectural finished concrete” also remains indicated in some locations. Revised exterior elevations also showed staff recommended spandrel glazing cladding at the previously-exposed concrete “bump out” in the 6th floor terrace at the elevator core. Although the proposed architectural concrete material finish—that is any patterning, material appearance, and polish are not yet defined, the Design Commission found that this material integrated well with the other components of the 17th floor roof deck and the 6th floor terrace and could be retained as the cladding of elements in these areas. Staff’s originally-recommended condition of approval requiring either spandrel glazing or porcelain panel cladding was subsequently removed.

- **Landscape details at terraces.** Details at the terraces on the second through sixth floors are now more clearly articulated and resolved. The landscape concept here includes a series of concentric arcs and circles, repeated in varying fashions across the terrace elements. These stand in contrast to the rigid, rectilinear nature of the building (save for the southwest corner) and complements the “softer” character of the plants growing upon the “landform.” Arced guardrails are detailed to be essentially transparent, reducing their presence on the building’s exterior. Metal scuppers are integrated into the window wall system to drain water from the terraces above into circular stormwater gardens set into the landscape. Proposed pavers echo the porcelain spandrels used in the window wall system on the towers.

One element on the sixth floor terrace that needs clearer resolution is the protruding concrete elevator core. No elevation is provided that shows its proposed cladding material, though, like with the roof deck at the 17th floor, described above, it may also be proposed as cast-in-place concrete. And, as with the apparent cast-in-place concrete shown on the roof deck, this should be clad with a material that better integrates with the overall building composition. Again, this would be either spandrel glazing to match that used on the tower or porcelain panels, like those used as spandrels in the window wall system.

- **Mechanical penthouse and screen cladding.** At the roof level of the proposed building, large mechanical units open to the air and enclosed in a rooftop mechanical penthouse. These large units and the penthouse are proposed to be enclosed in a continuous perforated metal panel screen. This material was shown to the Design Commission at the first hearing on March 16, 2017, and was found to be complementary to the overall material selection for the building.

With the condition of approval that the southwest corner shall be designed to match the massing shown in “Study 01” on Sheet App. 47, these guidelines will be met.
C11. Integrate Roofs and Use Rooftops. Integrate roof function, shape, surface materials, and colors with the building’s overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City’s skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective storm water management tools.

Findings: The rooftops of the proposed building serve two primary functions: one is to provide occupiable exterior amenity space for residents, tenants, and visitors, and the other is to house most mechanical equipment for the building.

- **Terraces.** The terraces proposed on floors two through six provide numerous opportunities for tenants and residents in the building to use outdoor space. Landscaping, seating, and other amenity uses are incorporated into these terraces. Views of the Central Eastside District, the Burnside Bridge, and towards the river and Downtown are available from these areas. Stormwater will also be partly-managed on these terraces.

- **Roof deck.** Like the terraces, the roof deck at the 17th floor will incorporate landscape and amenity features and will take advantage of views available towards the river, Downtown, the Central Eastside, and Mount St. Helens.

- **Mechanical screen and penthouse.** Most the building’s mechanical equipment will be housed on the roof above the 17th floor. The large pieces of equipment will be enclosed in a continuous mechanical screen and in the mechanical penthouse. A perforated metal panel material is proposed for this screen and penthouse cladding and was found by the Design Commission at the first hearing on March 16, 2017, to be a material that would integrate the large mechanical units and mechanical penthouse well into the overall building composition.

Therefore, this guideline is met.

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: Three types of exterior lighting are proposed on the project, and these three types are used at the ground level, at the terrace levels, and, presumably, will be used at the roof deck level.

- **Recessed linear LED down light (2”).** A recessed linear LED down light fixture will be incorporated into the soffits over the entries of the bike room and the main lobby and in the parking garage and loading dock soffit. This fixture, identified as a 2” fixture on Exhibit C.44 and, mistakenly, as a 6” fixture on Exhibits C.45 and C.46, is actually closer to 2.5” inches wide and minimally designed. The use of this fixture in these soffits will be very unobtrusive and well-integrated into all of these building components.

- **Recessed 4” LED up light.** A 4” wide recessed LED up light fixture is proposed to be used in front of the storefront windows along SE MLK Blvd. These fixtures will be set into the stone sill of the basalt masonry base at the storefront system and will provide illumination that will reflect off the canopy and onto the sidewalk below. This should help to make these storefronts bright and attractive at night without impacting the skyline. These fixtures are also proposed to be used in the ground underneath the tower bridge/in the aperture. The lights here, too, will reflect off the soffit above, which will have less of an impact on the skyline than
lights set into the soffit itself.

- LED spot lights are proposed to be installed in the stormwater planter along SE Ankeny St. These fixtures will highlight the angular basalt masonry wall along the back side of the planters and will have minimal other impact on views of the building or the skyline.

- Linear LED lights are proposed in planter edges on the roof deck. A detail is shown on Exhibit C.52 which indicates that they will shine downward, integrating them well into the proposed planter and limiting impact on the night sky.

Therefore, 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: Signs are proposed in two types of locations on the building at this time. One sign, signifying the entrance to the building, is located to the north of the lobby door and is shown as being approximately 9’-6” wide by 2’-0” tall—about 19 SF in area. This means the sign is exempt from design review, per zoning code section 33.420.041.F, only signs larger than 32 SF in area are evaluated through design review.

The other type of sign occurs in three locations—over each of the retail space entry doors on the east elevation. Each sign is approximately 8’-3” wide by 11” tall—about 8 SF in area. These signs are also not subject to design review since they are less than 32 SF in area.

Therefore, these guidelines do not apply.

(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:

**Modification #1: 33.140.210.B.2, Height.** Allow mechanical equipment and screening and a stairwell to cover 33.6% of the roof area above the height limit instead of the standard 10% maximum and to exceed the height limit by 18’ instead of the standard 10’ maximum. Allow the elevator overrun and mechanical equipment to be located 12'-0" from the street-facing roof edge instead of the standard minimum 15'-0". Also, allow additional shorter mechanical units to be located closer to the parapet, outside of the proposed mechanical screening.

*Purpose Statement:* The height standards work with the FAR, building setback, and building coverage standards to control the overall bulk and intensity of an area. The EG1 zone height limit is the same as the General Commercial zone because the EG1 zone often functions as a transition zone between industrial and residential or commercial zones. The EX zone height limit reflects its use in intense urban areas and the range of uses that are allowed. The other zones do not have height limits because tall buildings in these areas have traditionally not been a problem.

**Standard:** 33.140.210.B.2. Rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades:

a. Elevator mechanical equipment may extend up to 16 feet above the height limit; and

b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limit.

**Findings:** The proposed Modification to the standard would allow most of the mechanical equipment for the building to be located on the roof—well away from pedestrian areas along the ground and other exterior occupiable areas, such as the terraces and roof deck. Other, shorter mechanical components, such as subduct riser fans, will sit outside this screen, but will be low enough and far enough away from the parapet to remain obscured from adjacent buildings and from below. This better meets **Guidelines A8 – Contribute to a Vibrant Streetscape, B2 – Protect the Pedestrian, C1 – Enhance View Opportunities, C7 - Design Corners that Build Active Intersections, C8 – Differentiate the Sidewalk-Level of Buildings, & C9 – Develop Flexible Sidewalk-Level Spaces** by allowing the ground floors to be open and flexible, protecting pedestrians from the mechanical equipment, and maximizing view potentials from the terraces, roof deck, and upper stories of the building. Coherency of the building façade (**Guideline C5 – Design for Coherency**) is also improved through the use of building-scale systems. Many of the proposed mechanical systems could be incorporated into individual residential units; however, this would negatively impact the exterior of the building by creating additional, difficult-to-integrate penetrations in the façade.

On balance, the purpose statement will also be met, as the proposed mechanical screen and penthouse will be setback at least 12'-0" from the edge of the roof, limiting its apparent bulk. The intensity of the area also will not be increased by
allowing the standard to be exceeded, as the same uses proposed could be provided by reducing the amount of space devoted to on-building landscaping and terracing and distributing the building’s programmatic components into larger floor plates.

Therefore, these criteria are met, and this Modification merits approval.

Modification #2: 33.266.220.C.3, Bicycle Parking Standards – Standards for all bicycle parking – Bicycle racks. Allow long-term bicycle parking spaces to be installed with spaces that are 17.69” wide by 6’-6” long instead of the standard minimum size of 2’-0” wide by 6’-0”.

Purpose Statement: 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.

Standard: 33.266.220.C.3, Bicycle Racks. The Portland Bureau of Transportation maintains a handbook of racks and siting guidelines that meet the standards of this paragraph. Required bicycle parking may be provided in floor, wall, or ceiling racks. Where required bicycle parking is provided in racks, the racks must meet the following standards:

a. The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle;

b. A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components. See Figure 266-11; and

c. The rack must be securely anchored.

Findings: The proposal includes 344 total long-term bicycle parking spaces which are all located in a large bike parking room. Reducing the required size of the bike parking spaces allows for additional space at the ground level to be devoted to active uses, such as the workshop and bike repair stations along E Burnside, and larger retail spaces along SE MLK Blvd, better meeting Guidelines A8 – Contribute to a Vibrant Streetscape and C9 – Develop Flexible Sidewalk Level Spaces.

The proposed double-decker, floor-mounted bicycle rack system is engineered to stagger bikes vertically, which allows the handle bars on each bike to overlap. This allows the racks to provide the same level of service that would be provided by a standard 24” on-center spacing within a 17.5” space. The 5’ minimum aisle width is exceeded, and the aisles provided meet the minimum 83” space between rack systems recommended by the manufacturer. The bicycle parking system is safe and secure and located in a convenient area for employees and residents. The proposal is, thus, consistent with the purpose statement of the bicycle parking standards.

Therefore, these criteria are met, and 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.C.2.c, Loading Standards – Number of Loading Spaces. Reduce the number of required on-site loading spaces from two (2) “Standard A” spaces to one (1) “Standard A” space.

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

Findings: The purpose of the regulation is: 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.

The Portland Bureau of Transportation has determined that the originally-proposed one “Standard A” loading space would not accommodate anticipated loading demands of the proposal and would have a negative impact on other transportation functions in the right of way. Though PBOT and BDS staff and the applicants worked together to explore other alternatives, no satisfactory solution could be found that would fulfill the purpose of this standard. With this knowledge the applicants revised their proposal to include two “Standard A” loading spaces.

Therefore, this approval criterion is not 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 the EX zone. The desired character of the EX zone is described thus: This zone implements the Central Employment map designation of the Comprehensive Plan. The 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 development standards are intended to allow new development which is similar in character to existing development.

The proposed reduction of required loading spaces from two “Standard A” spaces to one “Standard A” space still allows for on-site loading, which is characteristic of development in the EX zone and is desirable to reduce the space dedicated to on-street
loading, which would have a negative impact on the pedestrian environment and on other street functions which comprise transportation activity in the Central City.

Therefore, 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 has been requested.

This criterion does not apply.

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: The Portland Bureau of Transportation found that the proposed adjustment would negatively impact other transportation functions in the right-of-way, and there was insufficient space in the right-of-way to accommodate anticipated loading needs that could not be handled in the originally-proposed single “Standard A” loading space.

Therefore, this criterion is not 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 does not apply.

Therefore, this Adjustment does not merit approval.

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 17-story, 370,863 square-foot mixed-use building in the Central Eastside Subdistrict of the Central City Plan District will be a well-composed addition to the burgeoning development area around the E Burnside bridgehead, clad with high-quality materials and providing an activated and transparent ground floor to improve the pedestrian realm along E Burnside Street, SE MLK Boulevard, SE Ankeny Street, and SE 3rd Avenue.

The originally-proposed Adjustment to reduce the amount of required loading from two “Standard A” spaces to one “Standard B” space was not able to meet the purpose statement for
loading spaces and was found by the Portland Bureau of Transportation to negatively affect other transportation functions in the right-of-way. As such, the applicants proposed a design alternative with the required two “Standard A” loading spaces, and integrated them into the west elevation successfully—leaving window area that still meets ground floor window standards along SE 3rd Avenue.

At the second Design Review hearing held on May 18, 2017, commissioners also spent time discussing the proposed art installation in the ground floor workshop/bike room facing E Burnside St on the north elevation of the building. Ultimately, though no condition of approval was added requiring additional review of the proposed art installation, this will be an important component of the building that must be given careful consideration to ensure a positive effect on the pedestrian environment along E Burnside and the ramp up to the Burnside Bridge.

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 modification criteria and therefore warrants approval.

**DESIGN COMMISSION DECISION**

It is the decision of the Design Commission to approve Design Review for the proposed 17-story, 370,863 square-foot mixed-use building in the Central Eastside Subdistrict of the Central City Plan District.

Approval of the following Modification requests:

1. **33.140.210.B.2, Height.** Allow mechanical equipment and screening and a stairwell to cover 33.6% of the roof area above the height limit instead of the standard 10% maximum and to exceed the height limit by 18’ instead of the standard 10’ maximum. Allow the elevator overrun and mechanical equipment to be located 12'-0" from the street-facing roof edge instead of the standard minimum 15'-0". Also, allow additional shorter mechanical units to be located closer to the parapet, outside of the proposed mechanical screening.

2. **33.266.220.C.3, Bicycle Parking Standards – Standards for all bicycle parking – Bicycle racks.** Allow long-term bicycle parking spaces to be installed with spaces that are 17.69" wide by 6'-6" long instead of the standard minimum size of 2'-0" wide by 6'-0".

Approvals per Exhibits C.1-C-71, signed, stamped, and dated 05/19/2017, subject to the following conditions:

**A.** As part of the building permit application submittal, the following development-related conditions (B – F) 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 16-285161 DZM AD. All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled “REQUIRED.”

**B.** At the time of building permit submittal, a signed Certificate of Compliance form [https://www.portlandoregon.gov/bds/article/623658] must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.

**C.** No field changes allowed.
D. The planters and platforms inside the lobby shall not be permanent or built-in.

E. At least one storefront entrance along SE MLK Blvd and the storefront entrance at the southwest corner of the building shall remain open and accessible by building patrons.

F. The southwest corner shall be designed to match the massing shown in “Study 01” on Sheet App. 47.

It is also the decision of the Design Commission to deny the originally-requested Adjustment to standard 33.266.310.C.2.c to reduce the required number of loading spaces from two “Standard A” spaces to one “Standard A” space. The approved proposed design now indicates the required two “Standard A” loading spaces.

By: ________________________________
David Wark, Design Commission Chair

Application Filed: December 13, 2016          Decision Rendered: May 18, 2017
Decision Filed: May 19, 2017                  Decision Mailed: June 2, 2017

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 December 13, 2016, and was determined to be complete on January 20, 2017.

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 December 13, 2016.

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. The review period will expire on: January 20, 2018.

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 June 16, 2017, at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. 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. Please call the file review line at 503-823-7617 for an appointment.

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 $5,000.00 will be charged (one-half of the application fee for this case, up to a limit of $5,000.00).

Neighborhood associations 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 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 **June 19, 2017 – (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.

Benjamin Nielsen
May 19, 2017

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).

EXHIBITS – NOT ATTACHED UNLESS INDICATED

A. Applicant’s Submittals
5. Completeness Response Memo from KPFF, dated 01.10.2017, received 01.11.2017
6. Utility Plan, received 01.11.2017
7. Landscape Plans, received 01.11.2017
8. Preliminary Stormwater Management Report, dated Dec 2016, received 01.11.2017
9. Revised drawing sheets, dated 01.20.2017
10. Revised zoning summary, dated 12.07.2016, received 01.20.2017
11. Response to complete application, dated 01.20.2017
12. Revised draft Design Review Submittal package, dated 12.07.2016, received 02.20.2017
13. Appendix drawings, dated 02.24.2017, received 02.20.2017
15. Revised Preliminary Stormwater Management Report, received 03.15.2017  
16. Revised Appendix, App. 1 – App. 47, received 04.28.2017  

B. Zoning Map (attached)  
C. Plan & Drawings  
1. Index (for reference only)  
2. Civil Site Plan  
3. Site Utility and Feasibility Plan  
4. Landscape Site Plan  
5. Terrace Hardscape Plan Levels 3-6  
6. Terrace Landscape Plan Levels 3-6  
7. Level 17 Deck Plan  
8. Roof Plan  
9. Architectural Site Plan (attached)  
10. Lower Level 3 & Level 2 Plan  
11. Lower Level 1 & Level 1 Plan (attached)  
12. Level 2 & 3 Plan  
13. Level 4 & 5 Plan  
14. Level 6 & 7-16 Plan  
15. Level 17 & Mechanical Penthouse Plan  
16. Overall Roof Plan  
17. North Elevation (attached)  
18. East Elevation (attached)  
19. South Elevation (attached)  
20. West Elevation (attached)  
21. North-South Building Section (attached)  
22. East-West Building Section (attached)  
23. Not Used  
24. Loading  
25. Enlarged Elevation & Section – Burnside Street Bike Room  
26. Enlarged Elevation & Section – Burnside Lobby  
27. Enlarged Elevation & Section – MLK Blvd Lobby  
28. Enlarged Elevation & Section – MLK Blvd Retail  
29. Enlarged Elevation & Section – Ankeny Street Retail East  
30. Enlarged Elevation & Section – Ankeny Street Retail West  
31. Enlarged Elevation & Section – 3rd Ave Parking  
32. Enlarged Details – Parapet  
33. Enlarged Details – Storefront Details  
34. Enlarged Details  
35. Enlarged Details – MLK Canopy  
36. Enlarged Details – 3rd and Ankeny Soffit  
37. Enlarged Details – 3rd and Ankeny Canopy  
38. Enlarged Section – Typical Terrace  
39. Enlarged Section – Typical Terrace Scupper  
40. Enlarged Section – 17th Level Terrace  
41. Enlarged Section – Typical Guard Rail  
42. Enlarged Section – Terrace Furniture  
43. Enlarged Section – Penthouse Screen  
44. Façade Diagram – Typical Residential Levels  
45. Façade Diagram – Typical Residential Levels at “Bridge”  
46. Façade Diagram – Typical Office Levels  
47. Façade – Overhang Soffit  
48. Façade – Aperture Soffit  
49. Façade – Soffit Details  
50. Grade Level Lighting Plan – MLK and Burnside  
51. Grade Level Lighting Plan – Ankeny and 3rd
52. Terrace Lighting Plan
53. Window Wall System Cut Sheet – Basis of Design
54. Window Wall System Cut Sheet – Basis of Design
55. Glazing Cut Sheet – Basis of Design
56. Porcelain Façade Panels – Basis of Design
57. Storefront Cut Sheet – Basis of Design
58. Porcelain Rainscreen System – Basis of Design
59. Canopy and Soffit Cladding – Basis of Design
60. Mechanical Penthouse/Service Door – Basis of Design
61. Landscape Pavers – Basis of Design
62. Exterior Lighting Type A – Basis of Design
63. Exterior Lighting Type B&C – Basis of Design
64. Metal Panel – Basis of Design
65. Bike Room – Grade Level Activation (sheet App.40)
66. Workshop – Grade Level Activation (sheet App.41)
67. Modification 01 – Bike Storage (sheet App.42)
68. Modification 02 – Roof Area (sheet App.43)
69. Modification 02 – Rooftop Equipment (sheet App.44)
70. Southwest Corner Studies (sheet App.47)
71. Metal Panel Information

D. Notification information:
   1. Request for response
   2. Posting letter sent to applicant
   3. Notice to be posted
   4. Applicant’s statement certifying posting
   5. Mailed notice
   6. Mailing list

E. Agency Responses:
   1. Bureau of Environmental Services
   2. Bureau of Transportation Engineering and Development Review
   3. Water Bureau
   4. Fire Bureau
   5. Site Development Review Section of BDS
   6. Bureau of Parks, Forestry Division
   7. Life Safety Section of BDS

F. Letters
   No correspondence has been received.

G. Other
   1. Original LUR Application
   2. Signed Request for an Evidentiary Hearing and Waiver of Right to a Decision within 120 Days, received 12.22.2016
   3. Email from Mark Reuland to Fabio DeFreitas, received 01.12.2017
   4. a. Incomplete application letter, sent 01.13.2017
   b. Follow-up memo to Incomplete application letter, sent 02.08.2017
   5. Approved Driveway Design Exception, received 01.24.2017
   6. Email from Joe Dietz – Info about proposed spandrels and SW corner renderings, received 02.15.2017

H. Hearing
   1. Staff Memo to the Design Commission
   2. Staff Report, dated March 14, 2017
   3. Staff Presentation at Hearing 1 – March 16, 2017
   4. Applicant’s Presentation at Hearing 1 – March 16, 2017
   5. Email from Mark Reuland re: loading adjustment – March 21, 2017
6. Loading Demand Design Exception Request study – dated Nov 28, 2016, received by BDS March 27, 2017
7. Email from Kelly Saito re: loading Adjustment – April 6, 2017
8. Email from Fabio De Freitas re: loading Adjustment – April 20, 2017
9. Design studies of southwest corner – received April 25, 2017
10. Revised Drawing Package – received May 1, 2017
11. PBOT Driveway Design Exception approval with conditions – received May 1, 2017
12. Design studies of southwest corner – received May 2, 2017
13. Revised Staff Report – dated May 11, 2017
14. Revised Response from the Bureau of Environmental Services – received May 11, 2017
15. Revised Response from the Bureau of Transportation Engineering and Development Review – received May 13, 2017
17. Revised Staff Report – dated May 18, 2017
18. Staff Presentation – May 18, 2017
19. Applicants’ Presentation – May 18, 2017
ARCHITECTURAL SITE PLAN

5 MLK | PORTLAND, OR  28 APRIL 2017

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SCALE: 1/32" = 1'-0"
**LOWER LEVEL 1 | PARKING + RETAIL**
39 PARKING STALLS
167 TOTAL PARKING STALLS

**LEVEL 1 | LOBBY + RETAIL**

*Approved* City of Portland
Bureau of Development Services

*See Condition of Approval “E”*

SCALE: 1/32" = 1'-0"