



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Ave. Suite 5000
Portland, Oregon 97201
Telephone: 503-823-7300
TDD: 503-823-6868
FAX: 503-823-5630
www.portlandonline.com/bds

Date: May 15, 2008
To: Interested Person
From: Noelle Elliott, Land Use Services
503-823-7812 / Noelle.Elliott@ci.portland.or.us

**NOTICE OF A TYPE II DECISION ON A PROPOSAL IN
YOUR NEIGHBORHOOD**

NOTICE OF A POTENTIAL APPEAL

APPEAL HEARING TO THE PORTLAND DESIGN COMMISSION :

Thursday, June 5th, 2008 at 1:30pm in 1900 SW 4th Avenue Room
2500a, Second Floor, Portland, Oregon 97201.

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice. ***If an appeal is filed, the hearing date is noted above.***

**CASE FILE NUMBER: LU 08-103200 DZM – MULTI-FAMILY
HOUSING AT 134 NE 120TH AVENUE**

GENERAL INFORMATION

Applicant: Specialized Housing Inc
4140 SW 109th Ave
Beaverton, OR 97005

Representative: Scott Crosby, William Wilson Architects; 503.223.6693 x 16
1010 SW 11th Avenue
Portland OR 97205

Site Address: 134 NE 120th Avenue

Legal Description: LOT 7 BLOCK 1, HAMLER ADD; LOT 8 BLOCK 1, HAMLER ADD; TL 8200 LOT 9&A BLOCK 1, HAMLER ADD; TL 8300 0.27 ACRES, SECTION 34 1 N 2 E; TL 8400 0.27 ACRES, SECTION 34 1N 2E R354600130, R354600150, R354600170, R942343900, R942343910 1N2E34DA 08000, 1N2E34DA 08100, 1N2E34DA 08200, 1N2E34DA 08300, 1N2E34DA 08400

Tax Account No.: 3042

State ID No.: Hazelwood, contact Arlene Kimura at 503-252-9429.

Quarter Section: Gateway Area Business Association, contact Fred Sanchez at 503-256-3910.

Neighborhood: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Business District:

District Coalition:

Plan District: East Corridor & The 122nd Avenue Station Area Sub District

Zoning: RHd and CXd: High Density Residential and Central Commercial with a design overlay

Case Type: DZM: Design Review with Modifications

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

Proposal:

The applicant is seeking design review approval for two separate schemes for a multi-family housing proposal, differing in their placement of the building on the site, and the location of associated parking. The proposal is for a 61-unit multi-family housing structure located at the corner of NE Davis Street and NE 120th Avenue. The building will form a U-shape around a central courtyard that faces NE 120th Avenue, with a main entrance located at the far end of the courtyard, facing the street.

In Scheme “A”, the building is pushed to the north end of the site, with three residential entrances along NE Davis Street, and a parking lot located at the southern end of the site.

In Scheme “B”, the building is pushed to the center of the site, with two parking lots flanking it at either end - a 56'-0" wide by 145'-0" long parking lot at the corner of NE Davis Street and NE 120th Avenue, and a similarly sized parking lot located at the southern end of the site.

The building is to be constructed of wood, with cementitious lap and panel siding. Gabled window bays accommodate balconies, and mark the location of primary entrances and stairwells. Vinyl windows and metal mesh balcony railings further characterize the façade. In each scheme, approximately eighteen mature trees will be retained on the site, with approximately 14 mature fir trees screening the southern and eastern edges of the parking lots.

The number of modifications requested through Design Review differs for each scheme. Scheme “A” will require two modifications, while Scheme “B” will require five modifications.

Modifications Requested through Design Review:

SCHEME “A”

1. 33.521.250 Entrances, requires entrances that open into lobbies, reception areas, or common interior circulation space must be within 15'-0" of the public street or light rail alignment it faces.
 - The applicant proposes a main entrance that is set back 73'-0" from the public right-of-way along NE 120th Avenue
2. 33.266.310.D, Size of Loading Spaces, requires loading spaces to be 35'-0" long by 10'-0" wide by 13'-0" high.
 - The applicant is proposing a loading space that measures 8'-6" wide by 17'-0" long and is open to the sky.

SCHEME “B”

1. 33.521.250 Entrances, requires entrances that open into lobbies, reception areas, or common interior circulation space must be within 15'-0" of the public street or light rail alignment it faces.
 - The applicant proposes a main entrance that is set back 73'-0" from the public right-of-way along NE 120th Avenue

2. 33.266.310.D, Size of Loading Spaces, requires loading spaces to be 35'-0" long by 10'-0" wide by 13'-0" high.
 - The applicant is proposing a loading space that measures 8'-6" wide by 17'-0" long and is open to the sky.
3. 33.521.290 Parking, requires that parking areas are not allowed between a primary structure and any street unless it meets specified requirements.
 - The applicant proposes a parking lot located along NE Davis Street, positioned between the building and the street.
4. 33.120.220 Setbacks, requires that for buildings within a Pedestrian District and on two intersecting non-transit streets, 100 percent of the ground level street-facing façade be within the maximum street setback on one façade, and 50 percent of the ground level street-facing façade be within the maximum street setback on the second façade.
 - The applicant proposes 50 percent of the building within the maximum setback along NE 120th Avenue, and zero percent of the building within the maximum setback along NE Davis Street.
5. 33.266.130.C.3, On-Site Locations of Vehicle Areas, the frontage limitation requires that where vehicle areas are adjacent to a street in a Pedestrian District, no more than 50 percent of the frontage on the street in a Pedestrian District may be used for vehicle areas.
 - The applicant proposes 100 percent of the frontage along NE Davis Street used for vehicle area.

Because the proposal is for new construction in a plan district with a design overlay, Design Review is required.

Relevant Approval Criteria:

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

- Chapter 33.825 Design Review
- Chapter 33.521 East Corridor Plan District
- Community Design Guidelines

ANALYSIS

Site and Vicinity:

The 150'-0" wide by 376'-0" long site is located on the northwestern half of the block bound by NE Davis Street to the north, NE 120th Avenue to the west, NE 122nd Avenue to the east, and E Burnside Street to the south. The site is split zoned and is located within the Outer Southeast Community Plan Area, the East Corridor Plan District, and partially within the 122nd Avenue Station Area Sub District (the lot to the south). Four tax lots to the north are zoned RHd, High Density Residential, with a fifth tax lot at the southern end of the site zoned CXd, Central Commercial. The property is distinguished by five existing one-story single-family homes, built between 1951 and 1956, and each set back approximately 40'-0" from 120th Avenue. There are no existing sidewalks along NE 120th Avenue in this location, or along the portion of the site bordering NE Davis Street.

The existing houses on site are characteristic of much of the neighborhood, although multi-family housing and commercial properties are located at the edges of the neighborhood. NE 120th Avenue and NE Davis Street are low traffic streets, with the neighboring commercial properties and larger multi-family facilities mostly facing away from the site towards NE 122nd Ave, NE Glisan, and E Burnside. NE Couch Street dead-ends into NE 120th Avenue mid-block, with an existing surface parking lot serving commercial uses defining the southern corner, and

a single-family house to the north of the intersection. At the far end of NE Couch Street, a closed gate indicates the back entrance to a large one-story multifamily housing complex. NE Davis Street is characterized by a 6'-0" – 9'-0" tall concrete wall on its northern edge that screens a commercial loading bay across from the site, and the entrance to a gated multi-family housing facility. NE Davis Street dead-ends into a small landscaped seating area with a "pocket-park" appearance, adjacent to the neighboring residential facility. At its eastern end, NE Davis Street borders the back edge of a large grocery store and a car dealership, before intersecting with NE 122nd Avenue, which is characterized by five vehicular lanes, and bike paths.

The southern end of the block is currently undeveloped, except for a small commercial building at its southeastern corner. A MAX station is located on E Burnside, visible from the site across the undeveloped properties, and is connected to the block with a pedestrian crosswalk. The site is located within the Ventura Park Pedestrian District, and frequent buses serve NE 122nd Avenue and E Burnside Street. NE Davis Street and NE 120th Avenue are designated Local Service Bikeways, while NE 122nd Avenue is designated a Major City Traffic Street, a Transit Access Street, a City Bikeway, and a Regional Main Street. E Burnside Street is designated a Neighborhood Collector Street, a Regional Transitway/Major Transit Priority Street, a City Bikeway, and a Community Main Street.

Zoning:

The RH zone is a high-density multi-dwelling residential zone. Certain retail sales and service and office uses are allowed as conditional uses to provide mixed-use development on larger sites that are close to light rail transit facilities. The maximum residential density is limited to a FAR of 4:1 on this site, with the opportunity to increase to 6:1 FAR, and the minimum density is one unit per 1,000 square feet of site area. Newly created lots in the RH zone must be at least 10,000 square feet in area for multi-dwelling development, 3,000 square feet for development with detached houses, 800 square feet for development with attached houses, and 2,000 square feet for development with duplexes. Minimum lot width and depth standards may apply.

The CX zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together.

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

LU 06-128776 DZM: Withdrawn application comprising a close approximation of the current "Scheme B" proposal for a 5-story 61-unit residential facility, with parking flanking the building, requiring five modifications.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **March 31, 2008**. The following Bureaus have responded with no issues or concerns:

- Water Bureau
- Fire Bureau
- Urban Forestry

▪ The Bureau of Environmental Services responded with the following comment:

"Addendum Comments:

BES met with BDS Land Use Services, BDS Site Development and the applicant's representatives on May 6, 2008 and has reviewed the following additional information provided following the May 6th meeting:

Option A (north building) Stormwater Narrative from MGH dated May 12, 2008.

Option B (center building) Stormwater Narrative from MGH dated May 12, 2008.

Site plans: Utility Plan (North) from MGH dated March 7, 2008.

Site plans: Utility Plan (Center) from MGH dated March 7, 2008.

Site plans: Landscape Plan (north) from MGH dated May 12, 2008.

Site plans: Landscape Plan (center) from MGH dated May 12, 2008.

Revised site plans: Landscape Plan (north) from MGH dated May 13, 2008.

Revised site plans: Landscape Plan (center) from MGH dated May 13, 2008.

BES has met with the applicant's representatives and reviewed the above information. Based on new information, BES has no objections to the request for Design Review approval. Sufficient information for both Scheme A (building to the north) and Scheme B (building in the center) has been provided to show that this project can meet the stormwater management requirements of the Stormwater Management Manual. Therefore, BES can conceptually approve the proposed site plan submitted for land use review approval and support this application. Please refer to the following additional comments to the initial BES response to LU 08-103200 DZM (dated April 21 2008) regarding both schemes, which mainly relate to the building permit review process:

1. Per Section 1.5.2 (Page 1-28) of the 2004 Stormwater Management Manual, projects that infiltrate rooftop stormwater runoff with private soakage soakage trenches, drywells, or surface infiltration facilities are not required to provide pollution reduction prior to infiltration. However, pollution reduction is required for all non-rooftop runoff, and all runoff that is not infiltrated on site. This was also stated in previous BES responses.
2. Any proposed public street improvements (required by the Office of Transportation) will require public drainage improvements per the standards of the Stormwater Management Manual and Sewer Design Manual as approved by BES. Street improvements are required for this project and will need to follow the City of Portland's Stormwater Destination/Disposal Hierarchy. A Pre-design meeting involving the BES, PDOT, applicant's representatives and other necessary City staff occurred on March 20, 2008. BES Development Engineering was included in the May 6, 2008 coordination meeting and received copies of the above referenced information and has determined the proposed method of managing stormwater runoff from required right-of-way improvements to be acceptable. Details regarding public right-of-way improvements will continue to be reviewed through the Public Works Permit process. The applicant may contact Eric Brennecke, BES Development Engineering, at 503-823-7651 with questions regarding BES review of the Public Works Permit.
3. The Oregon Department of Environmental Quality (DEQ) has regulations for underground injection systems (e.g., private drywells, soakage trenches, etc.) in order to protect groundwater. For information regarding DEQ's regulations for Underground Injection Controls (UICs) please refer to DEQ's website at www.deq.state.or.us/wq/groundwa/uichome.htm or contact the DEQ UIC program at 503-229-5945. For copies of applications and forms call 503-229-5189. The applicant may also refer to the City of Portland Stormwater Management Manual and BDS Site Development's response for general information regarding underground injection systems.
4. Building plans for this project must include a detailed site utility plan, which shows proposed and existing sanitary connections and stormwater management that meets the requirements of the Stormwater Management Manual in effect at the time of permit submittal. *NOTE: The current 2004 Stormwater Management Manual is being revised and a new version of the Stormwater Management Manual is currently scheduled to be adopted in July 2008. However, there will be a three-month grace period during the transitional period of adopting the new Manual.*

NOTE: Also refer to BDS Site Development's response to this land use review application."

Please see Exhibits E-1a & E-1b for additional details.

▪ The Bureau of Transportation Engineering responded with the following comment:

"Portland Transportation/Development Review has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.

At this location, both NE 120th Avenue and NE Davis Street are designated Local Service Streets for all modes. The site is within the Ventura Park Pedestrian District. NE Davis is only a 33-ft wide right-of-way (ROW) improved with 17' 10" wide roadway, curbs on both sides, but lacking a sidewalk on the south side adjacent to this site. Just east of this site, NE Davis widens to a 45-ft ROW with a 28-ft wide roadway. At a predesign meeting held on March 20, 2008 the applicant was informed that the NE Davis roadway width will have to be widened to a minimum of 20-ft.

PDOT has no objection to site plan Option A or Option B.

Transportation System Development Charges (Chapter 17.15)

System Development Charges (SDCs) may be assessed for this development. The applicant can receive an estimate of the SDC amount prior to submission of building permits by contacting Rich Eisenhauer at 503-823-7080.

Driveways and Curb Cuts (Section 17.28)

Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits.

Street Improvements (Section 17.88)

NE 120th Avenue: The applicant will be required to construct a curb 16-ft from the ROW centerline, a maximum 5-ft curb extension swale, 6-ft sidewalk, 1.5-ft frontage zone, street trees and street lighting as needed. A 2-ft dedication along NE 120th Avenue will be a condition of building permit approval.

NE Davis Street: Remove the curb, widen the roadway to 20-ft, construct 4-ft wide public stormwater planter boxes, 6-ft wide sidewalk, 0.5-ft frontage zone. These improvements will require a 6-ft dedication along NE Davis Street. Since on-street parking will not be allowed on NE Davis, the stormwater planter does not need the 2.5-ft step out zone between the curb and sidewalk.

The above street improvements must be constructed under a separate street job permit to City standards per the requirements of the City Engineer. The dedications and financial guarantees and contract will be conditions of building permit approval.

Recommendation:

No objection to approval. The dedications and financial guarantee for the street job permit will be a condition of building permit approval."

Please see Exhibits E-2a & E-2b for additional details.

▪ The Site Development Section of BDS responded with the following comment:

Stormwater treatment and disposal.

The revised site plans, stormwater sizing calculations and landscaping plans will meet the requirements of the Stormwater Management Manual hierarchy in the use vegetated planters for stormwater treatment for private parking lots, and drywells for disposal of stormwater from roofs and planters. Site Development has no objection to either site plan. If disposal of treated stormwater utilizing on-site drywells or soakage trenches is proposed, then UIC registration with Oregon DEQ may be required, in addition to City requirements; please refer to the attached UIC Fact Sheet. Drywells and soakage trenches may not be located any closer than 10 feet to any structures and 5 feet to any property lines, as measured from the middle of the facility.

Please direct questions regarding these requirements to George Helm, (503) 823-7201.”

Please see Exhibits E-3a & E3b for additional details.

- The Life-Safety Plans Examiner of BDS responded with the following comment:

“It is recommended the applicant contact the plan review section at (503) 823-7301 to request a Preliminary Life Safety Meeting to verify building code requirements.”

Please see Exhibit E-4 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 31, 2008. Two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Spike Friedman, representing a commercial property owner who abuts the property to the east, responded on April 1, 2008, stating that he supports the scheme with the building to the northern end of the site, as opposed to centered, as he hopes it would limit potential traffic on NE Davis St. He described Davis as “extremely narrow”, and had traffic congestion and safety concerns with increased traffic on Davis.
- Arlene Kimura, President/Chair, Land Use Committee of The Hazelwood Neighborhood Association Land Use Committee responded on April 21, 2008 with the statement that the Committee supports the building centered on the site, with the courtyard aligned with NE Couch St, believing this would help activate the neighborhood. The Committee supports fencing the street-facing courtyard with a transparent fencing to provide safety to a vulnerable residential population.

Staff has communicated these responses to the applicant and discussed the safety requirements for pedestrians and residents both within the courtyard and along the surrounding streets. Staff has also discussed the urban response of the building to the surrounding neighborhood and pedestrian network.

ZONING CODE APPROVAL CRITERIA

1. Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

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

Section 33.825.055 Design Review Approval Criteria

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

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 Community 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.

P1. Community Plan Area Character. Enhance the sense of place and identity of community plan areas by incorporating site and building design features that respond to the area's unique characteristics and neighborhood traditions.

E1. The Pedestrian Network. 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.

Findings for P1 & E1:

Scheme A: The scheme that places the building at the northern end of the site to form a built edge to NE Davis St, with parking consolidated towards the south, supports the desired characteristics of high-density housing within the Outer Southeast Community Plan Area, the East Corridor Plan District, and the 122nd Avenue Station Area Sub District. The overarching goal in this portion of the City is the creation of safe, pedestrian-supportive development. Pedestrian-oriented development reinforces transit infrastructure and promotes safe and accessible mixed-use and residential neighborhoods. The desired characteristics discussed in the Community Design Guidelines for the Plan Area, promote on-site parking solutions that use the building to screen associated parking from the street and the neighborhood, and include tuck-under and podium style development. While this proposal employs a surface parking lot, it is mostly screened by the building from the right-of-way, and uses mature landscaping to screen the southern end of the parking lot from the MAX station to the south of the site. The retention of mature conifers along the southern and eastern edges of the site enhances the project's integration with the neighborhood by supporting the unique aesthetic, historic, and environmental qualities of the neighborhood.

The location of the building along NE Davis reinforces the safety of the street, helps activate the sidewalk environment with three residential entries and a building entry facing NE Davis St, and visually reinforces the residential character of the block. The location of porches and plantings, with a visual and physical connection to new planted stormwater facilities within the right-of-way, visually and functionally enlivens NE Davis St. Activating the sidewalk with residential activity supports the use of NE Davis as a pedestrian corridor linking the shopping center to the north with NE 120th Avenue and the MAX station on E Burnside. The close proximity, and potential visual connection,

between the “pocket park” facility at the end of NE Davis and the new residential courtyard, further strengthens the residential character of the intersection of NE Davis Street and NE 120th Avenue.

By retaining twelve mature Douglas Fir trees, one mature Noble Fir, and one mature Knobcone Pine at the edges of the new parking lot, in conjunction with a new 6-foot tall, mostly opaque cedar fence, the parking area is well screened from the MAX station to the south. The lot is screened from NE 120th Ave with new perimeter landscaping incorporating Sargent Cherry trees, Japanese Holly, shrubs and groundcover. The one-way drive aisle with parking oriented 90 degrees to the street, helps calm traffic and limits the visual impact of the parking area. The adjacency of an existing surface parking lot across the street from the proposed lot, suggests that the new parking lot should not visually impinge upon the residential character of the street.

The architecture of the new building supports the mid-century residential architecture of the neighborhood, combining a simple material palette, horizontal siding, a rational fenestration patterning, a corner window detail at the courtyard edge, and a moderately sloped hip and gable roof form. The integration of the courtyard is a valuable asset to the high-density residential development with its functional and generously sized outdoor space. The courtyard provides outdoor space amenable to all ages, helping activate the sidewalk, and strengthen the safety of pedestrians on 120th Avenue.

The new development employs a combination of on-site and off-site pedestrian circulation systems, enhanced by landscaping between the building edge and the street, within the entry courtyard, and between the parking lot and the building. The sidewalk environment is supported by residential entries along NE Davis St, landscaping surrounding the gated entry to the courtyard along 120th Avenue, seating opportunities at the edges of the building along NE 120th Ave, and new landscaped stormwater facilities within the right-of-way. Pathways within the courtyard provide safe and generous access to seating and play equipment. The pathway between the building and the parking lot combines residential entries and porches. All are lit for safe nighttime use, and are reinforced by the permeable building edge, with entrances, windows and balconies providing surveillance and connectivity. The entrances and front porches off of NE Davis St provide a similar activation of the pedestrian circulation system, in this case the sidewalk, increasing pedestrian safety and helping the building relate to the residential character of the neighborhood. *Therefore, with the condition of approval that pedestrian pathways, incorporating front entry steps as needed, measuring at least 6-feet wide, and matching the materials and details of similar pedestrian pathways used throughout the site, individually and directly connect each private entry porch facing NE Davis St with the sidewalk along NE Davis St, these guidelines are met.*

Scheme B: By locating the building in the center of the site and flanking it with surface parking lots at either end, the proposal does little to support the pedestrian-oriented development goals of the Plan District and the 122nd Avenue Station Area Sub District of the Outer Southeast Community Plan Area. The location of the parking lot between the building and the street along NE Davis St creates an auto-oriented edge that neither activates the sidewalk, nor provides safety-enhancing “eyes on the street”. Rather, it pulls the building back from the pedestrian environment, and in conjunction with the recessed main entrance, creates the impression of a building that is drawing in on itself rather than actively engaged with the neighborhood. The screening that is provided along NE Davis street has limited capacity to block the visibility of cars, and cannot mitigate for the drawbacks associated with recessing the building approximately 70’-0” from the right of way.

NE Davis St is a mostly quiet, “alley-like” environment that would benefit from the human activity of residential entrances and porches, upper floor balconies, and windows into living areas, as opposed to the auto-activity of a surface parking lot. Parking at the corner of NE 120th Ave and NE Davis St undermines the residential character of the neighborhood, while parking placed on the southern end of the block is more in keeping with the commercial character of that portion of NE 120th Ave (opposite an exiting surface parking lot). By recessing the new building from the street, and placing parking between the building and the sidewalk, the residential character of the neighborhood is weakened, and the new development has less opportunity to positively engage with the neighborhood. *These guidelines are therefore not met.*

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 Schemes A & B: Both Schemes A and B provide ample seating opportunities for community members and residents to gather and rest, supporting the sense of community within the development, and between the new development and the neighborhood, while helping activate the public right of way. A landscaped seating wall located adjacent to the main entry gate to the courtyard and at the building ends along NE 120th Ave, in conjunction with benches within the courtyard, allow residents and passersby to visit, rest, and/or view the children’s play area.

Seating adjacent to the main entry gate helps the new development integrate with the neighborhood by activating the sidewalk and helping diminish the perceptual barrier of the courtyard fence along NE 120th Ave. The seating wall steps back from the right of way and is buffered with landscaping to provide a more generous and visually welcoming entrance to the property, which further diminishes the perception of a barrier along the street-facing façade. The 10’-0” deep landscaped area between the fence and the sidewalk, suggests an integrated relationship between the multi-family housing development and the neighborhood’s predominant pattern of moderately deep front setbacks.

Seating opportunities within the courtyard support the success of the development by activating the courtyard, and lending a perception of “publicness” to the space. The courtyard is further activated by four private residential entries, and together with the main entrance, community room, balconies, and communal outdoor amenities, the courtyard has the potential to become the vital “heart” of the development. *This guideline is therefore met.*

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 facades.

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:

Scheme A: The placement of the building at the northern end of the site helps reinforce the pedestrian character and safety of NE Davis St and the intersection of NE Davis and NE 120th Ave. Through private entrances and porches along NE Davis St, and a strong building massing at the corner, the residential character of NE Davis and NE 120th Ave is strengthened. NE Davis St exhibits a quiet “alley-like” character that provides a welcome medium for residential activity. The “pocket-park” space at the end of NE Davis St, with its

picnic table adjacent to a multi-family housing complex, speaks to the somewhat serene “back water” character of this end of the street. Locating residential entries off NE Davis with new stormwater planters and sidewalk, encourages a safe pedestrian route from the MAX station on E Burnside to the shopping center northeast of the site. The residential character of the intersection of NE Davis and NE 120th Ave is reinforced by one wing of the building embracing the corner, and is mirrored by the residential activity across 120th Ave. The architecture supports the pedestrian character of the ground floor with front porches, and landscaping facing NE Davis St.

The seating wall and flanking landscaping at the courtyard entry enhance the pedestrian activity of 120th Ave by providing spaces people can gather and provide passive surveillance. The location of the building facing the intersection of NE Couch St provides visual connection between the neighborhood and living units. The location of the entry gate and courtyard near the intersection of NE Couch St and NE 120th Ave, provides a visual connection with the neighborhood to the west, without directly mirroring the placement of an existing gate to a multi-family housing complex at the western end of NE Couch St, thereby reinforcing the sense of privatization of the development. *These guidelines are therefore met.*

Scheme B: Placing a surface parking lot between the building and NE Davis St provides a weak corner to NE Davis and NE 120th Ave, an auto-oriented, and potentially unsafe pedestrian environment along NE Davis St, and positions the fenced courtyard at the intersection of NE Couch St directly opposite a fenced complex at the western end of NE Couch St, visible from the site. Rather than providing a positive urban response, the new fenced courtyard begins to suggest traits of the older fenced residential complex to the west – inaccessible, and having the appearance of rejecting, rather than embracing, the neighborhood. Furthermore, flanking the residential development by two surface parking lots suggests a suburban relationship with the neighborhood that does little to enliven the pedestrian environment, and reflects an auto-orientation. Rather than providing “eyes on the street”, the sidewalks are bordered by cars with additional curb cuts, which diminish potential on-street parking opportunities. Residential balconies and entrances face parking lots, rather than the sidewalk and the street. The residential character of the corner of NE Davis St and NE 120th Ave is diminished and de-emphasized by the surface parking lot, while the intersection of NE Couch and NE 120th Ave is inappropriately highlighted by the placement of the courtyard at the intersection, opposite a surface parking lot and a house, and facing a gated fence at the opposite end of NE Couch St. *These guidelines are therefore not 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.

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

E5. Light, Wind, and Rain. Enhance the comfort of pedestrians by locating and designing building and outdoor areas to control the adverse effects of sun, shadow, glare, reflection, wind and rain.

Findings for D1, D3, and E5 for Schemes A & B: The design of the generously sized courtyard, measuring approximately 100'-0" wide and 60'-0" deep, and incorporating landscaping, balconies over entrances that provide weather protection, and numerous pedestrian amenities, provides a welcome and efficient outdoor space to the new residential community. Landscaping within the courtyard, parking lots, and along the fence facing 120th Ave, helps the new development blend with the existing mature landscaping of the

neighborhood, by providing a gentle and gracious relationship between the new development and the old. The semi-private courtyard is a significant amenity to the 61-unit multi-family housing complex, providing outdoor space for residents to rest, play, gather, and observe one another.

Multi-story courtyard housing is a traditional building form used throughout Portland, and an efficient and architecturally pleasing means of providing light and air to units, common outdoor space, a welcoming entry sequence, and a safe recreational space for residents. Residents and pedestrians are protected from the weather by metal canopies located at the entrances of the building along NE 120th Ave, balconies located on all major facades, and the U-shaped form of the building itself. The interior of the courtyard provides protection from heavy winds, and the mature trees at the southern and eastern ends of the parking area mitigate wind, sun, and heat gain within the parking lot. The stormwater planters within the right-of-way, and within the surface parking lot(s) help limit heat gain, provide efficient stormwater treatment, and improve the quality of the outdoor environment with environmental education opportunities.

By placing private, as well as more public entrances off the courtyard, the open space is lent varying degrees of privatization, lending the space a rich mixture of uses. The retention of fir trees along the southern and southeastern edges of the surface parking lot to the south are a strong asset to the proposal, and provide screening of the parking lot from the MAX station to the south. The mature trees enable the new development to visually integrate with the neighborhood by retaining important aspects of the local character and history of the place.

Landscaping within the courtyard provides screening for private living quarters abutting the semi-private open space, and are amenities for residents to enjoy. Species of elm, maple and ash contribute shade and visual interest within the courtyard, and cherry and magnolia trees help screen and enliven living areas along NE Davis and the parking lot to the south. Mountain hemlock is used within the parking area, and a combination of barberry, dogwood, hinoki, salal, holly, leucothoe, bamboo, fern, rhododendron, rose, and viburnum, along with grasses and ground covers, are used throughout the site. The fence along the eastern property line incorporates Vine Maple and Red Maple trees, laurel and Rainbow Leucothoe, and the parking along NE 120th Ave is screened with Sargent Cherry Trees, Japanese Holly and Black Sedge. The landscaping combines a rich selection of plantings that contribute to a vibrant, residentially scaled development. *These guidelines are therefore 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. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

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

D7. Blending into the Neighborhood. Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

Findings for D4, D5 & D7:

Scheme A: The placement of the building along NE Davis St., with parking to the south of the site, creates a pedestrian-friendly environment along NE

Davis, reinforces the residential character of the corner, condenses parking to one portion of the site, limits curb-cuts, and places a built edge at the intersection of NE Couch and NE 120th Ave. Passive surveillance of the neighborhood is made possible with three levels of upper floor balconies, and private porches and entries off the street. The gated character of the new development, and of existing multi-family residential developments in the area, suggests that the neighborhood would benefit from the addition of “eyes on the street” along NE Davis.

While “tuck-under” or podium style parking would be preferable to the proposed surface parking lot, the retention of mature fir trees on the southern and eastern edges of the property helps screen visibility of the parking lot, and encourage the integration of the new development with the neighborhood character. A new cedar fence located along the southern and eastern edges of the site provides additional screening for the lot. In addition, the location of the surface parking at the south end of the site is compatible with the commercial character of the southern end of NE 120th Ave before it meets E Burnside St. Across from the new parking lot is an existing commercial parking lot. By locating residential uses on the northern end of NE 120th Ave, the existing residential portions of the street are reinforced. The architectural character of the building blends with the surrounding built environment of mid-century one-story ranch style houses with its moderately pitched roof, horizontal siding, corner window detail, and creation of positive outdoor space. The new development strikes an appropriate stylistic chord, enabling it to blend with the mid-century modern houses, as well as older houses in the District, through its traditional, multi-story courtyard building form. *These guidelines are therefore met.*

Scheme B: The location of parking between the building and NE Davis St is incompatible with the residential character of the neighborhood, and creates the potential for crime along the street due to a lack of surveillance. Flanking the building with two parking lots emphasizes the auto-orientation of the development, and is inefficient in its impact on potential on-street parking. The trellis along the northern edge of the parking lot does little to screen views of the lot from NE Davis St, and the visual and physical connection between residents and pedestrians is limited by placing two layers of cars between the building and the street. In addition, a curb cut is placed directly across the street from an existing residence at the corner of NE Davis and NE 120th Ave, which may adversely affect the neighbor. The curb-cut for the southern parking lot, on the other hand, faces an existing parking lot associated with commercial uses. By surrounding the building with parking, the recessed and gated entry takes on a less neighborly persona. Locating the gated courtyard at the intersection of NE Couch and NE 120th Ave is arguably a less neighborly response than positioning a wing of the building at the corner, with its corresponding projecting gabled bay, large window openings, and a lit covered doorway. By pulling the building back from *both* the intersections of NE Davis St and NE Couch St, residents may have fewer opportunities to engage the neighborhood. *These guidelines are therefore not met.*

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

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 D2 & D8 for Schemes A & B: The courtyard building, with its accompanying positive outdoor amenity, reflects a proven building form used throughout Portland. The location of the main entrance at the apex of the courtyard, supports the

symmetrical design of the building, and reflects an experientially pleasing entry sequence that helps activate the semi-private courtyard. While it is debatable whether a symmetrically-oriented building and/or symmetrically-oriented site design is appropriate for this site, the amply proportioned courtyard, measuring approximately 100'-0" wide and 60'-0" deep, incorporating landscaping, private and public entries, seating, and a children's play area, is a fundamentally positive addition to the development. The architecture of the building creates an agreeable transitional entry sequence for the complex, and allows residents to experience some freedom of choice in how they interact with the site. Residents can enter through a formal gate past communal activities, through side doors, or through private ground floor entries. The building's patterning of projecting gabled bays demarcating balconies, enlarged window areas, and entrances, helps define the main building entrance. Its prominence is reinforced by its singular location at the apex of the courtyard, and is reflected in the mirrored position of the entry gate along the sidewalk.

The architectural detailing of the building and the composition of the façade are simple and straightforward, and reflect aspects of the mid-century housing stock characteristic of the neighborhood. The roof combines gabled and hip roof forms that echo neighboring properties, and is varied enough to provide visual interest from the street and taller properties in the vicinity. Roof top additions, including twenty potential solar panels, 16 vents, and one satellite dish, are mostly screened from street view and are located in a rational placement in relation to the building. Building materials combine cementitious panel and cementitious horizontal siding, asphalt shingle roofing, dark-brown colored vinyl windows, and bronze-anodized metal louvers, canopies, and metal balcony railings. The materials appear long lasting, ubiquitous to multi-family housing development in the area, and applied in a well-detailed manner. The design of the building, while perhaps somewhat institutional in feel, reflects characteristics of neighboring single-family homes, the scale of nearby mid and high-density multi-family development, and speaks directly to qualities of livability and community with its generous street-facing courtyard. *These guidelines are therefore met.*

2. Modifications Requested through Design Review

SCHEME "A"

1. 33.521.250 Entrances, requires entrances that open into lobbies, reception areas, or common interior circulation space must be within 15'-0" of the public street or light rail alignment it faces.
 - The applicant proposes a main entrance that is set back 73'-0" from the public right-of-way along NE 120th Avenue

Findings: The contribution of the courtyard to the livability and sense of the community of the new development is significant. By placing the main building entry at the apex of the courtyard, the courtyard is enlivened, the import of the courtyard and the main entrance is reinforced, and the architecture of the building is strengthened (Community Design Guidelines D1, D2, D8). The purpose of the standard is to support the pedestrian character of the public environment by orienting entrances to the adjacent street or light rail, and making the connection between the building and the pedestrian sidewalk convenient, accessible and pleasant. The landscaped courtyard, and the landscaped seating wall, fence and gate that define the western edge of the courtyard along NE 120th Ave, create a visually pleasing transition between the main entrance and the public sidewalk. This provides visible activity along the public right-of-way, the potential for passive surveillance of the sidewalk, and opportunities for pedestrians to gather and rest along the sidewalk. The fence along NE 120th Ave is visually permeable, and should not create a strong sense of separation between the building and the sidewalk. The fence is perceived by the neighborhood association and the applicant as necessary to the safety of residents. It is formed by ¾-inch vertical

metal rods spaced approximately 8-inches apart, interrupted by 2-inch by 2-inch tube steel posts that rise slightly higher than the rods and are spaced approximately 6'-0" apart, sitting on a 1'-8" tall concrete base. The 10'-0" wide pathway directly connecting the main building entrance and the sidewalk of NE 120th Ave is generously proportioned and passes through a gate that is left open during the day. A 10'-0" deep landscaped area on the public side of the fence helps visually integrate the barrier with the surrounding residential character of the neighborhood. The main building entrance faces 120th Ave and has direct visual connection with the street, albeit through a gated private courtyard, and is level with the adjacent sidewalk and courtyard. At the location of the gate, the fence is made more permeable with the low concrete wall ending for a 17'-8" section. The width of the gate opening is a generous 9'-6", and combines double doors that swing inwards and resemble the adjacent fixed panels (Community Design Guidelines E1, E2, D1, D2, D3, D7, and D8).

Due to the visual transparency of the proposed fence and gate, the significant area of landscaping both within the courtyard and along the fence adjacent to the sidewalk, the fact that the gate will remain open during the day, the contribution of the courtyard to the livability of the development, and the orientation of the main building entrance to the sidewalk, the applicable design guidelines, E1, E2, D1, D2, D3, D7, and D8, and the purpose of the standard are equally or better met. Therefore, this modification merits approval.

2. 33.266.310.D, Size of Loading Spaces, requires loading spaces to be 35'-0" long by 10'-0" wide by 13'-0" high.

- The applicant is proposing a loading space that measures 9'-0" wide by 16'-6" long and is open to the sky.

Findings: Both the applicable design guideline and the purpose of the standard support the proposed size of the loading space. The space is well integrated and appropriately placed within the site, and should adequately serve the needs of the building. The size of the loading space, measuring 9'-0" wide by 16'-6" long, has been determined by PDOT to sufficiently serve building needs. The loading space will be primarily used when residents move in or out of the apartment building, and according to the applicant, it is expected that building turn-over will be minimal due to the nature of low-income housing. The proposal reflects the purpose of the standard being modified, which is to ensure adequate areas for loading for larger uses and developments. The loading space will provide access for small-sized van loading, and is located adjacent to a required loading area for an accessible parking space, making that portion of the parking lot somewhat flexible regarding maneuverability for vehicles and people. It is located in the southeast portion of the site, well screened by vegetation, and adjacent to a side door with a direct connection to the elevator and the lobby, as well as to the trash and recycling collection room. The loading space is well-integrated in design of the parking lot and adequately screened from street views, and views from neighboring properties, through perimeter and interior parking lot landscaping, and specifically the mature fir trees on the south and southeast edges of the site (Guideline D4).

Due to the sufficient size of the proposed loading space to meet the needs of residents, and the adequate screening and appropriate placement of the loading bay within the surface parking lot, the applicable design guideline, D4, and the purpose of the standard are equally or better met. Therefore, this modification merits approval.

SCHEME "B"

1. 33.521.250 Entrances, requires entrances that open into lobbies, reception areas, or common interior circulation space must be within 15'-0" of the public street or light rail alignment it faces.

- The applicant proposes a main entrance that is set back 73'-0" from the public right-of-way along NE 120th Avenue

Findings: The contribution of the courtyard to the livability and sense of the community of the new development is significant. By placing the main building entry at the apex of the courtyard, the courtyard is enlivened, the import of the courtyard and the main entrance is reinforced, and the architecture of the building is strengthened (Community Design Guidelines D1, D2, D8). The purpose of the standard is to support the pedestrian character of the public environment by orienting entrances to the adjacent street or light rail, and making the connection between the building and the pedestrian sidewalk convenient, accessible and pleasant. The landscaped courtyard, and the landscaped seating wall, fence and gate that define the western edge of the courtyard along NE 120th Ave, create a visually pleasing transition between the main entrance and the public sidewalk. This provides visible activity along the public right-of-way, the potential for passive surveillance of the sidewalk, and opportunities for pedestrians to gather and rest along the sidewalk. The fence along NE 120th Ave is visually permeable, and should not create a strong sense of separation between the building and the sidewalk. The fence is perceived by the neighborhood association and the applicant as necessary to the safety of residents. It is formed by ¾-inch vertical metal rods spaced approximately 8-inches apart, interrupted by 2-inch by 2-inch tube steel posts that rise slightly higher than the rods and are spaced approximately 6'-0" apart, sitting on a 1'-8" tall concrete base. The 10'-0" wide pathway directly connecting the main building entrance and the sidewalk of NE 120th Ave is generously proportioned and passes through a gate that is left open during the day. A 10'-0" deep landscaped area on the public side of the fence helps visually integrate the barrier with the surrounding residential character of the neighborhood. The main building entrance faces 120th Ave and has direct visual connection with the street, albeit through a gated private courtyard, and is level with the adjacent sidewalk and courtyard. At the location of the gate, the fence is made more permeable with the low concrete wall ending for a 17'-8" section. The width of the gate opening is a generous 9'-6", and combines double doors that swing inwards and resemble the adjacent fixed panels (Community Design Guidelines E1, E2, D1, D2, D3, D7, and D8).

Due to the visual transparency of the proposed fence and gate, the significant area of landscaping both within the courtyard and along the fence adjacent to the sidewalk, the fact that the gate will remain open during the day, the contribution of the courtyard to the livability of the development, and the orientation of the main building entrance to the sidewalk, the applicable design guidelines, E1, E2, D1, D2, D3, D7, and D8, and the purpose of the standard are equally or better met. Therefore, this modification merits approval.

2. 33.266.310.D, Size of Loading Spaces, requires loading spaces to be 35'-0" long by 10'-0" wide by 13'-0" high.

- The applicant is proposing a loading space that measures 9'-0" wide by 16'-6" long and is open to the sky.

Findings: Both the applicable design guideline and the purpose of the standard support the proposed size of the loading space. The space is well integrated and appropriately placed within the site, and should adequately serve the needs of the building. The size of the loading space, measuring 9'-0" wide by 16'-6" long, has been determined by PDOT to sufficiently serve building needs. The loading space will be primarily used when residents move in or out of the apartment building, and according to the applicant, it is expected that building turn-over will be minimal due to the nature of low-income housing. The proposal reflects the purpose of the standard being modified, which is to ensure adequate areas for loading for larger uses and developments. The loading space will provide access for small-sized van loading, and is

located adjacent to a required loading area for an accessible parking space, making that portion of the parking lot somewhat flexible regarding maneuverability for vehicles and people. It is located in the southeast portion of the site, well screened by vegetation, and adjacent to a side door with a direct connection to the elevator and the lobby, as well as to the trash and recycling collection room. The loading space is well-integrated in design of the parking lot and adequately screened from street views, and views from neighboring properties, through perimeter and interior parking lot landscaping, and specifically the mature fir trees on the south and southeast edges of the site (Guideline D4).

Due to the sufficient size of the proposed loading space to meet the needs of residents, and the adequate screening and appropriate placement of the loading bay within the surface parking lot, the applicable design guideline, D4, and the purpose of the standard are equally or better met. Therefore, this modification merits approval.

3. 33.521.290 Parking, requires that parking areas are not allowed between a primary structure and any street unless it meets specified requirements.

- The applicant proposes a surface parking lot abutting NE Davis St, positioned between the building and the street.

Findings: The proposed location of a surface parking lot between the building and NE Davis St is not supported by the applicable Community Design Guidelines (Guidelines P1, E1, E3, E4, D4, and D7) or the purpose of the standard being modified. The standard is in place to ensure that development is oriented to transit, bicycle and pedestrian travel, while supporting accessibility for motor vehicles. By locating a surface parking lot along NE Davis St, encompassing the southern side of the intersection of NE 120th Ave and NE Davis St, the development evokes an auto-orientation that is reflected in cars rather than front porches defining the new sidewalk along NE Davis St. The new 6'-0" wide sidewalk along NE Davis is bordered by 4'-0" wide stormwater planters, and is a substantial amenity to the Pedestrian District, helping to improve pedestrian connectivity between the MAX station and the shopping center to the north of the site. Locating the surface parking lot along NE Davis St means the building is pushed approximately 70'-0" from the public right-of-way. Rather than enabling the front porches and balconies on the north façade to provide passive surveillance of the street and improve pedestrian safety within the neighborhood, residents look instead onto cars. The residential character of this portion of the neighborhood is diminished by locating parking in this location, and is in direct conflict with the goals outlined in the Plan Area character statement for high-density housing in the Community Design Guidelines for the 122nd Avenue Station Area of the Outer Southeast Community Plan Area. While only a portion of the site lies within the Station Area sub-District, the entire property is surrounded on its north, east and south sides by the sub-District. The Guidelines suggests that using the building to screen parking from the street is preferable, employing tuck-under or podium style parking (Guidelines P1 and D7). While the northern and eastern edges of NE Davis have a mixed-use and commercial character, NE Davis St and the intersection have a quiet, almost "alley-like" feel. Pedestrian connectivity and residential characteristics such as porches, front doors, visibility into and out of living units, upper floor balconies, and the potential for "front yard"-like green space would complement the street (Guidelines P1, E1, E3, E4 and D7). The alternative of a lightly screened parking lot adjacent to the sidewalk does little to strengthen the relationship between living units and the public street.

Due to the lack of connection between the building and the sidewalk when separated by the proposed surface parking lot, which diminishes the potential residential character and pedestrian safety of the street, the applicable design guidelines P1, E1, E3, E4, D4, and D7, and the purpose of the standard are not met. Therefore, this modification does not merit approval.

4. 33.120.220 Setbacks, requires that for buildings within a Pedestrian District and on two intersecting non-transit streets, 100 percent of the ground level street-facing façade be within the maximum street setback on one façade, and 50 percent of the ground level street-facing façade be within the maximum street setback on the second façade.

- The applicant proposes 50 percent of the building within the maximum setback along NE 120th Avenue, and zero percent of the building within the maximum setback along NE Davis Street.

Findings: The approximate 70'-0" setback of the building from the public right-of-way along NE Davis St is not supported by the applicable design guidelines (P1, E1, E3, E4, and D7) or by the purpose of the standard. The standard ensures that the building reflects the general scale and placement of multi-dwelling development in the City, and creates an environment supportive of pedestrians and transit users. The maximum required building setback in the Ventura Park Pedestrian District is no more than 20'-0" from the right-of-way. The approximate 70'-0" setback is almost double that of neighboring properties and is inhabited by a surface parking lot that diminishes the pedestrian and residential character of the neighborhood. The P1 Plan Area Character statement of the Community Design Guidelines for the Outer Southeast Community Plan Area requests new development be pedestrian-oriented, while the 122nd Avenue Station Area of the Outer Southeast Community Plan Area takes this idea a step further suggesting that parking should be screened by the residential building it serves, not the other way around as is proposed here (Guidelines P1 and D7). By limiting connectivity and views between the pedestrian environment and the building, the quality of the pedestrian environment is diminished and the neighborhood is made potentially less safe. The new, well-landscaped sidewalks along NE 120th Ave and NE Davis St connect the MAX Station to the south with the shopping center and Safeway grocery store to the north of the site. This route may be preferable for pedestrians, allowing them to avoid walking along NE 122nd Ave past multiple curb cuts, an auto-dealership, and five lanes of traffic. The significant setback of the building from NE Davis St, and the location of a surface parking lot within the setback, diminishes the quality and safety of the pedestrian environment, and reduces the residential character of the property and the neighborhood (Guidelines P1, E1, E3, E4, and D7).

Due to the significant setback of the building from NE Davis St of approximately 70'-0", and the location of a surface parking lot within the setback that creates an auto-oriented appearance to the development, the applicable design guidelines P1, E1, E3, E4, and D7, and the purpose of the standard are not met. Therefore, this modification does not merit approval.

5. 33.266.130.C.3, On-Site Locations of Vehicle Areas, the frontage limitation requires that where vehicle areas are adjacent to a street in a Pedestrian District, no more than 50 percent of the frontage on the street in a Pedestrian District may be used for vehicle areas.

- The applicant proposes 100 percent of the frontage along NE Davis Street used for vehicle area.

Findings: The location of vehicular area along 100 percent of the frontage of NE Davis St is not supported by the applicable Design Guidelines (P1, E1, E3, E4, and D7) or by the purpose of the standard. The standard to allow no more than 50 % of the frontage of a street in a Pedestrian District to be used for vehicular area ensures that the visual impact of parking areas on sidewalks, streets and adjacent residential zones is reduced, and softens the appearance of parking areas. The location of the surface parking lot along 100 percent of the NE Davis St frontage does very little to reduce the visual impact of the parking area on the residential neighborhood or the public environment. This is especially true considering the potential for the parking to be screened partially, or entirely, from the street by the building itself. The relationship of the parking lot to the pedestrian environment, and the residential character of NE 120th Ave and NE Davis

St, weakens the human qualities of the neighborhood by limiting the visual and physical connections between living units and the public amenities of the neighborhood, its sidewalk system and series of open spaces. While it is unfortunate that the multi-family residential property located on the northern side of NE Davis St does not have a stronger visual presence on the street, the importance of the pedestrian environment along NE Davis should not be overlooked. The new sidewalk along NE Davis could be improved with new residential connections providing passive visual surveillance of the neighborhood, improving the safety of the pedestrians, and transforming the “alley-like” street into a safe pedestrian amenity. The new sidewalk links the grocery store with the “pocket park” at western end of Davis St, the proposed residential courtyard, and the MAX station on E Burnside. Locating surface parking along 100 percent of NE Davis St ignores this potential, and may contribute to increased crime both along the sidewalk and within the residential properties to the north and south of Davis, by reducing visual connectivity.

Due to the significant percentage of frontage along NE Davis St proposed for the surface parking lot use (100 percent), and the contributing lack of support for the pedestrian environment along NE Davis St and the neighborhood, the applicable design guidelines P1, E1, E3, E4, and D7, and the purpose of the standard are not met. Therefore, this modification does not 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 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

This decision is atypical in its analysis of two, rather than one, architectural schemes for a site. The proposed schemes differ in their locations of the building and parking on the site, and the perceptual relationship of the new development with the neighborhood. At the heart of the debate are questions of pedestrian and residential safety, and the relationship of the development with its urban context. On all counts, the scheme with the building to the north, better reinforces the safety of pedestrians and residents, and supports the neighborhood’s residential and transit-oriented character.

By providing residential entries and porches off NE Davis St; a built edge with living spaces at the intersection of NE Davis St and NE 120th Ave; a built edge with a substantial degree of transparency at the intersection of NE Couch St and NE 120th Ave; and by consolidating and screening parking from much of the neighborhood, Scheme A is successful in supporting the goals of safety and residential quality in the Pedestrian District, the Plan Area, the Plan Districts, and the neighborhood.

In contrast, Scheme B frames the building with two surface parking lots, provides parking at the intersection of NE Davis St and NE 120th Ave, and places a gated entry at the intersection of NE Couch St and NE 120th Ave that mirrors an existing gated entry at the opposite end of NE Couch St. Scheme B detracts from the residential character of the neighborhood and threatens the pedestrian environment by limiting opportunities for passive surveillance of the neighborhood. The compatibility of the two schemes with the goals of the District and Plan Area are evident in the number of modifications required for each scheme. Scheme A, with the building to the north, requires two modifications, while Scheme B, with the building centered on the site, requires five modifications. In addition, Scheme B fails to offer positive alternatives that better meet the intent of the Guidelines and the code requirements it attempts to modify.

Scheme A provides a welcome addition to the neighborhood by improving the character of NE Davis St and providing opportunities to foster community within the development and the neighborhood. The retention of the mature fir trees at the southern and eastern edges of the site benefits the proposal by integrating the new development with the neighborhood and screening parking from the MAX station.

ADMINISTRATIVE DECISION

Approval for:

- A new 61-unit residential building located to the north of the site;
- A new residential courtyard;
- A new 42 space surface parking lot;
- Modification to Main Entrance Standard [33.521.250]; and
- Modification to the Size of the Loading Space [33.266.310.D]

Per the approved drawings, Exhibits C-1 through C-24, signed and dated May 13, 2008, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition (B) must be noted on each of the 4 required drawings 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 08-103200 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Pedestrian pathways, incorporating front entry steps as needed, measuring at least 6-feet wide, and matching the materials and details of similar pedestrian pathways used throughout the site, must individually and directly connect each private entry porch facing NE Davis St with the sidewalk along NE Davis St.

Denial of:

- A new 61-unit residential building centered within the site;
- A new residential courtyard located across from the intersection of NE Couch St;
- Two new surface parking lot providing a combined total of 47 parking spaces, located at either end of the building;
- Modification to Parking Between the Building and the Street [33.521.290 Parking];
- Modification to the Maximum Setbacks in a Pedestrian District [33.120.220 Setbacks]; and
- Modification to the Frontage Limitation to Parking Located Along the Street [33.266.130.C.3, On-Site Locations of Vehicle Areas]

Per the drawings, Exhibits C-25 through C-51.

Decision rendered by: _____ **on May 13, 2008**

By authority of the Director of the Bureau of Development Services

Decision mailed: May 15, 2008

Staff Planner: Noelle Elliott

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

Procedural Information. The application for this land use review was submitted on January 17, 2008, and was determined to be complete on **March 27, 2008**.

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 **January 17, 2008**.

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

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

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

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

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

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on May 29, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor.

An appeal fee of \$250 will be charged. The appeal fee will be refunded if the appellant prevails. Recognized neighborhood associations are not subject to the appeal fee. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

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

Recording the final decision.

If this Land Use Review is approved the final decision 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.

- *Unless appealed*, The final decision may be recorded on or after **May 30, 2008 – (the day following the last day to appeal)**. 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 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 may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

EXHIBITS

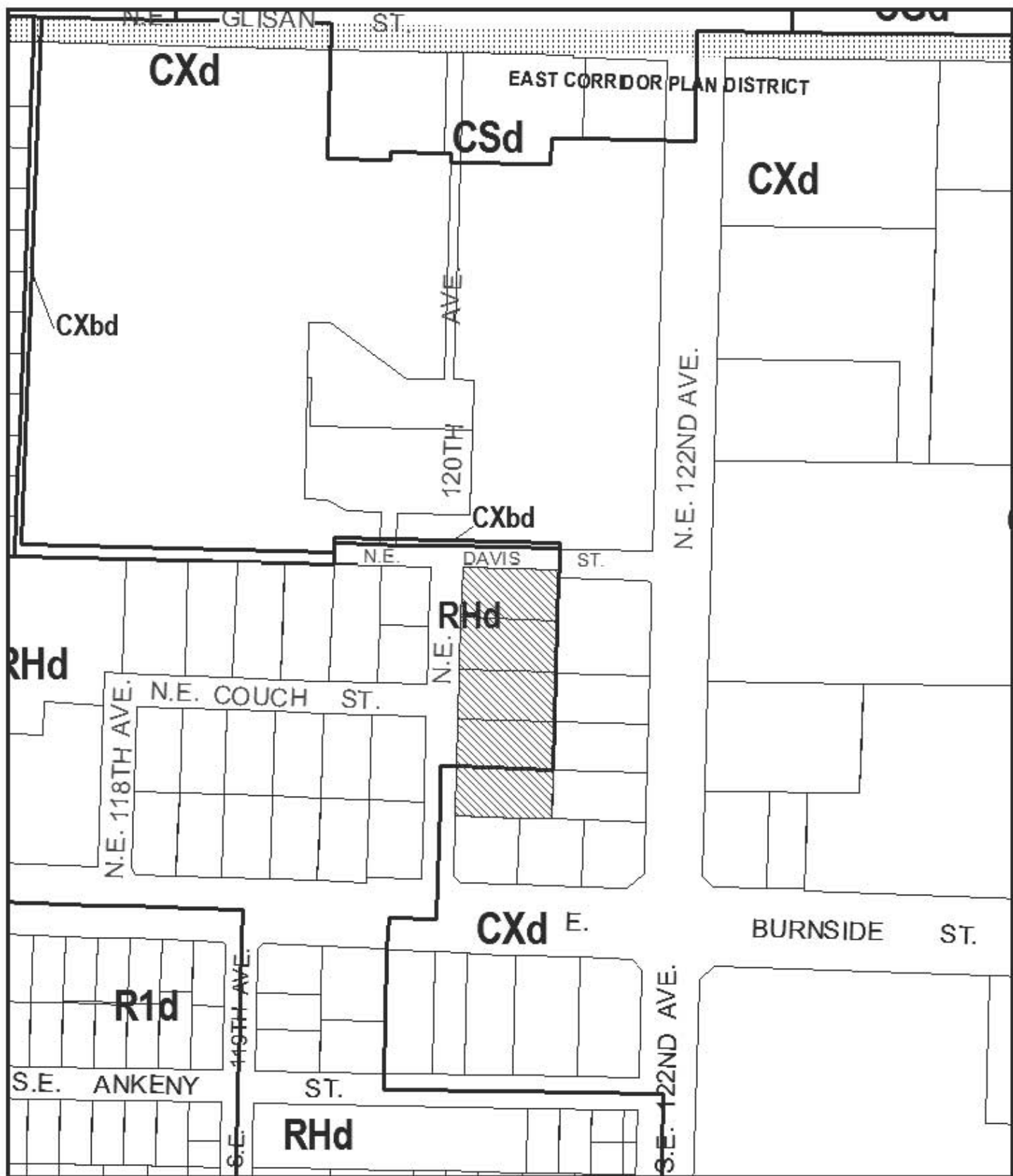
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Statement and Drawings

2. Additional Information
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan & Roof Plan, Scheme A (attached)
 2. Existing Conditions Plan, Scheme A
 3. Utility Plan, Scheme A
 4. Site Elevations, Scheme A (attached)
 5. Courtyard Plan, Scheme A
 6. West Elevation (facing 120th Ave) & Courtyard Fence Plan, Scheme A
 7. Enlarged Partial West Elevation & West Entry Plan, Scheme A
 8. Enlarged Gate Elevation & Enlarged Gate Plan, Scheme A
 9. Level One Floor Plan, Scheme A
 10. Level Two Floor Plan, Scheme A
 11. Level Three Floor Plan, Scheme A
 12. Level Four Floor Plan, Scheme A
 13. Roof Plan, Option A, Scheme A
 14. Roof Plan, Option B, Scheme A
 15. South Elevation & West Elevation (facing NE 120th Ave), Scheme A
 16. North Courtyard Elevation and East (Rear) Elevation, Scheme A
 17. North Elevation (facing NE Davis St) & Siding Details, Scheme A
 18. Enlarged Elevations, Scheme A
 19. Balcony Sections and Window Details, Scheme A
 20. Canopy Section and Balcony Railing Section/Detail, Scheme A
 21. Landscape Plan, Scheme A (attached)
 22. Stormwater Narrative, Scheme A
 23. Lighting Fixture Cutsheets, Scheme A
 24. Roof Vent and Solar Panel Precedent Photos & Cutsheet, Scheme A
 25. Site & Roof Plan, Scheme B (attached)
 26. Existing Conditions Plan, Scheme B
 27. Utility Plan, Scheme B
 28. Site Elevations, Scheme B (attached)
 29. Enlarged Courtyard Plan, Scheme B
 30. West Elevation (facing 120th Ave & Enlarged Fence Plan, Scheme B
 31. Enlarged Partial West Elevation & Enlarged Partial West Entry Plan, Scheme B
 32. Enlarged Gate Elevation & Plan, Scheme B
 33. North Elevation (facing NE Davis St), Trellis Elevation, Trellis Plan, Scheme B
 34. Enlarged Trellis Elevation & Enlarged Trellis Plan, Scheme B
 35. Trellis Section & Cedar Fence Elevation and Section, Scheme B
 36. Level One Floor Plan, Scheme B
 37. Level Two Floor Plan, Scheme B
 38. Level Three Floor Plan, Scheme B
 39. Level Four Floor Plan, Scheme B
 40. Roof Plan, Option A, Scheme B
 41. Roof Plan, Option B, Scheme B
 42. South Elevation & West Elevation (facing 120th Ave), Scheme B
 43. North Elevation (Courtyard) & East (rear) Elevation, Scheme B
 44. North Building Elevation (Without Showing Parking) & Siding Details, Scheme B
 45. Enlarged Elevations, Scheme B
 46. Balcony Section & Window Details, Scheme B
 47. Canopy Section & Balcony Railing Section/Detail, Scheme B
 48. Landscape Plan, Scheme B
 49. Stormwater Narrative, Scheme B
 50. Lighting Cutsheets, Scheme B
 51. Roof Vent & Solar Panel Precedent Photos, Scheme B
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:

1. (a & b) Bureau of Environmental Services
 2. (a & b) Bureau of Transportation Engineering and Development Review
 3. (a & b) Site Development Review Section of BDS
 4. Life-Safety Plans Examiner of BDS
- F. Correspondence:
1. Spike Friedman, April 1, 2008, Support for Scheme A with the building to north.
 2. Arlene Kimura, April 21, 2008 Support for Scheme B with the building centered.
- G. Other:
1. Original LU Application
 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).

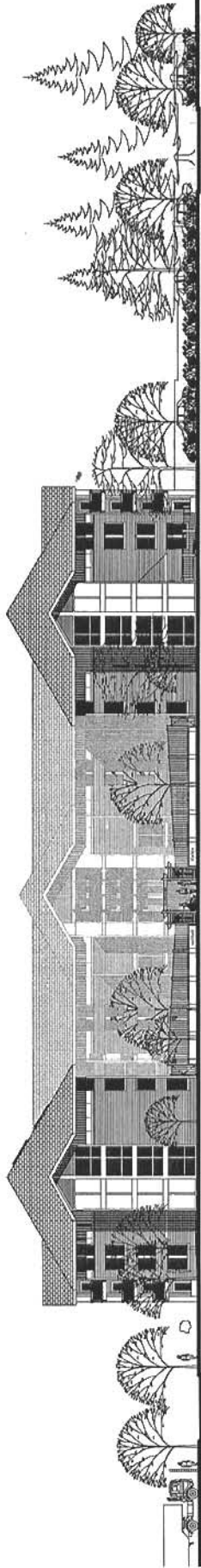


ZONING

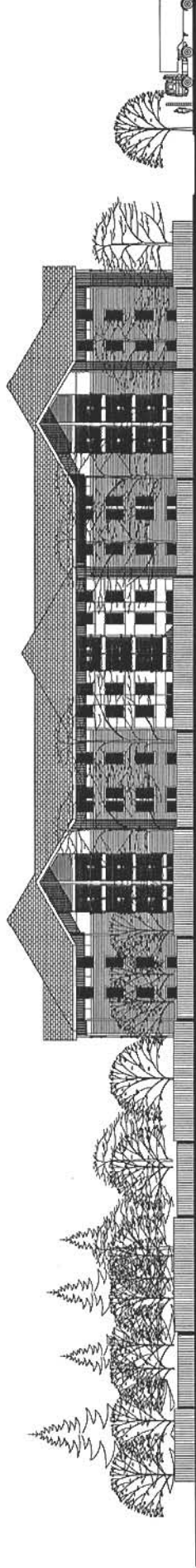


This site lies within the:
EAST CORRIDOR PLAN DISTRICT

File No. LU 08-103200 DZM
 1/4 Section 3042
 Scale 1 inch = 200 feet
 State_Id 1N2E34DA 8200
 Exhibit B (Apr 02, 2008)

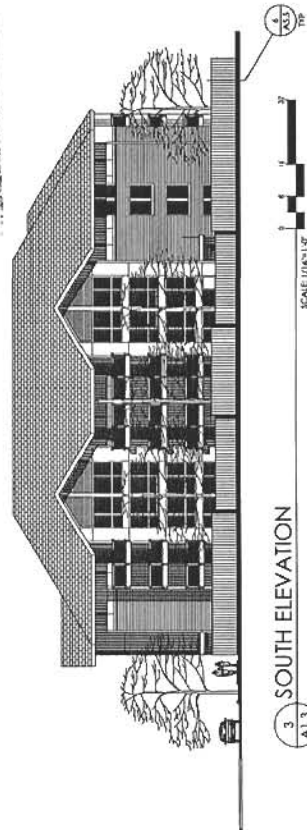


2 WEST ELEVATION
A1.3

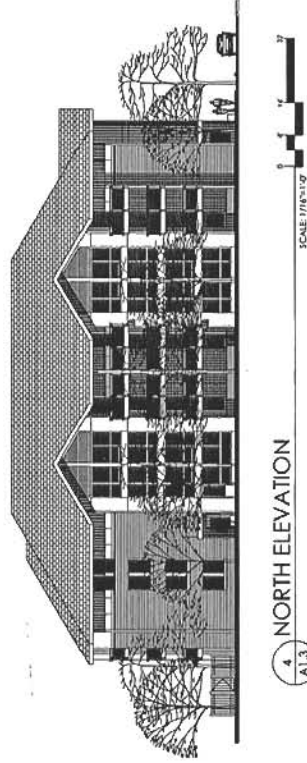


2 EAST ELEVATION
A1.3

Approved
City of Portland - Bureau of Development Services
Planner *[Signature]* Date *5-13-08* Subject to all
* This approval applies only to the reviews requested by
conditions of approval. Additional zoning requirements.



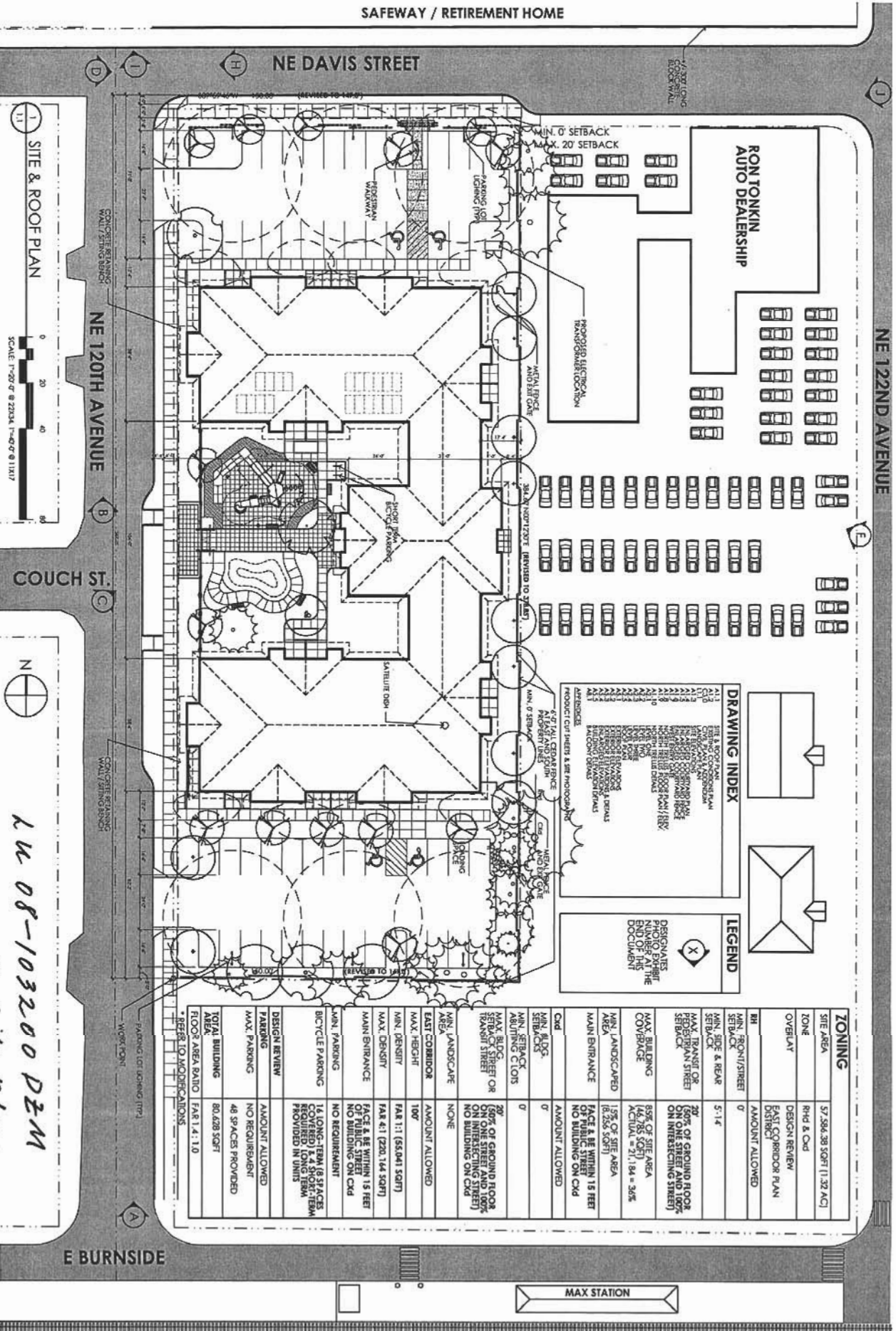
3 SOUTH ELEVATION
A1.3



4 NORTH ELEVATION
A1.3

LU 08-103200 DEM
Option A Elevations-
Exhibit C.4

EASTGATE STATION - DESIGN REVIEW DRAWINGS MAY 09, 2008 - (OPTION - 'B')



LU 08-103200 D2M
Option B Site Plan
Exhibit C.25

