



STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION – *Approval with Conditions*

CASE FILE: LU 18-173798 DZM
NE 97th and Couch Mixed-Use Residential
PC # 18-141200

REVIEW BY: Design Commission
WHEN: May 16, 2019 at 1:30PM
WHERE: 1900 SW Fourth Ave., Room 2500A
Portland, OR 97201

Bureau of Development Services Staff: Tim Heron 503-823-7726 /
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GENERAL INFORMATION

Representative: Carrie Strickland, Works Progress Architecture
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Owners: Fourbs Trust-Randall J Borho, Joseph Kappers
Po Box 790
Beavercreek, OR 97004

Site Address: 9648 NE Couch Street & 17 NE 97th Avenue

Legal Description: BLOCK 1 LOT 19 TL 700, RUSSELLVILLE ADD; BLOCK 1 LOT 20-22 TL 900, RUSSELLVILLE ADD; BLOCK 1 LOT 20 TL 800, RUSSELLVILLE ADD; BLOCK 1 S 45' OF LOT 20, RUSSELLVILLE ADD; BLOCK 1 S 45' OF LOT 21&22, RUSSELLVILLE ADD; BLOCK 1 LOT 1-4 TL 1201, RUSSELLVILLE ADD

Tax Account No.: R733800200, R733800210, R733800216, R733800220, R733800230, R733800020

State ID No.: 1N2E33DB 00700, 1N2E33DB 00900, 1N2E33DB 00800, 1N2E33DB 01100, 1N2E33DB 01000, 1N2E33DB 01201

Quarter Section: 3040

Neighborhood: Hazelwood, contact Arlene Kimura at 503-252-9429.
Business District: Gateway Area Business Association, contact at info@gabanet.com

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

Plan District: Gateway

Zoning: RXd, Central Residential with a Design Overlay Zone.
Case Type: DZM, Design Review with Modification
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 applicant is seeking Design Review approval of a new mixed-use development located at the south-west corner of NE 97th Avenue and NE Couch Street, in the Gateway Plan District. The project site consists of five lots and is occupied by three single-story residential structures, which will be demolished. The I-205 Multi-Use Path runs along the western edge of the site, which is adjacent to TriMet tracks and I-205 beyond. TriMet tracks turn to run alongside E. Burnside Street just south of the site, and there is a MAX station located two blocks east. NE Couch, adjacent to the north property line, is proposed to be vacated per the “NE 97th Avenue Phase II Local Improvement District” recently approved by City Council on April 24, 2019, Ordinance #189472. Because NE Couch is still a ROW at the time of this Land Use Application [and prior to the presumed vacation incorporated as part of the Local Improvement District], it is being reviewed as ROW frontage with non-standard improvements.

The proposal includes a 6-story, approximately 70’ high building with 61 residential units that are a mix of studios, one-bedroom and two-bedroom units. The ground floor program includes retail space, office space, residential units, loading, and bicycle parking storage. The upper building program for levels 2-6 consists of residential units with a south-west corner terrace on the 2nd floor. Outdoor plaza areas with seating and landscaping are proposed as part of the development to the north [future NE Couch vacation per the Local Improvement District] and to the south [currently owned by Tri-Met] a remnant plaza from the East Burnside to I205 Light Rail MAX alignment. The Tri-Met owned parcel is currently being considered for redevelopment in association with this Land Use proposal [Tri-Met Letter, Exhibit A.7], particularly the need for building easements, but also for ground floor access to residential units. Therefore two alternatives are proposed for approval.

The proposal also includes **non-standard improvements in the ROW** at the NE Couch Street dead-end, to include plaza area with seating and landscaping that will complement the south side Tri-Met owned plaza area [to be constructed under a separate application].

The following **one (1) Modification** is being requested:

- **Bicycle Parking Standards (33.266.220.C.3.b)** to reduce the 2’x 6’ clear space requirement for bicycle parking to a spacing of 1.5’ for staggered wall mounted racks.

An **exception** is also requested to the **Oriel Window Standards (OSSC23/#1.F)** to allow the maximum width of the oriel window to exceed 12’ along, and to not provide required side windows on projections greater than 2’-6” for both NE Couch Street and NE 97th Avenue. Specifically:

- Two [2] oriels on the North Elevation/ NE Couch Street frontage:
 - 1) Lower 25’ x 4’ and no windows at sides; and
 - 2) Upper 25’ x 4’ and no windows at sides.
- Two [2] oriels on the East Elevation/ NE 97th Avenue frontage:
 - 3) Lower 29’ x 4’ and no windows at sides; and
 - 4) Upper 25’ x 4’ and no windows at sides.

Design Review is required because the proposal is for nonexempt new construction in the Gateway Plan District.

Relevant Approval Criteria:

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

- Gateway Regional Center Design Guidelines
- 33.825.040, Modifications That Will Better Meet Design Review Requirements
- Oriel Window Design Exception

ANALYSIS

Site and Vicinity: The project site is comprised of five lots at the corner of NE 97th Avenue and NE Couch Street. The site and lots north of Couch are zoned RX. The adjacent lot to the south and lots across NE 97th Avenue are zoned EX. The existing sites contains three single-story residential structures.

The site exists at the western edge of the Gateway Plan District between the I-205 and 97th Avenue. The I-205 Multi-Use Path runs along the western edge of the site with TriMET Tracks and I-205 beyond. TriMET tracks turn to run along E Burnside Street just south of the site and there is a MAX station located two blocks east. There are currently no sidewalks along NE 97th in this area and NE Couch Street is dirt and dead ends into the multi- use path. The applicant’s intention to vacate NE Couch Street as part of a separate filing at the encouragement of the PBOT and convert it to a privately-owned public plaza providing access to the Multi-Use Path. A Local Improvement District “NE 97th Avenue Phase II Local Improvement District” was recently approved by City Council on April 24, 2019 [Ordinance #189472, Exhibit A.9].

Large screened parking lots associated with a collision repair shop border the site to the east. To the north are single family homes with some larger multi-family developments north toward NE Glisan Street.

The site exists at an opportunity to transform this largely undeveloped area into an active corner with high visibility. According to a consortium of Developers promoting “Livable Gateway” [Exhibit A.8, image right], this project is intended to be the first of a series of new buildings and amenities spaces. It will be viewed at a variety of distances, speeds, and orientations, including from MAX ridership, from cars along I-205, and from pedestrians on 97th Avenue.

**LET'S START WITH ONE NEIGHBORHOOD
CENTRAL GATEWAY**



- LIVABLE GATEWAY CONCEPT RENDERING, PORTLAND, OR

LET'S START WITH ONE NEIGHBORHOOD!

Zoning: The 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 new 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. ***Please Note: This site's RX Zoning is vested by this Land Use Application's May 17, 2018 submittal date, prior to the May 24, 2018 Zoning Code/Zoning updates.***

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 no prior land use reviews for this site.

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed **April 26, 2019**. The following Bureaus have responded with no issue or concerns:

- Bureau of Environmental Services, Exhibit E.1
 - Bureau of Transportation Engineering and Development Review, Exhibit E.2
 - Water Bureau, Exhibit E.3
 - Fire Bureau, Exhibit E.4
 - Urban Forestry, Exhibit E.5
 - Site Development, Exhibit E.6
 - Life Safety Plans Review, Exhibit E.7
-
- The Tri-County Metropolitan Transportation District of Oregon [Tri-Met] has responded in a March 27, 2019 letter detailing the intent to allow “no-build” and

“access easements” across their currently owned parcel to the south. This will facilitate the location of window openings at the south property line, as well as projecting oriel window area across the property line, and the possibility should the land be developed as a future open space as a part of the Livable Gateway Initiative and the Local Improvement District “NE 97th Avenue Phase II Local Improvement District” was recently approved by City Council on April 24, 2019 [Ordinance #189472, Exhibit A.9], additional ground floor level unit front porch conditions as designed in the submitted proposal.

Please see Exhibit A.7 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **April 26, 2019**.

No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

Procedural History:

- Application submitted 5/18/2018; deemed incomplete 6/7/2018.
- Application deemed complete 10/15/2018, hearing scheduled 12/6/2018.
- Applicant requested to postpone hearing to 5/16/2019.

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 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. Responses to the Design Guidelines are addressed by “Three Tenets of Design Review”: Context, Public Realm, and Quality and Permanence.

Context: A1, A2, B3, C5, C6, & C7

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

Findings: The project provides a residential amenity space along most of the NE 97th Avenue street face, which will remain a low-priority local street frontage and will be successful as intended as a gathering and work space with a strong sidewalk presence. While a minimal amount of retail is specifically designated this frontage, the tall ceilings provide the flexibility for additional retail conversion if desirable.

The residential lobby functions face the new publicly accessible NE Couch Street plaza which provides access to the multi-use bike path on the west. The bike path is lined with new landscaping, a residential unit and the building’s bicycle storage area. Combined with recessed entries for the residential units, cantilevered oriels over the NE Couch Street ROW provides additional rain

protection for the lobby entrance at this frontage. However, canopies have not been provided over the ground floor residential units facing NE Couch or the south facing façade fronting the Tri-Met parcel. While these recessed entries provide some rain protection, the additional integration of a projecting canopy along these frontages would better distinguish these main entrances from a simple recess in the building volume, as well as provide additional rain protection. Therefore, a condition of approval will require that a canopy be provided at all ground floor residential units, matching Exhibit C.47, and include a minimum 4'-0" deep by as wide as the adjacent ground floor residential entry recess.

As the current NE Couch Street ROW is an unimproved dead-end street, the applicant is proposing non-standard improvements to this ROW to construct a public pedestrian park [no vehicles], which includes a series of seating areas, landscape planters, and hardscape area. As the Local Improvement District "NE 97th Avenue Phase II Local Improvement District" was recently approved by City Council on April 24, 2019 [Ordinance #189472, Exhibit A.9], which includes vacating the NE Couch Street ROW immediately north of this site, PBOT is supportive of the non-standard improvements in the NE Couch Street ROW.

The ground floor features large expanses of floor to ceiling storefront accompanied by an oversized awning at the lobby and amenity entrances. This generous amount of glazing promotes an inviting street level character. The second-floor outdoor terrace overlooks the Tri-Met parcel, a planned open space, and the multi-modal bike-path along the I205 corridor, providing "eyes on the path" and the potential Tri-Met plaza to the south.

As the Tri-Met parcel to the south is not a part of the site or in control by the applicant, though a Tri-Met letter of intent to allow building easements and access is submitted [Exhibit A.7], an alternative design option – Exhibits C.59-65 – is proposed for the south façade. The alternative design, while not preferred, would allow the pedestrian access as desired for the ground level residential units, as well as windows above at the upper floor levels, and through access from NE 97th Avenue and the I205 multi-modal path.

With the Condition of Approval that a canopy be provided at all ground floor residential units, matching Exhibit C.47, a minimum 4'-0" deep, and as wide as the adjacent ground floor residential entry recess, 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: The ground floor features large expanses of floor to ceiling storefront glazing. Ground floor programs have been oriented to activate NE 97th Avenue, the new plaza on Couch, and the I205 multi-use path. A large portion of the NE Couch Street plaza provides access to the multi-use path and will provide space for the residential amenity to spill out.

This guideline is met.

B3. Design for Coherency. Integrate the different parts of a building to achieve a coherent design.

Findings: The building utilizes coherent material throughout to allow the building to read as a whole while breaking it down into a well-defined individual massing shifts. Programmatic shifts are marked by materially appropriate

changes: amenity, residential, amenity deck and bike storage. Massing articulations and material shifts create a well-defined base, middle, and top, which is further enhanced by the oriel window projections to the north, east and south.

This guideline is met.

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

Findings: The design breaks down the massing into volumes of an appropriate scale for the current buildings in the area, while the overall building massing is appropriate for the scale of the building zoned in this area. The massing shifts selectively to activate the ground floor on the north (facing the plaza) and the top floor at the south (facing the MAX line).

This guideline is met.

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

Findings: The rooftop amenity space has a different material articulation and will be highly visible from Burnside and the MAX station. The proposed large-scale shingles are visibly textured and the material has a color variability within each panel. Building masses are cleanly and distinctly articulated.

This guideline is met.

C7. Strengthen the Regional Centers Western Edge. Contribute to the creation of a variable edge facing the I-205 freeway, by varying the footprint and façade plane of new development. Use a series of buildings to create an undulating built edge. Incorporating building setbacks within single buildings. Developing new buildings to exhibit a strong orientation westward.

Findings: The building breaks down the massing along the western edge, particularly emphasized by cantilevering select masses. The western edge of the project is largely composed of landscaped areas and screening at the ground floor. Those masses visible from the interstate are of a variety of heights and materials.

This guideline is met.

Public Realm: A3, B2, B4, B5, C1, C2, C3, & C4

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

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

Findings: Ground floor utility areas have been pushed as far away from the newly provided plaza and amenity spaces as possible. The intention is to provide a strong collection of active uses along the north end of the site and foreshadow future development north of NE Couch Street. Through the integration of mechanical systems into the facade system, the need for large, unsightly mechanical equipment is greatly lessened.

The new plaza in the to be vacated NE Couch Street provides space for pedestrians to gather. Canopies or the low-level oriels have been provided at the main entrances to the building – the lobby main entrance and the oriel projection over the retail space – and provide effective rain protection for these areas.

However, canopies have not been provided over the ground floor residential units facing NE Couch or the south facing façade fronting the Tri-Met parcel. While these recessed entries provide some rain protection, the additional integration of a projecting canopy along these frontages would better distinguish these main entrances from a simple recess in the building volume, as well as provide additional rain protection. Therefore, a condition of approval will require that a canopy be provided at all ground floor residential units, matching Exhibit C.47, and include a minimum 4'-0" deep by as wide as the adjacent ground floor residential entry recess.

With the Condition of Approval that a canopy be provided at all ground floor residential units, matching Exhibit C.47, a minimum 4'-0" deep, and as wide as the adjacent ground floor residential entry recess, this guideline is met.

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

Findings: Three strategically located cantilevers create a more dynamic project massing while providing shelter for pedestrians and bikers. One pushes over the northeast corner of the project, providing shelter and identifying the main entrance. The other two face the highway to transform a flat facade into a more interesting series of interlocking masses.

This guideline is met.

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

Findings: Mechanical systems are minimized, and a deck amenity space has been provided on the southwest side of the building to further activate the building. An internal soffit with down-lighting illuminates the storefront and sidewalk while minimizing light pollution.

This guideline is met.

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

Findings: A large residential amenity is located at the corner of 97th and Couch is intended to spill into the newly created plaza on Couch or to the right of way. The retail location has been added to the SE corner of the building along NE 97th Avenue, designed with a fully glazed storefront system to match the NE corner of the building, creating a balanced composition and predominantly transparent ground floor frontage.

This guideline is met.

C2. Enhance Gateway Locations. Enhance transitions at gateway locations. Use formal gateways to emphasize transitions. Develop gateway buildings. Incorporate works of art and/or fountains as gateways. Integrate sidewalk markers. Incorporate special landscape plantings and/or arrangements at gateway locations. Emphasize transitions at sites adjacent to freeway overpasses.

Findings: While this project is not located at one of the designated district gateways, it does sit on a highly visible site, negotiating the highway, MAX light rail, 97th Avenue and a multi-use path. As a result, the building is designed to be viewed from any direction with no definitive preference to any side. The building texture is designed to be at a scale large enough to be read at speed but with enough variation in the material to hold up upon close inspection. Massing strategies are simple and immediately read.

This guideline is met.

C3. Support Open Spaces with New Development. Develop buildings that are oriented to adjacent open spaces. Orient the main entrances of buildings to face adjacent parks. Consider the park's purpose in the design and functions of proposed adjacent buildings. Develop small plazas along pedestrian routes. Integrate elements within pocket parks to serve adjacent uses. Develop privately-owned open spaces that are supportive of adjacent uses, streets and buildings.

Findings: As part of this project, the Local Improvement District "NE 97th Avenue Phase II Local Improvement District" recently approved by City Council on April 24, 2019 [Ordinance #189472, Exhibit A.9], will vacate NE Couch Street to a privately-owned open space which is publicly accessible. The building lobby and amenity space open onto this newly created plaza. The plaza will provide enhanced pedestrian and bicycle access to the multi-use path.

While not a part of this site, significant coordination has occurred with Tri-Met to potentially allow access and no-build easements to occur [Exhibit A.7] to allow the proposals south façade to directly abut the southern property line. This preferred option is detailed in the attached drawings, but should the agreements for this not occur, the applicant has provided an alternative design option – Exhibits C.59-65 – proposed for the south façade. Either design reflects the use of ground floor residential units, a corner commercial space, and pedestrian access from NE 97th to the I205 Multi-modal path.

This guideline is therefore met.

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

Findings: Parking has been eliminated from the original submittal.

This guideline is met.

Quality & Permanence: B1 & B6

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

Findings: This design balances the future scale of the Gateway Plan District with the current, largely single-story, residential and industrial character of the area. The massing breaks down into two-story and three-story articulations which read at the varying distances and speeds from/at which one might view

the building given its adjacency to I205. An oversized shingle pattern is highly textured, picking up on common residential finishes in the area, but scaled up to a size appropriate to the building. Integral color cement bonded particle board panels are resistant to damage and provide a long-lasting finish. Limited amounts of metal panel reveal, and accents provide relief in the massing while drawing from the industrial buildings' character in the area. As the integral color of the cement board is critical to the long-lasting durability of the project and design, a Condition of Approval will require a smooth-finish, integral color cement bonded particle board panels are used.

With the Condition of Approval that smooth finished, integral color, cement bonded particle board panels are used, this guideline is met.

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

Findings: Several green measures are implemented in the design and construction including energy efficient wall assemblies and HVAC systems, high efficiency light fixtures, low VOC interior paints and drought tolerant landscaping. Proposed cementitious panels utilize rapidly renewable or recycled aggregates and non-toxic resins.

This guideline is 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.

Modification #1: Bicycle Parking, PZC 33.266.220.C.3.b – decrease the width of bicycle rack spacing from 24” to 18” width with a vertical stagger.

Purpose Statement: These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

Standard: 33.266.220.C.3.b – A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components.

- 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 C4 and Modification #1: The purpose of the bicycle parking standard is to provide safe and convenient places to park vehicles (33.266.200) and to avoid undue damage to stored bicycles. The proposed reduction in width of required spaces from 24” to 18” with a vertical stagger, allows more bicycles to be stored within a certain area. Staff, as well as the Bureau of Transportation, considers the proposed reduction as sufficient for ensuring protection of stored bicycles.

In addition, the proposed Modification better meets Design Review guidelines related to neighborhood character and pedestrian realm. This is because the modification enables more bicycles to be stored which should then mean greater bicycle activity in the area. The encouragement of active transportation allows bicycle and pedestrian modes of transportation to be dominant rather than vehicular modes. Encouraging increased cycling is conducive to making it a primary means of transportation which in turn contributes to a safer and more vibrant pedestrian environment. In addition, consolidating the bicycle parking into this space helps avoid the need to introduce additional bicycle parking in ground floor street-facing spaces of the building which are currently designated for more active and visually interesting uses. Preserving active spaces at the ground level contributes to a more vibrant streetscape.

These Design Review criteria are met and this Modification merits approval.

(3) Design Exception Request (OSSC/32/#1)

Window Projections into the Right-of-Way (OSSC/32/#1). The project proposes four (4) oriel window projections which exceed the maximum width of 12’ and do not provide required side windows on projections greater than 2’-6” and diagramed in Exhibit C.56.

- Two [2] oriels on the North Elevation/ NE Couch Street frontage:
 - 1) Lower 25’ x 4’ and no windows at sides; and
 - 2) Upper 25’ x 4’ and no windows at sides.
 - Two [2] oriels on the east East Elevation/ NE 97th Avenue frontage:
 - 3) Lower 29’ x 4’ and no windows at sides; and
 - 4) Upper 25’ x 4’ and no windows at sides.
- A. **Projection.** Maximum projection of 4 feet into the right-of-way including trim, eaves and ornament.

Findings: The maximum projection is 4’-0”. *This Criterion is met.*

B. Clearance. Clearance above grade as defined in Chapter 32, Section 3202.3.2 of the current Oregon Structural Specialty Code. (The 2004 edition of the Oregon Structural Specialty Code states that no projection is allowed for clearances less than 8 feet above grade. For clearances above grade greater than 8 feet, 1 inch of projection is allowed for each additional inch of clearance, provided that no such projection shall exceed a distance of 4 feet.)

Findings: The clearances of all four oriel windows are a minimum of 12', well above the required clearances above the adjacent sidewalk grades for projections.

This Criterion is met.

C. Area. Maximum wall area of all windows which project into public right-of-way on a wall is 40% of the wall's area.

Findings: Projecting wall areas for all oriels projecting over the ROW are under 40%. *This Criterion is met.*

D. Wall Length. Maximum width of any single window which projects into public right-of-way is 50% of its building wall length.

Findings: The projecting wall lengths for any single window which projects into public right-of-way are under 50% of its building wall length.

This Criterion is met.

E. Window Area. Minimum of 30% window area at the face of the projecting window element. Projections greater than 2 feet 6 inches must have windows at all sides. Required side windows must be a minimum of 10% of side walls.

Findings: The minimum window areas of the faces of the projecting window elements meet the required minimum 30% window areas. *This portion of the Criterion is met.*

The project does not meet the required minimum 10% side windows for projections greater than 2 feet 6 inches, providing no window area, 0%. Approval through design review is required to not meet this requirement.

Side windows are typical of bays and traditional "oriel" windows, however, the window projections proposed are not bays in the traditional sense. To further reinforce these two and three-story block expressions, the decision to not add windows to the sides of the oriels required by this standard is mitigated by an otherwise generous application of both operable and fixed window systems facing the two public ROWs. This increase in glazing and opportunity for fresh air, helps mitigate the lack of the otherwise required 10% window area along the oriels' side walls. Ultimately though, the lack of windows at the sides further integrates the massing with the sculptural concept of the building, which contributes to the project better meeting Guideline *B3 Design for Coherency*. *This Criterion is met.*

F. Width. Maximum width of 12 feet for each projecting window element. When approved through Design Review, the width may vary provided the area of all windows on a wall which project into public right of way does not exceed 40% of the wall's area and the width of any single projecting window element does not exceed 50% of its building wall's length.

Findings: The window projections comply with Criteria A-D above, however they also all exceed the maximum 12' width allowed. This Criterion is not met but is approvable with (1) compliance with standards C and D, and (2) a favorable recommendation through Design Review. Standards C and D are met.

Regarding Design Review consideration, the projecting oriel lengths exceed the 12' foot standard to a range of 25' to 29' to respond to the scale of the two-story

and three-story sculptural treatment of the facades, which is intending to break down the overall massing of the proposal. This project's massing strategy breaks down the building in several sculptural moves that reinforces the smaller scale massing shifts of modest of individual two and three-story projecting bays – whether over ROW or the second-floor rooftop terrace. The increased width from 12' to 25'-29' supports the sculptural concept of the building, which contributes to the project better meeting Guideline *B3 Design for Coherency*. *This Criterion is met.*

G. Separation. Minimum separation of 12 feet measured from other projecting window elements on the same elevation or plane of wall. When approved through Design Review, required separation may vary provided the area of all projecting window elements on a wall does not exceed 40% of the wall's area and the width of any single projecting window element over the right-of-way does not exceed 50% of its building wall's length.

Findings: The distances between all projecting oriel windows exceeds 12'-0". *This criterion is met.*

These Exceptions meet the approval criteria and therefore 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 project provides a mixed-use development which incorporates commercial and residential space, both of which are desired development in the Gateway 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.

This project's massing strategy breaks down the quarter-City block scale of the development to address the many speeds of travel surround the site – Rail, Freeway, Local Street, Bike and Pedestrian – as well as the widely varying existing and future building stock in the area. A human-scale ground floor shifts to a two-story mid-level and variable top articulations shift horizontally and vertically. When the planned NE Couch Street vacation is completed, as a separate filing, it will be converted to publicly accessible plaza.

The resulting architecture features traditional building forms, typologies, and materials in a contemporary way which integrates the scale and finishes of future development in area while referencing the current residential and industrial scales and materials. Utilization of an over-sized shingle façade references the texture of residential homes in the area at a scale appropriate for the scale of the building.

The proposal meets all the relevant approval criteria and therefore merits approval.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time to the Design Commission decision)

Approval of NE 97th and Couch Mixed Use Residential Building with 61 apartments, with ground level retail, office, residential, bike parking and loading;

Approval of non-standard improvements in the NE Couch Street rights of way including benches, landscaping and hardscape;

Approval of Modification to Bicycle Parking Standards (33.266.220.C.3.b) to reduce the 2'x 6' clear space requirement for bicycle parking to a spacing of 1.5' for staggered wall mounted racks;

Approval of an *exception* to the *Oriel Window Standards* (OSSC23/#1.F) to allow four [4] oriel windows exceed the maximum 12' width, with no side windows, at NE Couch Street and NE 97th Avenue. Specifically:

- Two [2] oriels on the North Elevation/ NE Couch Street frontage:
 - 1) Lower 25' x 4' and no windows at sides; and
 - 2) Upper 25' x 4' and no windows at sides.
- Two [2] oriels on the East Elevation/ NE 97th Avenue frontage:
 - 3) Lower 29' x 4' and no windows at sides; and
 - 4) Upper 25' x 4' and no windows at sides.

Approval per the attached drawings Exhibit C.1 – 80, to be stamped and dated, and with the following Conditions of Approval:

- A. As part of the building permit application submittal, the following development-related conditions (B through E) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 18-173798 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. For all north and south facing ground floor residential units, a minimum 4'-0" deep canopy, as wide as the adjacent residential entry building recess, matching the canopy detail of Exhibit C.47, shall be provided.
- D. Smooth finished, integral color cement bonded particle board panels will be used at floors 2-6.
- E. No field changes allowed.

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Procedural Information. The application for this land use review was submitted on May 18, 2018, and was determined to be complete on **October 15, 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 May 18, 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 waived the 120-day review period, as stated with Exhibit A.2. Unless further extended by the applicant, **the 120 days will expire on: October 15, 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 recommendation of the Bureau of Development Services with input from other City and public agencies.

This report is not a decision. The review body for this proposal is the Design Commission who will make the decision on this case. This report is a recommendation to the Design Commission by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Design Commission will make a decision about this proposal at the hearing or will grant a continuance. Your comments to the Design Commission can be mailed, c/o the Design Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201 or faxed to 503-823-5630.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. You may review the file on this case by appointment at our office at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201. Please call the file review line at 503-823-7617 to schedule an appointment.

Appeal of the decision. The decision of the Design Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Design Commission, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. 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.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. **Appeals must be filed within 14 days of the decision. An appeal fee of \$5,000.00 will be charged.**

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 in the Development Services Center, 1900 SW Fourth Ave., First Floor. Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must

contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

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 14 days after the final decision is mailed 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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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.

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).

Tim Heron
May 6, 2019

EXHIBITS – NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement & Drawings

1. April 18, 2018 Drawings and Narrative
2. April 18, 2018 120-day waiver
3. October 15, 2018 REVISED Drawings and Narrative
4. November 2, 2018 request to extend hearing date to April 16, 2019
5. February 22, 2019 REVISED Drawings and Narrative
6. March 26, 2019 REVISED drawings
7. March 27, 2019 TriMet Letter
8. Livable Gateway Report; Joe Westerman, Gordon Jones, and Andy Baltz.
9. April 24, 2019 City Council Approved Ordinance #189472 for the NE 97th Avenue Phase II Local Improvement District

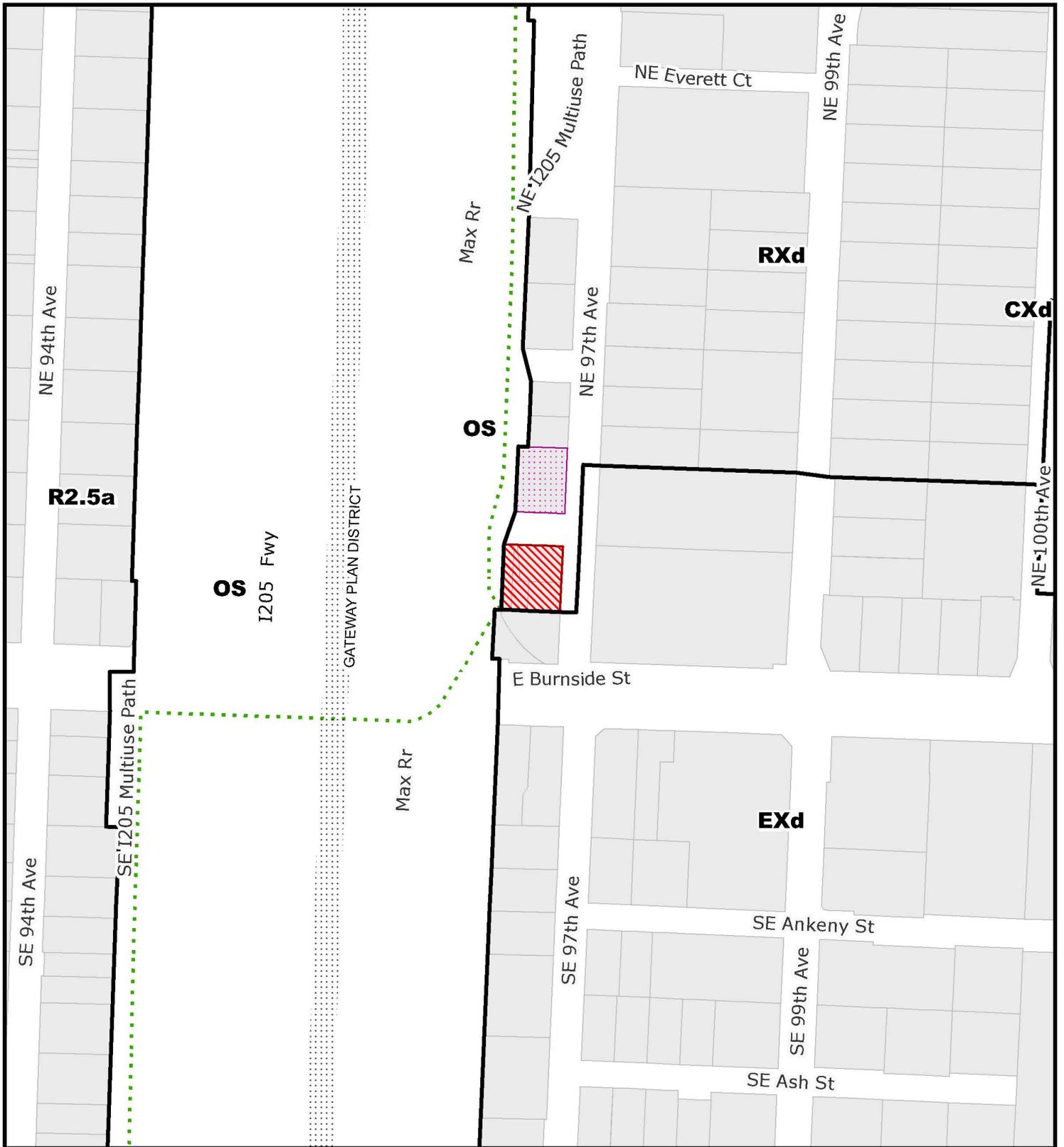
B. Zoning Map (attached)

C. Plan & Drawings

- | | |
|--|--|
| 1. Cover Page | 41. View from southeast |
| 2. Table of contents | 42. View from bridge and Burnside |
| 3. Project and site information title | 43. Material palette |
| 4. Project summary | 44. View from couch plaza |
| 5. Zoning summary | 45. Ground floor details |
| 6. Zoning map | 46. View from multi-use bath |
| 7. Context Density | 47. Ground floor details |
| 8. Vicinity map | 48. View from northeast |
| 9. Neighborhood context | 49. Typical wall details |
| 10. Existing conditions and vicinity map | 50. Typical wall details |
| 11. Existing site plan | 51. Upper floor details |
| 12. Overview mater plan | 52. Typical window details |
| 13. Proposed site plan | 53. Clearance diagrams |
| 14. Massing strategy title | 54. Bike room |
| 15. Allowable building mass | 55. Ground floor window diagrams |
| 16. Allowable building mass | 56. Oriel window modification diagrams |
| 17. Site drawings title | 57. Overall perspectives |
| 18. Grading plan | 58. View from Burnside bridge |
| 19. Stormwater plan | 59. Alternative Title |
| 20. Utility plan | 60. Landscaping plan |
| 21. Erosion control plan | 61. Ground floor plan |
| 22. Landscaping and tree plan | 62. First floor plan |
| 23. Planting legend | 63. Exterior elevations |
| 24. Building drawing title | 64. Exterior elevations |
| 25. Building diagrams | 65. View from bridge on Burnside |
| 26. Building diagrams | 66. Lighting |
| 27. Ground floor plan | 67. Cementitious Panel 1: Viroc |
| 28. Ground floor lighting plan | 68. Cementitious Panel 2: Richlite |
| 29. Second floor plan | 69. Metal Panel: TLC-1 |
| 30. Third floor plan | 70. Kynar 500 Finish |
| 31. Fourth floor plan | 71. Perforated Metal Panel Pattern |
| 32. Fifth floor plan | 72. Storefront: Trifab 451T |
| 33. Sixth floor plan | 73. Windows: VPI Endurance Series |
| 34. Roof plan | 74. Vanderploeg Roof Exhaust Termination Box |
| 35. Exterior elevations | 75. Bike Rack: Dero Wall Mount |
| 36. Exterior elevations | 76. Bike Rack: Dero Floor Mount |
| 37. Building sections East--west | 77. Fiber Cement Panel |
| 38. Building sections East-west | 78. Mechanical Louver |
| 39. Building sections North-south | 79. Ventilated Overhead Coiling Door |
| 40. Perspectives and details title | 80. Composite Decking |

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
 3. Water Bureau
 4. Fire Bureau
 5. Urban Forestry
 6. Site Development
 7. Life Safety Plans Review
- F. Letters [none]
- G. Other
1. Original LUR Application & Fee
 2. June 7, 2018 Incomplete Letter



ZONING

↑ NORTH

THIS SITE LIES WITHIN THE:
GATEWAY PLAN DISTRICT

-  Site
-  Also Owned Parcels
-  Recreational Trails

File No.	<u>LU 18-173798 DZM</u>
1/4 Section	<u>3040</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1N2E33DB 700</u>
Exhibit	<u>B May 22, 2018</u>