



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

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Date: November 05, 2021
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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 21-074621 DZM: SIX-STORY, 211-UNIT APARTMENT BUILDING

GENERAL INFORMATION

Applicant: Todd Walton | Inland Oregon, LLC
120 W Cataldo Ave #100 | Spokane, WA 99201
509.879.7278 | toddw@inlandconstruction.com

Owner: Powell Family Tr
10425 E Burnside St | Portland, OR 97216

Owner: Balsiger Southwood LLC
3140 NE 135th Ave | Portland, OR 97230

Owner: Powell, Frederick C Tr & Powell, Lorene M Tr
10425 E Burnside St | Portland, OR 97216-2735

Site Address: 10413, 10425 and 10439 E BURNSIDE STREET

Legal Description: INC VAC ST S OF & ADJ WLY 70' OF LOT 8, KILWORTH AC; INC VAC ST S OF & ADJ ELY 5' OF LOT 8 INC VAC ST S OF & ADJ LOT 9, KILWORTH AC; INC VAC ST S OF & ADJ LOT 10, KILWORTH AC

Tax Account No.: R451000270, R451000280, R451000330

State ID No.: 1N2E34CB 12700, 1N2E34CB 12600, 1N2E34CB 12500

Quarter Section: 3041

Neighborhood: Hazelwood, contact Arlene Kimura at arlene.kimura@gmail.com

Business District: Gateway Area Business Association, contact at gabapdxboard@gmail.com

District Coalition: East Portland Community Office, contact Douglas Armstrong at dda882@gmail.com

Plan District: Gateway

Zoning: RM3d: Medium to high density multi-dwelling Base Zone (RM3), Design Overlay Zone

Case Type: DZM: Design Review with Modifications
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant requests Design Review to build a 211-unit six story (5 wood over 1 concrete) apartment building with one level of underground parking for approximately 69 vehicles, in the Gateway Plan District. Units will be restricted to households earning no more than 60% AMI. Ground floor uses include lobby and community rooms. Loading is proposed in the below grade parking. Amenity areas include: craft room, fitness room, internet and theater areas. An outdoor courtyard is located in the center of the building. Additional outdoor and common space is provided at the north-east corner and north portion of the site. Building materials include metal panel and Ceraclad. Windows are proposed to be mostly aluminum at the ground floor and vinyl at the upper stories.

The following Modifications to the Portland Zoning Code (PZC) are requested:

- Modification #1
33.526.260.B.2.b: *Pedestrian Standards; Hard-surfaced:* This standard states: *The area between a building or exterior improvement and a street lot line must be hard-surfaced and developed for use by pedestrians, outdoor seating for restaurants, or pedestrian-oriented accessory activities including stands selling flowers, food or drinks. The area must contain amenities such as benches, trees (tree wells with grates are exempt from the hard-surface requirement), drinking fountains, planters, and kiosks. At least one or these amenities must be provided for each 100 square feet of pedestrian use area in the setback.*
The applicant requests a Modification to replace required hardscape between the sidewalk and the building along the East Burnside Street frontage with softscape (landscaping: trees, shrubs, and groundcover) to provide a buffer from the activity on the sidewalk and the proposed development. A bench is proposed adjacent to the main entry.
- Modification #2
33.526.280.C: *Enhanced Pedestrian Street Standards; Required Building Lines:* This standard states: *The building must extend to the street lot line along at least 75 percent of the lot line; or The building must extend to within 12 feet of the street lot line for 75 percent of the lot line and the space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes or vendor's stands.*
Due to existing power-lines the building must be setback from the south property line. The design proposes to set the building back approximately 14 feet from the south property line for the length of the building, which is approximately 165 feet (and 75 percent of the 220 foot south property line frontage).
- Modification #3
33.526.340.C.2: *Pedestrian Standards; Location:* This standard states: *Vehicle areas are not allowed on the portion of the site within 100 feet of a street that is a light rail alignment.*
East Burnside Street is a light rail alignment. A fire lane on the east portion of the site is a requirement per the Portland Fire Department. The applicant proposes to further utilize this required site access for emergency vehicles and to provide additional access for vehicles accessing the below grade vehicle parking.

Relevant Approval Criteria:

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

- *Gateway Regional Center Design Guidelines (GRCDG)*

- 33.825.040 Modifications That Will Better Meet Design Review Requirements

ANALYSIS

Site and Vicinity:

The subject site, on the north side of E Burnside Street [*Neighborhood Collector Street, Community Main Street, Regional Transitway/Major Transit Priority Street, City Walkway, City Bikeway, Minor Emergency Response Street*] and near the eastern edge of the Gateway Plan District, was previously three separate lots, each approximately 75' x 255' in size. While many of the residential lots in the vicinity appear to be vacant or in transition, some of these properties are still occupied by single-family dwellings. As mentioned, surrounding development is a combination of single-family and multi-dwelling units of varying size.

The MAX Blue Line runs through the median of E Burnside Street past the subject site. No parking is provided on the street, and there the only connections to the north side of the street are provided at NE 108th Ave to the east and NE 102nd Ave to the west. At NE 102nd Ave, there is a MAX station as well. The high-density Russellville housing development is located south of this transit station.

Zoning:

The Gateway Plan District regulations encourage the development of an urban level of housing, employment, open space, public facilities, and pedestrian amenities that will strengthen the role of Gateway as a regional center. The regulations also ensure that future development will provide for greater connectivity of streets throughout the plan district. This development will implement the Gateway Regional Policy of the Outer Southeast Community Plan. Together, the use and development regulations of the Gateway plan district: promote compatibility between private and public investments through building design and site layout standards; promote new development and expansions of existing development that create attractive and convenient facilities for pedestrians and transit patrons to visit, live, work, and shop; ensure that new development moves the large sites in the plan district closer to the open space and connectivity goals of the Gateway Regional Center; create a clear distinction and attractive transitions between properties within the regional center and the more suburban neighborhood outside; and provide opportunities for more intense mixed-use development around the light rail stations.

The RM3 zone is a medium to high density multi-dwelling zone applied near the Central City, and in centers, station areas, and along civic corridors that are served by frequent transit and are close to commercial services. It is intended for compact, urban development with a high percentage of building coverage and a strong building orientation to the pedestrian environment of streets. This zone is intended for areas where the established residential character includes landscaped front setbacks. Allowed housing is characterized by mid-rise buildings up to six stories tall. The Design overlay zone is applied to this zone.

The Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people's daily experience; and
- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

Land Use History: City records indicate the following land use review history for the site:

- EA 21-020503 PC – Pre-application Conference to discuss a Type III Design Review for a proposed 6-story (5 wood over I concrete) apartment building containing approximately

225 dwelling units. Units will be restricted to households earning no more than 60% AMI.

- EA 21-049773 DA – Design Advice Request (DAR) to discuss a proposed 6-story (5 wood over I concrete) apartment building containing approximately 211 dwelling units. Units will be restricted to households earning no more than 60% AMI.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **September 23, 2021**. The following City Bureaus responded:

1. Water Bureau: Michael Puckett, October 11, 2021. With no concerns. (Exhibit E-1).
2. Bureau of Development Services Life Safety/Building Code Section: Chanel Horn, October 11, 2021. With no objections to approval. (Exhibit E-2).
3. Fire Bureau: Dawn Krantz, October 13, 2021. With unspecified concerns against approval. (Exhibit E-3).

Planner Comment: This issue was clarified and resolved: See Fire Addendum below (#7).

4. Bureau of Environmental Services: Ella Indarta, October 14, 2021. With no objections to approval. (Exhibit E-4).
5. Bureau of Development Services Site Development: Ye Zhuang, October 15, 2021. With no concerns. (Exhibit E-5).
6. Bureau of Transportation: Robert Haley, October 22, 2021. With no objections to approval. (Exhibit E-6).
7. Fire Bureau - Addendum: Dawn Krantz, November 02, 2021. With the following clarifying comments. (Exhibit E-7).

The Fire Bureau has reviewed the applicant’s proposal for new development. The applicant has not demonstrated that the required turning radius within the access apron which is in the right of way is met. The applicant will need to address these issues at the time of permit review and will be required to meet the Fire Code requirements or obtain approval through a Fire Code Appeal process.

Staff Response: If exterior alterations to the site and/or building result from meeting the Fire Bureau regulations during permit, another Design Review may be required. The applicant is aware of this situation and has asked to move forward with a DZ approval ahead of confirming final Fire Bureau regulations.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on September 23, 2021. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Vincenza Scarpaci. Comments include general site comments and a request for the proposed development to include a swimming pool for possible community use. October 10, 2021. (Exhibit F.1)

Staff Response: Staff forwarded these comments to the applicant and responded that is it not within the power of the Portland Zoning Code or staff at this time to require the applicant to include a swimming pool in the development program. Staff encourages the respondent to reach out to the development team to discuss these concerns.

Procedural History:

- May 13, 2021: EA 21-020503 PC - Early Assistance (EA) Pre-Application (PC) Appointment (Exhibit G-5):

Questions raised to discuss a Type III Design Review for a proposed 6-story (5 wood over I concrete) apartment building containing approximately 225 dwelling units. Units will be restricted to households earning no more than 60% AMI.

- July 01, 2021: EA 21-049773 DA - Early Assistance (EA) Design Advice Request (DA) Appointment (Exhibit G-6): Design Commission comments included:
 - Regarding Context /Quality and Permanence: Support for the proposed mass and donut form; concern that the bldg. appeared to be too monolithic; concern that the Burnside elevation required additional architectural moves/amenities/design features to help visually break down the mass to a more human scale; concern that some ground floor units should include private entrances.
 - Regarding Materials, Skin Expression, and Landscaping: Support for material choices proposed (metal panel and Ceraclad); concern that the building include less dark color materials; concern for increased window to wall ratio; support for the proposed perimeter path.
 - Regarding Public Realm: Support for pulling the proposed perimeter path away from the building to allow for additional landscaping; support for locating the trash area away from the fire lane; concern that covered outdoor areas would be used as smoking facilities.
- Following the PC, DAR, and considering new land use code (Title 33) being implemented on August 01, 2021, it was determined that the project could meet footnote [2] of Table 825-1 of the Portland Planning and Zoning Code (Title 33) – in italics below. Because of this, the project could elect to go through a Type II Design Review procedure rather than a Type III Design Review procedure.

[2] An affordable housing project may choose a Type II review procedure if at least 50 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median income or an affordability level established by Title 30. If a Type II review procedure is chosen, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau and a design advice request is required. See 33.730.050.B. The application for design review may not be submitted before the required design advice request is held.

- August 05, 2021 – Type II Land Use Application: Submitted:
 - August 24, 2021 - Incomplete Letter sent to applicant.
 - September 17, 2021 – Project deemed complete.

ZONING CODE APPROVAL CRITERIA

(1) DESIGN REVIEW (33.825)

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review implements the Design overlay zone, strengthening these areas as places designed for people. Design review supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces.

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 of the site's location, the applicable design

guidelines are the Gateway Regional Center Design Guidelines.

Gateway Regional Center Design Guidelines

The Gateway Regional Center is the City of Portland's only designated regional center. The area is envisioned to redevelop into a highly urbanized, pedestrian-oriented center, with an overall built size and scale second only to Portland's Central City.

The purpose of design review is to carry out the urban design vision for the District by emphasizing unique district assets in a manner that is respectful, creative, supportive, and compatible with all its areas. Although the District is a complex urban environment, it can become a cohesive whole with the use of these design principles.

Gateway Regional Center Design Goals

Ten goals for design review in the Gateway Regional Center have been established to enhance the area's design quality, support its livability, and guide its transition to a pedestrian-oriented, active, urban regional center. They are:

1. Encourage urban design excellence.
2. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Gateway Regional Center as a whole.
3. Provide for a pleasant, rich, and diverse experience for pedestrians.
4. Assist in creating a regional center that emphasizes a mix of active uses and experiences and is safe, lively, and prosperous.
5. Provide for the humanization of the Gateway Regional Center through the promotion of parks, plazas, open spaces, public art, and trees.
6. Integrate and honor the diversity and history of Gateway.
7. Integrate sustainable principles into the development process.
8. Encourage the development of a distinctive character for subdistricts within the regional center, and link them.
9. Encourage and incorporate transit orientation and usage.
10. Enhance the physical and visual linkages between the Gateway Regional Center and adjacent neighborhoods.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

A Pedestrian Emphasis

A1. Strengthen Relationships Between Buildings and the Street. Integrate building setback areas with adjacent streets.

A2. Enhance Visual and Physical Connections. Enhance visual and physical connections between buildings and adjacent sidewalks. Orient semi-public building spaces to the sidewalk and street.

Findings for A1 & A2: The proposed multi-dwelling residential apartment building is setback approximately 14-feet from the property line along E Burnside Street due to existing overhead powerlines along this frontage. The building's ground floor along this elevation as well as the space within this setback includes a number of amenities that strengthen the building frontage while also providing physical and visual connections to and from the public to the private realm. Amenities include: covered hardscape seating areas; a clear central entrance with large canopy providing weather protection; and layered landscaping providing a buffer and transition from the sidewalk to the building.

Windows on the building along this street facing elevation are provided to allow for views into and from within the lobby and residential amenity rooms on the ground floor of the building. These windows and the placement of these semi-public and semi-private spaces provide visual and physical connections between the proposed building and the street. In addition, there is a clear line of sight from the main entrance on the south elevation, through the central courtyard, to the landscaped area along the north portion of the site due to

additional active amenity spaces and clear glazing being located north of the central courtyard (see Findings for *B2 -Integrate Ground-Level Building Elements*), providing visual and physical connection through the building and site. These windows and the placement of these semi-public and semi-private spaces provide visual and physical connections between the proposed building and the street.

Therefore, these guidelines are met.

A3. Integrate Building Mechanical Equipment and Service Areas. Incorporate building mechanical equipment and/or service areas in a manner that does not detract from the pedestrian environment.

B5. Integrate Roofs, Rooftop Lighting, and Signs. Integrate rooftop components, functions and related screening elements with the building's architecture. Integrate exterior lighting, signs and any related structural equipment at or near the roof with the building's architecture. Orient lighting to highlight the building's architecture.

Findings for A3 and B5: Mechanical equipment proposed to be located on the site is either contained within portions of the building itself or placed on the roof. Two transformers shown on the east portion of the site (north of the fire lane) will be located below grade. Rooftop mechanical is screened via dark metal panel and setback from the building edges: approximately 25-feet from the north building edge; 20-feet from the west building edge; 20-feet from the south building edge; and 15-feet from the west building edge.

The electrical service and metering room, trash/recycling room, and electrical room are all enclosed and located in the below grade parking level.

The required fire lane on the east edge of the site and proposed below grade parking, which includes the loading areas, are accessed by the same single curb cut and driveway located at the south-east corner of the site to minimize obstacles and impacts to the pedestrian environment.

No signs and/or roof top lighting are proposed.

To ensure that the previously mentioned proposed transformers are not re-located above grade where they could negatively impact the surrounding pedestrian areas and landscape, staff has added a condition of approval that all proposed transformers be located below grade.

Therefore, with the condition of approval that all proposed transformers are to be located below grade, these guidelines are met.

B Development Design

B1. Convey Design Quality and Building Permanence. Use design principles and building materials that convey quality and permanence.

Findings for B1 and B3: The proposed building design and materials convey quality, permanence, and coherency through simple massing, a restrained material palette, and the effective use of details and amenities that help the building respond to the human scale while also responding to site requirements and constraints.

The mass of the six-story building (5 wood over 1 concrete) is a donut form with a large centralized courtyard. The building is located slightly center-left on the site due to the following conditions: existing power lines along the E Burnside frontage (street facing frontage) force the building to be setback approximately 14 feet from the front property line; fire lane access requirements cause the building to be setback approximately 46 feet from the east property line; existing single-dwelling zoning requires the building step down in height from the north elevation.

The proposed six-story building uses a simple rectangular donut-form massing that is effectively divided into two parts—a concrete ground floor base clad in Ceraclad and a framed upper five-story mass that is clad in large fields of ribbed metal panel and ribbed Ceraclad. At the ground floor, Ceraclad is proposed in cedar and board form finish to form a durable and differentiated base to the building. Within this form, aluminum storefront windows are used in the building's public spaces along its south street facing façade. The cedar and board form finish Ceraclad base continues around the rest of the ground floor, including the base of the interior courtyard, providing a consistent and unified base to the building.

The main mass of the building consists of five stories of residential units. This portion of the building is clad primarily in two dominant materials: metal panel and Ceraclad. The dark blue metal panel is 22 gauge, prefinished 12" metal panel with a ½" reveal and is used to help differentiate and breakdown the mass of the building. Ceraclad, with integrated color (in "pearl"), is used on all elevations as the dominate contrasting material to the darker metal panel. Both materials provide quality and durable cladding.

On the south elevation (E Burnside frontage) which includes an approximately 5-foot façade plane shift, Ceraclad is located on the larger eastern field (and southernmost plane) of the façade. This field is proud of the plane of dark blue metal panel helping to lighten the overall mass and reduce the dominate appearance of the building along this public frontage.

The east elevation, which also includes a façade shift at the northern portion of the building, is similar to the south façade in that the dominate, and aft, plane is Ceraclad, and the recessed plane is dark blue metal panel. Ceraclad is used again on the northern most portion of the building within the required height restricted area of the site that is closest to the single-dwelling zone to the north.

On the north elevation, stories 2-5, which are within the required height restricted area of the site closest to the single-dwelling zone to the north are clad, as previously mentioned, in "pearl" Ceraclad, and the recessed 6th story is clad in dark blue metal panel. The proposed use of a light color Ceraclad provides a visually less dominant appearance than the dark metal panel along this elevation helping to provide transition to the adjacent single-dwelling zone to the north.

The west façade is consistent with the other elevations including planar shifts in the two dominant cladding materials: the majority of the façade is clad in metal panel and Ceraclad is applied on the northern most portion of the building within the required height restricted area of the site that is closest to the single-dwelling zone to the north.

Windows and storefront systems at the ground floor are proposed to be aluminum construction. Windows on floors 2-6 are proposed to be vinyl construction and are separated vertically by dark blue smooth Ceraclad. Windows are organized in consistent bays across all elevations establishing a clear architectural rhythm and continuity to the building.

Balconies proposed on the south and west elevations are 18-inches deep and clad in cedar finish Ceraclad. Balconies are an additional architectural detail integrated into the design helping to visually break down the building's mass and volume while providing a valuable amenity for residents.

Therefore, these guidelines are met.

B2. Integrate Ground-Level Building Elements. Integrate the different ground-level building elements with the building's architecture.

Findings:

The proposed building incorporates a distinct ground level composed primarily of cast-in-place concrete clad in cedar and board form finish Ceraclad. Aluminum storefront windows and storefront systems are set deep (approximately 6") within punched openings in the cast-in-place concrete along the building's ground floor, including those within the central courtyard. A steel canopy (approximately 11' x 23') is centrally located on the building's south elevation and provides a clear main entrance and weather protection to the building. Large storefront windows provide additional visual access and connectivity to the interior active uses along the street facing elevation. Additional amenities along the Burnside facing façade (south elevation) that contribute to activating the frontage while helping to visually reduce the mass and scale of the building include: covered hardscape gathering areas with seating located at the south-east and south-west corners of the building; landscaping layered to provide buffering and transition between the public and private areas, human scale, and additional definition to the proposed outdoor areas along this public edge of the site.

Additional features and amenities of the proposed design that help integrate the ground-level of the building with areas of the site for a vibrant and active pedestrian environment include the following: The proposed large central courtyard providing covered and open gathering spaces, flexible and fixed seating, a covered BBQ and dining area, firepit and lounge area, and layered landscaping to help define outdoor rooms, provide human scale, and buffer and screen adjacent residential units.

Continuing north from the central courtyard are two additional covered outdoor areas that provide direct physical and visual connection to the large landscaped amenity area on the north portion of the site. Both areas have a footprint of approximately 20' x 25' and are within the building envelope but are not fully enclosed. The area immediately north of the central courtyard includes additional gathering areas, seating, and a proposed water wall feature. The area north of this opens to the large landscaped area along the north portion of the site. This area also includes seating and gathering spaces, as well as a firepit. Note: Both areas are separated by a clear glazed interior walkway allowing direct visual connection from the south main entry to the landscaped amenity areas on the north portion of the site.

Additional ground level amenities helping to activate both the building and the pedestrian environment around the perimeter of the building include the following: the perimeter path circling the entire building (which is directly adjacent to the following amenities listed); raised planter beds along the east portion of the site; pickleball court area near the north-east corner of the site; enclosed and covered dog run area at the north-east corner of the site; proposed cornhole area located west of the previously mentioned dog run structure; landscaped area along the north edge of the site (approximately 30' x 180') which includes extensive layered landscaping, numerous gathering and seating areas, and two covered outdoor structures; and flexible covered seating areas along the entire west portion of the site.

Therefore, this guideline is met.

B4. Integrate Encroachments. Size and place encroachments to enhance the pedestrian environment. Where permitted, integrate skybridges that are visually level and transparent toward the middle of the block, where they will be most unobtrusive.

Findings: Because the building is setback approximately 14 feet from the south property line along E Burnside due to existing power lines, there are no encroachments into the adjacent right-of-way.

Therefore, this guideline does not apply.

B6. Integrate Ecological / Sustainable Concepts. Integrate ecological/sustainable features or concepts with site and development designs.

Findings: Consistent with the Gateway region goals of increased density and activity, the building footprint occupies most the site area with space provided to support resident outdoor active uses both within (the large central courtyard) and around the building (perimeter landscape path and outdoor areas). The integration of ecological/sustainable concepts are subtle and varied across the site: most notably landscaping is proposed on all elevations both as a buffer and screening at the perimeters as well as between the building's ground floor residents and adjacent paths and outdoor areas; landscaping is further utilized to help define and add continuity and consistency to the proposed outdoor areas and active spaces located around the building and in the central courtyard; stormwater is managed both through drywells and pervious paving, additional permeable paving (Grasspave2) is proposed for the fire lane.

Finally, the development of a higher-density residential building on these formerly single-dwelling parcels will help to support the light rail station approximately 500 feet to the west. This station also makes it feasible to make more trips by transit, walking, or biking than would a similar development located elsewhere in East Portland.

Therefore, this guideline is met.

C Context Enhancement

C1. Provide Opportunities for Active Uses at Major Street Intersections. Integrate flexible, active-use space opportunities at building corners facing major street intersections. Locate access to the upper floors of buildings at these intersections toward the middle of the block.

Findings: The site is located mid-block between NE 102nd Avenue and NE 108th Avenue. The site is not located at an intersection.

Therefore, this guideline does not apply.

C2. Enhance Gateway Locations. Enhance transitions at gateway locations.

Findings: The site is not located at one of the identified gateway locations for the Gateway Regional Center per page 11 of the *Gateway Regional Center Design Guidelines*.

Therefore, this guideline does not apply.

C3. Support Open Spaces with New Development. Develop buildings that are oriented to adjacent open spaces.

Findings: The site is not adjacent to existing open spaces such as public parks or plazas.

Therefore, this guideline does not apply.

C4. Develop Complementary Parking Areas. Develop, orient and screen parking area to complement adjacent buildings and the pedestrian environment.

Findings: The proposed development incorporates a level of below grade parking for approximately 69 vehicles. This parking area is accessed via one curb cut and driveway located at the south-east corner of the site.

Note: The single access point to the site for vehicles accommodates both the proposed below grade parking as well as access for the required fire lane located along the east portion of the site. Also, initially, fire lanes were required on both the east and west sides of the site. The applicant successfully appealed this Fire Bureau requirement (see Exhibit A-13) and was allowed to provide one fire lane for the site, which is reflected in the current design.

Therefore, this guideline is met.

C5. Transition to Adjacent Neighborhoods. Orient the building mass of new development toward the higher-density areas and/or active streets of the regional center.

Findings: As mentioned previously, the building is setback approximately 14 feet from the south property line along E Burnside because of existing power lines. Façade shifts of approximately 5 feet, and material changes help to reduce the mass and monolithic character of the building. The additional integration of balconies to the south and west elevations also contribute to breaking down the mass of the building and providing a residential identity and human scale to the building. Within the street facing setback the building transitions to the adjacent public sidewalk and neighborhood via amenities such as covered seating areas and layer landscaping. The building's main entrance with large entry canopy is centrally located along the building's south elevation, oriented to the high-density area/street (E Burnside) to the south. Internal programming along this edge includes a number of residential active uses areas: fitness area; internet room; lobby; office; and game room.

The building is setback approximately 46 feet from the east property line due to fire lane access requirements. While a significant portion of this setback is required to remain clear (without permanent or temporary features) perimeter landscaping is included providing transition and buffering to the adjacent Multi-Dwelling Zone (RM3) to the east.

The building transitions to the single dwelling zone (R2.5) to the north by breaking down the mass of the building in compliant with the required Gateway Plan District step-down heights: *maximum height of 35 feet within 25 feet from the property line; maximum height of 50 feet on the portion of the site that is more than 25 feet but within 50 feet of the R2.5 zoned site.* Internal programming includes residential units along this elevation. In addition, the approximately 30' x 180' open area between the north edge of the building and north property line is also heavily landscaped to provide additional active space for residents while also providing a buffer and softscape transition to the lower density zone to the north.

The building is setback approximately 17 feet from the west property line. Perimeter landscaping and additional layered landscaping adjacent to the building help to provide transition and buffering to the multi-dwelling zone to the west.

The scale of the proposed building, though perhaps larger than some existing buildings immediately surrounding it, is nevertheless stepping down in scale as previously mentioned. Also notable is that the proposed building does not extend to the maximum height allowed in this area, which is 100'; rather its proposed height is only approximately 59 feet to the top of parapet and approximately 64 feet to top of the elevator overrun.

Therefore, this guideline is met.

C6. Build on View Opportunities. Incorporate semi-public building spaces to facilitate views to and from public amenities. Develop new buildings to emphasize pedestrian views down streets or corridors at focal points or wayfinding markers.

Findings: The proposed building's lobby and amenity rooms face the sidewalk along E Burnside Street, which is the only street abutting the site. Large windows in these rooms provide views out to the street and the MAX line in its median. The setback building wall along the ground floor on this façade also accommodates a generous sidewalk extension at the building's entry, creating a semi-public outdoor space along E Burnside. On the floors above, balconies provide additional private view opportunities towards E Burnside Street and beyond, possibly extending to the MAX station at SE 102nd Avenue and E Burnside. Additional balconies are provided at the east and west façades, affording views to points southward in the Gateway Plan District.

Therefore, this guideline is met.

C7. Strengthens the Regional Center’s Western Edge. Contribute to the creation of a variable edge facing the I-205 freeway, by varying the footprint and façade plane of new development.

Findings: The site is located on the east edge of the Gateway Plan District and not at the Regional Center’s Western Edge.

Therefore, this guideline does not apply.

(2) 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.

Modification #1

33.526.260.B.2.b: Pedestrian Standards; Hard-surfaced: The Modification is to replace required hardscape between the sidewalk and the building along the East Burnside Street frontage with softscape (landscaping: trees, shrubs, and groundcover) to provide a buffer from the activity on the sidewalk and the proposed development. A bench is proposed adjacent to the main entry.

This standard states: *The area between a building or exterior improvement and a street lot line must be hard-surfaced and developed for use by pedestrians, outdoor seating for restaurants, or pedestrian-oriented accessory activities including stands selling flowers, food or drinks. The area must contain amenities such as benches, trees (tree wells with grates are exempt from the hard-surface requirement), drinking fountains, planters, and kiosks. At least one or these amenities must be provided for each 100 square feet of pedestrian use area in the setback.*

Purpose Statement: These regulations ensure direct pedestrian connections between the street and buildings on a site and between buildings and other activities within the site. Together with the Enhanced Pedestrian Street, entrance, and ground floor window regulations, the pedestrian standards ensure that the sidewalks in the plan district, especially on Enhanced Pedestrian Streets, are convenient, active, pleasant environments with pedestrian amenities.

- 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.

Findings: The proposed development is for 211 units of residential housing. No retail or commercial uses are proposed. However, the code requirement proposes hardscape to accommodate “outdoor seating for restaurants” or for “pedestrian-oriented accessory activities including stands selling flowers”, examples of amenities required include drinking fountains, and kiosks. Given that this frontage does not include retail or commercial uses and that the area will be used predominantly by residents of the building, designing the area for a strong and diverse pedestrian environment better meets many of the applicable

design guidelines regarding strengthening and activating the pedestrian environment, integrating building setbacks, enhancing connections, and integrating the ground level of buildings. The proposed integration of seating and gathering areas (covered and open), as well as layered landscaping provides a safe and comfortable areas that are active, pleasant environments with pedestrian amenities.

Integrating landscaping and pedestrian amenities while reducing hardscape, better meets the following *Gateway Regional Center Design Guidelines: A1-Strengthen Relationships Between Buildings and the Street; A2-Enhance Visual and Physical Connections; B1-Convey Design Quality and Building Permanence; B2-Integrate Ground-Level Building Elements; B3-Design for Coherency; C6-Build on View Opportunities.*

Therefore, this criterion is met and this Modification merits approval

Modification #2

33.526.280.C: *Enhanced Pedestrian Street Standards; Required Building Lines:* Due to existing power-lines the building must be setback from the south property line. The design proposes to set the building back approximately 14 feet from the south property line for the length of the building, which is approximately 165 feet (and 75 percent of the 220 foot south property line frontage).

This standard states: *The building must extend to the street lot line along at least 75 percent of the lot line; or The building must extend to within 12 feet of the street lot line for 75 percent of the lot line and the space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes or vendor's stands.*

Purpose Statement: These regulations enhance and ensure the continuity of the pedestrian environment along key streets in the Gateway plan district. The standards help maintain an urban character along the Enhanced Pedestrian Streets by reinforcing the continuity of pedestrian-oriented, active ground-level uses and strengthening the relationship between those uses and the pedestrian environment. Active uses include but are not limited to: lobbies, retail, residential, commercial, and office. Together with the ground floor window, entrance, and pedestrian standards, the Enhanced Pedestrian Street standards foster an efficient, safe, and interesting route for pedestrians to move through the Gateway plan district.

- 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.

Findings: Due to existing and uncompromising power line conditions the building is not able to meet this code requirement. Given these conditions, the building is sited as close as possible (approximately 14 feet) to the street lot line to maintain a consistent urban environment along the E Burnside frontage. The mandatory setback allows the additional area to be utilized to strengthen the pedestrian environment with amenities such as areas for additional seating and covered gathering areas. Increased landscaping in this area provides additional transition between public and private, while also helping to provide a buffer and human scale to the building. In addition, the required setback allows many of these features, which are prominent around the site, to be included along the street facing façade of the site, and so providing increased design consistency and coherency.

Setting back the building's front façade due to existing power lines better meets the following *Gateway Regional Center Design Guidelines: A1-Strengthen Relationships Between Buildings and the Street; A2-Enhance Visual and Physical Connections; B1-Convey Design Quality and Building Permanence; B2-Integrate Ground-Level Building Elements; B3- Design for Coherency; C6-Build on View Opportunities.*

Therefore, this criterion is met and this Modification merits approval

Modification #3

33.526.340.C.2: *Pedestrian Standards; Location:* East Burnside Street is a light rail alignment. A fire lane on the east portion of the site is a requirement per the Portland Fire Department. The applicant proposes to further utilize this required site access for emergency vehicles to provide additional access for vehicles accessing the below grade vehicle parking.

This standard states: *Vehicle areas are not allowed on the portion of the site within 100 feet of a street that is a light rail alignment.*

Purpose Statement: The regulations of this section ensure that development is oriented to transit, bicycling, and pedestrian travel while ensuring accessibility for motor vehicles. Limiting the number of parking spaces promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for a better pedestrian environment, and protects air and water quality. Parking that is provided in structures is preferred over parking in surface lots because, as a more efficient use of land, structured parking promotes compact urban development. In addition, parking structures with active uses on the ground floor provide a better environment for pedestrians and contribute to the continuity of street-level retail and service uses that support a thriving urban area. The parking ratios in this section will accommodate most auto trips to a site and take into account the intensity of development in the area, on-street parking supply, pedestrian activity, and proximity to frequent transit service. Limiting the location of parking and access on light rail alignments improves access to transit, supports a transit-oriented development pattern, and reduces conflicts between motor vehicles and pedestrians or bicycles. In particular, it reduces conflicts between motor vehicles and light rail trains, especially where the access would require cars to cross the light rail tracks.

- 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.

Findings: While the development is not required to provide parking per its proximity to a light rail alignment (E Burnside) and it is meeting the Affordable housing exemption (per Portland Zoning Code 33.266.110.D.1), it is required to provide access for fire vehicles. Because fire access is required so too is a curb cut and a driveway into the site. The Modification proposes to utilize the fire access required curb cut and driveway to access the below grade parking area for approximately 69 vehicles. The proposed Modification is consistent with the *Gateway Regional Center Design Guideline C4-Develop Complementary Parking Areas* and the above purpose statement in recommending the following: proposed parking access be coordinated with other vehicle access (in this instance with required fire access); proposed vehicle parking be located below grade to allow above grade areas to be used for active pedestrian uses; proposed vehicle access adjacent to light rail not cause conflicts between vehicles and light rail trains. Because the light rail tracks in front of the site are above grade (similar to heavy rail tracks) and so pose an obvious barrier, in contrast to light rail tracks running throughout downtown Portland (that are flush with grade), it appears that access to the site will be limited to vehicle traffic in the north lane (west heading).

Therefore, this criterion is met and this Modification merits 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 six-story residential building, located in the Gateway Plan District, is a well-composed building composed of quality materials. The proposed building helps to improve the pedestrian environment along E Burnside street with various amenities along its south frontage, wide sidewalk and large amounts of glazing looking into active building areas.

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.

ADMINISTRATIVE DECISION

Design Review approval of the proposed six-story residential building, located in the Gateway Plan District, per the approved site plans, Exhibits C-1 through C-32, signed and dated November 03, 2021, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through E) 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 21-074621 DZM." 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. All proposed transformers are to be located below grade.
- D. Prior to building permit approval of the building, the applicant must obtain a tax lot consolidation of the three existing lots if a lot consolidation is deemed necessary.
- E. NO FIELD CHANGES ALLOWED.

Staff Planner: Arthur Graves



Decision rendered by: _____ **on November 03, 2021.**

By authority of the Director of the Bureau of Development Services

Decision mailed: November 05, 2021

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 August 5, 2021, and was determined to be complete on September 17, 2021.

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 August 5, 2021.

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: January 15, 2022.**

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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on November 19, 2021. The completed appeal application form must be emailed to LandUseIntake@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 Office of Community and Civic Life 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 this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

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 on or after **November 22, 2021** 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 Submittal

1. Initial Submittal: 08.05.2021
2. Oregon Housing and Community Services: 08.11.2021
3. Chain of Title: 08.25.2021
4. Revised Submittal: 09.01.2021
5. Revised Submittal: 09.13.2021
6. Revised Submittal: 09.15.2021
7. Revised Submittal: 09.17.2021
8. Revised Submittal: 09.21.2021
9. Revised Submittal: 10.12.2021
10. Revised Submittal: 10.19.2021
11. Revised Submittal: 10.22.2021
12. Revised Submittal: 11.03.2021
13. Fire Bureau Appeal: April 22, 2021(sent to staff on 11.03.2021)

B. Zoning Map (attached)

C. Plans/Drawings:

1. Vicinity Plan
2. Site Plan (attached)

3. Floor Plans – P1 and Level 1
4. Floor Plans – Level 2 and 3
5. Floor Plans – Level 4 and 5
6. Floor Plans – Level 6 and Roof
7. Elevation - South (attached)
8. Elevation – West (attached)
9. Elevation – North (attached)
10. Elevation – East (attached)
11. Elevation – Courtyard - South
12. Elevation – Courtyard - West
13. Elevation – Courtyard - North
14. Elevation – Courtyard - East
15. Section - AA
16. Section - BB
17. Section - CC
18. Section – DD
19. Section - Drawings
20. Materials Sheet
21. Details
22. Planting Plan
23. Planting Plan
24. Planting Plan
25. Planting Plan
26. Planting Schedule
27. Lighting Plan
28. Lighting Cutsheets
29. Details: Balconies
30. Details: Canopies
31. Details: Windows and Storefront Systems
32. Cutsheets
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Water Bureau; Michael Puckett, October 11, 2021.
 2. Bureau of Development Services Life Safety/Building Code Section: Chanel Horn, October 11, 2021.
 3. Fire Bureau: Dawn Krantz, October 13, 2021.
 4. Bureau of Environmental Services: Ella Indarta, October 14, 2021.
 5. Bureau of Development Services- Site Development: Ye Zhuang, October 15, 2021.
 6. Bureau of Transportation: Robert Haley, October 22, 2021.
 7. Fire Bureau - Addendum: Dawn Krantz, November 02, 2021.
- F. Correspondence:
 1. Vincenza Scarpaci: October 10, 2021.
- G. Other:
 1. Original LU Application
 2. Incomplete Letter: August 24, 2021
 3. Issues to Consider: August 27, 2021
 4. Portland Housing Bureau: September 03, 2021
 5. EA 21-020503 PC Summary
 6. EA 21-049773 DA Summary Memo
 7. Email correspondence

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).