



Revised STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION - Approval

CASE FILE: LU 15-251943 DZ
PC # 15-112617
Grant Park Village Phase II
REVIEW BY: Design Commission
WHEN: April 14, 2016
WHERE: 1900 SW Fourth Ave., Room 2500A
Portland, OR 97201

It is important to submit all evidence to the Design Commission. City Council will not accept additional evidence if there is an appeal of this proposal.

Bureau of Development Services Staff: Jeff Mitchem 503-823-7011 /
Jeffrey.Mitchem@portlandoregon.gov

Please Note: Ordinarily, new or updated text within revised Staff Reports appears in boxes. However, for this project all findings contain new or updated text. Therefore, no boxes are included.

GENERAL INFORMATION

Applicant: Jeff Sackett
Lauren Golden Jones
Capstone Partners, LLC
1015 NW 11th Ave, Ste 243
Portland OR 97209

Representative: Julio Rocha |LRS Architects
720 NW Davis St Suite 300
Portland OR 97209

Site Address: 3204 NE WEIDLER ST

Legal Description: BLOCK 4 LOT 1&2, BROADWAY ADD; BLOCK 4 LOT 3&4, BROADWAY
ADD; BLOCK 4 LOT 5&6, BROADWAY ADD; LOT 16 TL 12400,
FERNWOOD

Tax Account No.: R105500420, R105500440, R105500460, R276000670

State ID No.: 1N1E25CD 12200, 1N1E25CD 12300, 1N1E25CD 12500, 1N1E25CD
12400

Quarter Section: 2833

Neighborhood: Sullivan Gulch, contact Carol Gossett at 503-449-1253.

Business District: None

District Coalition: Northeast Coalition of Neighborhoods, contact Lokyee Au at 503-388-
9030.

Plan District: None
Zoning: RXd, Central Residential with a Design Overlay
Case Type: DZ, Design Review
Procedure: Type III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

Proposal:

New 5-story market rate housing (167 apartments) project on a 1.48-acre site with one level of sub-grade parking (100 spaces) and two on-site loading stalls. Frontage improvements include half-street on NE 32nd Ave and new storm water treatment facilities. The project proposes a Floor Area Ratio of 2.4:1 (4:1 allowed) and a height of 55'-8" (100' allowed).

No Modifications or Adjustments are requested.

Approval Criteria:

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

- Community Design Guidelines
- 33.825 Design Review

ANALYSIS

Site and Vicinity: Roughly triangular in shape, the project site abuts the southern face of Grant Park Village Phase I which is located at the southwest corner of the intersection of NE 33rd Avenue and NE Broadway. The site's only public frontage is approximately 150' on NE 32nd Avenue. The southeast boundary of the project area abuts the I-84 (Banfield) Freeway. The project's eastern frontage abuts open space associated with Grant Park Village I featuring a small plaza and park, stormwater facilities and three unscreened pad-mounted transformers. The general project area lies on the north bank of Sullivan Gulch, slopping downward about 20 feet in a southerly direction. An access easement connecting the NE 32nd Ave right-of-way and the future Sullivan Gulch Trail is currently being negotiated between the Applicant and PBOT.

Two vacated rights of way abut the site to the south and north – NE Weidler St and NE Halsey St. These partially improved rights of way are configured as a loop road fronting the north, east and southerly edges of the site. This circulation feature will remain in place as a two-way private driveway (24'-36'W) providing garage access to the proposed project and serving as a loading route for the adjacent New Season's Grocery. As such (given the site's RX zoning), no ground floor window standards apply to this portion of the project. Therefore, any requisite design measures related to ground floor activation of the pedestrian realm are limited to discretionary application of the project's approval criteria – The Community Design Guidelines. The NE Halsey St ROW will support an access easement connecting NE 32nd Ave to the future Sullivan Gulch Trail.

At the neighborhood scale, the site is located between the Hollywood and Lloyd Center commercial centers on NE Broadway, a major east-west arterial street lined with a wide variety of commercial development on relatively small lots. Immediately west of the site, south of NE Weidler Street, is the Hollywood Fred Meyer shopping center which was recently expanded and remodeled. Along the north side of NE Weidler Street between NE 28th and 32nd Avenues are older residential homes on small lots. The Sullivan Gulch neighborhood is to the west, the Grant Park Neighborhood is to the north, and the Hollywood Neighborhood is to the east. South of the site is Sullivan Gulch and the Banfield Freeway and light rail line, with the NE Sandy Boulevard commercial area, Kerns and Laurelhurst Neighborhoods beyond.

The north project area boundary abuts NE Broadway, a designated Major City Traffic Street, Major City Transit Street, City Walkway, and Minor Truck Street with a frequent service bus line. Northeast 33rd Avenue, along the east project area boundary, is a designated Major City Traffic Street, Minor Transit Street (with no bus service south of NE Broadway), City Walkway, and Minor Truck Street. Northeast Weidler and Halsey Streets, and NE 32nd Avenue are Local Service Streets that abut the project area to the west. They connect to NE 28th Avenue, a Neighborhood Collector, City Bikeway, and City Walkway. South and southeast of the project area is the Banfield Freeway (I 84), a Regional Trafficway (entrance to and exit from the west only at NE 33rd Avenue), and the East Side Light Rail (nearest transit station about one-half mile east in the Hollywood District). About one-quarter mile south is NE Sandy Boulevard which is designated a Major City Traffic Street, Major Transit Street, City Bikeway, City Walkway, and Minor Truck Street.

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.

Land Use History: There are two relevant land use reviews on this site: LU00-00672 CU ZC, Condition of Approval for a zone change; LU15-186900 ZC, Amendments to previous case with the following conditions:

- Construct street pavement and related improvements to NE 32nd Ave west of the street center line as required by the City Engineer.
- Design Review, pursuant to 33.825 shall be processed through a Type III procedure.
- The “cap” on dwelling units under LU00-00672 ZC was removed. Base Zone RX densities apply to this development allowing development of Phases II and III to proceed under the normal maximum density allowed by the RX base zone. The RX base zone allows a maximum density of 4:1 FAR (floor area ratio).

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed **December 28, 2015**. The following Bureaus have responded with no issue or concerns:

- Life Safety (Exhibit E.1)
- Site Development (Exhibit E.2)
- Water Bureau (Exhibit E.3)
- Portland Bureau of Transportation (Exhibit E.4)
- The Bureau of Environmental Services (Exhibit E.5)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **December 28, 2015**. The following written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal:

- John Frewing, January 27, 2016. Comments in opposition to the project citing lack of compatible open space, noise exposure, Sullivan’s Gulch Access Easement connections, lack of parking and materials. (Exhibit F.1)

Staff Response: Revisions have been made to the design as originally noticed and presented at the first Land Use Review hearing (see summary below). Sullivan’s Gulch Access Easement is reinforced in proposal with acknowledged connection and elimination of previously proposed pad-mounted transformers. High-quality materials (22 ga metal with backing to avoid oil canning) are Condition of Approval. Project is compliant with Portland Zoning Code standards for parking, open space and noise exposure.

Overview of February 4, 2016 Hearing. Following, is Staff’s summary of Design Commission key issues considered essential to the approvability of the project as then proposed.

Commission Audio summary of issues at 01:16:30:

<http://efiles.portlandoregon.gov/Record/8537938>.

- **Overall Character, Program and Materials.** Design – step back and re-visit program, pro-forma and overall character – too convoluted, too complex, too much back of house, too much graphic design based massing shifts. Seek image that is simple and seamless. Materials – ground floor material (brick) should extend around all sides of buildings. *Applicant Response: brick cladding on entire ground floor, metal panel on upper levels simplified. Condition of Approval for 22 ga metal with backing.*
- **Private Drive Ground Floor Uses.** More active ground floor use is needed in the east wing to activate private drive (outward) and courtyard (inward). *Applicant Response: active use wraps majority of ground floor.*
- **Transformer Location.** Below grade – unanimous. Pay attention to gas meter locations (screened). *Applicant Response: transformer vaulted underground on-site.*
- **Parking Access.** Open air is problem. Uncovered ramp is non-starter. *Applicant Response: at-grade parking eliminated, single below-grade parking access provided.*
- **AC Ports/PTAC Grilles.** Integrate within skin – more disappearing act. Provide mock-up at hearing. *Applicant Response: mock-up to be presented at hearing #2 on April 14, 2016.*
- **Outdoor Spaces.** Explore smaller dispersed spaces instead of one singular central courtyard. *Applicant Response: additional open space pockets added to east elevation abutting Arnston Yards.*
- **Courtyard.** More fully resolved courtyard design related to edge conditions at the eastern side abutting the naturally ventilated parking deck – activation, programming and buffering. *Applicant Response: additional design detail associated with active use adjacent to courtyard and pedestrian protection.*

ZONING CODE APPROVAL CRITERIA

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 Zone (d). Therefore the proposal requires Design Review approval unless the applicant can meet the development requirements stated in 33.218 Community Design Standards without requiring adjustments. As the applicant could not meet those standards outright, Design Review is required. The site is located outside the Central City and not within a designated design district. *The Community Design Guidelines are used for design review as the approval criteria in design zones for sites that are outside the Central City plan district, do not have their own, specific design guidelines.*

Community Design Guidelines

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland's urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other movement systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

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

E1: Pedestrian Networks. Create an efficient, pleasant, and safe network of sidewalks and paths for pedestrians that link destination points and nearby residential areas while visually and physically buffering pedestrians from vehicle areas.

E2: Stopping Places. New large scale projects should provide comfortable places along pedestrian circulation routes where people may stop, visit, meet, and rest.

Findings for E1 & E2: Continuous standard frontage improvements are proposed around the around the entire site, including sidewalk (between 8'-12' wide), curb, street trees and gutter. The site is fully accessible with direct connections between entrances and adjacent sidewalks, and the interior courtyard and a small plaza at the northeast corner of the site. The proposed circulation system will allow people to access the site from all frontages and safely approach all ground floor entries. The internal courtyard will provide an interesting and accessible route to and through the development including seating and informal gathering areas. Stormwater treatment planters are proposed to be located in the southeast corner of the site separated from the development by the driveway loop (24'-28' width).

Elevated (between 12"-32") residential entries are oriented to the northeast corner of the site. Fronting each unit entry are stormwater treatment facilities with integrated seating

set-back between 8'-12' from the back of sidewalk. In addition to a providing residential unit access points, these features serve as privacy buffer while providing sidewalk-oriented seating for passersby. The resulting condition will enhance the pedestrian character of the adjacent public space (Arnston Yards) associated with Grant Park Village I.

The proposed private driveway loop improvements (sidewalk, curb, gutter, street trees) are configured as 6' pedestrian through-zone buffered from the adjacent travel lane by street trees. Given that the private driveway loop will serve as loading circulation (WB 40+ vehicle type) for the New Seasons grocery in the adjacent Grant Park Village I development, this condition will serve as a buffer between pedestrians and vehicle areas. The building's transformers (PP&L) are proposed to be vaulted within the private driveway loop approximately 30' north of the Sullivan Gulch Access Easement. Such a configuration would suffice to preserve the public space value of this shared pedestrian network. The transformer location – subterranean vault under the private drive – is supported by Pacific Power & Light Staff (phone conversation with John Moudy, April 7, 2016).

With additional measures recommended at the first LUR hearing (February 4, 2016) – *more active uses included in the ground floor program, less garage venting at the pedestrian realm, greater buffer between loading circulation and pedestrian circulation, and subterranean transformers* – the project will result in a sufficiently humane public realm.

E3: The Sidewalk Level of Buildings. Create a sense of enclosure and visual interest to buildings along sidewalks and pedestrian areas by incorporating small scale building design features, creating effective gathering places, and differentiating street level façades.

E4: Corners that Build Active Intersections. Create intersections that are active, unified, and have a clear identity through careful scaling detail and location of buildings, outdoor areas and entrances.

Findings for E3 & E4: As a zero-lot-line project, the building's street edge orientation and formalized massing adequately convey a sense of urban enclosure. And, street level façade differentiation is achieved through planar and material shifts. In addition, pursuant to Design Commission directive, active ground floor uses have been added to the eastern half of the building and open garage deck has been eliminated.

In response to Design Commission comments, all of the building's four outward-facing corners now contain active floor area – the main lobby is oriented to the northwest corner, an at-grade residential unit is oriented to the southwest corner (grade separated front stoop), the community room is oriented to the southeast corner, and the bike workshop and residential unit are oriented to the northeast corner. The northeast corner (arguably, the very center of Grant Park Village at full build-out) is a critical linkage in the amenity-rich local pedestrian system – connecting New Seasons Grocery and the Grant Park Village Phase I townhomes (and associated public space) to the north, with the future Grant Park Village Phase III development and Sullivan Gulch Trail. Additionally, the south-facing courtyard, residential stoop and community room will sufficiently enhance the abutting Sullivan Gulch Trail. These additional pedestrian features are designed to reinforce these amenities and will represent a significant amenity within the local pedestrian system so fundamentally integral to the “village” construct.

With additional measures recommended at the first LUR hearing (February 4, 2016) – *more active uses included in the ground floor program especially at all corners and a fully resolved pedestrian-friendly treatment of the Sullivan Gulch Easement* – the project will create effective gathering places within outdoor areas abutting the building. *Therefore, these guidelines are met.*

E5: Light, Wind, and Rain. Enhance the comfort of pedestrians by locating and designing

buildings and outdoor areas to control the adverse effects of sun, shadow, glare, reflection, wind, and rain.

Findings for E5: Pedestrian protection is provided by upper-story building projections on the building's west and north elevations, and an integrated canopy over the residential lobby entry. In response to Design Commission comment at the first hearing (February 4, 2016), additional protection is provided within the central courtyard (indoor/outdoor community room and exterior canopy). In addition, covered stoops at east-facing ground floor residential units and projecting over-story building mass oriented to the Sullivan's Gulch Trail add humanized edges as a critical component of the broader Grant Park Village pedestrian system and, as such, enhancements to the comfort of pedestrians.

With additional measures recommended at the first LUR hearing (February 4, 2016) – *all-weather protection within the plaza and at the south and east elevations* – the project will sufficiently enhance the comfort of pedestrians. *Therefore, this guideline is met.*

D1. Outdoor Areas. When sites are not fully built on, place buildings to create sizable, usable outdoor areas. Design these areas to be accessible, pleasant, and safe. Connect outdoor areas to the circulation system used by pedestrians.

Finding for D1: The development provides a central courtyard as a primary outdoor space connecting interior active floor area with perimeter circulation systems – the central plaza is oriented southward to the Sullivan Gulch Access Easement. Secondary outdoor spaces are provided in the form of elevated residential stoops oriented westward to the NE 32nd Ave ROW and eastward to the Arnston Yard public space. Both of these elements contain accessible walkways, landscaping, expressed stormwater management, and gathering places and their place-making value is enhanced by the adjacency of active floor area compatible with the notion of pleasant and safe public space.

With additional measures recommended at the first LUR hearing (February 4, 2016) – *more active floor area adjacent to outdoor areas and a fully resolved connection between the central courtyard and the Sullivan Gulch Easement and trail* – the project will sufficiently connect the public and private public realm. *Therefore, this guideline is met.*

D3. Landscape Features. Enhance site and building design through appropriate placement, scale, and variety of landscape features.

Finding for D3: The project's two outdoor areas (the central plaza oriented southward to the Sullivan Gulch Access Easement and the small plaza oriented northeasterly toward Grant Park Village Phase I) are appropriately oriented and scaled, and are well landscaped. They will offer a wide variety of features such as walkways, seating, passive gathering and integrated stormwater that will enhance the site. *Therefore, this guideline is met.*

D2: Main Entrances: Make the main entrances to houses and buildings prominent, interesting, pedestrian accessible, and transit-oriented.

Findings for D2: Main entrances to at-grade residential units and the main residential lobby are oriented to the sidewalk on NE 32nd Ave. Additionally, at-grade residential units with stoops and stormwater planters are oriented to the private drive on the east elevation. These entries are well marked with prominent building features, integrated canopy structures, large glazed windows, and stoops that lend prominence and interest to these features. The entries will be fully accessible from adjacent pedestrian walkways connecting to bus lines that run along NE Broadway and NE 33rd Avenue. *Therefore, this guideline is met.*

D4: Parking Areas and Garages. Integrate parking in a manner that is attractive and complementary to the site and its surroundings. Locate parking in a manner that minimizes negative impacts on the community and its pedestrians.

Findings for D4: All of the on-site parking is well-concealed below grade and the garage access is lined with programmed floor area and not naturally ventilated at grade. As such, the project's public spaces are well-protected from the negative impacts associated with garage parking and access. The concealment of this parking related program sufficiently buffers adjacent public space intended to be shared by all residents of the "Village".

With additional measures recommended at the first LUR hearing (February 4, 2016) – *elimination of at-grade parking and wrapping it with active use* – the project will sufficiently integrate parking in a manner complimentary to the pedestrian realm. *Therefore, this guideline is met.*

D5: Crime Prevention. Use site and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground level uses, and outdoor areas.

Findings for D5: The locations of the main entries, the west-facing at-grade residential units, the south-facing courtyard and the tenant amenity areas at the northeast corner contribute to "eyes" on these circulation areas. Nighttime security is enhanced by street, building, interior parking structure, and site lighting. Additionally, the ground-floor residential units and stoops will allow for passive and active surveillance opportunities facing the public open space east of the project site. In addition, the short-term bicycle parking is provided at visible locations near main entrances, also providing surveillance opportunities.

With additional measures recommended at the first LUR hearing (February 4, 2016) – *more active floor area adjacent to outdoor areas and upper level balconies* – the project will sufficiently provide active and/or passive surveillance of the abutting public realm. *Therefore, this guideline is met.*

D8: Interest, Quality and Composition. All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

Findings for D8: The building adequately reads as a conventional four-over-one, bipartite composition – a predominate metal clad mass atop a recessed masonry base. Minor massing shifts appear responsive to interior program – ground floor residential units and lobby, residential unit layouts, and circulation. The proposed cladding materials – vertical metal panel (11-1 and 9-3, break-shaped), brick masonry, commercial-grade vinyl windows and aluminum storefront – are well described in elevations and details. Material specifications and samples provided by the Applicant, indicated that most of the cladding system will be of long-lasting quality.

Specifically, the Applicant has responded to Design Commission concerns in order to meet this guideline as follows:

- Additional detailing associated with PTHP vents and unit air conditioning ports;
- Additional material specifications and assembly details of the soffits over the recessed ground floor components;
- Addition of balconies on upper-level residential units; and,
- Additional vertical and/or horizontal setback and buffering of east-facing ground floor residential units.

Staff still has concerns with regard to the specification of metal panel and the potential for oil canning or pillowing:

- 22 gauge un-backed, internally fastened metal panel; and,
- 22 gauge un-back, internally fastened metal panel associated with the integrated canopy over the residential lobby.

With additional measures recommended at the first LUR hearing (February 4, 2016) – *more fully resolved detailing of cladding assemblies, upper-floor amenity space, balconies, buffering of ground-floor residential and better concealed ground floor parking* – the project sufficiently conveys interest and cohesion.

However, at the time of the publication of this Staff Report Staff was not provided with wall mock-up in order to determine that the proposed 22 gauge metal panel would not pillow or oil can. Utilization of a solid backing material (such as foam) is a preferred method of providing a rigid substrate preventing metal deflection resulting in “oil canning”.

Therefore, with the Condition of Approval that all 22-gauge or thinner metal panel be backed (with foam or similar rigid material) with concealed fasteners, this guideline is met.

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The Sullivan Gulch neighborhood has seen significant change in recent years. The additional density provided by the ultimate build-out of Grant Park Village (Phases I-III) will meet many state- and city-wide livability goals for increased density and transit-oriented development. In response to Design Commission comments at the February 4, 2016 Hearing, additional changes were made related to design and materials quality, active ground floors and successful public amenities.

Except where noted in the findings above, staff supports the degree of response to these comments specifically related to active program at the ground floor and design detailing adjacent to the public realm, particularly at the east elevation. Additionally, the addition of balconies and “eyes-on” opportunities, as well as the addition of residential units fronting the northeastern segment of the ground floor helps ensure that the project as now proposed meets numerous guidelines requiring pedestrian orientation and amenities.

Specifically, compliance with these guidelines is related to changes made in response to the following Design Commission comments at the February 4, 2016 Hearing:

- Inactive ground floor use on the south and east elevations / excessive ground floor program dedicated to parking and circulation;
- Inadequate pedestrian amenities (canopies and/or cover, separation from loading operations, buffer from interior parking), primarily on the south and east elevations abutting public outdoor space, and lack of design resolution related to the Sullivan Gulch Trail Easement and proximate pad-mounted transformers;
- Need additional detailing associated with unit air conditioning ports and PTACs;

- Insufficient vertical and/or horizontal setback and buffering of ground floor residential units; and,
- Elimination of the exposed parking deck at the east elevation and abutting the central courtyard.
- Excessive use of metal panel cladding without sufficient design detail to ensure lack of oil canning and a quality composition;

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. As now proposed, the proposal meets all of the applicable design guidelines therefore approval is warranted.

TENTATIVE STAFF RECOMMENDATION

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

Staff recommends **approval with a condition** of a 5-story market rate housing (163 units) project in the Sullivan’s Gulch Neighborhood with one level of sub-grade parking (100 spaces) including frontage improvements (half-street on NE 32nd Ave) and new storm water treatment facilities.

Approval with conditions per the approved site plans, Exhibits C-1 through C-61, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions 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 15-251943 DZ. All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled “REQUIRED.”
- B. All 22-gauge or thinner metal panel shall be backed (with foam or similar rigid material) with concealed fasteners, this guideline is met.
- C. No field changes allowed.

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Procedural Information. The application for this land use review was submitted on October 16, 2015, and was determined to be complete on November 20, 2015.

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 October 16, 2015.

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 extended the 120-day review period twice, once by 14 days and again by 63 days. (Exhibits A.2 and A.3). Unless further extended by the applicant, **the 120 days will expire on June 3, 2016.**

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 review body, only evidence previously presented to the review body will be considered by the City Council.

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 must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the

County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of approval. Any future 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.

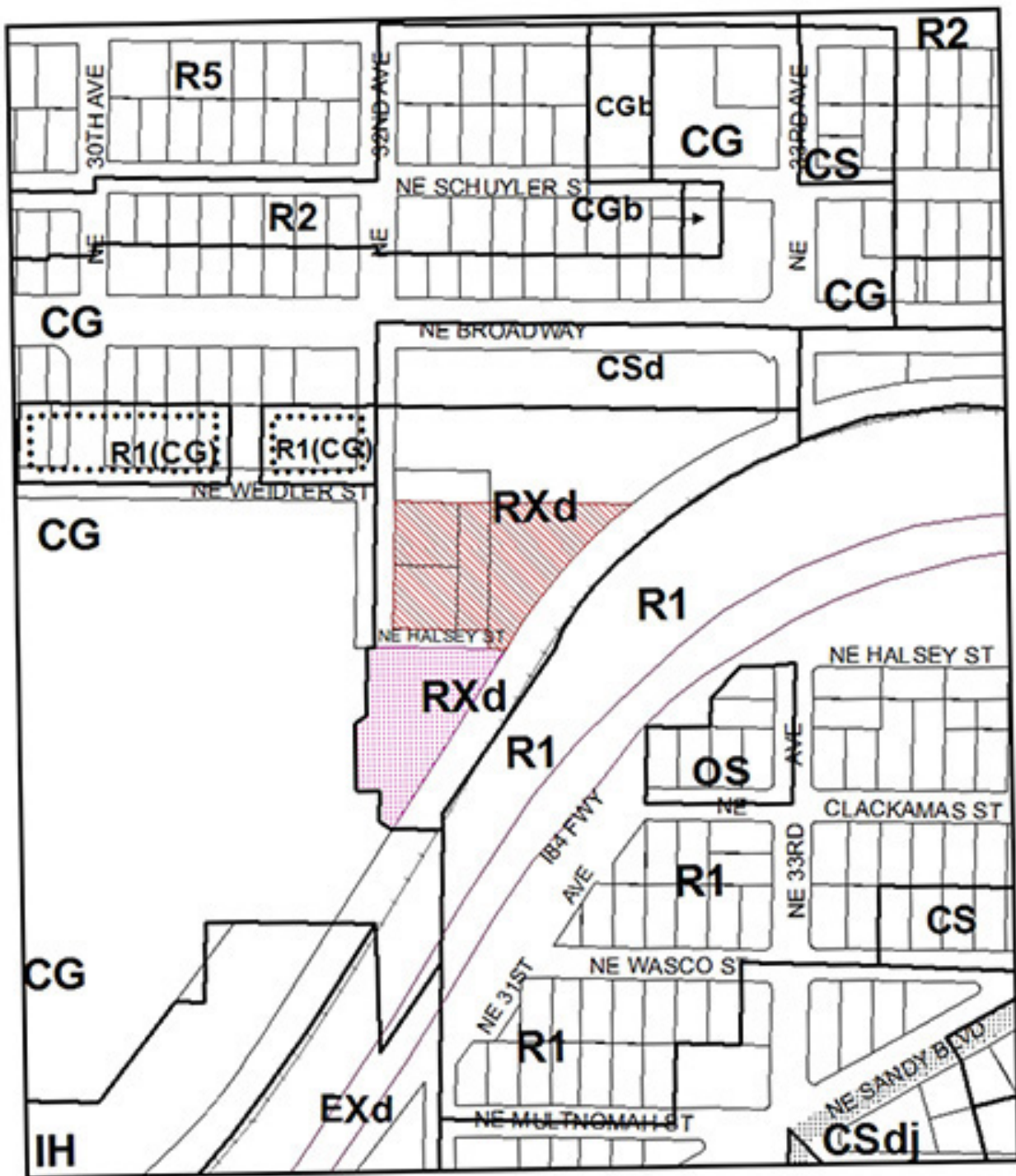
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

Jeff Mitchem
April 8, 2016

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. 120-day Extension #1
 - 3. 120-day Extension #2
- B. Zoning Map (attached)
- C. Plan & Drawings
 - 1. Design Review Drawing Set (Sheet 1-29)
 - Sheet 9, Site Plan (attached)
 - Sheet 18, Elevations – North & West (attached)
 - Sheet 19, Elevations – East and South (attached)
 - Sheet 20, Elevations – Courtyard (attached)
- 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. Life Safety
 2. Site Development
 3. Water Bureau
 4. Portland Bureau of Transportation
 5. The Bureau of Environmental Services – 1st Response
 6. The Bureau of Environmental Services – 2nd Response
- F. Letters
1. John Frewing, January 27, 2016. Comments in opposition to the project citing lack of compatible open space, noise exposure, Sullivan's Gulch Access Easement connections, lack of parking and materials.
- G. Other
1. Original LUR Application
- H. Post First Hearing
1. Staff Report, Land Use Review Hearing, February 4, 2016
 2. Staff Presentation, Land Use Review Hearing, February 4, 2016
 3. Staff Memo, Land Use Review Hearing, February 4, 2016



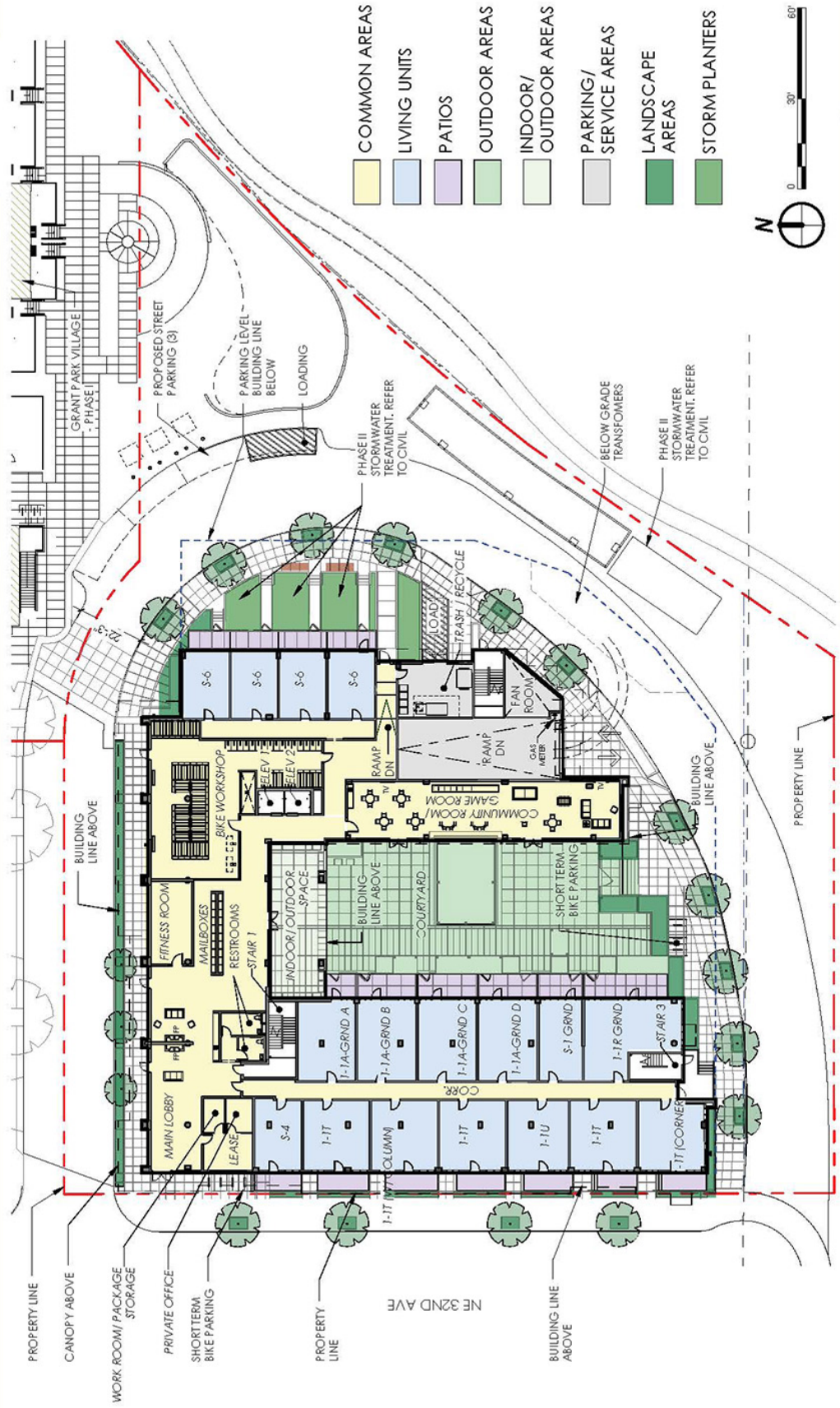
ZONING



- Site
- Also Owned Parcels

File No. LU 15-251943 DZ
 1/4 Section 2833
 Scale 1 inch = 200 feet
 State_Id 1N1E25CD 12200
 Exhibit B (Oct 20, 2015)

LU 15-251943 DZ - GRANT PARK VILLAGE PHASE II



SITE PLAN/ GROUND FLOOR PLAN

LU 15-251943 DZ - GRANT PARK VILLAGE PHASE II

