



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

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Date: May 19, 2020

To: Interested Person

From: Grace Jeffreys, Land Use Services
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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 19-264958 DZ HR – 550 MLK, COURTYARD CHANGES

GENERAL INFORMATION

Applicant: Marcus Lima, GBD Architects
1120 NW Couch St Suite 300, Portland OR 97209
MarcusL@gbdarchitects.com

Representative: Sarah Zahn, Urban Development + Partners
116 NE 6th Ave, Ste 400, Portland OR 97232

Owners: Hotel Chamberlain LLC
75 SE Yamhill St #201, Portland, OR 97214-2298

SPP Properties LLC
529 SE Grand Ave #306, Portland, OR 97214-2232

Burns Bros Inc.
4949 Meadows Rd #330, Lake Oswego, OR 97035-3162

Site Address: 550 SE M L KING BLVD

Legal Description: BLOCK 101 LOT 1-4 TL 2000, EAST PORTLAND; BLOCK 101 LOT 3-6 TL 1800 HISTORIC PROPERTY 15 YR 2001, POTENTIAL ADDITIONAL TAX, EAST PORTLAND; BLOCK 101 LOT 1&2&7&8 TL 1700, EAST PORTLAND

Tax Account No.: R226506710, R226506730, R226506760

State ID No.: 1S1E02BB 02000, 1S1E02BB 01800, 1S1E02BB 01700

Quarter Section: 3131

Neighborhood: Buckman, contact Richard Johnson at buckmanlandusepdx@gmail.com

Business District: Central Eastside Industrial Council, contact at ceic@ceic.cc.

- District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010 x313
- Plan District:** Central City - Central Eastside
- Other Designations:** Part of proposal is located on the site of designated Contributing Resource in the East Portland Grand Avenue Historic District
- Zoning:** **EXd**, Central Employment (EX) with Design (d) overlay, as well as a Historic Resource Protection overlay for part of the site located in the Historic District.
- Case Type:** **DZ & HR**, Design Review (DZ) and a Historic Resource Review (HR)
- Procedure:** **Type II**, an administrative decision with appeal to the Design Commission (Design Review portions) and/or Historic Landmarks Commission (Historic Resource Review portion). The appropriate review body (or bodies) will hold a public hearing or hearings for the appeal.

Proposal:

The applicant seeks approval for changes to a landscaped courtyard which was already approved as part of a previous Land Use approval for a new mixed-use, seven-story building with ground floor retail with a mix of hotel and residential units above, known as 550 MLK (#LU 17-109848 DZ, HR). The landscaped courtyard lies between the Hotel Chamberlain and the new 550 MLK Building and is intended to act as a shared resource between the two buildings. Because this landscaped courtyard lies on two zoning designations, this decision includes a review for each part:

1. Design Review: The majority of the landscaped courtyard lies within the Central Eastside Subdistrict of the Central City Plan District and includes the east side of landscaped courtyard and the north half of the raised dock that abuts the Hotel Chamberlain.

Design Review is required because the proposal is for new construction within in a design overlay zone.
2. Historic Resource Review: A minority of the landscaped courtyard, located within the center of the block away from the street frontages, lies within the East Portland/Grand Avenue Historic District, as well as the Central Eastside Subdistrict of the Central City Plan District, and includes the west side of the landscaped courtyard mid-block and the southern half of the raised dock that abuts the Hotel Chamberlain.

Historic Resource Review is required because the proposal is for new construction within a Historic District.

Relevant Approval Criteria:

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

1. Design Review Approval Criteria:
 - Central City Fundamental Design Guidelines
 - Special Design Guidelines for the Design Zone of the Central Eastside District
2. Historic Resource Review Approval Criteria:
 - Central City Fundamental Design Guidelines
 - Design Guidelines for East Portland/Grand Avenue Historic District Zone

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. This application was submitted on December 13, 2019 and was requested to be determined to be complete by the applicant on January 8, 2020.

However please note: The decision adopting the July 9, 2018 code (CC2035 Plan) was appealed to the Land Use Board of Appeals (LUBA). LUBA's decision was appealed to the Oregon Court of Appeals by multiple parties. While the particular code provisions this project relies on are not at issue in the appeal, the Oregon Court of Appeals remanded CC2035 on 3-16-2020 and on that date the City reverted back to the version of PCC 33.510 that was in existence before July 9, 2018 until Council is able to readopt CC2035.

Please be aware of the following. Because this land use review is approved during the remand, this land use review was reviewed under the current version of the Code, the 3-16-2020 Code.

ANALYSIS

Site and Vicinity:

The site is a full block located in the Central Eastside Subdistrict of the Central City Plan District. The 17,924-square foot development area is located on the western half of the block and is currently developed with surface parking. The eastern half of the block sits in the East Portland/Grand Avenue Historic District Zone, and is developed with two primary Contributing Resources in the Historic District, one of which is a Historic Landmark:

- New Logus Block. An individually listed Historic Landmark, built in 1892, and located at 525-535 SE Grand Ave.
- Chamberlain Hotel Building. A listing on the Historic Resource Inventory, built in 1897, and located at 509 SE Grand.

The City's Transportation System Plan (TSP) classifies the abutting rights-of-ways (ROWs) as follows:

- SE Martin Luther King Jr. Blvd. Major City Traffic Street, Regional Main Street, Major Transit Priority Street, City Walkway, City Bikeway, Major Emergency Response Street, Freight District Street.
- SE Stark Street. Traffic Access Street, Local Service Transit Street, City Walkway, City Bikeway, Major Emergency Response Street, Freight District Street.
- SE Washington Street. Local Service Traffic Street, Local Service Transit Street, Local Service Walkway, Local Service Bikeway, Minor Emergency Response Street, Freight District Street.

The site is in the EX Central Employment Base zone, in the heart of the Central Eastside Industrial District. The Grand Ave Historic District, which the eastern half of the site lies within, is populated with three- and four-story historic buildings, interspersed with a mix of industrial structures. The site is uniquely positioned, straddling between the established historic and changing employment and industrial districts. The surrounding area is comprised of a mix of uses including retail, office, and light industry. Local restaurants, bars and a variety of retail activate the area through an extended time range. The adjacent area is also populated by a variety of building types from older one and two-story concrete commercial warehouses to masonry apartments. Zoning code changes over the last decade have offered expanded opportunities for the upgrade and adaptation of these older warehouses for new creative industrial office uses which have helped to sustain employment levels in the district.

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 Design Overlay Zone [d] promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. 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 Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

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.

East Portland/Grand Avenue Historic District is listed in the National Register of Historic Places under two of the eligibility criteria: "A" for its association with the development of the City of East Portland (which was annexed into Portland in 1893) and "C" for its examples of commercial architectural styles from the period 1883 to 1939.

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

- LU 17-124540 HR, DZ. Approval of Historic Resource Review and Design Review for the reuse of the Historic Chamberlain Hotel into hotel units. Proposal is to be integrated with this current review and connection between two hotel areas is provided through a shared courtyard mid-block off SE Stark.
- LU 17-109848 DZ, HR. Approval of Design Review and Historic Resource Review for a new mixed-use building development on this site with two options for height (8 and 7-stories) and two versions of parking (with and without a basement). Conditions of approval include: Should there be a fence and gates along SE Stark, the courtyard shall be left open to the public during regular business hours, and the perforated steel at the balconies shall be a minimum of 16 gauge thick.
- EA 16-256415 DA. Design Advice request hearing for a 13-story version of this proposal.
- PR 16-237900. Public registry review to adjust north/south property line to the east. This PLA was for one tax account that includes 2 historic properties.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **January 14, 2020**.

The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (Exhibit E1)
- Fire Bureau (Exhibit E2)
- Site Development Section of the Bureau of Development Services (Exhibit E3)
- Life Safety Section of the Bureau of Development Services (Exhibit E4)
- Bureau of Transportation Engineering
- Water Bureau

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on January 14, 2020. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Bruce Burns, 1/16/20, wrote in support of proposal.

ZONING CODE APPROVAL CRITERIA

(1) DESIGN REVIEW (33.825)

The following Guidelines apply to the majority of the landscaped courtyard, which lies within the Central Eastside Subdistrict of the Central City Plan District.

33.825.010 Purpose

Design Review ensures:

- That development conserves and enhances the recognized special design values of a site or area;
- The conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district;
- That certain types of infill development will be compatible with the neighborhood and enhance the area; and
- High design quality of public and private projects.

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.

It is important to emphasize that design review goes beyond minimal design standards and is viewed as an opportunity for applicants to propose new and innovative designs. The design guidelines are not intended to be inflexible requirements. Their mission is to aid project designers in understanding the principal expectations of the city concerning urban design.

The review body conducting design review may waive individual guidelines for specific projects should they find that one or more fundamental design guidelines is not applicable to the circumstances of the particular project being reviewed.

The review body may also address aspects of a project design which are not covered in the guidelines where the review body finds that such action is necessary to better achieve the goals and objectives of design review in the Central City.

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. The Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan and the Central City Fundamental Design Guidelines are addressed concurrently.

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.

A2. Emphasize Portland Themes. When provided, integrate Portland-related themes with the development's overall design concept.

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.

Findings for A1, A2, A4 and A5:

- The project site is located over 4 blocks from the Willamette River. Located off SE Stark, which connects to the river, the landscaped courtyard will provide a space for pedestrians to stop and rest, and act as a segue-way to the river's promenade.
- The courtyard is proposed mid-block along SE Stark, between the existing Hotel Chamberlain and the 550 SE MLK building to create a pedestrian gathering zone with seating, and landscaping to enhance the pedestrian environment.
- The Hotel Chamberlain and the 550 SE MLK building will operate as a single hotel entity. As such, the unification of the buildings takes on an elevated level of prominence. The courtyard connects the two buildings by leading guests through a garden experience with a water feature as they walk along the ramp sequence.
- The landscaped courtyard will have native and adapted plantings to offer a rich green space within the city core. The courtyard's orientation and pedestrian access will provide access to nearby Streetcar and bus lines, as well as the river beyond.

- This revised scheme provides more built-in seating and landscape close to the street frontage, and the ramps are better integrated into the courtyard design.
Therefore, these guidelines are met.

A6-1. Use Special East Portland Grand Avenue Historic District Design Guidelines.

Projects located within the East Portland Grand Avenue Historic District shall use the special historic design guidelines developed for the historic district.

Findings: Refer to the text below under Historic Resource Review for further findings related to the historic district.

A7. Establish and Maintain a Sense of Urban Enclosure. Define public rights-of-way by creating and maintaining a sense of urban enclosure.

A7-1. Maintain a Sense of Urban Enclosure When Single-Story Buildings are Set Back.

Maintain a sense of urban enclosure, through the use of landscaping and other means, when single-story buildings are set back from the property line. Do not set buildings back from the property line within the East Portland Grand Avenue Historic District.

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.

Findings for A7, 7-1 and A8: The project contributes to streetscape vibrancy through active program and form.

- The courtyard is located mid-block on SE Stark, leaving the important corners either side held by the enclosing buildings, the Chamberlain Hotel and 550 MLK, to maintain a sense of urban enclosure.
- The courtyard creates a unique enclosed urban pocket place for gathering, which is supported by active uses that open out onto this space.
- The courtyard opens onto SE Stark and welcomes the public in with flexible seating areas, fire pits, a water feature, and an artistically design landscape wall.

Therefore, these guidelines are met.

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.

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 B1, B4 and B5: The courtyard enhances the pedestrian system by providing additional visual interest as well as providing public seating and opportunities to sit and rest.

- The project provides several places to stop away from the pedestrian traffic zone and view retail spaces and surrounding areas, as well as socialize and rest.
- The courtyard provides a dedicated socialization amenity, including space to sit, pause and gather, and staging of events related to building uses.
- The publicly accessible, landscaped courtyard provides unique seating options and multiple levels for pedestrians to stop and rest.
- A water feature will be visible from the public right-of-way and will enhance both the visual and auditory aesthetic of the courtyard.

- An artistically designed landscape wall terminates the view of the courtyard while enhancing the park-like atmosphere of the courtyard.
- The courtyard gate will remain open during regular business hours, and it is designed to slide closed after hours. Once the gate is closed, emergency egress will be accommodated by way of a swing gate west of the sliding gate. ***To ensure the courtyard is open to public use, a condition of approval has been added that, should there be a fence and gates, the courtyard shall be left open to the public during regular business hours. Therefore, with this condition of approval, these guidelines are met.***

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 B6 and B6-1: An overhead canopy protects visitors as they move along the primary pedestrian ramp sequence from the Hotel Chamberlain to 550 SE MLK. *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 proposed courtyard design will be fully ADA accessible. *Therefore, this guideline is met.*

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

Findings: The primary building materials in the updated courtyard design are steel and concrete. High-quality precast concrete pavers will create a durable, long-lasting floor for the courtyard while the steel railings and gate will remain strong for many years to come. *Therefore, this guideline is met.*

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.

C4. Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.

Findings for C3-1 and C4: The courtyard will provide a place to view and enjoy the adjacent historic structures and enhance the entire district. *Therefore, these guidelines are met.*

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: The project presents a modern interpretation of historical forms with references to unify building and place.

- The gate and railing design for the courtyard will be modelled after the perforated metal railings of the Hotel Chamberlain.
- These elements will be visually prominent throughout the courtyard and will add to the coherent composition of the 2 buildings either side.

Therefore, this guideline is met.

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: The project incorporates a series of transition spaces moving from the public right of way and semi-public spaces within the site into and through the building.

- The courtyard between the proposed building and existing Hotel Chamberlain also serves as a public and private space transition into the building.
- The pedestrian connection between the Hotel Chamberlain and 550 SE MLK will be a highly traveled accessway.
- This connection will be flanked by lush landscaping and a diverse variety of seating opportunities including café seating, lounge chairs, and built-in benches wrapping around fire pits.

Therefore, this guideline is met.

C8-1. Allow for Loading and Staging Areas on Sidewalks. On local service streets, adjacent businesses may use the sidewalk area for temporary loading and staging as long as pedestrian access through it is maintained.

Findings for C8-1: The project incorporates area for potential loading and staging on sidewalks. The gates are held back from the sidewalk to create a bike-oriented entry, and will extend the sidewalk width, providing an area that could also function as a staging area. *Therefore, this guideline is met.*

C9. Develop Flexible Sidewalk-Level Spaces. Develop flexible spaces at the sidewalk-level of buildings to accommodate a variety of active uses.

Findings: The courtyard is a sidewalk-level space that accommodates a range of uses that benefit the public. Public seating is provided within the courtyard in addition to seating for the adjacent retail uses of the 550 SE MLK building and the Hotel Chamberlain. *Therefore, this guideline is met.*

(2) HISTORIC RESOURCE REVIEW (33.846.060)

The following additional Guidelines apply to the minority of the landscaped courtyard and the southern half of the raised dock that abuts the Hotel Chamberlain that are located within the East Portland Grand Avenue Historic Design Zone boundary.

Chapter 33.846.060 - Historic Resource Review

Purpose of Historic Resource Review

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Resource Review Approval Criteria

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is located within the East Portland Grand Avenue Historic District and the proposal is for a non-exempt treatment. Therefore, Historic Resource Review approval is required. The approval criteria are the *Design Guidelines - East Portland Grand Avenue Historic Design Zone*. Because the site is within the *Central City Plan District*, the *Central City Fundamental Design Guidelines* are also approval criteria.

Staff has considered all guidelines and addressed only those applicable to this proposal. The Design Guidelines - East Portland Grand Avenue Historic Design Zone and the Central City Fundamental Design Guidelines are addressed concurrently.

Design Guidelines - East Portland Grand Avenue Historic Design Zone Central City Fundamental Design Guidelines

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

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

C4. Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.

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: As noted in previous Land Use approval for 550 MLK (#LU 17-109848 DZ, HR), the creation of this mid-block courtyard off SE Stark helps pull the massing of the new building away from the historic district and the two adjacent historic buildings, the Chamberlain Hotel Building, listed on the Historic Resource Inventory and built in 1897, and the New Logus Block, an individually listed Historic Landmark built in 1892. By pulling the building massing away from these adjacent historic structures, this landscaped courtyard provides a place to view and enjoy the adjacent resources and enhances the entire district. This proposal maintains this courtyard and improves upon the previously approved courtyard design. *Therefore, these guidelines are met.*

Guidelines for New Construction and Additions

Introduction: Materials, Colors, Textures. Materials, colors and textures schemes will be reviewed. After issues of height, mass and bulk the building characteristic having the greatest impact on the District's character will be its exterior materials and colors. Maintaining the integrity of exterior materials is important to protecting the character of the District. For additional guidance, consult the State Historic Preservation Office in Salem at 1 (503) 378-6508, or the East Portland Historic District Advisory Board.

A6-11. Materials, Colors, Textures

1. Exterior materials, colors and textures used in new buildings should be visually compatible with adjacent buildings and the District's architectural character.
2. The use of traditional materials such as brick and concrete are encouraged. The use of non-traditional metal, wood and plastic as major exterior surfaces is discouraged.

Findings: The primary building materials in the updated courtyard design are steel and concrete, traditional materials compatible with adjacent buildings and the historic district.

- High-quality precast concrete pavers will create a durable, long-lasting floor for the courtyard while the steel railings and gate will remain strong for many years to come.
- The gate and railing design for the 550 SE MLK project will be modelled after the perforated metal railings of the Hotel Chamberlain. These elements will be visually prominent throughout the courtyard and will add to the coherent composition of the 2 projects.

Therefore, this guideline is met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The Design Review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance.

This revised courtyard design will enhance the historic district and adjacent pedestrian system by offering both visual interest and public amenity. The courtyard offers a place from which to enjoy the adjacent historic structures with landscape and built-in seating offering opportunities to sit and rest. The proposal meets the applicable Design Guidelines and Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of changes to the landscaped courtyard.

Approved of site plans, Exhibits C-1 through C-6, signed and dated May 14, 2020, subject to the following conditions A through D:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) 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 19-264958 DZ HR." 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. Should there be a fence and gates, the courtyard shall be left open to the public during regular business hours.

Staff Planner: Grace Jeffreys

Decision rendered by:  **on May 14, 2020**
By authority of the Director of the Bureau of Development Services

Decision mailed: May 19, 2020

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, 2019 and was determined to be complete on January 8, 2020.

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, 2019.

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 requested that the 120-day review period be extended by 90 days (Exhibit A2). Unless further extended by the applicant, **the 120 days will expire on: August 5, 2020.**

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 (Design Review), and/or the Historic Landmarks Commission (Historic Resource Review), which will hold a public hearing or hearings. *Any appeal statement must specify which approval criteria and reviews are under consideration in the appeal, to determine the appropriate review body or bodies for the appeal.*

The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>.

Appeals must be received by 4:30 PM on June 2, 2020. **Towards promoting social distancing during the COVID-19 pandemic, the completed appeal application form must be e-mailed to BDSLUSTeamTech@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations for the appeal of Type II and IIx decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

Attending the hearing. If this decision is appealed, a hearing or hearings will be scheduled, and you will be notified of the date and time of the hearing or hearings. The decisions of the Design Commission and/or the Historic Landmarks Commission are 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 **June 2, 2020** 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.

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

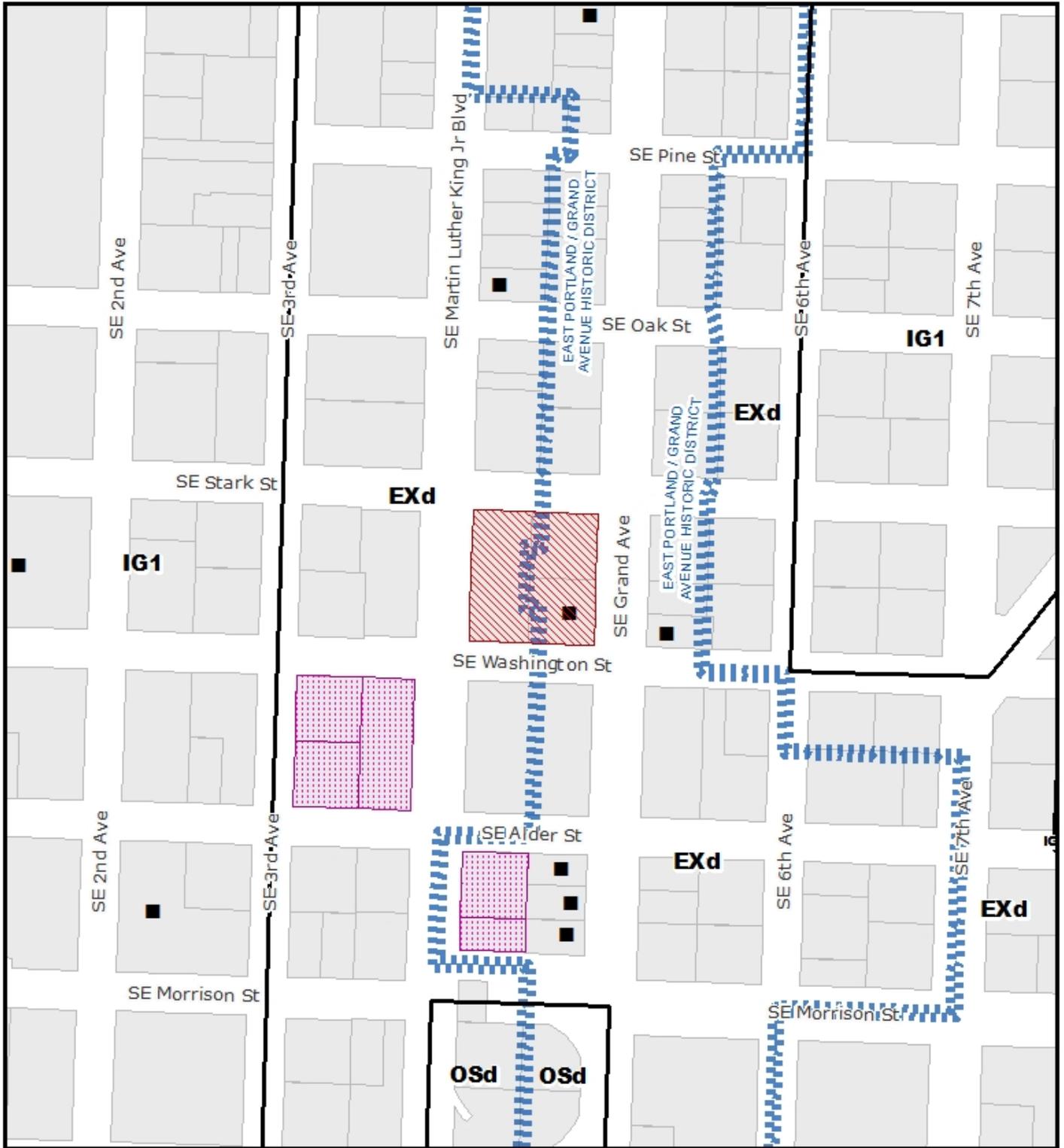
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS - NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Original Submittal – Memo, narrative & drawings, 1/9/20
 2. Request for Extension of 120-Day Review Period, 2/4/20
 3. Stormwater Report, 2/27/20
 4. Request to remove the AD review for Loading out of this review, 4/17/20
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Landscape Plan, Level 1
 3. Comparison Plans – design
 4. Comparison Plans – movement
 5. Landscape, plants

6. Landscape Plan, Level 2
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Fire Bureau
 3. Site Development Section of the Bureau of Development Services
 4. Life Safety Section of the Bureau of Development Services
- F. Correspondence:
 1. Bruce Burns, 1/16/20, wrote in support of proposal.
- G. Other:
 1. Original LU Application
 2. Incomplete Letter, 12/20/19

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



CENTRAL CITY PLAN DISTRICT
 CENTRAL EASTSIDE SUB DISTRICT
 EAST PORTLAND / GRAND AVENUE HISTORIC DISTRICT



Site



Also Owned Parcels



Historic Landmark

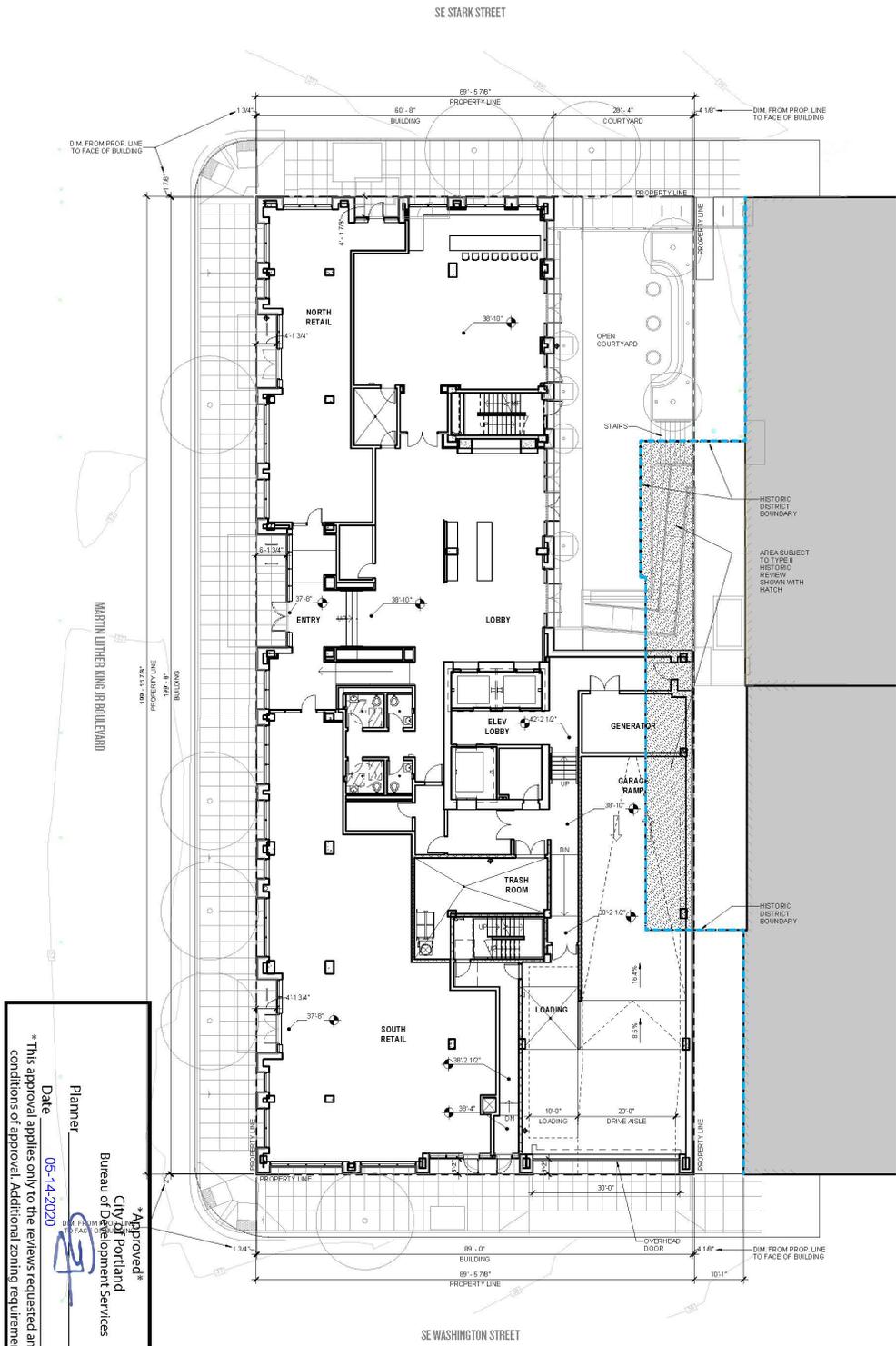
File No.	LU 19-264958 DZ HR
1/4 Section	3131
Scale	1 inch = 200 feet
State ID	1S1E02BB 2000
Exhibit	B Apr 21, 2020

550 SE MLK SITE PLAN

00-P-550 SE MLK

GBD ARCHITECTS, LANDSCAPE ARCHITECTS

DECEMBER 2019



* Approved*
 City of Portland
 Bureau of Development Services

Planner _____
 Date 05-14-2020

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

Exhibit C.001