



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

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FINAL FINDINGS AND DECISION BY THE DESIGN
COMMISSION RENDERED ON August 16, 2012

CASE FILE NUMBER: LU 11-178731 DZM PC # 11-159632
The Rose

BUREAU OF DEVELOPMENT SERVICES STAFF: Chris Caruso 503-823-5747 /
Chris.Caruso@portlandoregon.gov

GENERAL INFORMATION

Applicant/Owner: Gordon Jones
9837 NE Irving St #302/Portland, OR 97220

Consultant: Craig Monaghan, Architect
4522 Lower Drive/Lake Oswego, OR 97035

Site Address: 318 NE 97TH AVE

Legal Description: BLOCK 1 LOT 7 EXC PT IN ST, LEWIS PK; BLOCK 1 LOT 8, LEWIS PK;
BLOCK 1 LOT 9, LEWIS PK; BLOCK 1 LOT 29 EXC PT IN ST, LEWIS
PK; BLOCK 1 LOT 30 EXC PT IN ST, LEWIS PK; BLOCK 1 LOT 32 EXC
PT IN ST, LEWIS PK

Tax Account No.: R493600130, R493600150, R493600170, R493600670, R493600690,
R493600750

State ID No.: 1N2E33DA 06800, 1N2E33DA 06900, 1N2E33DA 07000, 1N2E33DA
09000, 1N2E33DA 09100, 1N2E33DA 09200

Quarter Section: 3040

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

Business District: Gateway Area Business Association, Fred Sanchez at 503-256-3910.

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

Plan District: Gateway

Zoning: RXd, High-Density Residential with design overlay

Case Type: DZM, Design Review with Modifications

Procedure: Type III, with a public hearing before the Design Commission. The
decision of the Design Commission can be appealed to City Council.

Proposal:

The applicant seeks design review approval for two new 45-unit apartment buildings in the Gateway Plan District. Each building will be 4 stories and 41 feet tall with 58 shared surface parking spaces between them, perimeter landscaping, shared raised garden beds, two plazas with benches fronting NE Everett Place, and two trash/recycling enclosures covered with green screen walls. Exterior materials include cement panels in two textures, horizontal cedar siding, wood trim, vinyl windows, aluminum and glass balcony railings, sealed concrete columns, aluminum storefront, and aggregate pavers.

NE Flanders Street will be reconstructed and renamed NE Everett Place under a separate public works permit and is not part of this design review case.

One Modification is being requested:

1. 33.120.255 Pedestrian Standards – To reduce the required 5 foot pedestrian walkway width along the southern boundary of the site to 4 feet and 2 feet, and for these portions of the walkways to be made of individual pavers in place of paving the entire walking surface.

Projects in the Gateway Plan District, such as this one that are above a specific valuation threshold require a Type III Design Review. Any zoning code standards that cannot be met by a proposal must request a Modification thru Design Review.

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:

- 33.825 Design Review
- 33.825.040 Modifications
- Gateway Regional Design Guidelines

ANALYSIS

Site and Vicinity: The subject site is 44,262 square feet in area and is made up of four parcels. Streets adjacent to the site are NE 99th Avenue to the east, NE 97th Avenue to the west, and the future extension of NE Everett Place to the south. The site is flat with no obvious slope. It was originally developed with multiple residential and commercial buildings that also span the vacated NE Everett Place roadway. All the buildings on these four parcels will be demolished prior to construction. There are currently sidewalks along NE 97th and 99th Avenues and all three street frontages will be improved with sidewalks and street trees as required.

Surrounding uses include single- and multi-family residences to the east, south and west, and multi-family residences and commercial businesses to the north. The Gateway Transit Center with bus and light rail MAX service is located approximately three-quarters of a mile north of the site. Tri-Met bus service is available on NE Glisan Street and NE 99th Avenue.

The City of Portland's Transportation System Plan (TSP) classifies NE 99th Avenue a Neighborhood Collector Street, Transit Access Street, Local Service Bikeway, and City Walkway. Northeast 97th Avenue is classified as a Local Service Bikeway and City Walkway. Northeast Flanders Street has no TSP designations at this time. The site is located within the Gateway Pedestrian District.

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 "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. 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: City records indicate that prior land use reviews include:

1. MCF 1-85 MC (85-100065) – approval to expand a water meter business, a non-conforming use.

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed **May 10, 2012**. The following Bureaus have responded with no issue or concerns:

- Site Development Section of BDS
- Bureau of Parks-Forestry Division
- Water Bureau (Exhibit E-1)
- Bureau of Transportation Engineering (Exhibit E-2)
- Life Safety Review Section of BDS (Exhibit E-3)
- Fire Bureau (Exhibit E-4)
- Bureau of Environmental Services (Exhibit E-5)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 10, 2012**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Colleen Gifford, Gateway Eco District Steering Committee Chair – in support of the project.

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. The applicable standards of the Portland Zoning Code are as follows:

Primary Uses (Table 120-1)

Development Standard

Household Living uses as proposed are allowed by right.

Floor Area Ratios (FAR) (Map 526-3)

Development Standard

Maximum FAR is 6:1. Minimum FAR is 1:1.

Proposal

- Proposed FAR is 1.35:1. No bonuses are being requested. This standard is met.

Maximum Height (Map 526-2)

Development Standard

Maximum height 120 feet.

Proposal

- Proposed building height is 41 feet. No bonuses are being requested. This standard is met.

Minimum Density (Table 120-3)

Development Standard

Minimum density is 1 unit per 500 SF of site area or 88 units for this 44,262 SF site.

Proposal

- Total proposed density is 90 units. This standard is met.

Minimum and Maximum Setbacks (33.120.220, Table 120-3 & 120-4)*Development Standard*

Minimum 0' on all sides of lot.

Maximum 10' for 50% of the length of building wall facing NE 99th Avenue, the transit street on a thru-lot with only one transit street, within a pedestrian district.

Proposal

- The percent of maximum building setback is met along the NE 99th Avenue frontage.

Building Coverage (33.120.225, Table 120-3)*Development Standard*

100% of site area.

Proposal

- Building coverage is 45%. This standard is met.

Connectivity (33.526.250)*Purpose*

This regulation implements the Gateway Master Street Plan and is reviewed by the Portland Bureau of Transportation (PBOT).

Proposal

- PBOT has reviewed the proposal. The vacated section of NE Flanders Street will be reconstructed to the north of the site and will be renamed NE Everett Place. Sidewalks will be upgraded to City standards. This standard is met.

Main Entrances (33.526.270)*Development Standard*

At least one main entrance to each tenant space and/or lobby must face a public street and must be within 15 feet of the public street.

Proposal

- At least one main entrance to each tenant space and/or lobby is within 15 feet of and face public streets. Individual residential unit entries do not have to meet this standard as it pertains to commercial tenants. This standard is met.

Pedestrian Standards (33.120.255.B.2.a)*Development Standard*

The circulation system must be hard-surfaced and at least 5 feet wide.

Proposal

- A modification to this standard is being requested to allow a portion of the circulation system to be a combination of 2 feet and 4 feet wide and made of individual paving stones.

Street-Facing Facades (33.120.232)*Development Standard*

At least 15% of each façade that faces a street lot line must be windows or main entrance doors.

Proposal

- Windows and doors in excess of this requirement are provided along all street-facing facades. This standard is met.

Landscaping (33.120.235 & 33.266)*Development Standard*

The area between a building and street lot line must be landscaped to L1 standards or paved for pedestrian use. Parking lots are required to have interior and perimeter landscaping; and

Pedestrian Standards (33.526.260.B.2.a)*Development Standard*

The area between a building and street lot line must be landscaped to meet the L1 standard of 33.248, Landscaping and Screening.

Proposal

- Public areas between the building and streets will be hardscaped as an extension of the pedestrian realm. The parking lots will be appropriately landscaped. These standards are met.
- All street-facing frontages that are not paved as an extension of the public right-of-way or for use as a patio by the residents have the area between the building and the streets landscaped to L1. This standard is met.

Parking (33.526.340 & Table 266-2)

Development Standard

There is no minimum required parking or maximum for residential uses. Parking on a lot with three frontages may be located between a primary structure and one Local Service Transit Street.

Proposal

- Fifty-eight (58) parking spaces are being provided for resident use and no parking is provided between a primary structure and Local Service Transit Street. This standard is met.

Bicycle Parking (33.266.210 & Table 266-6)

Development Standard

The project consists of 90 apartments. Bicycle Parking requirements are:

Proposal

- | | | |
|---------------------------------|----------|-------------------------|
| ▪ Residential Long-Term Spaces | 99 req'd | 176 provided (in units) |
| ▪ Residential Short-Term Spaces | 5 req'd | 8 provided |

This standard is met.

Loading Spaces (33.266.310)

Development Standard

Loading is not required as each building contains less than 50 units. A loading space is not proposed for this development.

Signs (33.140.300 & Title 32] No signs are proposed for approval in this review.

Street Trees (33.140.305) Street Trees will be provided as required by the City Forester.

ZONING CODE APPROVAL CRITERIA

(1) DESIGN REVIEW (33.825)

33.825.010 Purpose

Design Review ensures:

- That development conserves and enhances the recognized special design values of a site or area;
- The conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district;
- That certain types of infill development will be compatible with the neighborhood and enhance the area; and
- High design quality of public and private projects.

33.825.055 Design Review Approval Criteria

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

It is important to emphasize that design review goes beyond minimal design standards and is viewed as an opportunity for applicants to propose new and innovative designs. The design guidelines are not intended to be inflexible requirements. Their mission is to aid project designers in understanding the principal expectations of the city concerning urban design.

The review body conducting design review may waive individual guidelines for specific projects should they find that one or more fundamental design guidelines is not applicable to the circumstances of the particular project being reviewed.

The review body may also address aspects of a project design which are not covered in the guidelines where the review body finds that such action is necessary to better achieve the goals and objectives of design review in the Central City.

Findings: The site is designated with design overlay zoning (d). Therefore the proposal requires Design Review approval. Because the site is within the Gateway Plan District, the applicable approval criteria are listed in the Gateway Regional Center Design Guidelines.

Gateway Regional Center Design Guidelines

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

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

Gateway Regional Center Design Goals

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

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

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

A Pedestrian Emphasis

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

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

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

Findings for A1, A2, & B1: The proposed buildings are close to the lot lines along all three street frontages. The areas that are set back from the streets are integrated into the adjacent streetscape by either being paved as an extension of the sidewalks and containing easily accessible racks for short-term bicycle parking, or defined as paved patio spaces with perimeter landscaping to meet code standards. There are entries from the public sidewalks to each of the main residential lobbies as well as directly to each of the ground floor units along NE 97th Avenue and NE 99th Avenue.

These two lobby entries are prominently marked with balcony canopies, fully-glazed storefront windows that allow views into active areas, and recessed walls that create larger public gathering spaces directly outside the doors. The main lobby entries are oriented toward the most active street intersections where residents and visitors are expected to come from nearby transit and NW Glisan. Defined plazas are provided at the central pedestrian connection from NE Everett Place. These are paved gathering spaces with bench seating that physically connect the development to the street. The proposed exterior building materials include cement panels in two textures, horizontal cedar siding, wood battens, wood trim, commercial-grade vinyl windows and patio doors, aluminum storefront, metal canopies, and cast-in-place concrete columns. All of these materials are durable and high-quality items used throughout the Gateway Plan District that will convey a sense of quality and permanence. *These guidelines are therefore met.*

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

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

Findings for A3 & B5: Air handling systems will be vented out through the roof of each building and no exterior vents will be visible on the outside walls. This will allow the exterior finish patterns to be uninterrupted around the building, creating a more cohesive overall design. No direct exhaust will impact the sidewalks or passersby. Exterior building lighting is minimal, occurring as recessed downlights at each public entry and single fixtures at each patio or balcony. This lighting is carried around all four sides of each building, providing nighttime security lighting around the site. Additional lighting is provided within the parking area and around the perimeter pathways. Signs are not included in this review. *These guidelines are therefore met.*

B Development Design

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

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

Findings for B2 & B3: The ground level building elements are made up of storefront glazing, vinyl windows and patio doors, cement panel siding in two textures, some with wood accent battens, wood trim, exposed concrete columns, glass balcony railings and canopies that work together to create a cohesive pattern around each building. The cement

panel siding with battens is used to highlight the consistent pattern of central projecting and recessed bays. These central sections are visually offset at each building end by prominent areas of a different textured panel system with metal channels, while the glass balcony rails and steel trellises define horizontal bands around each corner and between each vertical mass. All of the cement siding is attached by stainless steel fasteners which will be painted to match the surrounding siding material so these elements blend into the overall façade composition. The balcony railings will be a pre-finished metal and glass system that will be connected to the outside of the floor slabs with countersunk screws to further minimize the appearance of exposed fasteners around the building. The ground level entry patios and landscaping will create additional visual interest to the building base by differentiating it from the upper floors and by softening the experience of the building along the adjacent pedestrian walkways. *With Condition of Approval B, these guidelines are therefore met.*

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

Findings: The proposal integrates stormwater treatment in some of the parking islands as well as areas within the green street improvements to the reconstructed and renamed NE Everett Place. *This guideline is therefore met.*

C Context Enhancement

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

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

Findings for C1 & C5: Both buildings in this proposal locate lobby entries at the primary intersections of NE 97th and NE Everett, and NE 99th and NE Everett. Each lobby's location on the primary building corner will provide visibility and connection of active-use areas to the public realm. The proposed buildings are oriented with their longest walls running north-south so they face the two most active streets of NE 97th and NE 99th Avenues. Both building lobbies are located away from the single family homes adjacent to or facing the proposed project. The activity and lobbies are on the north end of the buildings where there is already an existing commercial use and are oriented toward the pedestrian traffic that will come from the Max Station and the nearby shopping center.

The property is bounded by a commercial nursing home on the north, a two-story triplex on half of the south boundary and a single family house on the south boundary. There are two four story multi-family properties, each of similar scale within one block of the proposed project site. The buildings will integrate into the neighborhood and will provide a consistent transition to the other properties that will eventually be redeveloped into higher density housing and mixed use buildings. The areas surrounding this site are all zoned for very high density, in keeping with the goals of the Gateway Plan District. It is the expectation that over time, this portion of the Gateway Plan District will be developed with buildings similar to what is being proposed as well as with even larger and taller buildings as economic factors allow. *These guidelines are therefore met.*

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

Findings: All on-site parking is located between the two buildings and is screened from NE Everett Place with landscaping so views of vehicles are minimized for pedestrians and

neighbors. The trash enclosures are located away from the street and are buffered by the two plazas and integrated landscaping provided at the central pedestrian connection from NE Everett Place. Their exterior walls are covered in green screen material that will allow plants to grow up the structure, further hiding it from view. The parking area will be accessed from the reconstructed and renamed NE Everett Place, as approved by the Bureau of Transportation. Per the Bureau of Transportation, the new NE Everett Place will be designated a residential street and is not expected to carry appreciable amounts of traffic. *This guideline is therefore met.*

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

Findings: Both of the prominent intersections at NE Everett Place and NE 97th and 99th Avenues have been addressed by pulling the exterior walls back from the lot lines to create larger paved corner entry gathering spaces. These spaces are further defined by overhanging balcony/canopy projections and large areas of glazed aluminum storefront. The material and massing changes at the lobby entries differentiate these corners from the rest of each building and make them more visually prominent. The corners also demarcate the street intersections, providing a visual cue to pedestrians that will help with wayfinding in the area. *This guideline is therefore met.*

C7. Strengthens the Regional Center’s Western Edge. Contribute to the creation of a variable edge facing the I-205 freeway, by varying the footprint and façade plane of new development.

Findings: The west-facing building facades are finished in materials that vary in surface texture, have undulating roof lines, and also a set of vertical bays. All of these treatments vary the footprint and façade plane of the westernmost building which will contribute to the creation of a variable edge facing the I-205 freeway. The orientation of the buildings north to south allows the longest building walls to face I-205, creating a visibly denser and more urban edge along this boundary. *This guideline is therefore met.*

(2) MODIFICATION REQUESTS (33.825)

33.825.040 Modifications That Will Better Meet Design Review Requirements:

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

The following modification is requested:

1. 33.120.255 Pedestrian Standards – To reduce the required 5 foot pedestrian walkway width along the southern boundary of the site to a combination of 2 feet and 4 feet, and for these portions of the walkways to be made of individual pavers in place of paving the entire walking surface.

Findings: The building as a whole is well connected with the street network through hard-surfaced transitions between entrances and the surrounding sidewalk and via the walkways that surround each building and the entire site. The reduced width of the walkway along the southern boundary to a combination of 2 feet and 4 feet and the use of individual pavers provide adequate space for residents and their guests to walk between buildings if desired and will not affect required accessibility to units or required exiting pathways from the site. One benefit of the reduced walkway widths is the additional space made available for perimeter landscaping along the southern boundary. These denser plantings will better screen the parking area from any existing and future development. The use of individual permeable pavers in place of continuous paving along this walkway allows for greater stormwater infiltration on site and lessens the heat island effect by reducing the overall amount of paving.

The proposed 2 foot and 4 foot wide walkways of individual pavers along the southern boundary of the site better meets the applicable design guidelines *B6. Integrate Ecological/Sustainable Concepts* and *C4. Develop Complementary Parking Areas*, and the purpose of the standard is equally met. *Therefore, this modification merits approval.*

CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposed two-building residential building with its shared parking and outdoor areas is a comprehensive design of high-quality materials that will be a significant contribution to the Gateway Regional Center. The strong building massing highlighted by changes in materials, generous lobby entry corners, and plazas, form an interesting building design appropriate to this location. The proposal meets the applicable design guidelines and therefore warrants approval.

DESIGN COMMISSION DECISION

It is the decision of the Design Commission to approve Design Review for approval for two new four-story, 45-unit apartment buildings in the Gateway Plan District to include the following elements:

- 58 shared surface parking spaces;
- Perimeter landscaping, and shared raised garden beds;
- Two plazas with landscaping along NE Everett Place;
- Two trash/recycling buildings behind the plazas with green screen walls; and
- Exterior materials of cement panels in two textures, wood trim, vinyl windows, aluminum and glass balcony railings, sealed concrete columns, aluminum storefront, and aggregate pavers.

Approval of the following Modification requests:

1. 33.120.255 Pedestrian Standards – To reduce the required 5 foot pedestrian walkway width along the southern boundary of the site to a combination of 2 feet and 4 feet, and for portions of this walkway to be made of individual pavers in place of paving the entire walking surface.

Approvals per Exhibits C.1-C-33, signed, stamped, and dated August 17, 2012, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (A – E) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled “ZONING COMPLIANCE PAGE- Case File LU 11-178731 DZM . All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled “REQUIRED.”
- B. The vertical balcony railing support posts will be connected to the outside of the floor slabs with countersunk screws.
- C. No field changes allowed.

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By: _____
 Gueneyere Millius, Design Commission Chair

Application Filed: September 21, 2011
 Decision Filed: August 17, 2012

Decision Rendered: August 16, 2012
 Decision Mailed: August 21, 2012

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 September 21, 2011, and was determined to be complete on **April 20, 2012**.

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 September 21, 2011.

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. This report is the final decision of the Design Commission with input from other City and public agencies.

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

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review,

any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. **Appeals must be filed by 4:30 pm on September 4, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor in the Development Services Center until 3 p.m. After 3 p.m. and on Monday, appeals must be submitted to the receptionist at the front desk on the fifth floor. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case by appointment at, 1900 SW Fourth Avenue, Suite 5000, Portland, Oregon 97201.

If this decision is appealed, a hearing will be scheduled and you will be notified of the date and time of the hearing. The decision of City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

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 City Council on that issue. Also, if you do not raise an issue with enough specificity to give City Council an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$5,000.00 will be charged (one-half of the application fee for this case).**

Neighborhood associations may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

Recording the final decision.

If this Land Use Review is approved the final decision 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 **September 5, 2012.**
- 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.

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.

Chris Caruso
August 17, 2012

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

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Area to be Vacated Map
 - 3. 120-Day Waiver
 - 4. February 14, 2012 Memo
 - 5. Updated Narrative
- B. Zoning Map (attached)
- C. Plan & Drawings
 - 1. Site Plan (attached)
 - 2. Vicinity Plans (3 sheets)
 - 3. Site Landscaping
 - 4. Site Landscaping
 - 5. Plant List
 - 6. Landscape Sections
 - 7. First Floor Plan (attached)
 - 8. Second Floor Plan
 - 9. Third Floor Plan
 - 10. Fourth Floor Plan
 - 11. Roof Plan
 - 12. Landscape Sections
 - 13. Landscape Sections
 - 14. Building Sections
 - 15. Partial Elevations and Details
 - 16. Elevations for Trash Structures
 - 17. Partial Elevation and Details

18. Partial Elevation and Details
 19. Partial Elevation and Details
 20. Exterior Materials
 21. Elevations (attached)
 22. Elevations
 23. Courtyard Renderings
 24. Title Sheet and Vicinity Map
 25. Preliminary Grading and Tree Preservation Plan
 26. Preliminary Storm, Sanitary, and Waterworks plan
 27. The Rose West Landscape Plan (attached)
 28. The Rose East Landscape Plan (attached)
 29. Living Screen Information
 30. Sapa Railing System Information
 31. CertainTeed Fiber Cement Siding and Trim Information
 32. Western Red Cedar Information
 33. Cascade Windows Information
- 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. Water Bureau
 2. Bureau of Transportation Engineering and Development Review
 3. Life Safety Review Section of BDS
 4. Fire Bureau
 5. Bureau of Environmental Services
- F. Letters:
1. Colleen Gifford, Gateway Eco District Steering Committee Chair, May 21, 2012 – in support of the project.
- G. Other
1. Original LUR Application
 2. Site History Research
 3. Incomplete Letter
 4. February 13, 2012 Letter
- H. Other
1. Staff Report
(Received at Hearing)
 2. Staff PowerPoint
 3. Applicant statements and photos
 4. Applicant PowerPoint
 5. AIA Portland letter
(Received after Hearing)
 6. PDC letter
 7. BES email
 8. Andrew Aebi, PBOT LID letter
 9. Waste Management letter
 10. Megan Gibb, Metro letter
 11. Staff Memo August 6, 2012
 12. Hearing Summary Notes June 11, 2012
 13. Revised Staff Report August 6, 2012
(Received at 2nd Hearing)
 14. Staff PowerPoint August 16, 2012

cc: Applicants and Representatives
Neighborhood Associations
Those who testified, orally or in writing
City Auditor's Office
Development Services Center
BDS Staff for Bureau of Buildings
BDS Staff for Commission Book

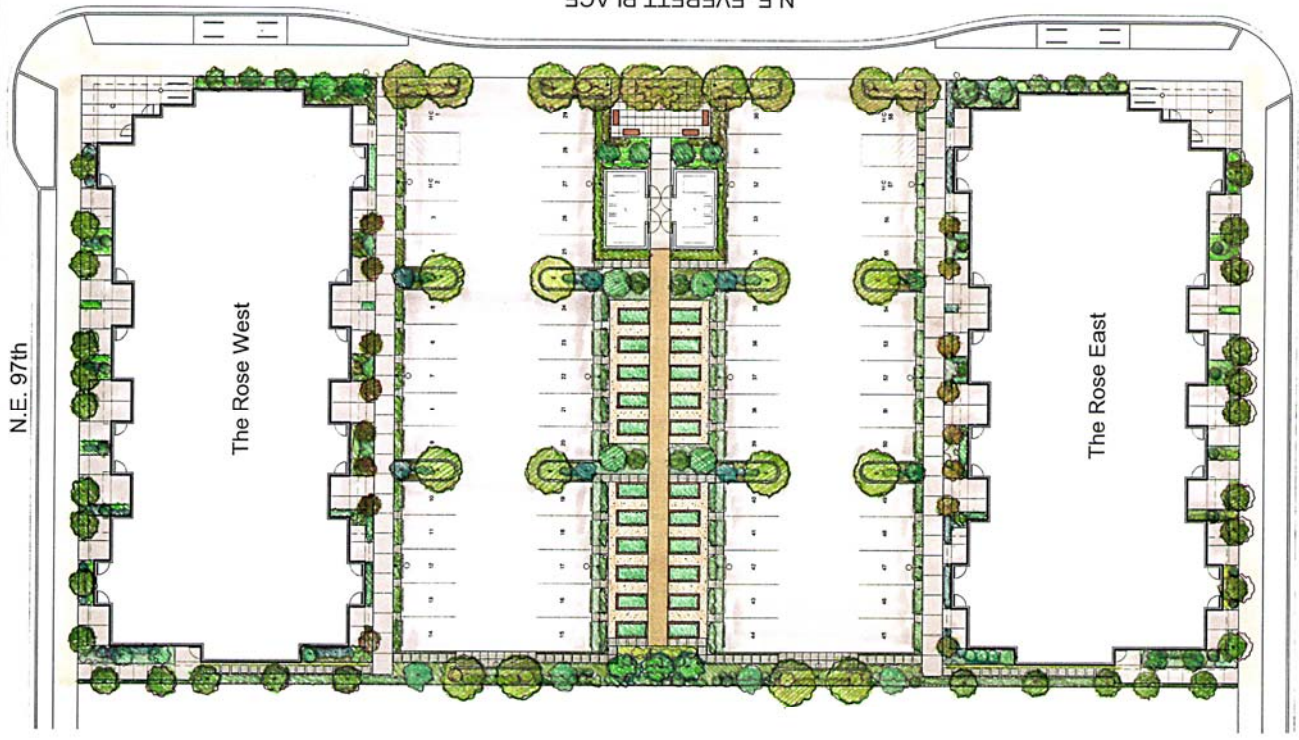
N.E. 97th

The Rose West

N.E. EVERETT PLACE

The Rose East

N.E. 99th



Approved
 City of Portland
 Bureau of Development Services
 Planner *C. Jones*
 Date *8/17/12*

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

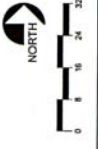
NEW LOT SIZES	
Name	Area
WEST / EAST	44,262 SF

NET LOT AREA CALCULATIONS:

WEST:
 LOTS 29,30,31: DEDICATION = 3 FT. ROW
 AREA REDUCTION = 3' x (61x3) + (30 x 150.8) = 5,073 SF
 NET AREA = 29,30,31 + 22,872 SF
 = 52,174 SF / 1,500 SF / UNIT = 35 UNITS REQ.
 # UNITS REQUIRED: 45
 # UNITS PROPOSED: 45

EAST:
 LOTS 7, 8, 9: DEDICATION = 9 FT. ROW
 AREA REDUCTION = 9' x (61 x 3) + (30 x 150) = 6,147 SF
 NEW AREA 7, 8, 9 = 21,592 SF
 NET AREA = 21,592 SF / 1,500 SF / UNIT = 14 UNITS REQ.
 # UNITS REQUIRED: 45
 # UNITS PROPOSED: 45

F.A.R.:
 BLDG. AREA = 27,058 SF RENTABLE
 + 2,879 SF COMMON
 = 29,937 SF PER BLDG.
 # BLDGS. TOTAL
 = 59,874 SF TOTAL
 WEST / EAST: 59,874 / 44,262 = 1.35 F.A.R.



ARCHITECT CRAIG MONGHAM 4622 LOWER DRIVE LAKE OSWEGO, OR 97035 PH: (503) 522-9000	LANDSCAPE ARCHITECT QUATREFOL, INC. 404 S.E. 80th AVENUE PORTLAND, OR 97215 PH: (503) 259-8955	OWNER GORDON JONES, PRINCIPLE 9837 N.E. IRVING ST. #302 PORTLAND, OR 97220	THE ROSE WEST AND EAST 318 & 333 N.E. 97th AVE. PORTLAND, OR 97220
THE ROSE WEST SITE PLAN		Project number: 1210 Date: 8.2.12 Drawn by: K.H. Scale: 1/16" = 1'-0" A0.1	

U 11-178731 D2M EXH. C-1

NOTE: SCALE IS
INDICATED.
SHEET SIZE IS
11 x 17

ARCHITECT
CRAIG KOKOSKIEN, ARCHITECT
4322 LOWER MAIN
LANE SEASCOCK, OR 97138
(503) 522-9000
EMAIL: mcs@cgmk.com

OWNER
9837 NE 87TH ST
PORTLAND, OR 97220
(503) 752-1555
EMAIL: gpd@gsd.com

THE ROSS WEST
318 NE 87TH AVE
AND
333 NE 87TH AVE
PORTLAND, OR 97220

ELEVATIONS & 3D VIEWS
WITHOUT LANDSCAPING

DATE:
8/30/2012

SCALE:
AS INDICATED

SHEET:

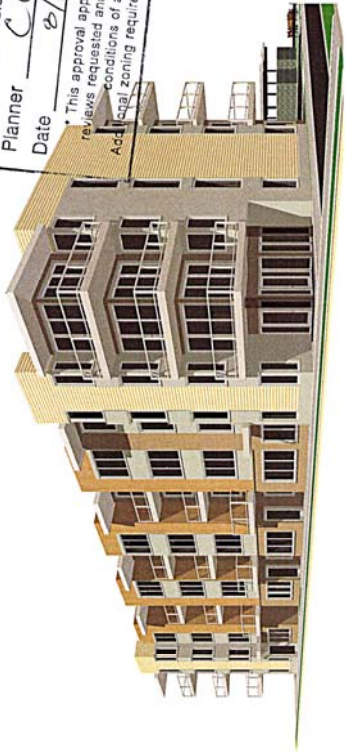
A8.5

CU 11-178731 D2M EXH.C-2

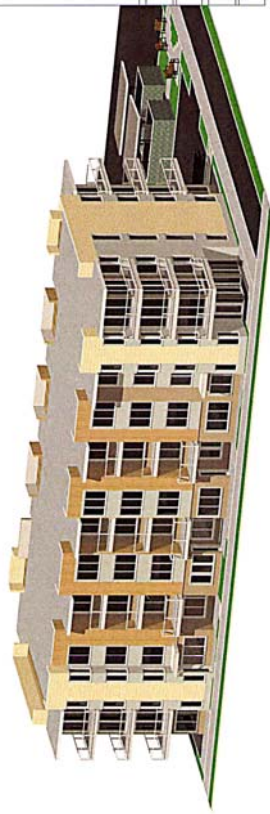


EAST ELEVATION, EAST BUILDING - WEST ELEVATION SIMILAR
STREET PRESENTED FOR CLARITY

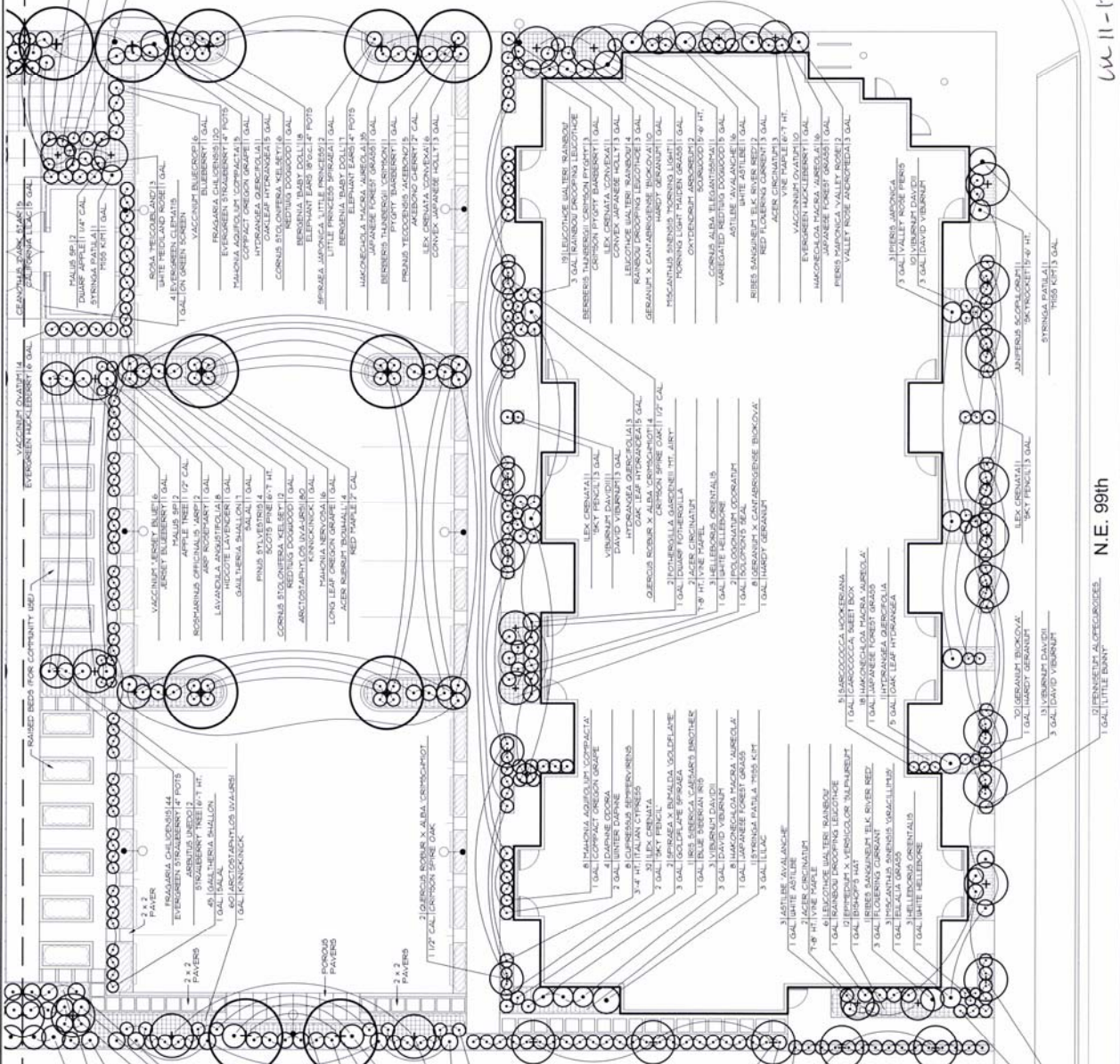
Approved
City of Portland
Bureau of Development Services
Planner CC
Date 8/17/12
*This approval applies only to the
reviews requested and is subject to all
conditions of approval.
Additional zoning requirements may apply.



NORTH ELEVATION, EAST BUILDING
SOUTH ELEVATION SIMILAR



SEE SHT. L0.3
MATCH LINE



SEE SHT. L0.3
MATCH LINE

ARCHITECT
GRAS WONGHAN
4522 LOWME DRIVE
LAKE OSWEGO, OR 97035
PH: (503) 522-9000

LANDSCAPE ARCHITECT
QUATREFOL, INC.
404 S.E. 80th AVENUE
PORTLAND, OR 97215
PH: (503) 256-8955

OWNER
GORDON JONES, PRINCIPLE
9828 N.E. IRVING ST #202
PORTLAND, OR 97220

THE ROSE EAST
333 N.E. 99th AVE.
PORTLAND, OR 97220

"THE ROSE EAST" LANDSCAPE PLAN
Project Number: 1210
Date: 8/17/12
Drawn by: K.H.
Scale: 8.2:12
Sheet: 1/16" = 1'-0"
L0.4

Approved
City of Portland
Bureau of Development Services
Planner: [Signature]
Date: 8/17/12
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

INTERIOR LANDSCAPE REQUIREMENTS
58 SPACES
58 x 45 S.F. + 2810 S.F. INTERIOR LAND RECD.
2,860 S.F. INT. LANDSCAPE PROVIDED

NOTE:
ALL PLANTING BEDS WILL BE IRRIGATED WITH AN AUTOMATIC SPRINKLER SYSTEM.



CU 11-178731 EXH. C-3

N.E. 99th