



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

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**Date:** February 4, 2019  
**To:** Interested Person  
**From:** Grace Jeffreys, Land Use Services  
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## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

### **CASE FILE NUMBER: LU 18-281663 DZM** **9745 NE Glisan Apartments – Modification reviews**

#### **GENERAL INFORMATION**

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**Owner:** Monika Elgert, Northwest Housing Alternatives  
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Gateway Affordable LLC  
2905 SW 1st Ave., Portland, OR 97201-4705

**Site Address:** **9747 NE GLISAN ST**

**Legal Description:** LOT 6, BESS ANDERSON; LOT 7, BESS ANDERSON; TL 4800 0.45 ACRES, SECTION 33 1N 2E

**Tax Account No.:** R075300170, R075300200, R942330070

**State ID No.:** 1N2E33AD 05000, 1N2E33AD 04900, 1N2E33AD 04800

**Quarter Section:** 2940 & 3040

**Neighborhood:** Hazelwood, contact Arlene Kimura at 503-252-9429.

**Business District:** Gateway Area Business Association, contact at [info@gabanet.com](mailto:info@gabanet.com)

**District Coalition:** East Portland Community Office, contact Victor Salinas at 503-823-6694.

**Plan District:** Gateway

**Zoning:** **RXd**, Central Residential with design overlay

**Case Type:** **DZM**, Design Review with Modifications

**Procedure:** **Type II**, an administrative decision with appeal to the Design Commission.

**Proposal:**

This design review is required to address modifications to development standards identified after the approval of a Type III Design Review (LU18-177124 DZM) for a 4-story, 90,000 SF, 159-unit affordable workforce housing project in the Gateway Plan District.

The project is required to dedicate a Pedestrian/Bike Path right-of-way between NE Glisan and NE Irving; therefore, Portland Zoning Code Title 33 development standards related to a “street” are triggered because the code defines a pedestrian/bike path as a “street”. The following Modifications to development standards related to this required dedicated “street” are needed:

**Modifications.** Four (4) Modifications are requested:

**1. 33.120.220.C Maximum Building Setbacks;**

To not require at least 50 percent of the length of ground level street-facing facade of the building to be within 10 feet of the Pedestrian/Bike Path. Because the building is approximately 355 feet long, 177.5 feet of façade is required to be within 10 feet of the Pedestrian/Bike Path. The proposal is instead for 45 feet of the facade to be within 10 feet of the Pedestrian/Bike Path, which is about 12 percent rather than the 50 percent required.

**2. 33.526.270 Entrances**

To not require entrances on the ground floor facing the Pedestrian/Bike Path to both face the path and to be within 15 feet of the path. The proposed lobby entrance instead faces north towards the parking area and NE Irving Street.

**3. 33.526.340.C Location of Parking, and 33.266.130.C.1, Table 266-3**

To allow a parking area between a primary structure and the Pedestrian/Bike Path, where this is not typically allowed. The parking area is located between the building and the path along 115 feet (32%) of the total 355 feet of building length.

**4. 33.266.130.G Parking Lot Landscaping**

To not require the minimum of 5 feet of L2 landscaping on site between the surface parking area and the Pedestrian/Bike Path. The proposed landscaping on site between the Pedestrian/Bike Path and the surface parking is instead approximately 1.5 feet of L2 landscaping.

In the “Notice of Proposal in Your Neighborhood” mailed January 4, 2019, an additional Modification was called out for Ground Floor Windows (33.526.290.B Ground floor windows, 33.120.232.B.2 Street-facing facades); however, this Modification was found to not be needed.

New construction in Design overlay zones is required to through Design Review per Portland Zoning Code Section 33.420.041.B.

**Relevant Approval Criteria:**

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

- The Gateway Regional Center Design Guidelines
- 33.420, Design Overlay
- 33.825, Design Review
- 33.825.040, Modifications That Will Better Meet Design Review Requirements

## ANALYSIS

**Site and Vicinity:** This design review is required to address modifications to development standards identified after the approval of a Type III Design Review (LU18-177124 DZM) for a 4-story, 90,000 SF, 159-unit affordable workforce housing project in the Gateway Plan District.

The project is required to dedicate a Pedestrian/Bike Path right-of-way between NE Glisan and NE Irving; therefore, Portland Zoning Code Title 33 development standards related to a “street” are triggered because the code defines a pedestrian/bike path as a “street”. Some Modifications to development standards related to a “street” are needed because of the required Pedestrian/Bike Path.

The 42,985-square foot site runs between NE Halsey Street and NE Irving Street, and lies near the western edge of the Gateway Plan District. It is comprised of three lots, each of which is developed with a single-family house which will be demolished. The site contains many existing trees mid-block. The property immediately to the west off NE Glisan is occupied by a single-family residence, and the other 3 properties to the west are owned by ODOT and developed with parking for the Gateway Transit Center Park and Ride. The property immediately to the east off NE Glisan is occupied by the one -to-two-story Cape Manor Apartments, and the property to the west off NE Irving is occupied by a single-family residence.

The site is located within the Gateway Pedestrian District. The City's Transportation System Plan (TSP) classifies the abutting rights-of-way (ROWs) as follows:

- NE Glisan: Major City Traffic, Transit Access, City Bikeway
- NE Irving: Local Service Street for all modes.

The Gateway District remains undeveloped relative to the amount of development potential in the neighborhood and its proximity to the LRT system. Single-dwelling, residential uses on large lots and post-war apartment buildings are interspersed among the suburban auto-oriented commercial strips along the high-volume traffic streets. The 2004 Gateway Regional Center Design Guidelines provide a striking vision of a neighborhood transformation to a vibrant, dense, mixed-use community with a wide range of alternative transportation options that would be second in size and scale only to the Central City.

The Hazelwood Neighborhood is among the largest neighborhoods in Portland, and the third most populated. It includes most of the Gateway Urban Renewal Area, the Mall 205 Shopping Center and the Gateway Transit Center. While traditionally auto-oriented, the Mall 205 area is beginning to experience redevelopment, with recent proposals including housing and office space.

**Zoning:** The Central Residential (RX) zone is a high-density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally, the density will be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of housing development will be medium and high-rise apartments and condominiums, often with allowed retail, institutional, or other service-oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby. RX zones will usually be applied in combination with the Central City plan district.

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

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

- LU 18-177124 DZM, Design Review approval for a new 4-story, 90,000 SF, 159-unit affordable workforce housing project with surface parking for two (2) Type B loading spaces and nine (9) vehicle spaces, accessed from NE Irving. Proposal also includes a continuous pedestrian connection between NE Glisan and Irving.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **January 4, 2019**. The following Bureaus have responded with no issues or concerns:

- Life Safety Section of BDS (Exhibit E.1)

**Neighborhood Review:** A “Notice of Proposal in Your Neighborhood” was mailed on January 4, 2019. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Carolina Gomez-Montoya, letter dated January 22, 2019, wrote with comments in opposition to the project citing concerns with construction activity, lack of on-site parking, lack of open green spaces, lack of bike/pedestrian connection to the multi-use path along I-205 and the added density (Exhibit F.1).
- *Staff response: These items are not within the scope of Design Review. See “Relevant Approval Criteria” above. In particular:*
  - *The Portland Zoning Code does not regulate construction activity. Any construction activity that effects the public right-of-way requires permits from the City.*
  - *Parking and density requirements in the Zoning Code are established in a legislative process with review and approval by the Planning and Sustainability Commission (PSC) and City Council. Design review has no authority to reduce or change these requirements in the Zoning Code. Concerns regarding these, or other development regulations, should therefore be directed to the PSC or Bureau of Planning and Sustainability Staff (BPS) Staff. <https://www.portlandoregon.gov/bps/index.cfm?>*
  - *Open space requirements are also established by the Planning and Sustainability Commission (PSC) and City Council. This proposal does include both public opens space, in the form of the new landscaped Pedestrian/Bike Path, as well as private open space, in the form of a landscaped resident courtyard. These were already approved through Land Use LU 118-177124 DZM, see findings from that review.*
  - *The pedestrian connection requested at the end of NE Irving to the multi-use path along I-205 is through land owned by another entity and cannot be subject to this review. This publicly owned land is currently in use as a Park-and-Ride parking area for the Gateway transit Center. Contact Tri-met for further information.*

## ZONING CODE APPROVAL CRITERIA

### (1) DESIGN REVIEW (33.825)

#### Chapter 33.825 Design Review

##### Section 33.825.010 Purpose of Design Review

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

##### Section 33.825.055 Design Review Approval Criteria

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

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 of the site's location, the applicable design guidelines are the Gateway Regional Center Design Guidelines.

### **Gateway Regional Center Design Guidelines**

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

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

### **Gateway Regional Center Design Goals**

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

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

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

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

**Findings:** The long axis of the site is north-south, and the length of the site creates a long, deep foot print with long side elevations facing west and east (with the new Pedestrian/Bike Path), and narrow street frontages on NE Glisan (an Enhanced Pedestrian Street), and NE Irving (a local service street). In response to these conditions, these guidelines are met in the following ways:

- On the long side elevations, the main massing of building has been located towards the west side of the site, creating a strong edge against the Park & Ride lot, and the I-205/I-84 freeway interchange. The massing along this side has been broken up into

two offset forms. Placing the main massing of the building along the west side allows the building mass to be set back along most of the eastern side, to engage and recede along the new Pedestrian/Bike Path. By setting the primary building volume back from the path, the resident courtyard and vehicle parking areas provide a more open, landscaped edge adjacent to the path.

*Therefore, this guideline is met.*

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

**Findings:** This guideline is met in the following ways:

- The design orients the most prominent public spaces of the proposal towards NE Glisan, with the most public spaces - the main entrance, lobby and the community room - placed closer to the new Pedestrian/Bike Path. These spaces have large windows facing the street, the path, and the courtyard, providing visual connections between the pedestrian environment and the interior spaces. The placement of the community room at this corner will provide views from NE Glisan through the interior space to the courtyard beyond.
- On the other facades, residential unit windows will provide visual connections between NE Irving and the Pedestrian/Bike Path and active residential uses. Open spaces, in the form of the courtyard and the landscaped parking area, provide a buffer from the path and units, allowing residents to feel more comfortable keeping their window coverings up.
- Physical connections to the frontages of the two streets and Pedestrian/Bike Path are provided with a primary building entry in Glisan, and a secondary mid-block lobby entrance off the parking area, with a link to the path. The parking area and southeast corner of the site will be relatively permeable to the path. For resident safety and security, an open, 4-foot tall decorative metal fence is proposed between the Pedestrian/Bike Path and the courtyard/playground. The design of this space will delineate the difference between public/private but is intended to do so in such a way that it provides a benefit to both of sides of this zone.

*Therefore, this guideline is met.*

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

**Findings:** This guideline is met in the following ways:

- The building is fully residential; however, active ground level elements have been positioned at primary locations where the public will engage with the building, focusing primarily on NE Glisan and at points along the Pedestrian/Bike Path where the building abuts the path.
- The ground-level building elements along the Pedestrian/Bike Path are reinforced at the SE corner of the site through the placement of the primary building entry and resident community room/courtyard. The courtyard will contain both active play and passive recreation space for residents with a fence between the public and private.

*This guideline is met.*

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

**Findings for C3:** This guideline is met in the following ways:

- The largest open spaces associated with the development are the courtyard and the surface parking area. The courtyard has been integrated into the southern half of the building and placed adjacent to the active uses at the corner with NE Glisan and the new Pedestrian/Bike Path.

- The limited parking and required loading zones will be accessed from a single driveway located on NE Irving, a local service street. This landscaped parking area has been partially screened by the northern half of the building and placed adjacent to the new Pedestrian/Bike Path, providing more open views towards the path.

*These guidelines are met.*

## **(2) 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 four (4) **Modifications** are requested:

- **Modification #1: Maximum Building Setbacks (33.120.220.C):**  
To not require at least 50 percent of the length of ground level street-facing facade of the building to be within 10 feet of the Pedestrian/Bike Path. Because the building is approximately 355 feet long, 177.5 feet of façade is required to be within 10 feet of the Pedestrian/Bike Path. The proposal is instead for 45 feet of the facade to be within 10 feet of the Pedestrian/Bike Path, which is about 12 percent rather than the 50 percent required.
- **Modification #2: Entrances (33.526.270):**  
To not require entrances on the ground floor facing the Pedestrian/Bike Path to both face the path and to be within 15 feet of the path. The proposed lobby entrance instead faces north towards the parking area and NE Irving Street.
- **Modification #3: Location of Parking (33.526.340.C, 33.266.130.C.1, Table 266-3):**  
To allow a parking area between a primary structure and the Pedestrian/Bike Path, where this is not typically allowed. The parking area is located between the building and the path along 115 feet (32%) of the total 355 feet of building length.
- **Modification #4: Parking Lot Landscaping (33.266.130.G):**  
To not require the minimum of 5 feet of L2 landscaping on site between the surface parking area and the Pedestrian/Bike Path. The proposed landscaping on site between the Pedestrian/Bike Path and the surface parking is instead approximately 1.5 feet of L2 landscaping.

### **Approval Criteria.**

- A. Better meets design guidelines.** The resulting development will better meet the applicable design guidelines.

**Findings:** Three of these Modification requests address development standards assessed based on the understanding of the required Pedestrian/Bike Path as a “street”. These are Maximum Setbacks, Entrance Standards, and Location of Parking Areas. The fourth Modification, to Parking Lot Landscaping, is required because the required 5 feet of landscaping is being provided partially on land that is required to be dedicated for the Pedestrian/Bike Path.

This site, with frontages on here “streets” of differing street classifications, is evaluated for Maximum Setbacks, Entrance Standards, and Location of Parking Areas. And, while it is important to meet these standards on the street with the highest transportation classification, in this case, NE Glisan St., to ensure an urban, active, pedestrian-friendly frontage on this busy street, also meeting these on the Pedestrian/Bike Path would result in a building that towers over the path and fails to provide the intended areas of refuge on the pedestrian throughway.

This design shifts the bulk of the building away from the Pedestrian/Bike Path, and the building has been articulated to provide visual interest and areas of landscaping for users of the path, as well as areas of recreation for residents. The placement of the parking area in the corner of the site close to NE Irving St. and the intersecting Pedestrian/Bike Path, the streets with the lowest transportation classification, maintains a comfortable separation between the path and the proposed building. It would be less desirable to place the parking solely at the rear of the site, dominating the NE Irving St. frontage or adjacent to the residential property to the west, even if the narrowness of the site didn’t preclude it. The main building entrance to the eastern façade of the building facing the Pedestrian/Bike Path has been placed to provide access to the internal pedestrian circulation system that leads to the recreation and parking areas, as well as to surrounding public pedestrian systems.

The setback between the parking area and the new lot line defined by the Pedestrian/Bike Path is 1.5 feet at its narrowest point, however, it is directly adjacent to an additional 3.5 feet of landscaping that is adjacent to the hardscaped path itself. This total 5-foot of landscaping meets the functional requirements of the 5-foot setback standard and will be planted to meet the L2 standard. It will be more than adequate to buffer the pedestrian path from the vehicle moving area of the parking area. Since the parking spaces are located on the west side of the proposed parking lot, the setback in question is largely defining the transition from the public path to private property and buffering path users from the vehicle moving area, which considering that this is a 10-space parking lot, will be minimal.

**The applicable Community Design Guidelines that apply here are:**

- *Guideline A1: Strengthen the relationship between buildings and streets.*
- *Guideline A2: Enhance visual and visual connections.*
- *Guideline B2: Integrate ground-level building elements.*
- *Guideline C3: Support open spaces with new development.*

**Modification #1: Maximum Building Setbacks (33.120.220.C):**

Maintaining the larger setback between the east façade of the building and the Pedestrian/Bike Path better meets the listed design guidelines by allowing the open spaces to mediate between the building and the new path. This also promotes greater visual permeability between the other spaces of the building and the new public Pedestrian/Bike Path.

**Modification #2: Entrances (33.526.270):**

As a ground-level amenity, the main entrance located at the midpoint of the building allows residents to efficiently park their bicycles as they enter the building and provide easy access to the parking area and the internal pedestrian system that leads to not just the Pedestrian/Bike Path, but also NE Irving and NE Glisan Streets, and the recreational open space.

**Modification #3: Location of Parking (33.526.340.C, 33.266.130.C.1, Table 266-3):**

Positioning the parking area between the north end of the building and the Pedestrian/Bike Path maintains the amount of air and space between the four-story structure and the path. Additionally, the narrowness of the site precludes another location for the parking area.

**Modification #4: Parking Lot Landscaping (33.266.130.G):**

This design allows the building to have a pedestrian-friendly design along both NE Irving St and NE Glisan St, and the provided vegetated setback between the vehicle movement aisle and the public path, in combination with the landscaping within the dedication for the Pedestrian/Bike Path, will mark the transition from the public realm to the private property



of the housing development and buffer path users from the limited number of vehicles that will access the parking area from NE Irving St.

With respect to the unique design challenges presented by the long-narrow site and the dedication required for new pedestrian path as well as the design response required to address this public space, the increased setbacks, configuration of the main entrance, location of parking, and reduced on-site landscaping allows the project to better meet guidelines A1, A2, B2, and C3 on this site. *This criterion is met.*

**B. Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

**Findings:** The purpose of each of the standards (*in italics*) and the responding findings are as follows:

**Modification #1: Maximum Building Setbacks (33.120.220.C):** Note this purpose statement relates to both minimum and maximum setback requirements, therefore, not all directly relate to this request for a reduction in maximum setbacks.

*The building setback regulations serve several purposes:*

- *They maintain light, air, separation for fire protection, and access for firefighting;*
- *They reflect the general building scale and placement of multi-dwelling development in the City's neighborhoods;*
- *They promote a reasonable physical relationship between residences;*
- *They promote options for privacy for neighboring properties;*
- *They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity;*
- *Setback requirements along transit streets create an environment that is inviting to pedestrians and transit users; and*
- *They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.*

Relief from the maximum setback standard for the project will provide a better pedestrian environment for the users of the Pedestrian/Bike Path than if the bulk of the four-story building was shifted closer to the path. The articulated east façade, the presence of the recreation and the parking areas and the landscaping soften the transition between the path and the housing facility, allowing them to be an amenity for path users, and in turn the path to act as a visual amenity for residents. Therefore, the development with this modification meets the intention of the standard, which is to create an inviting pedestrian experience. *This criterion is met for this modification.*

**Modification #2: Entrances (33.526.270):**

*These regulations ensure that at least one main entrance into a building, and each tenant space in a building that faces a street, be oriented to public streets or the light rail alignment. This requirement enhances pedestrian access from the sidewalk to adjacent buildings. Together with the Enhanced Pedestrian Street, ground floor window, and pedestrian standards, the entrance standards ensure that the sidewalks in the plan district are convenient, active, pleasant environments with pedestrian amenities.*

Relief from the entrance standard along the Pedestrian/Bike Path allows the main entrance on the east façade to be oriented towards a public street—in this case NE Irving—while also providing access to the parking area at the rear of the site. The recreation area and buffering vegetation along the length of the site will provide for an active, pleasant environment, and pedestrian amenities are present both in the public realm and in the outdoor space. Therefore, the development with this modification meets the intention of the standard, which is to orient main entrances towards pedestrian access adjacent to

buildings and provide a pleasant pedestrian experience. *This criterion is met for this modification.*

**Modification #3: Location of Parking (33.526.340.C, 33.266.130.C.1, Table 266-3):**

*The regulations of this section ensure that development is oriented to transit, bicycling, and pedestrian travel while ensuring accessibility for motor vehicles. Limiting the number of parking spaces promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for a better pedestrian environment, and protects air and water quality.*

This restriction on the location of parking areas between a building and a street is difficult to meet on this constrained site without swapping the north end of the building with the parking area, which would break the building into separate segments and thrust the north end up against the Pedestrian/Bike Path, enclosing the outdoor recreational area on three sides. This would run counter to guidelines that encourage activation of NE Irving St. The intention was to pull the building away from the new path and buffer it with vegetation and site amenities. Because the site has three “street” frontages, the project was designed to follow the hierarchy of streets. The building directly engages with NE Glisan St with a 0-foot setback and the active interior spaces of the housing development. The community space also directly engages with the Pedestrian/Bike Path where it intersects with NE Glisan St. The recreational open space then is tucked behind the community room, but visible through it and lies between the building and the path. Along NE Irving St., the building wraps to conceal the parking area except for the driveway and landscaping. Consequently, the 10-space parking lot is between the 355-foot building and the Pedestrian/Bike Path for approximately 115 feet (32%) of its length. Therefore, the development with this modification meets the intention of the standard, which is to orient parking away from street frontages to provide a pleasant pedestrian experience. *This criterion is met for this modification.*

**Modification #4: Parking Lot Landscaping (33.266.130.G):**

*Together with the transit street building setback standards in the base zone chapters, the vehicle area location regulations for sites on transit streets and in Pedestrian Districts:*

- *Provide a pedestrian access that is protected from auto traffic;*
- *Create an environment that is inviting to pedestrians and transit users.*
- *Create a strong relationship between buildings and the sidewalk; and*
- *Create a sense of enclosure on transit and pedestrian street frontages.*

*The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:*

- *Improve and soften the appearance of parking areas;*
- *Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;*
- *Provide flexibility to reduce the visual impacts of small residential parking lots;*
- *Direct traffic in parking areas;*
- *Shade and cool parking areas;*
- *Reduce the amount and rate of stormwater runoff from vehicle areas;*
- *Reduce pollution and temperature of stormwater runoff from vehicle areas; and*
- *Decrease airborne and waterborne pollution.*

Orientating the parking lot vehicle movement area parallel to the Pedestrian/Bike Path with access from NE Irving St protects the pedestrian path and eliminates the need for vehicles to access NE Glisan St, a transit street. The vehicle movement area will be buffered from the Pedestrian/Bike Path by the 1.5 feet of landscaping planted to the L2 standard and will be contiguous with an additional 3.5 feet of landscaping and the 6-foot hardscaping of the Pedestrian/Bike Path itself. This 11-feet of landscaping and sidewalk is sufficient to soften

the appearance of the parking area and reduce the impact of the vehicle movement area from adjacent residential properties.

Again, this condition will only extend for 115 feet of the 355 feet of building length, with the recreational area contributing an approximately equivalent linear extent and total area of landscaping adjacent to the path. Therefore, the development with this modification meets the intention of the standard, which is to buffer parking from street frontages to provide a pleasant pedestrian experience. *This criterion is met for this modification.*

*These Modifications merit 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 requirements of Title 11 can be met, and 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 responds appropriately to the challenging long, narrow site and the diverse conditions at each property edge, while providing a quietly coherent and articulated building. NW Glisan, the most prominent frontage, is fully activated by program and design. The southeast corner of the building is emphasized to mark the origination of the new multi-modal Pedestrian/ Bike Path, which will offer a new through-block link. The building massing responds to the new path by forming eddies of open space which contain a courtyard for residents and a landscaped parking area. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of four Modification requests related to a previously approved building in the Gateway Plan District:

**1. 33.120.220.C Maximum Building Setbacks;**

To not require at least 50 percent of the length of ground level street-facing facade of the building to be within 10 feet of the Pedestrian/Bike Path. Because the building is approximately 355 feet long, 177.5 feet of façade is required to be within 10 feet of the Pedestrian/Bike Path. The proposal is instead for 45 feet of the facade to be within 10 feet of the Pedestrian/Bike Path, which is about 12 percent rather than the 50 percent required.

**2. 33.526.270 Entrances**

To not require entrances on the ground floor facing the Pedestrian/Bike Path to both face the path and to be within 15 feet of the path. The proposed lobby entrance instead faces north towards the parking area and NE Irving Street.

**3. 33.526.340.C Location of Parking, and 33.266.130.C.1, Table 266-3**

To allow a parking area between a primary structure and the Pedestrian/Bike Path, where this is not typically allowed. The parking area is located between the housing structure and the path along 115 feet (32%) of the total 355 feet of building length.

**4. 33.266.130.G Parking Lot Landscaping**


To not require the minimum of 5 feet of L2 landscaping on site between the surface parking area and the Pedestrian/Bike Path. The proposed landscaping on site between the

Pedestrian/Bike Path and the surface parking is instead approximately 1.5 feet of L2 landscaping.

Approval per the approved site plans, Exhibits C-1 through C-3, signed and dated January 30, 2019, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 18-281663 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

**Staff Planner: Grace Jeffreys**

**Decision rendered by:**  **on January 30, 2019**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: February 4, 2019**

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on December 21, 2018 and was determined to be complete on **December 31, 2018**.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore, this application was reviewed against the Zoning Code in effect on **December 21, 2018**.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: April 30, 2019**.

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

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

elements that are specifically required by conditions of approval must be shown on the plans and labeled as such.

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

**Appealing this decision.** This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on February 19, 2019** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

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

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

**Recording the final decision.**

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

- *Unless appealed*, the final decision will be recorded after **February 19, 2019** by the Bureau of Development Services.

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

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

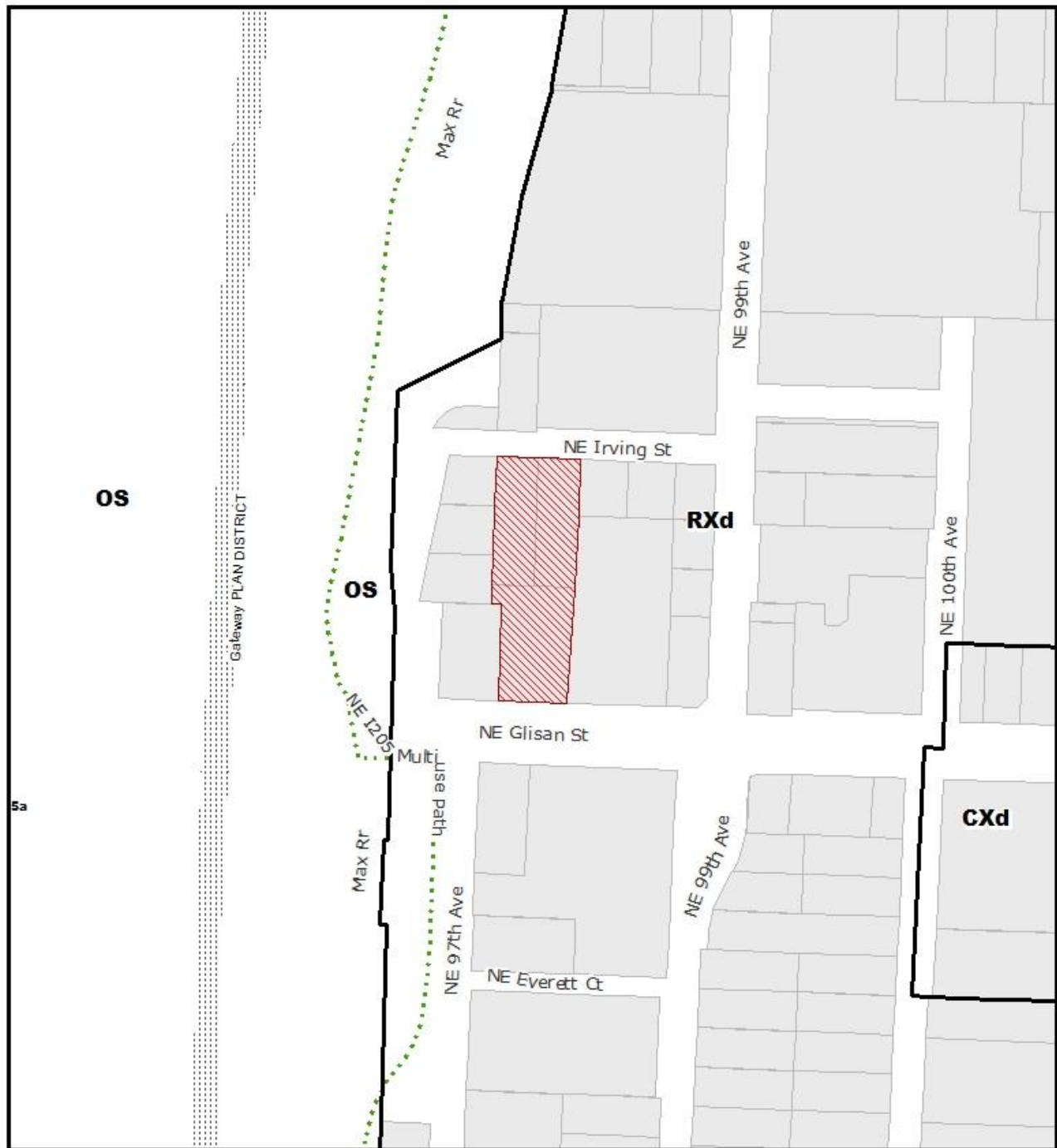
**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

**EXHIBITS - NOT ATTACHED UNLESS INDICATED**

- A. Applicant's Statement
  - 1. Original Submittal, 12/21/18
  - 2. Narrative, 1/23/19
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Exterior Elevations – West and East (attached)
  - 3. Exterior Elevations – North and South (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety Review Section of BDS
- F. Correspondence:
  - 1. Carolina Gomez-Montoya, 1/22/19, concerns about proposal.
- G. Other:
  - 1. Original LU Application

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

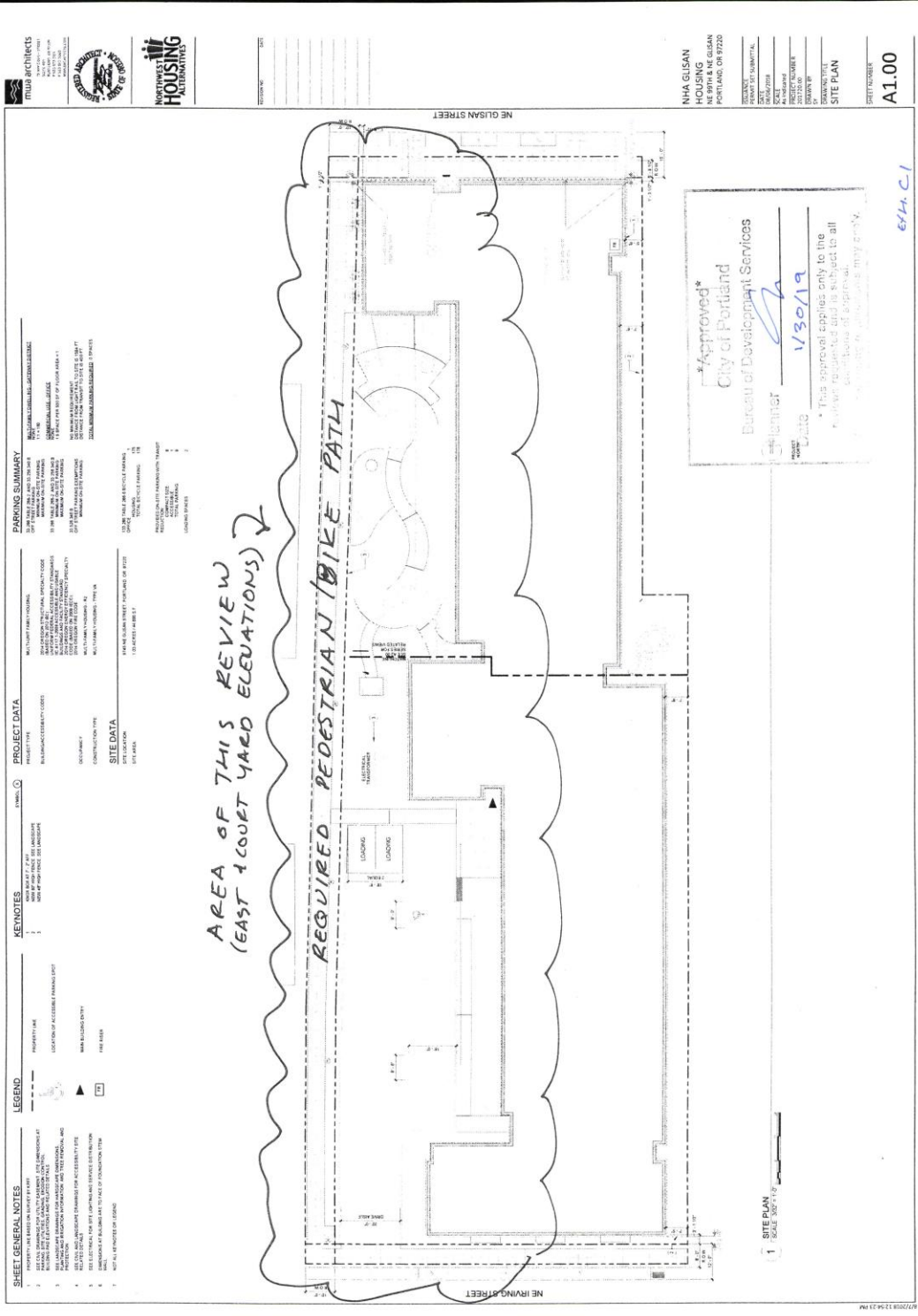


**ZONING**   
NORTH

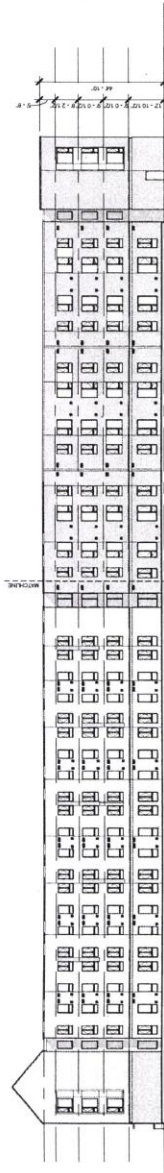
THIS SITE LIES WITHIN THE:  
GATEWAY PLAN DISTRICT

-  Site
-  Recreational Trails

File No.	LU 18-281663 DZM
1/4 Section	2940,3040
Scale	1 inch = 200 feet
State ID	1N2E33AD 4800
Exhibit	B Dec 28, 2018

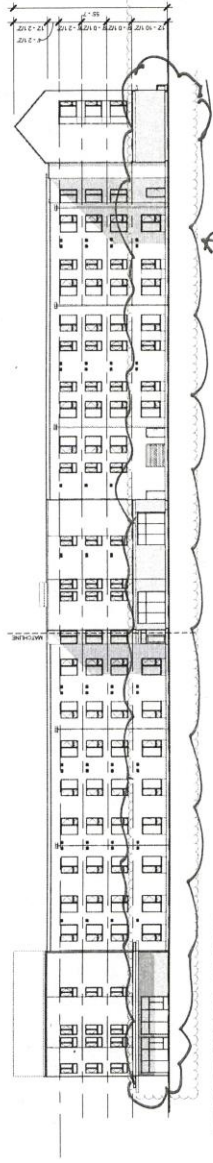






1 | WEST ELEVATION - OVERALL  
SCALE: 1/32" = 1'-0"

\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner \_\_\_\_\_  
 Date 1/30/19  
 \* This approval applies only to the  
 location, use, and height of the building.  
 It does not constitute an approval of the  
 building's design or any other aspect of the project.



2 | EAST ELEVATION - OVERALL  
SCALE: 1/32" = 1'-0"

SCOPE OF THIS REVIEW  
(PEDESTRIAN PATH RAILING ELEVATIONS)

NWA GILSAN HOUSING      NE 99TH AVE & NE GILSAN ST, PORTLAND, OR 97217      DESIGN REVIEW APPLICATION 6/26/18  
 LU 18-177124 02      **EA**      **mua architects**

EXH. C.2  
 LU 18-281663 DZM

