



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

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FINAL FINDINGS AND DECISION BY THE DESIGN
COMMISSION RENDERED ON November 18, 2021

CASE FILE NUMBER: LU 21-061842 DZM HR
PC # 20-201592

550 SE MLK Housing

BUREAU OF DEVELOPMENT SERVICES STAFF: Megan Sita Walker 503-865-6515 /
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The Design Commission has **approved** a proposal in your neighborhood. This document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

GENERAL INFORMATION

Applicant: Marcus Lima | GBD Architects
1120 NW Couch St Suite 300
Portland, OR 97209
(503) 224-9656

Owner's Agent: Sarah Zahn | Urban Development + Partners
116 NE 6th Ave, Ste 400
Portland, OR 97232

Owner: Burns Bros., Inc.
116 NE 6th Ave, Ste 400
Portland, OR 972332

Site Address: 550 SE M L KING BLVD

Legal Description: BLOCK 101 LOT 1-4 TL 2000, EAST PORTLAND
Tax Account No.: R226506710
State ID No.: 1S1E02BB 02000
Quarter Section: 3131
Neighborhood: Buckman, contact Josh Baker at buckmanlandusepdx@gmail.com
Business District: Central Eastside Industrial Council, contact ceic@ceic.cc.
District Coalition: Southeast Uplift, contact at Matchu@seuplift.org

Plan District: Central City - Central Eastside
Other Designations: Part of proposal is located on the site is located within 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 East Portland/Grand Avenue Historic District.
- Case Type:** DZM, HR – Design Review with Modifications and a Historic Resource Review
- Procedure:** Type III, with a public hearing before the Design Commission and a concurrent Type II Historic Resource Review. The decision of the Design Commission can be appealed to City Council.

Proposal:

The Applicant is requesting approval for a Type III Design Review with Modifications and a concurrent Type II Historic Resource Review for a proposed new half block, 7-story "5-over-2" mixed-use building in the Central Eastside Subdistrict of the Central City Plan District. Ground-level uses include commercial retail spaces, residential amenities, parking with approximately 60 parking stalls, and approximately 132 residential dwelling units of varying sizes at levels 2-7. The Type II Historic Resource Review is required as a small portion of the east building wall is within the East Portland/ Grand Avenue Historic District.

The proposal requests approval of the following **Modifications** to required development standards:

Modification 1

- Request to modify **Ground Floor Windows coverage**, PZC, 33.510.220 to reduce from 40% coverage to 37.4% on SE Washington.
- Request to modify **Ground Floor Windows length**, PZC, 33.140.230.B, to reduce length from 50% to 38.4% on SE Washington.

Modification 2 – Request to modify **Ground Floor Active Use**, PZC, 33.510.225 on SE Martin Luther King Jr. Blvd to reduce the requirement from 50% to 23.1%. The standard requires the ground floor of walls that front onto a sidewalk be designed and constructed to accommodate active uses in accordance with standards of the section for height and depth of space, accessibility, and glazing requirements. Regarding the required minimum depth of 25', the Modification request is to allow 26.9% of the required space to only be between 13'-8" and 21'-3" deep.

Design Review is required because the proposal is for non-exempt new construction within in Design Overlay zone. Modification Reviews are required because the applicant is requesting to not meet the standards indicated above.

Historic Resource Review is required for the portion of the East facade of the proposed building that is within the East/ Portland Grand Avenue Historic District.

Approval Criteria:

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

Design Review and Modification Approval Criteria

- *Central City Fundamental Design Guidelines*
- *Special Design Guidelines for the Design Zone of the Central Eastside District*
- *PZC, 33.825.040 Modifications That Will Better Meet Design Review Requirements*

Historic Resource Review Approval Criteria

- *Central City Fundamental Design Guidelines*
- *Special Design Guidelines for the Design Zone of the Central Eastside District*
- *Design Guidelines for East Portland/Grand Avenue Historic District Zone*

ANALYSIS

Site and Vicinity: The site is a little less than a half block site located in the Central Eastside Subdistrict of the Central City Plan District. The site is 18,450 SF pre-dedication along SE MLK (17,850 SF post-dedication). 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 site is located in the Central City Pedestrian District and the City's Transportation System Plan (TSP) classifies the abutting rights-of-ways (ROWs) as follows:

- *SE Martin Luther King Jr. Blvd (one-way headed south):* Major City Traffic Street, Major Transit Priority Street, Civic Main Street, City Walkway, City Bikeway, Major City Walkway, Priority Truck Street.
- *SE Stark Street.* Traffic Access Street, City Bikeway, Neighborhood Corridor, Major City Walkway, Local Service Transit.
- *SE Washington Street.* Traffic Access Street, Local Service Transit Street, Bikeway and Walkway.

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 commercial warehouse and industrial style structures. The site is uniquely positioned, straddling between the established historic and changing employment and industrial districts. Directly west across SE MLK is the recently completed Eastside Office (approved in 2017 per LU 16-289173 DZC AD). 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:

- *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.
- *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.
- *EA 16-256415 DA*. Design Advice request hearing for a 13-story version of the proposal approved per *LU 17-109848 DZ HR*.
- *LU 17-109848 DZ HR*. Approval of Historic Resource Review and Design 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).
Note: This approved proposal was never completed
- *EA 20-201592 PC*. Pre-Application Conference held on November 10, 2020 for the subject proposal.
- *EA 20-219065 DA*. Design Advice request meeting held on January 7, 2021 with the Design Commission for the subject proposal.

Agency Review: A "Notice of proposal in Your Neighborhood" was mailed **September 8, 2021**. The following Bureaus have responded with no issue or concerns:

The following Bureaus have responded with comments expressing no issues or concerns with the approval of the proposal with conditions:

1. Bureau of Environmental Services (See Exhibit E-1)
2. Life safety Division of BDS (See Exhibit E-2)
3. Fire Bureau (See Exhibit E-3)
4. Site Development (See Exhibit E-4)
5. Urban Forestry. See Exhibit E-5. Urban Forestry responded stating that they do not object to the approval of the proposed development with recommend Conditions of Approval to ensure the protection of the red oak street tree. See recommended Condition of Approval language from Urban Forestry below:
 1. *Changes to ground floor use or façade materials will not require equipment or scaffolding that will require removal of the red oak street tree.*
 2. *A Tree protection plan for the red oak street tree must be presented to Urban Forestry as a condition of the Final Plat.**See findings and Condition of Approval 'C' below addressing Urban Forestry's recommendation to ensure that the red oak street tree is protected and retained.*
6. Bureau of Transportation Engineering.

7. Water Bureau

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **September 8, 2021**.

A total of three written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Bruce Burns, Burns Bros., Inc., wrote in support of the proposal on September 8, 2021. See Exhibit F-1 for additional information.
2. Joshua Baker, Buckman Community Association Landuse Co-Chair, wrote in support of the proposal on September 9, 2021. See Exhibit F-2 for additional information.
3. Brooke Cabatic, a neighboring owner/ operator of the neighboring property (the Historic New Logus Block) wrote in support of the proposal on September 29, 2021. See Exhibit F-3 for additional information.

Procedural History:

- A Design Advice Request (DAR) was held with the Design Commission on January 7, 2021.
- The Land Use Review application was submitted on June 29, 2021.
- Staff issued an Incomplete letter on July 28, 2021 and the applicant requested that the case be deemed complete on August 6, 2021.
- On August 6, 2021 the applicant submitted a response to the Incomplete letter including: A response the DAR Summary Memo comments, Drawings and Appendix Set, and a Stormwater Report.
- A memo summarizing remaining issues to be addressed was issued on August 16, 2021.
- A hearing was scheduled for September 30, 2021, 55 days after being deemed complete.
- First Land Use Hearing with the Design Commission was held on September 30, 2021.
- Second Land Use Hearing with the Design Commission was held on October 21, 2021.
- Third Land Use Hearing, a Work Session, with the Design Commission was held on November 4, 2021.
- At the fourth Land Use Hearing on November 18, 2021, the Design Commission unanimously approved the design based on the revisions discussed on November 4th.

ZONING CODE APPROVAL CRITERIA

(1) DESIGN REVIEW (33.825)

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.

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. Unless specified otherwise, findings relate to both the 8 and 7-story options.

CONTEXT

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.

A2-1. Recognize Transportation Modes, Produce, and Commerce as Primary Themes of East Portland. Recognize and incorporate East Portland themes into a project design, when appropriate.

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

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

Findings for A1, A2, A2-1, A3 and A5-3: The proposal addresses the above-mentioned guidelines in the following ways:

- The proposed courtyard is located off of SE Stark, which continues out to connect this site frontage to the river.
- The proposal responds Portland themes by providing a long-lasting structure with full height massing along the primary SE MLK frontage and upper floors that pull back to respond to the adjacent historic resources and the East Portland/ Grad Avenue Historic District to the east. The proposal also incorporates multiple eco roofs. These elements serve to incorporate Portland-related themes into the overall design concept.
- The building's orientation to the street and the use of design elements to link active retail uses to opportunities for spill out space in adjacent rights of way help to incorporate East Portland themes into the design.
- The project respects the block pattern by maintaining a strong alignment to the city block structure and street grid. Located on a traditional 200-foot block, the building façade along SE MLK runs the entire length of the block. Along SE Stark however, a courtyard is proposed mid-block between the subject site and the historic Chamberlain building to the east that helps to break down the scale of the building in a responsive way while enhancing the pedestrian environment.
- The electrical service to the building will be provided from new underground service lines. To minimize the impact of services on the elevations, the gas meters have

been located inside the loading bay, and the generator fuel port has been located on a return wall to the east of the garage opening.

Therefore, these guidelines are met.

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

A5. Enhance, Embellish, and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

C1. Enhance View Opportunities. Orient windows, entrances, balconies and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building façades that create visual connections to adjacent public spaces.

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 A5, C1, C3-1 and C4: The proposal addresses the above-mentioned guidelines in the following ways:

- At the first LU Hearing a majority of Commissioners found that the nearly half-block massing with the 200' long frontage along SE MLK worked well with the strong massing of the full 200' long expression of District Office directly across SE MLK and develops complementary massing appropriate for the area in this condition.
- It was also discussed that the repetitive, regularized - yet shifting, fenestration of the upper floors helps to break down the mass of the building and with additional simplification of the upper floors and further expression of the structure of the building, a majority of Commissioners noted that the building would successfully relate to the character of the Central Eastside.
- In response to the majority of Commission feedback stating that additional work was needed with fenestration at upper floors in order to adequately respond to the context, the Applicant proposed changes to further simplify the upper floors of the building which have helped to draw more attention to how the vertical structure is expressed at upper floors through revisions to a continuous width of the expressed vertical structure and the continuation of the chevron metal cladding. These additional simplifications discussed at the Work Session on November 4th, strengthen the contextual response of the building to the surrounding warehouse and industrial context by clarifying and increasing the legibility of the structural system and using a continuous material around the varied window openings. This helps to create a more typical relationship between cladding and windows as seen in the strong existing context in the area which typically have strongly expressed punched windows. With these revisions to the upper floors, the design strengthens the relationship between the expressed structural system of the upper floors to the concrete and metal pilasters at the base of the building and strengthens the relationship of the proposed design to the established historic and contemporary context of the area.
- The proposed revisions continue to simplify the façade while retaining the overall design expression welcomed by a majority of Commissioners present at the Work Session on November 4th. The continued simplification continues to help

integrate the louvers with the window system, creating a more coherent and clear language on the upper floor façades.

- All operable windows on upper floors have been updated from a “wood-grain” finish to a black finish, establishing a needed consistency of finish for all window types at upper floors and the louvers. This revision along with the change in louver finish, allows for additional clarity and simplification of the upper floors on the façade. These relatively simple revisions allow for the movement expressed in the upper floor facades to be expressed through the rust-color chevron metal panel, while unifying the window system into a more coherent element. The changes in finish help to increase the perceived regularity of the window system and integrate the louvers help to strengthen how the windows are held in the rust-color chevron metal panel, help to increase the visibility of the vertical structure of the upper floors of the building, and respond to the uses and function of the interior programming in a shifting yet regularized way. With these changes and the simplicity of the material palette help this contemporary design express the residential program of the upper floors of the building while relating to the character and accentuated structural rhythms found in the Central Eastside.
- The proposal as designed includes windows that will allow for views in all directions to significant areas of the city.
- The treatment of the SE Stark and SE Washington facades at the ground floor have greatly improved since the DAR with extension of the storefront system and new entries which are unifying elements in the area. On upper floors, the overall design has improved with the simplification of the window system and integration of the louvers, increasing overall coherency. With the revisions made to the upper floors associated with ‘Option C’ to include regularizing the width of the expressed vertical structure and the continuation of the chevron metal panel allows the primary chevron panel cladding to read more like a ‘net’ highlighting the fabric quality of the building and lending to more a punch opening aesthetic.
- The use of deep ground floor piers is an appropriate contextual response that helps the building relate to the strongly expressed structural systems seen in warehouse and industrial buildings in the area as well as in adjacent contemporary and historic precedents which incorporates unifying elements.
- Street trees are unifying elements that also help to unify and connect individual buildings and different areas in the Central City Plan District. At the request of Urban Forestry to ensure that the red oak street tree is protected, Condition of Approval ‘C’ has been added.
- Contextually responsive ground floor elements seen in warehouse-style buildings in the area and in adjacent contemporary and historic context include regularized bays defined by the structural rhythm of the building infilled with clear storefront glazing with low stem walls, consistent use of materials and door types. The proposed design incorporates themes of these common elements in a playful way at upper floors.
- Revisions made to improve the overall coherency of the ground floor expression include, changes to the storefront at the Main Entry recess along SE MLK to now match all other ground floor storefronts.
- Revisions to add a new cold joint in the concrete stem wall at in areas where counter seating is currently proposed, adds a consistent datum at the storefront sill height and allows these areas with a taller stem walls (38”) to still relate to and align with the lower stem walls (24”). Refinements to simplify the ground floor provides a more coherent and consistent expression that better relates to the surrounding context.

Therefore, with Condition of Approval 'C' that unless Urban Forestry approves tree removal during building permit review, the red oak street tree shall be retained and protected through all phases of development, these guidelines are met.

A5-4. Incorporate Works of Art. Incorporate works of art into development projects.

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

Findings for A5-4 and A5-5: The proposal addresses the above-mentioned guidelines in the following ways:

- The proposal includes two integrated artistic elements located where the building mass pulls away from the neighboring resource, the historic Hotel Chamberlin, and forms the proposed ground level courtyard off of SE Stark. These elements include a 20' tall by 15' wide 'art wall' trellis proposed at the rear wall of the courtyard with integrated lighting.
- Since, the first hearing, the design team has revised the design of the courtyard to include a water feature and relocated the bike racks, previously used to buffer the courtyard from sidewalk, to the Main Entry recess off of SE MLK. The water feature, now integrated into the design, enhances the quality of the streetscape experience and within the garden courtyard. The design of the water element creates a simple gesture that is perceived both visually and through sound. At the sidewalk's edge, a bubbler rises out of an 8-inch wide steel channel. The linear channel helps relate this elements to other forms in the courtyard including the 20-foot tall art trellis and the louvre fence. This water channel is nestled in the garden with a bubbler that provides the water source and helps create a pleasant dynamic experience as people walk along the sidewalk. Water from the channel flows through the vertical fence and creates a sense of mystery as the water disappears. However, the sound of water cascading and splashing can be heard from the sidewalk heightening a person's awareness that there is a larger water feature within the courtyard.
- From inside the courtyard, there is an equally compelling experience. Water is seen cascading from a steel scupper into a river rock pool that is surround by ferns. The source of the water is partially hidden by the fence and the planting beyond. The sound of the water cascading into the pool reverberates and creates a pleasant background noise within the courtyard and also for the visitors to the hotel to the east of the property. At night, a light within the pool creates a glowing effect that that is experienced from the within the courtyard and from the sidewalk.
- Integrating art and water into the design of the open space in a way that enhances the experience of pedestrians in the public right of way also enhances and embellishes the area, supports successful open spaces, and speaks to the history of loading and staging activities in the right of way in the areas.

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 for A6-1: Because a small part of the site lies within the East Portland/Grand Avenue Historic District, the applicant is also seeking Type II Historic Resource Review for a one-story part of the structure and part of the associated ecoroof that lies mid-block within the East Portland/Grand Avenue Historic District, as well as the

Central Eastside Subdistrict of the Central City Plan District. Refer to the findings below under Historic Resource Review for further findings related to the historic district.

Therefore, these guidelines are met.

A8. Contribute to a Vibrant Streetscape. Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

Findings A8: The proposal addresses the above-mentioned guideline in the following ways:

- The changes to the ground floor programming made since the Design Advice Request, to include truly active ground floor uses along SE MLK that wrap up the majority of the SE Stark frontage and almost half of the SE Washington frontage, greatly improve the building's response to its primary SE MLK frontage and help the proposal contribute to a vibrant streetscape and maintain a sense of urban enclosure.
- The active ground level uses include retail at the corners and a lobby/lounge and 'Fab Lab' space as active residential amenity. Large ground floor windows will provide views into and out of these active spaces.
- The main residential lobby and retail entrances are recessed and will provide an active ground floor by engaging pedestrian activity on all frontages. The introduction of entry points on all frontages and operable storefront provide pedestrian connectivity and contribute to moments of reveal along the improved 15' wide sidewalk. The corner retail space at SE MLK and SE Stark will serve as an accessible connection through to the activity of the proposed courtyard located off of SE Stark.
- The changes to include active uses including retail along SE MLK that wrap around to SE Stark and SE Washington contribute greatly to the streetscape condition.
- At the first hearing, some Commissioners noted concern with limiting glazing and the inconsistent stem wall heights along SE MLK which could limit the flexibility of the tenant spaces in the areas where 38" tall concrete stem walls are proposed to support counter height seating options at operable storefront. To address this concern and better relate the 24" tall concrete stem walls at corners and along SE MLK with the 38" tall concrete stem walls at operable storefronts along SE MLK, the applicant revised the design to include a consistent cold joint in the taller stem walls to align with the height of the lower stem walls. This revision makes it possible to augment the taller stem walls to enlarge the storefront if counter height seating is not preferred in these retail spaces.
- These revisions help support the viability of the active ground floor retail spaces and help develop connection between the building and the wider sidewalk. The operability of the storefront and the potential for spill out space within the new 15' wide sidewalk remains a celebrated opportunity for the design and allows visibility and connectivity with the active ground floor uses.

Therefore, these guidelines are met.

C1-1. Integrate Parking.

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

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

Findings for C1-1: Vehicle access to below and at grade mechanical stackers and bicycle parking is proposed via a 20' wide curb cut and drive aisle accessed off of SW Washington. The applicant has submitted a Driveway Design Exception (DDE) to locate the proposed roll-up door closer to the street to maintain the edge of the building at the sidewalk. The changes made since the LU submittal to differentiate the garage door from the service uses to the east, such as removing the continuous brow, continuing the expression of the storefront to the east at the Water Riser Room have helped to mitigate the presence of the garage door and better integrate parking into the design concept. The applicant has mentioned that the coiling roll-up door was proposed to be replaced with a roll-up door consisting of glazed panels. However, the drawings do not yet reflect that change.

Therefore, this guideline is met.

PEDESTRIAN REALM

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.

Findings for A7 and A7-1: The project establishes and maintains urban enclosure by bringing the building faces to the abutting rights-of-way along SE MLK, SE Stark and SE Washington. The project enhances this sense of enclosure by establishing active circulation and visual connections to retail spaces and spaces for active residential amenity at the ground level. Large areas of clear glazing, large continuous canopies, and recessed building entries maintain a sense of pedestrian scale and connect the activity of the building to the activity of the public right of way. The courtyard proposed off of SE Stark breaks the frontage mid-block along SE Stark to create a unique enclosed area that is accessible through the retail space at the corner of SE MLK and SE Stark. This courtyard space is well-designed to be an amenity to the public and to building residents and is supported by active uses that open out onto this space.

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.

B2. Protect the Pedestrian. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

B3. Bridge Pedestrian Obstacles. Bridge across barriers and obstacles to pedestrian movement by connecting the pedestrian system with innovative, well-marked crossings and consistent sidewalk designs.

B3-1. Reduce width of Pedestrian Crossings.

- a. Where possible, extend sidewalk curbs at street intersections to narrow pedestrian crossings for a safer pedestrian environment.
- b. Maintain large service vehicle turning radii where necessary.

Findings for B1, B2, B3, and B3-1: The proposal addresses the above-mentioned guidelines in the following ways:

- The proposal includes pedestrian access to the building from all frontages. By supporting points of entry from all streets, with large areas of clear glazing, recessed entries and continuous weather projection, the project reinforces and enhances the pedestrian system and experience.
- Active uses at the ground level, with areas of clear operable storefront provide opportunities for the pedestrian to engage with the building.
- Lastly the new 15' wide sidewalk with frontage improvements and street trees clearly delineate the pedestrian realm.
- Previous concerns with the potential impact of building exhaust on pedestrians on SE Stark and SE Washington were resolved with the additional information provided in the Applicant's presentation at the first hearing (see Exhibit H-2). The applicant confirmed that louvers are proposed at or near ground level either above storefront glazing without a canopy or at sidewalk level adjacent to the generator room located immediately to the west of the Landmark New Logus Block building will not have exhaust within 10' of adjacent grade. The area where exhaust is proposed not integrated above a canopy, is limited to a small area at least 10' above grade east of the garage opening. Additionally, this small area of exhaust is limited to only serving to exhaust the generator room and not generator or garage exhaust. To ensure that exhaust does not detract from the pedestrian experience, recommended Condition of Approval 'E' states that for ground-level louvers, no exhaust shall occur within 10' of the adjacent sidewalk grade.

With condition of approval 'E', for ground-level louvers, no exhaust shall occur within 10' of the adjacent sidewalk grade, these guidelines are met.

B4. Provide Stopping and Viewing Places. Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.

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

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.

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

C6. Develop Transitions between Buildings and Public Spaces. Develop transitions between private development and public open space. Use site design features such as movement zones, landscape elements, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

Findings for B4, B5, B6, B6-1, B7 and C6: The proposal addresses the above-mentioned guidelines in the following ways:

- The project incorporates design elements that will enhance adjacent public spaces. Including active ground floor uses with entrances on all three frontages. all wrap the building, activating the street frontages.
- The recessed entries to the retail spaces and the residential amenity space with deep, continuous canopy coverage provide pedestrian weather protection and support opportunities for pedestrians to stop and rest.
- The proposed design will be fully ADA accessible, including all site development, building floors and entrances at grade.
- While the proposed courtyard oriented to the north will not be accessible directly from the public right of way along SE Stark, the activity in the landscaped courtyard will be visible from the sidewalk and it will be accessible to visitors of the adjacent retail space and building occupants.
- With the added cold joint placed to allow for lower the height of the 38” concrete stem walls at a future date if counter height seating is not preferred, the proposed design creates an inviting open sidewalk level condition while allowing for future flexibility. The proposed inclusion of the cold joint allows for a better balance of providing counter height seating at the street edge with operable glazing with additional opportunities for spill out activity to activate the new 15’ wide sidewalk condition.
- With the features described above, the project incorporates a series of transition spaces connecting the public, semi-private, and private spaces along the site’s multiple street frontages.

This guideline is therefore met.

C7. Design Corners that Build Active Intersections. Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.

C8. Differentiate the Sidewalk-Level of Buildings. Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.

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

Findings for C7, C8 and C9: The proposal addresses the above-mentioned guidelines in the following ways:

- The corners of the building are programmed with active uses. On the ground level, the corner retail units utilize large ground-level storefront glazing framed by concrete and smooth metal panel piers to provide visual connectivity between interior active uses and the activity along the sidewalk to promote active intersections.
- Above the ground level, the living areas, which are the most active spaces in the units, are located on the corners. If Juliettes or balconies were reincorporated into the design they could serve to convey the residential character of the upper floors while also serving to highlight building corners and support active intersections.
- At the ground level courtyard, additional access is provided via the retail space along SE Stark, and via the lobby/ lounge spaces along SE MLK. An additional retail entry is proposed along SE Washington. Thus, serving to connect all frontages to sidewalk level spaces.
- The sidewalk level of the building is differentiated using several elements, including an increased glazing and sections of operable storefront (sliding

storefront on SE MLK, to-go windows on SE Stark and SE Washington, and a roll up door adjacent to the courtyard. The sidewalk level of the building is further differentiated with recessed entrances, continuous canopies, building materials, and landscaping at the courtyard. These elements work in combination to provide a multifaceted pedestrian scale experience. With the addition of the courtyard, the ground level of the building extends the visibility and activity of the building out to engage with the activity of the public realm.

- While there is a requested Modification to reduce the depth of required active for a percentage of the SE MLK frontage (see Modification findings below for more information), the ground floor retail spaces, lobby/ lounge, residential amenity space, and the accessible courtyard are designed for flexibility with a focus on maximizing usable areas, and multiple points of entry.

Therefore, these guidelines are 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 allows flexibility for potential loading and staging on sidewalks at the driveway entry fronting SE Washington St.

Therefore, this guideline is met.

C10. Integrate Encroachments. Size and place encroachments in the public right-of-way to visually and physically enhance the pedestrian environment. Locate permitted skybridges toward the middle of the block, and where they will be physically unobtrusive. Design skybridges to be visually level and transparent.

Findings for C10: Above-grade encroachments are not proposed for this project.

Therefore, this guideline is not applicable.

C11. Integrate Roofs and Use Rooftops. Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective storm water management tools.

Findings C11: Mechanical screening will also be integrated with the building design with a centrally located screened mechanical penthouse as to not detract from views of the city or mountain.

Therefore, this guideline is met.

C12. Integrate Exterior Lighting. Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.

Findings C12: The proposal utilizes a thoughtful approach to use exterior lighting in subtle ways to highlight points of entry recessed canopy lights and lighting to highlight the art wall feature (see sheet C-40). At the ground level, exterior lighting will also come indirectly from interior retail lighting, providing a dynamic experience which will be complemented by integrated landscape and path lighting in the courtyard.

Therefore, this guideline is met.

C1-2. Integrate Signs.

- a. Retain and restore existing signage which reinforces the history and themes of the district, and permit new signage which reinforces the history and themes of the East Portland Grand Avenue historic district.
- b. Carefully place signs, sign supports, and sign structures to integrate with the scale, color and articulation of the building design, while honoring the dimensional provisions of the sign chapter of the zoning code.
- c. Demonstrate how signage is one of the design elements of a new or rehabilitation project and has been coordinated by the project designer/ architect. Submit a Master Signage Program as a part of the project's application for a design review.

C13. Integrate Signs. Integrate signs and their associated structural components with the building's overall design concept. Size, place, design, and light signs to not dominate the skyline. Signs should have only a minimal presence in the Portland skyline.

Findings for C1-2 and C13: The current proposal does not include information on proposed building signage.

Therefore, these guidelines are not applicable.

QUALITY & PERMANENCE

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

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

Findings for C2 and C5: The proposal addresses the above-mentioned approval criteria in the following ways:

- The change to a profiled metal cladding as the primary cladding materials for the upper floors is an improvement that adds needed depth and texture to the façade.
- At the first hearing the applicant provided the necessary information on the proposed gauge of pre-finished metal elements. The applicant confirmed the gauge of the rust-color chevron metal panel to be 0.04 aluminum, and 0.04 aluminum for the smooth gray metal panel with a honeycomb backing at the ground floor and upper floors (see Exhibit C-35 and Exhibit H-2). With the additional information, the project employs high quality and durable materials.
- The changes made to the design to better respond to context guidelines, simplifying the design of the upper floors, integrating louvers, unifying the window system, allow the design to be more clear and express its organizing structural system, forming a coherent expression.
- While metal panel is still proposed at the ground floor at columns, the applicant has revised the proposal to include concrete in place of metal panel around the garage door opening on SE Washington. The use of more durable materials in high impact locations helps the proposal incorporate a sense of quality and permanence.

Therefore, these guidelines are met.

(2) HISTORIC RESOURCE REVIEW (33.846.060)

The following Guidelines apply to the 2100 SF building footprint 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: A small portion of 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 for the portion of the proposed structure that is within in the East Portland/ Grand Avenue Historic District. 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* these are also approval criteria.

Staff has considered all guidelines and addressed only those applicable to the portion of the proposal within the district. 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 A4, C2, and C5: The proposal addresses the above-mentioned guidelines in the following ways:

- The portion of the proposed building that is located within the East Portland/ Grand Avenue Historic District and therefore subject to Historic Resource Review is limited to a mid-block portion of the single-story section of the East Elevation. This area consists of a single-story painted CMU wall with a section of eco-roof atop the single-story mass. In general, the proposed building responds to the Historic District boundary and the neighboring resources, the Chamberlain Hotel Building, a contributing resource built in 1897, and the New Logus Block, an individually listed Historic Landmark built in 1892, by pulling back the upper 6-floors of the building. This important design move that allows the proposed building and the single-story painted CMU wall to related to and engage with the existing resources in a coherent respectful way.
- Pulling the upper floors of the building back and limiting the section of the building within the district to a single story, the proposal helps ensure that the

historic east facades of the adjacent resources will remain visible from the proposed courtyard, from SE Stark and SE Washington, and from and upper floors of the proposed building. As such, the proposal enhances adjacent resources, and enhances the district as a whole.

- The use of simple materials and minimal rooftop landscaping are visually compatible with the adjacent brick resources.

Therefore, these guidelines are met.

Guidelines for New Construction and Additions

A6-1i. Siting and Building Orientation.

1. In addition to meeting zoning requirements, siting and building orientation should be visually compatible with adjacent buildings and the District's architectural character.

Introduction: Scale and Proportion. The architectural character of the District must be considered when addressing this guideline. The reader is referred to the third section of this document, "East Portland/Grand Avenue Historic District's History, Character and Context" for information which will aid in understanding the District's character. In addition, this document contains many photographs, both contemporary and historic. They are included to aid the reader in understanding the area's character.

A6-1k. Scale and Proportion.

1. The scale, form, proportion, and detailing of the new building or addition should be compatible with adjacent historic buildings and the architectural character of the District. The relationship of voids to solids, the size and relationships of window bays, doors, entrance and other architectural elements should be of a scale and proportion that is visually compatible with the adjacent historic buildings and the District.

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.

A6-1l. 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.

Introduction: Rear and Side Walls. Portland and the East Portland/Grand Avenue Historic District share a pattern of orienting corner building entrances to the adjacent north-south street. Within the Historic District city blocks are small resulting in most buildings extending to one or more of the block 's corners. Orientations to King Boulevard and Grand Avenue are characteristic of the East Portland/Grand Avenue District. New buildings should respect this pattern.

A6-1m. Rear and Side Walls. Side walls and rear walls should be compatible with building facades or public street elevations, but can be simple and basically blank.

Findings for A6-1i, A6-1k, A6-1l and A6-1m: The proposal addresses the above-mentioned guidelines in the following ways:

- The proposed one-story element is part of the loading and parking entry structure for the new 7-story mixed-use development. Its massing and location narrowly abuts the street along SE Washington.

- The placement of the single-story mass allows this small area associated with building service uses to serve as a contextually appropriate backdrop and art wall for the proposed courtyard located off of SE Stark.
- The single-story painted CMU volume with a minimally landscaped roof utilizes simple modular materials and is visually compatible with adjacent buildings and the District in this limited application. The limited impact of this single-story mass adjacent to the resources to the east, enhances the District's architectural character.

Therefore, these guidelines are met.

(3) MODIFICATION REQUESTS (33.825)

33.825.040 Modifications That Will Better Meet Design Review Requirements:

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

The following Modifications are requested:

1. Modification 1

- Request to modify **Ground Floor Windows coverage**, PZC, 33.510.220 to reduce from 40% coverage to 33.9% on SE Washington.
- Request to modify **Ground Floor Windows length**, PZC, 33.140.230.B, to reduce length from 50% to 36.2% on SE Washington.

Purpose Statement: In the *Central City plan district*, blank walls on the ground level of buildings are limited in order to:

- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
 - Encourage continuity of retail and service uses;
 - Encourage surveillance opportunities by restricting fortress-like facades at street level; and
 - Avoid a monotonous pedestrian environment.
- The plan district modifications to the base zone standards for ground floor windows are intended to promote ground floor windows in a larger number of situations than in the base zones and to provide additional flexibility in meeting the standard.

In the *EX zone*, blank walls on the ground level of buildings are limited in order to:

- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, or allowing public art at the ground level;

- Encourage continuity of retail and service uses;
- Encourage surveillance opportunities by restricting fortress-like facades at street level; and
- Avoid a monotonous pedestrian environment.

33.510.220.B Standard: The following ground floor window standards apply in the RX, CX and EX zones. The standards of B.1 and B.2 apply to new development and major remodeling projects. B.3. only applies to major remodeling projects. To meet the standards, ground floor windows must be windows that allow views into work areas or lobbies, or be windows in pedestrian entrances. Windows into storage areas, vehicle parking areas, garbage and recycling areas, mechanical and utility areas and display cases attached to outside walls do not qualify. Windows into bicycle parking areas are allowed to qualify for up to 25 percent of the ground floor windows coverage requirement. The bottom of the windows of nonresidential spaces must be no more than 4 feet above the finished grade:

1. Ground level facades that face a street or open area shown on Map 510-8 must have windows that cover at least 60 percent of the ground level wall area. For the purposes of this standard, ground level wall area includes all exterior wall area from 2 feet to 10 feet above the finished grade.
2. All other ground level facades that face a street lot line, sidewalk, plaza, or other publicly accessible open area or right-of-way must have windows that cover at least 40 percent of the ground level wall area. For street facing facades of dwelling units the regulations of 33.130.230.B.4 apply. For the purposes of this standard, ground level wall area includes all exterior wall area from 2 feet to 10 feet above the finished grade.
3. Optional artwork. Projects proposing to use artwork as an alternative to the ground floor window requirements may apply for this through the adjustment procedure. Projects may also apply for a modification through design review if they meet the following qualifications. Buildings having more than 50 percent of their ground level space in storage, parking, or loading areas, or in uses which by their nature are not conducive to windows (such as theaters), may be allowed to use the design review process. Artwork and displays relating to activities occurring within the building are encouraged. In these instances, the artwork will be allowed if it is found to be consistent with the purpose for the ground floor window standard.

33.140.230.B Standard: Windows must be at least 50% of the length and 25% of the ground level wall area. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall.

Findings for A and B: The applicant requests to reduce the amount of ground floor windows from 40% coverage to 37.4%, in combination with a reduction from the 50% length requirement to 38.4%, all on the SE Washington frontage. Garage access must be along SE Washington.

The team has worked to consolidate building services and limit inactive areas at the street edges. The SE Washington frontage is where the majority of building services elements are proposed to be located, including the water riser, and generator rooms in addition to the garage door for access to parking and loading.

It is likely that given the programmatic limitations, the proposed building frontage on SE Washington would only be able to meet the standards with very thin piers or a butt-glazed storefront system on SE Washington. It is possible that those design elements may not serve as an appropriate contextual response given the deep piers expressed at

the ground floors of more warehouse and industrial style buildings in the area. The applicant has worked to create a larger glazed area set into the cast in place concrete mid block on SE Washington (mirrors the condition on SE Stark). While simply extending the storefront to the garage opening would slightly decrease the Modification request and allow more visibility into the retail space along SE Washington, the introduction of the concrete surrounds around the operable “to-go” window bays on SE Washington (mirrored on SE Stark) help add intentionality and interest to this heavily programed façade.

As designed, the proposal coherently continues a highly glazed storefront condition that wraps around the base of the building from SE MLK to SE Washington. The approximately 2’ wide highly textured cast in place concrete pilasters on SE Washington add a needed connection between the upper floors and the base of the building along SE Washington (and SE Stark). The inclusion of concrete around the garage doors opening and the extension of the storefront system east of the garage opening with transparent glazing help to limit the visual impact of the garage and building services on this narrow ground floor condition. The proposal as designed better meets guideline C5 and meets the purpose of the Ground Floor Windows Standard.

Therefore, this Modification warrants approval.

- 2. Modification 2** - Request to modify **Ground Floor Active Use**, PZC, 33.510.225 on SE Martin Luther King Jr. Blvd to reduce the requirement from 50% to 23.1%. The standard requires the ground floor of walls that front onto a sidewalk be designed and constructed to accommodate active uses in accordance with standards of the section for height and depth of space, accessibility, and glazing requirements. Regarding the required minimum depth of 25’, the Modification request is to allow 26.9% of the required space to only be between 13'-8" and 21'-3" deep.

Purpose Statement for 33.510.225 Ground Floor Active Uses: The ground floor active use standards are intended to reinforce the continuity of pedestrian-active ground-level building uses. The standards help maintain a healthy urban district through the interrelationship of ground-floor building occupancy and street level accessible public uses and activities, and they encourage a transit-supportive, pedestrian-oriented environment that is safe, active with uses, and comfortable for residents, visitors, and others. Active uses include but are not limited to: lobbies, retail, commercial, and office uses, but do not include storage, vehicle parking, garbage, recycling, mechanical, or utility uses.

Standard: 33.510.225.C. The ground floor active use standards apply to new development and major remodels on sites with frontage on a street shown on Map 510-9.

C. Ground floor active use standards.

1. Dwelling units are prohibited on the ground floor.
2. Buildings must be designed and constructed to accommodate uses such as those listed in Subsection A. Areas designed to accommodate these uses must be developed at the time of construction. This standard must be met along at least 50 percent of the ground floor of walls that front onto a sidewalk, plaza, or other public open space.

Areas designed to accommodate active uses must meet the following standards:

- a. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;

- b. The area must be at least 25 feet deep, measured from the street-facing facade;
 - c. The area may be designed to accommodate a single tenant or multiple tenants. In either case, the area must meet the standards of the Accessibility Chapter of the State of Oregon Structural Specialty Code. This code is administered by BDS; and
 - d. The street-facing facade must include windows and doors.
3. In the Pearl District and West End subdistricts, on the portion of a site within 100 feet of a streetcar alignment shown on Map 510-13, parking is not allowed in the portions of a building that meet the ground floor active use standard of Paragraph C.

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 for A and B: The changes to the ground floor programming made since the Design Advice Request, to include truly active ground floor uses along SE MLK that wrap up the majority of the SE Stark frontage and almost half of the SE Washington frontage, greatly improve the building's response to its primary SE MLK frontage and help the proposal contribute to a vibrant streetscape.

The active ground floors uses include retail at the corners and a lobby/lounge and 'Fab Lab' space as active residential amenity along with an additional retail space along the full-block SE MLK frontage. Large ground floor windows will provide views into and out of these active spaces and operable sliding storefront along SE MLK will encourage further use and activation of the new 15' wide sidewalk. The proposed design with truly active uses wrapping all three frontages, paired with design elements that support a vibrant streetscape (large amounts of glazing, operable storefront, recessed entries on all frontages and continuous pedestrian coverage) reinforce the continuity of pedestrian-active ground-level building uses along SE MLK. To ensure that the ground level in its entirety continues to support the vibrancy indicated in the proposal, Condition of Approval 'D' has been added to ensure that the ground level of the building will maintain retail space for at least the area shown on Exhibit C-14 and Appendix sheet C-86.

As noted above, at the first hearing some Commissioners noted concern with limiting glazing and the inconsistent stem wall heights along SE MLK which could limit the flexibility of the tenant spaces in the areas where 38" tall concrete stem walls are proposed to support counter height seating options at operable storefront. To address this concern and better relate the 24" tall concrete stem walls at corners and along SE MLK with the 38" tall concrete stem walls at operable storefronts along SE MLK, the applicant revised the design to include a consistent cold joint in the taller stem walls to align with the height of the lower stem walls. This revision makes it possible to augment the taller stem walls to enlarge the storefront if counter height seating is not preferred in these retail spaces. These revisions help support the viability of the active ground floor retail spaces and help develop connection between the building and the wider sidewalk. The operability of the storefront and the potential for spill out space within the new 15' wide sidewalk remains a celebrated opportunity for the design and allows visibility and connectivity with the active ground floor uses.

With the revisions made and the recommended Condition 'D', the proposal meets the purpose of the Ground Floor Active Use standard and better meets the guideline A8 *Contribute to a Vibrant Streetscape* and C9 *Develop Flexible Sidewalk-Level Spaces*.

Therefore, with Condition of Approval 'D', this Modification warrants 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 7-story mixed-use building is a welcome addition to the Central Eastside and forms an interesting architectural node with the existing, recently completed, building located immediately to the west across SE MLK while limiting impact on adjacent historic resources to the east by pulling the massing away and creating a 4-sided building. The design team has made considerable progress and a majority of the Commissioners present have expressed, that with the revisions made, the design team has successfully addressed the previously outstanding issues.

At the end of the 2nd hearing on October 21st, a minority number of Commissioners present still noted concern with the proposal with not yet being contextually responsive to this Central Eastside stating that the changes were not enough to adequately respond to Context Guidelines (C3-1 and C4). With one Commissioner stating that "it needs to choose if it is going to be on a grid or if it is going to be a fabric and then the windows need to respond accordingly. If using masonry there can be more play with the windows, but if you are going to have metal, which is a totally different material than what is in the District, the windows need to be more regular". To be successful, they could "take a couple of things (materials, expressed structural grid, proportions of windows, etc.) and playing with those and instead of "playing with all of the toolkit". Going on to state that "the design doesn't have to change to look like a 1920's brick building, because that is not necessary, but at the same time the design needs to ratchet back the number of moves that are different from the context".

At the 4th Land Use Hearing on November 18, 2021, the Design Commissioners present unanimously approved the design 6-0 based on the revisions discussed and support by a majority of Commissioners present at the November 4th hearing/ work session.

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. The applicant has addressed concerns expressed by the Commission and designed a building that embodies the spirit intended by the applicable Design Guidelines and Historic Resource Review criteria, and responds to the natural, cultural and built context. With added Conditions, the proposal meets the applicable Design Guidelines, Modification approval criteria, and Historic Resource Review criteria and therefore warrants approval.

DESIGN COMMISSION DECISION

Approval with Conditions of the Design Review with Modifications and a for a proposed new half block, 7-story "5-over-2" mixed-use building in the Central Eastside Subdistrict of the

Central City Plan District. Ground-level uses include commercial retail spaces, residential amenities, parking with approximately 60 parking stalls, and approximately 132 residential dwelling units of varying sizes at levels 2-7.

Approval of Modification 1:

- Request to modify **Ground Floor Windows coverage**, PZC, 33.510.220 to reduce from 40% coverage to 37.4% on SE Washington.
- Request to modify **Ground Floor Windows length**, PZC, 33.140.230.B, to reduce length from 50% to 38.4% on SE Washington.

Approval of the concurrent Type II Historic Resource Review for the portion of the East single-story painted CMU wall with eco roof that is located within the East Portland/ Grand Avenue Historic District.

Approval with condition 'D' for Modification 2: Request to modify Ground Floor Active Use, PZC, 33.510.225 on SE Martin Luther King Jr. Blvd to reduce the requirement from 50% to 23.1%. The standard requires the ground floor of walls that front onto a sidewalk be designed and constructed to accommodate active uses in accordance with standards of the section for height and depth of space, accessibility, and glazing requirements. Regarding the required minimum depth of 25', the Modification request is to allow 26.9% of the required space to only be between 13'-8" and 21'-3" deep.

Approvals per Exhibits C-1-45, C-59-63, and C-82-87, signed, stamped, and dated November 18, 2021, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through F) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 21-061842 DZM 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. Unless Urban Forestry approves tree removal during building permit review, the red oak street tree shall be retained and protected through all phases of development.
- D. The ground level of the building will maintain retail space for at least the area shown on Exhibit C-14.
- E. For ground-level louvers, no exhaust shall occur within 10' of the adjacent sidewalk grade.
- F. No field changes allowed

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By:  _____
Julie Livingston, Design Commission Chair

Application Filed: June 29, 2021
Decision Filed: November 19, 2021

Decision Rendered: November 18, 2021
Decision Mailed: December 2, 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 June 29, 2021, and was determined to be complete on August 6, 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 June 29, 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 waived the 120-day review period in addition to previously extending it to continue the hearings (see Exhibits H-4, H-10 and Exhibit H-11). Unless further extended by the applicant, **the 120 days will expire on: August 6, 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. This report is the final decision of the Design Commission with input from other City and public agencies.

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

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. Appeals must be filed by 4:30 pm on December 16, 2021. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. 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.

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>.

If this decision is appealed, a hearing will be scheduled and you will be notified of the date and time of the hearing. The decision of City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

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 City Council on that issue. Also, if you do not raise an issue with enough specificity to give City Council an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$5,513 will be charged (one-half of the application fee for this case).**

Neighborhood associations may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services website: <https://www.portlandoregon.gov/bds/article/411635>. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

Recording the final decision.

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

- *Unless appealed*, the final decision will be recorded on or after **December 17, 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 must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

Megan Sita Walker
November 18, 2021

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Original Project Description and Narrative
 - 2. Original Drawing Packet
 - 3. Original Appendix
 - 4. Neighborhood Contact
 - 5. Stormwater Report
 - 6. Response to Incomplete Letter, August 6, 2021
 - 7. Updated Drawing Packet, August 6, 2021
 - 8. Updated Appendix, August 6, 2021
 - 9. Response to DAR Summary Memo, August 6, 2021
 - 10. Stormwater Report, August 6, 2021
 - 11. Draft Ground Floor Revisions, August 26, 2021
 - 12. Final Drawing Packet for Hearing 1, September 10, 2021
 - 13. Final Appendix for Hearing 1, September 10, 2021
 - 14. Final Drawing Packet for Hearing 2, October 11, 2021
 - 15. Final Appendix for Hearing 2, October 11, 2021
 - 16. Design Diagrams for Hearing 3/ Work Session, November 1, 2021
 - 17. Final Drawing Packet for Hearing 4, November 15, 2021
 - 18. Final Appendix for Hearing 4, November 15, 2021
- B. Zoning Map (attached)
- C. Plans & Drawings
 - 1. Index
 - 2. Index
 - 3. Overall Site Plan (attached)
 - 4. Site Diagram: Primary Land Use
 - 5. Site Diagram: Transportation
 - 6. Existing Conditions – Aerial
 - 7. Ground Floor Plan
 - 8. Index sheet
 - 9. Ground Floor Landscape Plan
 - 10. Ground Floor Courtyard Landscape Plan
 - 11. Roof Landscape Plan
 - 12. Index
 - 13. Below Grade Floor Plan (attached)
 - 14. Ground Floor Plan (attached)
 - 15. Level 2 Floor Plan (attached)
 - 16. Level 3-7 Floor Plan
 - 17. Roof Plan
 - 18. West Elevation – Color
 - 19. West Elevation – B&W (attached)
 - 20. North Elevation – Color
 - 21. North Elevation – B&W (attached)
 - 22. East Elevation – Color
 - 23. East Elevation – B&W (attached)
 - 24. South Elevation – Color
 - 25. South Elevation – B&W (attached)
 - 26. Section – West

27. Section - North
 28. Enlarged West Elevation & Section Details ('Composite Sheet - 550:1')
 29. Enlarged West Elevation & Section Details ('Composite Sheet - 550:2')
 30. Enlarged West Elevation & Section Details ('Composite Sheet - 550:3')
 31. Enlarged West Elevation & Section Details ('Composite Sheet - 550:4')
 32. Enlarged North Elevation & Section Details ('Composite Sheet - 550:5')
 33. Enlarged East Elevation & Section Details ('Composite Sheet - 550:6')
 34. Enlarged South Elevation & Section Details ('Composite Sheet - 550:7')
 35. Materials Palette
 36. Exterior Lighting Plan – Ground Floor
 37. Exterior Lighting Plan – Courtyard
 38. Index
 39. Cut Sheets – Glazing
 40. Cut Sheets – Sliding Doors at Retail
 41. Cut Sheets – Cladding & Windows
 42. Cut Sheets – Cladding
 43. Cut Sheets – Cladding
 44. Cut Sheets – Louvers
 45. Cut Sheets – Overhead Doors
 - 46-58. Not Used
 59. Bird Safe Glazing – South Elevation
 60. Bird Safe Glazing – West Elevation
 61. Bird Safe Glazing – North Elevation
 62. Bird Safe Glazing – East Elevation
 63. Cut Sheet - Bird Safe Glazing
 - 64-81. Not Used
 82. Index – Modifications
 83. Diagram – Modification #2 Ground Floor Active Use – SE MLK Jr. Blvd
 84. Diagram – Modification #2 Ground Floor Active Use – SE MLK Jr. Blvd
 85. Diagram – Modification #2 Ground Floor Active Use – SE MLK Jr. Blvd
 86. Diagram – Modification #2 Ground Floor Active Use – SE MLK Jr. Blvd
 87. Diagram – Modification #1 Ground Floor Windows – SE Washington
- D. Notification information:
1. Request for response
 2. Posting letter sent to applicant
 3. Notice to be posted
 4. Applicant's statement certifying posting
 5. Mailed notice
 6. Mailing list
- E. Agency Responses:
1. Bureau of Environmental Services
 2. Life safety Division of BDS
 3. Fire Bureau
 4. Site Development Section of BDS
 5. Urban Forestry
 6. Bureau of Transportation Engineering
 7. Water Bureau
- F. Letters:
1. Bruce Burns, Burns Bros., Inc., wrote in on September 8, 2021
 2. Joshua Baker, Buckman Community Association Landuse Co-Chair, wrote in on September 9, 2021
 3. Brooke Cabatic, wrote in on September 29, 2021
- G. Other
1. Original LUR Application
 2. Pre-Application Conference Summary Notes (EA 20-201592 PC)

3. DAR Summary Memo for DAR meeting w/ Design Commission on January 7, 2021 (DA 20-219065)
4. Request for Completeness
5. Incomplete Letter
6. Issues to Address Memo
7. Email correspondence between staff and the applicant
8. Staff report and recommendation to the Design Commission, dated September 20, 2021
9. Staff memo to the Design Commission for the 1st hearing, dated September 27, 2021
10. Guidelines Matrix for Hearing 1

H. Hearings

1. Staff Presentation, September 30, 2021
2. Applicant Presentation, September 30, 2021
3. Testifier Sheet – Hearing 1
4. Continuation Form – Extension to the 120-Day Review Period
5. Revised Staff Report and Recommendation to the Design Commission, dated October 14, 2021
6. Staff memo to the Design Commission for Hearing 2, dated October 14, 2021
7. Staff Presentation, October 21, 2021
8. Applicant Presentation, October 21, 2021
9. Testifier Sheet – Hearing 2
10. Continuation Form – Extension to the 120-Day Review Period
11. Waiver of the 120-day Review Period
12. Staff memo to the Design Commission for Hearing 3/ Work Session, dated November 2, 2021
13. Staff Presentation, November 4, 2021
14. Applicant Presentation, November 4, 2021
15. Photos shared by Commissioner Santner at Hearing 3
16. Photos shared by Commissioner McCarter at Hearing 3
17. Testifier Sheet – Hearing 3
18. Revised Staff Report and Recommendation to the Design Commission, dated November 17, 2021
19. Applicant Presentation, November 18, 2021
20. Testifier Sheet – Hearing 4
21. Notice of Final Findings and Decision, dated November 22, 2021