



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

Chloe Eudaly, Commissioner  
Rebecca Esau, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** Tuesday, November 7, 2017  
**To:** Interested Person  
**From:** Santiago Mendez, Land Use Services  
503-823-1361 / [Santiago.Mendez@portlandoregon.gov](mailto:Santiago.Mendez@portlandoregon.gov)

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

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision 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 17-247160 DZ – EXTERIOR MODIFICATIONS**

#### **GENERAL INFORMATION**

**Applicant:** Jill Asselineau | Skylab Architecture  
413 SW 13th Avenue Suite 200 | Portland, OR 97205  
[jill@skylabarchitecture.com](mailto:jill@skylabarchitecture.com)

**Owner / Representative:** Sith Chaisurote | Land And Houses Usa Inc (Yard Residences LLC)  
17485 Monterey Road #308 | Morgan Hill, CA 95037

**Site Address:** 33 NE 3RD AVE

**Legal Description:** BLOCK 67 LOT 1-8 TL 2001, EAST PORTLAND  
**Tax Account No.:** R226504200  
**State ID No.:** 1N1E34DA 02001  
**Quarter Section:** 3030

**Neighborhood:** Kerns, contact Elliott Mantell at [commonchiro@yahoo.com](mailto:commonchiro@yahoo.com)  
**Business District:** Central Eastside Industrial Council, contact [ceic@ceic.cc](mailto: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:** DZ, Design Review  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

#### **PROPOSAL:**

The applicant requests design review for exterior additions to the Yard Building in the Central Eastside Subdistrict of the Central City Plan District. The proposal includes:

- Two glass operable sliding doors and a cantilevered glass wind baffle at level 5 of the Yard apartment building located at 22 NE 2nd Ave. One sliding door is located at the west end of the east/west exterior corridor and one at the south end of the north/south exterior corridor. The frameless cantilevered glass baffle is located at the soffit edge of the south terrace.

Design review is required for proposed, non-exempt exterior alterations in the “d” design overlay zone of the Central City Plan District.

**RELEVANT APPROVAL CRITERIA:**

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

- Central City Fundamental Design Guidelines
- Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan

**ANALYSIS**

**Site and Vicinity:** The Yard Building located immediately north of the Burnside Bridge and is bounded by NE 2<sup>nd</sup> and NE 3<sup>rd</sup> Avenues to the west and east, respectively. The recently constructed Couch Street Pedestrian Plaza, which was part of the Convention Plaza remodel to the north, fronts its northern edge. Surrounding development includes the Burnside Skate Park under the Burnside Bridge and commercial development east of the site along NE MLK Jr. and NE Grand. The surrounding vicinity also includes the recently constructed Slate and Fair-Haired Dumbbell buildings, in addition to light industrial use, restaurants and start-up businesses in the area.

**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:

- LU 10-195642 DZM: A 2010 Design Review approval with modifications for the renovation of the existing building (Convention Plaza), new hardscaping and landscaping to create a series of pedestrian plazas, pathways and stormwater management facilities.
- LU 12-148844 DZ: A 2012 Design Review approval to amend the previous 2010 Design Review approval to revise the grading of the west surface parking lot, stormwater planters, complete redesign of the Couch Street Plaza, and changes to the Convention Plaza building to the canopies, entries, roof deck, walkway, and stairs.
- EA 13-111755 DA: In its early design stages, the project had two Design Advice meetings with the Design Commission. The comment received during both meetings are summarized in Exhibits G-4 and G-5. Discussion of specific comments and how they relate to the current proposal can be found in Section 2 of this report.
- LU 13-192030 DZM – A 2013 Design Review approval for a mixed-use 206’ tall building; 16 stories of apartments (276 units) over 5 story podium with retail and office space (19,709 SF) and parking garage with 200 spaces. An alternative design was proposed for a tower of similar height (195’) but less stories and residential units; 13 stories of apartment (222 units) over 5 story podium (same amount of retail and parking spaces).
- LU 15-169321 DZM – A 2015 Design Review and Modification approval for numerous changes to a previously Approved Block 67 Mixed-Use Building.
- LU 16-143920 DZM – A 2016 Design Review and Modification approval for numerous changes to a previously Approved Block 67 Mixed-Use Building.

**Summary of Applicant’s Statement:** use at your discretion to further explain proposal and/or how they propose to mitigate for impacts or meet approval criteria.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **October 11, 2017**.

The Life Safety Section of BDS responded with information regarding building code requirements at time of permit review. Please see Exhibit E-1 for additional details.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on October 11, 2017. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## **ZONING CODE APPROVAL CRITERIA**

### **Design Review**

#### **Section 33.825.010 Purpose of Design Review**

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

#### **Section 33.825.055, Design Review Approval Criteria**

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

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

#### **Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan and Central City Fundamental Design Guidelines**

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

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

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

#### **Central Eastside Design Goals**

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

- Encourage the special distinction and identity of the design review areas of the Central Eastside District.
- Provide continuity between the Central Eastside and the Lloyd District.

- Provide continuity between the Central Eastside and the river, downtown, and adjacent residential neighborhoods.
- Enhance the safety, convenience, pleasure, and comfort of pedestrians.

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

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

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

*Staff has considered all guidelines and has addressed only those guidelines considered applicable to the specific changes:*

**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.

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

**C5. Design for Coherency.** Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

**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 for B6, C2, C5, and C11:** Together these changes meet the spirit of the original approval and design. Specifically:

- The two operable sliding doors located at the west and south end of the level 5 podium are additions that improve the building's energy performance, provide weather protection and link the interior of the building with an active podium terrace. The sliding door materials include durable aluminum profiles and clear glass, effectively matching surrounding materials and maximizing lighting to the interior.
- The frameless cantilevered glass baffle located at the edge of the south terrace provides weather protection for terrace users. The baffle, mounted in the soffit reveal, is well integrated with the building and follows the sloped angles of the building's metal façade. Its transparent laminated glass is thoughtfully modulated in equal widths, contributing positively to the overall appearance of the building's south-facing façade.

*Therefore, these guidelines have been met.*

## **CONCLUSIONS**

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural or cultural value. The Yard Building at Block 67 is a significant contribution to the Central Eastside District and the Burnside Bridgehead. The design and material expression of the exterior alterations at the podium on level 5 are sensitive to the overall design of the building. These promote the activation, weather protection and permanence of this important space.

## ADMINISTRATIVE DECISION

Approval of exterior modifications to the Yard Building in the Central Eastside Subdistrict of the Central City Plan, per the approved site plans, Exhibits C-1 through C-4, signed and dated 11/01/17, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 17-247160 DZ ." 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.

**Staff Planner: Santiago Mendez**

**Decision rendered by:**  \_\_\_\_\_ **on 11/01/17**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: 11/07/17**

**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 September 26, 2017, and was determined to be complete on October 6, 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 September 26, 2017.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: Monday February 5, 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. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

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

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

use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on November 21, 2017** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

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

**Recording the final decision.**

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **November 21, 2017** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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 may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

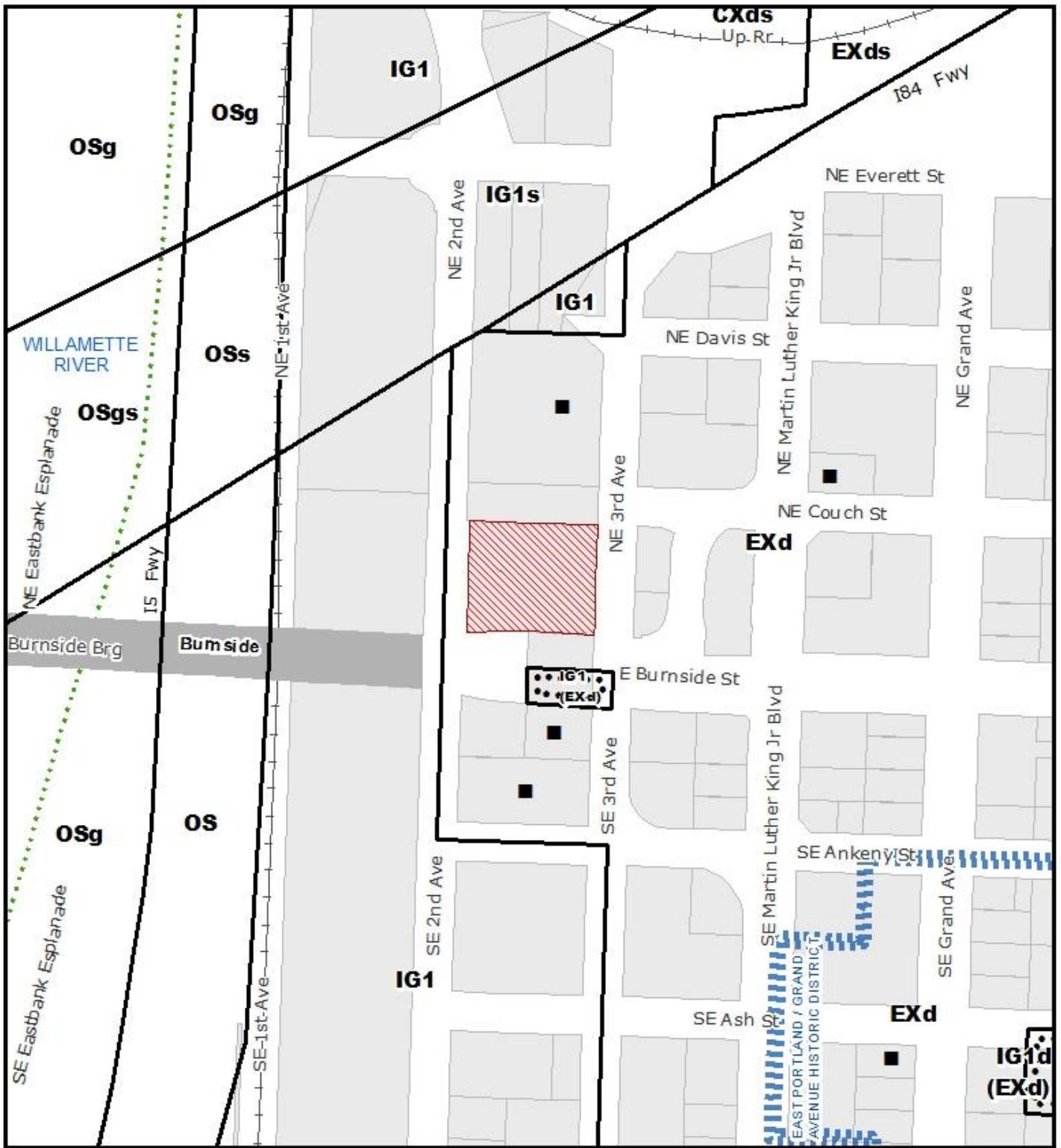
**EXHIBITS**


NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
  - 1. Project Summary
  - 2. Sliding Glass Door Manufacturer's Cutsheet
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Level 5 Podium Floor Plan (attached)
  - 3. Level 5 Podium Corridor Doors
  - 4. Level 5 Podium Soffit Baffle
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety Section of BDS
- F. Correspondence: None
- G. Other:
  - 1. Original LU Application

**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).**





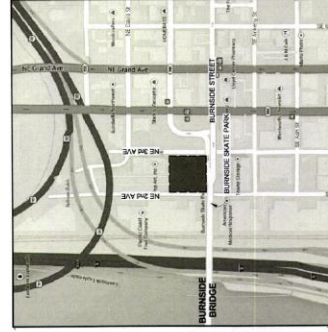
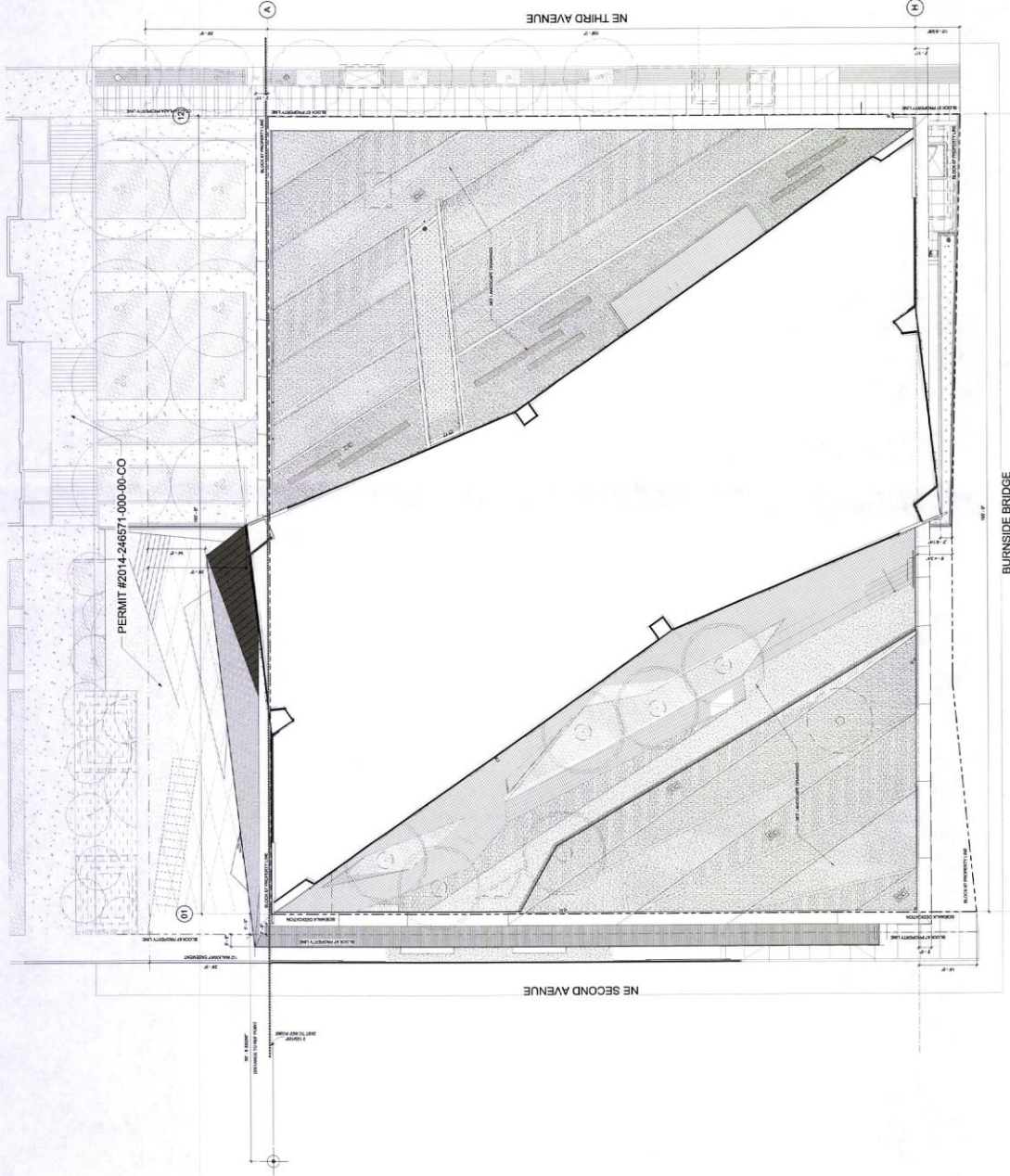
**ZONING**   
 THIS SITE LIES WITHIN THE:  
 CENTRAL CITY PLAN DISTRICT  
 CENTRAL EASTSIDE SUBDISTRICT

-  Site
-  Historic Landmark
-  Bridge
-  Recreational Trails

File No.	LU 17-247160 DZ
1/4 Section	3030
Scale	1 inch = 200 feet
State ID	1N1E34DA 2001
Exhibit	B Sep 29, 2017

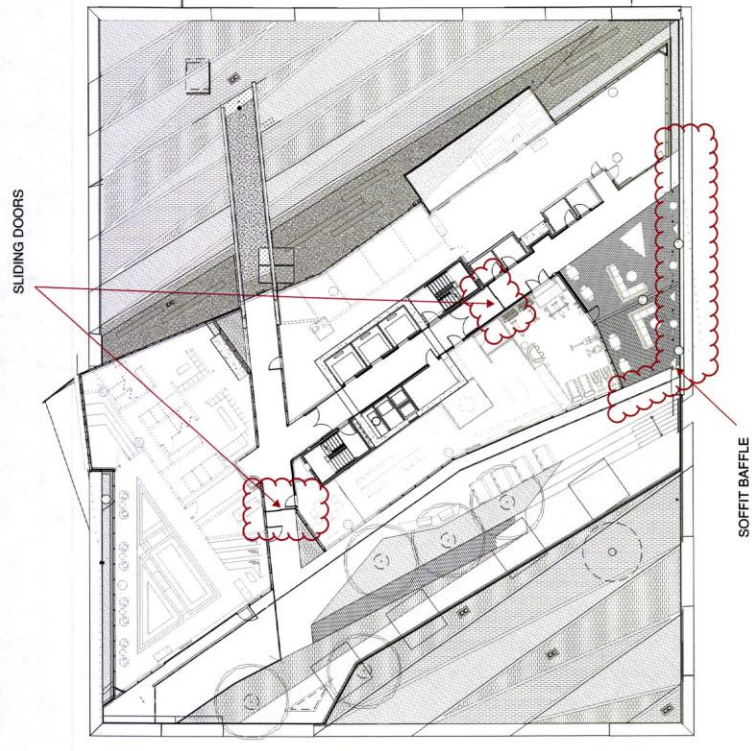
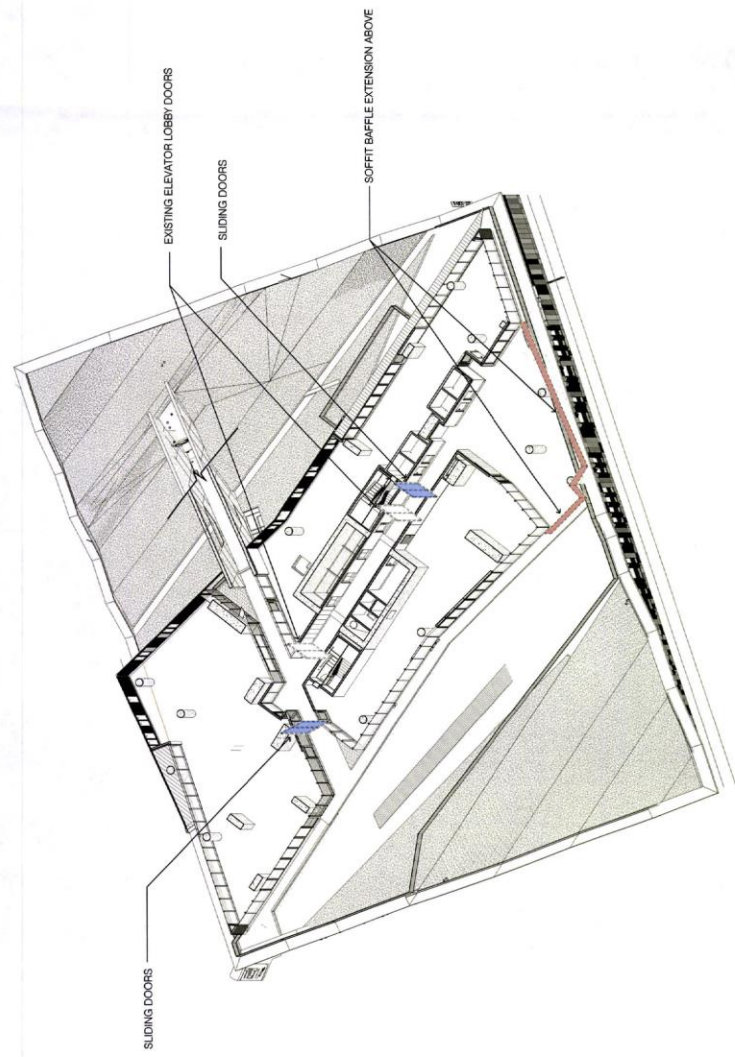


**\*Approved\***  
City of Portland - Bureau of Development Services  
Planner *SM*  
Date *11/6/17*  
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.





**\*Approved\***  
 City of Portland - Bureau of Development Services  
 Planner *SM* Date *11/01/17*  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



Existing Level 05 Floor Plan indicating locations of new exterior improvements. All glass sliding doors have been added to the west end of the east/west exterior corridor and the south end of the north/south exterior corridor. A cantilevered glass baffle has been added to the soffit perimeter of the south terrace. An axonometric diagram of the locations has been included for clarity.