



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 December 1, 2022**

CASE FILE NUMBER: LU 22-122430 DZ
PC # 20-131607
The Slate Building Parking Cap

BUREAU OF DEVELOPMENT SERVICES STAFF: Tim Heron 503-823-7726 /
Tim.Heron@portlandoregon.gov

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: Jessamyn Griffin, Works Progress Architecture,
jessamyn@worksarchitecture.net
811 SE Stark St, #210
Portland OR 97214

Owner: Block 75 LLC
116 NE 6th Ave #400
Portland, OR 97232-3529

Owners Agent: Sarah Zahn and Ann Jaworski, Urban Development + Partners
116 NE 6th Ave, Ste 400
Portland, OR 97232

Site Address: 321 NE COUCH CT

Legal Description: BLOCK 75 LOT 1&2 TL 3000, EAST PORTLAND; BLOCK 75 LOT 2-6 TL
2900, EAST PORTLAND

Tax Account No.: R226504950, R226504970

State ID No.: 1N1E34DA 03000, 1N1E34DA 02900

Quarter Section: 3030

Neighborhood: Kerns, contact Jesse Lopez at yosoyjay@gmail.com
Business District: Central Eastside Industrial Council, contact ceic@ceic.cc.
District Coalition: Southeast Uplift, contact Matchu Williams at matchu@seuplift.org

Plan District: Central City - Central Eastside

Zoning: EXd, Central Employment with design overlay
Case Type: DZ, Design Review
Procedure: Type III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

Proposal:

The Slate Building is on Block 75, a full city block located at the east end of the Burnside Bridge adjacent to the Couch Couplet; between NE Martin Luther King Jr Blvd (MLK), NE Third Avenue, NE Couch Street and NE Davis Street.

The existing Slate building occupies the southern half of Block 75, including an open plaza to the north that provides east/west pedestrian access through the block from MLK to NE 3rd Avenue. Directly north of the plaza, a mid-block driveway/open ramp is located off of NE 3rd Avenue, providing access to the sub grade parking garage where loading, vehicle and bike parking for the existing building are located.

The existing ramp was built in conjunction with the Slate building at 321 NE Couch Court, approved by the Portland Design Commission August 21, 2014 [LU 14-163479 DZM] with Conditions. A full enclosure/cover of the ramp was purposefully excluded at the time, as future Phase 2 developments for the property directly to the north (assuming shared driveway access and/or possible cover of the ramp via the future building) were planned.

As such, this specific Condition of Approval was applied:

- The driveway cap must be constructed within 3 years of the issuance of a Certificate of Occupancy for Block 75 phase 1, unless construction of phase 2 has begun.

With completion of Slate on January 10, 2017, and Phase 2 development put on hold, the ramp cap design was re-engaged and reviewed via a follow up Early Assistance appointment in June of 2020 (EA 20-131607) which determined that if a permanent solution is desired, a more robust response to the Approval Criteria would be necessary.

The currently proposed revised design for the cap enclosure includes:

- Maintaining existing property line/lots.
- Stucco clad CMU walls along the north and south facade of the ramp, to replicate patterning of Block 75 Slate's panelized facade.
- Trellis and vine application at select panels on the south facade, to further soften the courtyard experience.
- Custom mural application [Title 4 – Original Art Mural] at the south facade to further engage the pedestrian experience from the courtyard and right of way.
- Faceted framed entry to the garage to match Block 75 Slate's framed elements.

The design also proposes two options:

- Option 1: provide a metal open truss roof structure and high-speed garage door; or
- Option 2: provide a wood trellis roof structure with no garage door.

Because the proposal is for exterior alterations to an existing building and an unmet Condition of Approval, Design Review is required.

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:

- [*Central City Fundamental Design Guidelines*](#)

- [Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan](#)

ANALYSIS

Site and Vicinity: Block 75 is located north of the Burnside Bridge and is bounded by NE Martin Luther King Boulevard to the east, NE Couch Street/future Court to the south, NE 3rd Avenue to the west, and NE Davis Street to the north. The proposal occupies the three-quarters of the block previously occupied by the Ararat bakery and restaurant building, which was demolished in 2008. The existing Union Arms apartment building, three stories tall and constructed in 1908, occupies the northeast quarter of the block. The rehabilitated Convention Plaza building – now called the Eastside Exchange – is located across NE 3rd Avenue from the subject site. The Couch Street Pedestrian Plaza, which abuts the Eastside Exchange building to the south, was also recently completed as part of the overall Eastside Exchange project. The Eastside Exchange building, whose historic name is the “Ira F. Powers Warehouse and Factory,” was listed in 2011 as a Historic Landmark on the National Register of Historic Places.

Zoning: The Central Employment (EX) base 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 that 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 Central City Plan District implements the Central City Plan and other plans applicable to the downtown 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 that address special circumstances existing in the Central City area. The site is within the Central Eastside Subdistrict of the Central City Plan District.

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

- **LU 06-103735 ZC** – Approval of a Zoning Map Amendment to change the base zoning from General Industrial 1 (IG1) to Central Employment (EX) and to add the Design (d) overlay zone, for approximately 2.94 acres that include Blocks 67 and 68 and the western half of Blocks 75 and 76.
- **LU 14-163479 DZM** – Design Commission Approval for a new 10-story mixed-use building at Block 75 – The Slate Apartments; 131,158 square feet in area (148,997 square feet in area including the below-grade parking), 104'-4" tall; with 40 below-grade parking stalls and two below-grade loading spaces, ground-floor retail space, about 32,000 square feet of office space, and 75 housing units; with an east-west pedestrian path along the north edge of the building.

Subject to this Land Use Review is Condition D:

D. The driveway cap must be constructed within 3 years of the issuance of a Certificate of Occupancy for Block 75 phase 1, unless construction of phase 2 has begun.

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed **November 10, 2022**. The following Bureaus have responded with no issue or concerns:

- Bureau of Environmental Services, Exhibit E1.
- The Bureau of Transportation Engineering, Exhibit E2.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **November 10, 2022**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Jade Simms & Monica Ninh, business owners in the Slate Building, expressed concern for construction scheduling and business impacts.

Staff Response: As concerns are unrelated to the approval criteria subject this review, Staff recommends working with the property owner Urban Development + Partners regarding construction staging and timing to minimize business disruption.

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 within the Central Eastside Subdistrict of the Central City Plan District, the applicable approval criteria are [Central City Fundamental Design Guidelines](#) and the [Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan](#).

Staff has addressed the applicable design guidelines organized by Tenet: Context, Public Realm, and Quality and Permanence.

CONTEXT

A1 INTEGRATE THE RIVER - *Orient architectural and landscape elements including lobbies, entries, balconies, terraces and outdoor areas 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 extent the traditional 200-foot block pattern to preserve the Central City's ratio of open space to built space.*

A5 ENHANCE, EMBELLISH, AND IDENTIFY AREAS - *Enhance an area by reflecting the local character within the right of way. Embellish and 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.*

A6 REUSE/ REHABILITATE/ RESTORE BUILDINGS - *Where practical, reuse, rehabilitate and restore buildings and/or elements.*

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 the existing views and view corridors. Develop building facades to create visual connections to adjacent public spaces.*

C1-1 INTEGRATE PARKING - *Integrate parking in a manner that is attractive and complementary to the site and its surroundings. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.*

C4 COMPLEMENT THE CONTEXT OF EXISTING BUILDINGS

Compliment the context of existing buildings by using and adding to the local design vocabulary.

Findings: The site is located approximately three blocks east of the Willamette River. There is significant grade change, State and City infrastructure between the site and the river including the Union Pacific Railroad line, Interstate 5 and Interstate 84. Pedestrian access to the river is located at the nearby Eastbank Esplanade access point off the east end of the Burnside Bridge. The existing garage ramp access is to be maintained mid-block off NE 3rd Avenue, taking advantage of the vehicular & freight movement on the street. Parking and parking access to remain with parking located at the basement level below grade.

A through-block plaza connection is being maintained as open space for the existing development to the south, in addition to maintaining light and air for the existing Union Arms apartment building on the NE quadrant. Additionally, the existing landscaping along the north side of the ramp will be maintained, providing screening from the adjacent areas.

The proposed Parking Ramp Cap is integrated into the existing garage entry in all ways possible, maintaining the same footprint and reusing retaining walls. All three visible facades are designed to provide visual connections to the existing surroundings. The entry is framed in the same faceted expression as Block 75 Slate's window framed views. The structure's height is proposed to provide a minimum necessary 10' tall garage opening for proper clearance and meet the Zoning Code for loading access, while also maximizing view opportunities over the roof from the upper courtyard in the plaza towards downtown. Both the north and south

facades will be clad in dark stucco, with patterned reveals to reference The Slate’s north facade. The south facade will include new planters and landscaping to complement the existing courtyard. Additionally, a Title 4 Original Art Mural will be painted along the south face of the new structure to further enhance the overall design and pedestrian engagement in the plaza.

As discussed in the Design Commission Hearing, the intent of the Condition of Approval D per LU 14-163479 DZM was to provide a permanent solution to the parking cap by 2017 should a new development not be realized to fully cover this otherwise exposed suburban parking access typology. Other options explored but were ultimately not proposed for a variety of reasons, were an ecoroof to fully cover the parking cap or a combination rooftop patio and stormwater garden deck to better utilize this space for the site. These designs would also have better met the Design Guideline approval criteria. But, as a potential for future build out over this parking may still be viable, Design Commission agreed these two other options [ecoroof and/ or rooftop deck and stormwater garden] would likely inhibit that potential due the investment to install either of these two concepts.

Visual interest for the “cap” of the proposed parking ramp enclosure above was then proposed as two design options:

Option 1 – dynamic metal truss cap. This option provides a dynamic metal truss cap, offering a sculptural element and enhanced engagement from the upper courtyard as well as maintaining views over the ramp cap structure. This option resolves a successful and interesting solution to the roofscape that is visible from the adjacent ROW and plaza, and best completes the intent of the 2014 Condition of Approval to literally cap the exposed parking and loading access ramp.

However, as the cap does not fully enclose the full width of the parking ramp to the below grade parking garage as required by the original Condition of Approval D per LU 14-163479 DZM, a Condition of Approval of this review will require the continuation of the dynamic metal truss cap to fully cover the below grade parking ramp. With this Condition, Option 1 meets the relevant design guideline approval criteria.

Option 2 – wood trellis cap. This option proposes a simple wood trellis and a flattened rooftop expression across the top of the parking ramp cap. As discussed in the Design Commission hearing, the wood material was determined to not meet quality and permanence related design guidelines, and a metal material for this rooftop cap would better meet these approval criteria. However, a simplified metal trellis design was considered by the Design Commission as appropriate and complimentary to the simple one-story garage architecture. Therefore, a revised Condition of approval will require Option 2 to include a metal trellis material in lieu of wood, as well as require the continuation of the metal trellis cap to fully cover the below grade parking ramp. With this Condition, Option 2 meets the relevant design guideline approval criteria.

As discussed at the Design Commission Hearing, the wood material of Option 2 would not meet Quality and Permanence related Design Guidelines compared with metal. Therefore, Option 1 - dynamic metal truss and modified Option 2 – with a simplified metal trellis, not wood, would meet the approval criteria.

With the Condition of Approval that the Option 1A/B - dynamic metal truss cap to fully cover the below grade parking ramp or modified Option 2 - simplified metal trellis cap fully cover the below grade parking ramp, both Option 1A/B and modified Option 2 meets these design guidelines.

PUBLIC REALM

A4 USE UNIFYING ELEMENTS - *Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.*

A7 ESTABLISH & 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.*

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.*

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. 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.*

B3-1 REDUCE WIDTH OF PEDESTRIAN CROSSINGS - *Where possible, extend the sidewalk curbs at street intersections to narrow pedestrian crossings for a safer pedestrian environment.*

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 issues.*

B5 MAKE PLAZAS, PARKS & 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.*

C3 RESPECT ARCHITECTURAL INTEGRITY - *Respect the original character of an existing building when modifying the exterior. Develop vertical and horizontal additions, that are compatible with the existing building, to enhance the overall proposal's architectural integrity.*

C3-1 ENHANCE EXISTING THEMES IN THE DISTRICT - *Look to buildings throughout the district for contextual precedent. Innovation and creativity are encouraged in design proposals which enhance the overall district character.*

C6 DEVELOP TRANSITIONS BETWEEN BUILDINGS & 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.*

C11 INTEGRATE ROOFS & USE ROOF TOPS - *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 stormwater management tools.*

QUALITY & PERMANENCE

C2 PROMOTE QUALITY & PERMANENCE IN DEVELOPMENT - *Use design principles and building materials that promote quality and permanence.*

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

Findings: The NE 3rd Avenue entry gate will be framed in the same faceted expression as Block 75 Slate’s window framed views and the proposed stucco finish walls along the north and south face reference the Slate’s panelling. Along the south face a mural will be painted for further visual interest and pedestrian engagement and new planters and landscaping to complement the existing courtyard and screen the remaining southern facade at this location.

The proposed exterior materials, with exception of the wood materials proposed in Option 2, are high quality and low maintenance. Pre-finished, painted metal panels are used to clad the articulated garage entry on the west facade. Durable and low maintenance stucco is used along the north and south facades, with a mural and landscape screening to the south providing additional visual interest. As discussed at the Design Commission Hearing, replacement of the wood materials with metal in Option 2, as well as including a garage door, would better meet the Design Guidelines.

The existing plaza along the north property line provides a pedestrian pathway through the block connecting NE MLK to NE Third Ave and provides for gathering places to be used by the building users and retailers, offering multiple locations for people to stop, view, socialize and rest. The existing north plaza provides a variety of hard surfaces, seating and landscaped areas that create various sized spaced for intimate conversations or larger gatherings. The space is designed with integrated lighting so the plaza can be used after dark. The proposed Parking Ramp Cap will further enhance this plaza at the west end with the proposed murals and added landscaping. No change is proposed to pedestrian access.

The proposed Parking Ramp Cap completes and enhances the design of the adjacent Slate Building and site. All three visible facades are designed to provide visual connections to the existing surroundings and further engage the public realm. The entry is framed in the same faceted expression as Block 75 Slate’s window framed views. The structure’s height is proposed to both maximize views over the roof from the upper courtyard and provide a 10’ tall garage opening. Both the north and south facades will be clad in dark stucco, with patterned reveals to reference The Slate’s north facade. The south facade will include new planters and landscaping to complement the existing courtyard. Additionally, a mural will be painted along the south face of the new structure to further enhance the overall design and pedestrian engagement.

The existing ROW and plaza are maintained, with the new Parking Ramp Cap further defining the public right of way along NE 3rd Avenue and enhancing the existing open/through block connection.

As discussed at the Design Commission Hearing, the garage ramp access, to increase pedestrian safety and vehicular movement, will provide a garage door at the front of the garage access. Option 1A/B as proposed, and Option 2, modified to include a garage door and metal trellis material, provides secure access via a highspeed garage door at the NE 3rd Avenue property line. The enclosure of the street edge with a garage door that includes translucent glazing is appropriate and consistent with the pattern and approval of other zero-property line parking and loading door access points through the Central City.

With the Condition of Approval that Option 1A/B or Option 2 provide a high-speed garage door at the NE 3rd Avenue frontage, both options meet the design guidelines.

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and therefore warrants approval.

DESIGN COMMISSION DECISION

Approval for a revised design for the Slate Building parking ramp cap enclosure which includes:

- Stucco clad CMU walls along the north and south façade that replicate the patterning of Block 75 Slate’s panelized facade.
- Trellis and vine application at select panels on the south facade.
- Custom mural application [Title 4 – Original Art Mural] at the south facade.
- Faceted framed entry to the garage to match Block 75 Slate’s framed elements.

Approval for the Option 1 A/B design [12”-16”], which provides a dynamic metal open truss roof structure and high-speed garage door at the NE 3rd Avenue frontage.


Approval for Option 2 [12”-16”] to provide a simplified metal trellis roof structure and high-speed garage door at the NE 3rd Avenue frontage.

Approval per the Exhibits C-1.1 through C-3.9, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through G 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 22-122430 DZ". All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. Title 4 Art Mural will be completed within 3 years of this decision per Exhibit C1.10.
- D. The metal truss cap [Option 1 A/B and Option 2] will cover the entire parking accessway.
- E. A garage door will be provided.

F. The proposed planters at the south side of the parking garage ramp cap will be irrigated to ensure the longevity of the proposed plantings.

G. No field changes allowed.

By:  _____
Sam Rodriguez, Design Commission Chair

Application Filed: **March 14, 2022**
Decision Filed: December 2, 2022

Decision Rendered: December 1, 2022
Decision Mailed: December 16, 2022

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 March 14, 2022, and was determined to be complete on **September 10, 2022**.

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 March 14, 2022.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period, as stated with Exhibit (Exhibit A2). The **120 days expire on: September 10, 2023**.

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 30, 2022. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. **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 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).

Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing, one in which new evidence can be submitted to City Council.

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$5,789.00 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 after **December 30, 2022** 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.

Tim Heron
December 14, 2022

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 Submittal
 - 2. 120-day waiver
 - 3. Complete and hold request
- B. Zoning Map (attached)
- C. Plan & Drawings
 - 1.1 OPTION 1 RENDERING [attached]
 - 1.2 TRELLIS OPTION 1A - 12" O.C. SPACING OPTION
 - 1.3 TRELLIS OPTION 1B - 16" O.C. SPACING OPTION
 - 1.4 OPTION 2
 - 1.5 UTILITY PLAN
 - 1.6 STORM PLANTER CROSS SECTION
 - 1.7 LANDSCAPE TREE PLAN
 - 1.8 LANDSCAPE PLANTING PLAN [attached]
 - 1.9 PLANTING MATERIALS
 - 1.10 TITLE 4 MURAL [attached]
 - 2.1 BUILDING PLANS
 - 2.2 BUILDING PLANS
 - 2.3 BUILDING PLANS
 - 2.4 BUILDING ELEVATIONS - South
 - 2.5 BUILDING ELEVATIONS - West
 - 2.6 BUILDING ELEVATIONS - North
 - 2.7 BUILDING SECTIONS – East to West
 - 2.8 BUILDING SECTIONS – North to South
 - 2.9 MATERIAL PALETTE
 - 2.10 BUILDING DETAILS
 - 3.1 STUCCO
 - 3.2 STUCCO
 - 3.3 STUCCO
 - 3.4 OVERHEAD COILING DOOR
 - 3.5 OVERHEAD COILING DOOR
 - 3.6 METAL PANELS
 - 3.7 METAL PANELS
 - 3.8 TRELLIS
 - 3.9 PLANTERS
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant

3. Notice to be posted
 4. Applicant's statement certifying posting
 5. Mailed notice
 6. Mailing list
- E. Agency Responses:
1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
- F. Letters:
1. Jade Simms & Monica Ninh, business owners in the Slate Building, expressed concern for construction scheduling and business impacts.
- G. Other:
1. Original LUR Application
 2. Incomplete Letter
 3. Staff Memo, Report, Zone Map, Drawings
- H. Hearing
1. Staff Presentation
 2. Testifier Sheet
 3. Applicant Presentation