



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** October 28, 2016  
**To:** Interested Person  
**From:** Benjamin Nielsen, Land Use Services  
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**NOTICE OF A TYPE II DECISION ON A PROPOSAL IN  
YOUR NEIGHBORHOOD**

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

**CASE FILE NUMBER: LU 16-128006 DZM – OLIVER STATION**

**GENERAL INFORMATION**

**Applicant/  
Representative:** Paul Jeffreys, Ankrom Moisan Architects Inc  
6720 SW Macadam Ave  
Portland, OR 97219

**Owner/Developer:** Robert Gibson, Palindrome Communities  
412 NW 5th Ave #200  
Portland, OR 97209

**Property Owners:** Tzantarmas Properties LLC & Tzantarmas Enterprises LLC  
5932 SE 92nd Ave  
Portland, OR 97266-4643

City of Portland c/o Portland Development Commission  
222 NW 5th Ave  
Portland, OR 97209

JK Petroleum LLC  
12773 SE Virlie Street  
Happy Valley, OR 97086

**Site Address:** 9202 SE FOSTER RD

**Legal Description:** BLOCK A TL 5100, CLEMSON ADD; BLOCK 1 LOT 1&2 E 23.9' OF LOT 7-9, MT SCOTT PK; BLOCK 1 LOT 3 EXC PT IN ST, MT SCOTT PK; BLOCK 1 LOT 4 EXC PT IN ST, MT SCOTT PK; BLOCK 1 LOT 5 EXC PT IN ST LOT 6, MT SCOTT PK; BLOCK 1 LOT 7&8 EXC E 23.9' LOT 9 EXC E 23.9' & EXC PT IN STS LAND & IMPS SEE R221706 (R587500271) FOR BILLBOARD, MT SCOTT PK; BLOCK 3 LOT 8-10 TL 12600, TOWN OF LENT; BLOCK 3 LOT 9&10 TL 9100, TOWN OF LENT; BLOCK 3 LOT 10 TL 5200, TOWN OF LENT; BLOCK 3 LOT

**Tax Account No.:** 11&12 TL 5300, TOWN OF LENT; BLOCK 3 LOT 13, TOWN OF LENT; BLOCK 3 LOT 14&16&17 TL 5500, TOWN OF LENT; BLOCK 3 LOT 15&16 TL 5800, TOWN OF LENT; BLOCK 3 LOT 16&17 TL 5700, TOWN OF LENT; BLOCK 3 LOT 17&18 TL 5600, TOWN OF LENT; BLOCK 3 LOT 17-20 TL 12900, TOWN OF LENT; BLOCK 3 E 30' OF LOT 20, TOWN OF LENT; BLOCK 3 LOT 21&22, TOWN OF LENT R162902550, R587500010, R587500110, R587500130, R587500150, R587500270, R839100670, R839100690, R839100730, R839100750, R839100790, R839100810, R839100830, R839100870, R839100890, R839100910, R839100950, R839100970

**State ID No.:** 1S2E16DB 05100, 1S2E16CA 10400, 1S2E16CA 10500, 1S2E16CA 10600, 1S2E16CA 10700, 1S2E16CA 11000, 1S2E16DC 12600, 1S2E16DB 09100, 1S2E16DB 05200, 1S2E16DB 05300, 1S2E16DB 05400, 1S2E16DB 05500, 1S2E16DB 05800, 1S2E16DB 05700, 1S2E16DB 05600, 1S2E16DC 12900, 1S2E16DC 12800, 1S2E16DC 12700

**Quarter Section:** 3639

**Neighborhood:** Lents, contact Cora Potter at 503-823-4550.

**Business District:** Foster Area, contact Kristin O'Neill at 503-724-2692.

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

**Plan District:** None

**Other Designations:** Lents Pedestrian District; Outer Southeast Community Plan Area

**Zoning:** EXd – Central Employment with Design Overlay  
EXbd – Central Employment with Design and Buffer Overlays

**Case Type:** DZ – Design Review

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

**Proposal:**

The applicant requests design review for a proposed two-block mixed-use development on either side of SE 92<sup>nd</sup> Ave between SE Foster Rd and SE Woodstock Blvd in the Lents Town Center.

The western block will consist of ground level retail space with four stories of affordable housing above along SE 92<sup>nd</sup> Ave and SE Foster Rd. A single-story retail portion of the building will extend west along SE Woodstock Blvd. Surface parking and tuck-under parking will be provided in the center of the block and will be accessed from SE 91<sup>st</sup> Ave.

The eastern block will consist of a single, large ground level retail space with four stories of affordable housing above that surrounds a central courtyard atop the ground level retail podium. A landscaped plaza will run along a portion of the south side of the building between SE Woodstock Blvd and the building. The east half of the eastern block will be redeveloped with a new surface parking lot, and a new sidewalk will run north-south between the proposed building and this new parking lot.

Two Modifications to zoning code development standards are also requested:

1. 33.140.275.C.1.b – Location and Heights of Fences. A Modification is requested allow fence screening elements to be taller than 3-1/2 feet tall within 10 feet of the street lot line along SE 91<sup>st</sup> Avenue.
2. 33.266.130.C.1 – Location of Vehicle Areas, and 33.266.130.C.3.b – Frontage Limitation. A Modification is requested to allow vehicle area to be located between the building and the street along SE Woodstock Blvd at the proposed plaza, which will also

serve as occasional move-in, move-out loading area. The Modification is also requested to allow more than 50% of the frontage on a transit street (both SE Foster Rd and SE Woodstock Blvd) of the eastern block to be occupied by vehicle area in a Pedestrian District.

Design review is required for proposed new development and for requested Modifications in the “d” – Design Overlay zone.

**Relevant Approval Criteria:**

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

- 33.825 Design Review
- 33.825.040 Modifications That Will Better Meet Design Review Requirements
- Community Design Guidelines

## ANALYSIS

**Site and Vicinity:** The subject site occupies two full blocks in the Lents Town Center area of southeast Portland. The site is bound by SE Foster Rd on the north, SE Woodstock Blvd *[both are Major City Traffic Streets, Major Transit Priority Streets, Regional Main Streets, Local Service Walkways, City Bikeways, Major Emergency Response Streets]* on the south, SE 91<sup>st</sup> Ave *[Local Service Walkway, Local Service Bikeway, Minor Emergency Response Street]* on the west, and SE 94<sup>th</sup> Ave *[Regional Trafficway, Local Service Walkway, Local Service Bikeway, Major Emergency Response Street]* and I-205 *[Regional Trafficway, Regional Transitway, Urban Throughway, Major Emergency Response Street]* on the east. An elevated light rail line also runs along the east edge of the site, and a light rail station lies across SE Foster Rd from the northeast corner of the site. SE 92<sup>nd</sup> Ave *[Neighborhood Collector Street, Transit Access Street, Community Main Street, Local Service Walkway, City Bikeway, Major Emergency Response Street]* bisects the site, dividing it into two blocks. Currently, three-quarters of the west block is vacant, and the northeastern corner is occupied by a gas station. The eastern half of the east block is occupied by a large single-story structure on the north side—formerly the New Copper Penny bar—and a collection of smaller two-story buildings on the south side of the block. The eastern half of the east block is occupied by a large surface parking lot. Across SE Foster Rd and across SE Woodstock Blvd from the site, a collection of single-story to three-story buildings with a variety of uses, interspersed with surface parking lots, line both streets. Additional mixed-use buildings lie to the north of the site along SE 92<sup>nd</sup> Ave, which forms a small main street for the town center. The subject site and buildings along SE 92<sup>nd</sup> Avenue form a portion of the historic core of the original Lents townsite.

The entire site also lies within the Lents Pedestrian District.

**Zoning:** The Central Employment (EX) zone allows mixed uses and is intended for areas in the center of the City that have predominantly industrial-type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

The Buffer Zone “b” overlay requires additional buffering between nonresidential and residential zones. It is used when the base zone standards do not provide adequate separation between residential and nonresidential uses. The separation is achieved by restricting motor vehicle access, increasing setbacks, requiring additional landscaping, restricting signs, and in some cases by requiring additional information and proof of mitigation for uses that may cause off-site impacts and nuisances.

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 the following:

- LU 80-001897 CU (Ref. # CU 044-80) – Conditional use review approval to reinstate a service station use in an existing building.
- LU 90-022760 (Ref. # PC 4533) – No information on file.
- LU 98-015652 DZ (Ref. # LUR 98-00346) – Design review approval to refurbish building fascia signs and increase dimensions and height for a freestanding sign.
- LU 98-015672 AD (Ref. # LUR 98-00366) – Adjustment review approval to reduce the buffer overlay zone depth and reduce the landscape standard.
- LU 98-015928 AD (Ref. # LUR 98-00622) – Adjustment review to increase max sign area from 200 SF to 672 SF and max height from 25’ to 57’. File is lost.
- LU 99-106920 DZ (Ref. # LUR 99-00515) – Design review approval for two awnings over existing doors and two awnings over windows.
- EA 15-234897 PC – Optional pre-application conference for proposed new affordable housing project covering portions of a two-block area and including 150 parking spaces.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **May 31, 2016**. The following Bureaus have responded with no issues or concerns:

- Site Development Section of BDS

The Bureau of Environmental Services responded with no objections to the proposal and with information about sewer service, stormwater management, and permitting. Please see Exhibit E-1 for additional details.

The Bureau of Transportation Engineering responded with no objections to the proposal and with additional information about permitting and a driveway design exception. Please see Exhibit E-2 for additional details.

The Water Bureau responded with no objections to the proposal, with information about available water service, and information regarding tax account consolidation. Please see Exhibit E-3 for additional details.

The Fire Bureau responded with comments about the applicability of the fire code at permitting. Please see Exhibit E-4 for additional details.

The Life Safety Review Section of BDS responded with general life safety comments. Please see Exhibit E-5 for additional details.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on May 31, 2016. Two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Daniel McElligott, Lents Resident, via email: Letter expressing support for proposed development in Lents Town Center and questions about what kind of affordable housing will be included. Concerns that new storefronts may remain empty due to concentration of affordable units.

*Staff responded to Mr. McElligott to answer some of his questions and forwarded his email to the applicant.*

- Mariah Danielson, ODOT Development Review, 123 NW Flanders St, Portland, OR 97209: Stated that SE 94<sup>th</sup> Ave may be part of the I-205 right-of-way and that construction of the proposed development must not cross onto SE 94<sup>th</sup> Ave and also advising about noise issues.

*Staff forwarded the comment to the applicant. This issue will ultimately be addressed at the time of permitting, and, given the amount of site area available for staging, has no impact on the approvability of the proposed design.*

## **ZONING CODE APPROVAL CRITERIA**

### **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. Plan Area Character.** Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.

**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 P1 & D7:** The proposed new buildings lie at the heart of the Lents Town Center and the historic downtown of the Lents townsite at the crossroads of SE Foster

Rd and SE 92<sup>nd</sup> Ave. They enhance the sense of place and identity and reduce the impact of new development on established neighborhoods in the following ways:

- The proposed buildings connect smaller-scale mixed-use development that lies to the north of the site along SE 92<sup>nd</sup> Ave with more contemporary mixed-use development along SE Woodstock Blvd to the immediate south of the site.
- Though the new buildings are significantly taller than older development in the town center and more contemporary in its materiality and detailing, the development is nevertheless street-oriented, with ground level retail spaces encircling the majority of both buildings on all four sides—though focused primarily towards SE 92<sup>nd</sup> Ave, SE Foster Rd, and SE Woodstock Blvd.
- Brick and storefront glazing are primary materials which harken to the existing masonry (brick and stucco) mixed-use buildings in the immediate vicinity.
- Windows on the upper stories repeat in a regular grid, further mirroring the character of existing mixed-use buildings in the town center.
- Additionally, though the proposed buildings are essentially full-block buildings, which exceed the scale of most existing buildings in the neighborhood, each building's massing is divided into smaller brick bays and recesses that echo the rhythm of building along the historic main street—SE 92<sup>nd</sup> Ave.
- The proposed development also helps to fulfill longstanding development goals from the adopted Outer Southeast Community Plan and ultimately reflects the desired future character of this area.

*Therefore, these guidelines are met.*

**P3. Gateways.** Develop or strengthen the transitional role of gateways identified in adopted community and neighborhood plans

**Findings:** The subject site lies at the crossroads of two major city thoroughfares – Interstate 205 and SE Foster Rd. The site also lies adjacent to a MAX station. This makes the subject site a natural gateway to the Lents Town Center. The proposed development helps to strengthen the gateway by placing a higher intensity of development at the primary corner in the town center—SE Foster Rd and SE 92<sup>nd</sup> Ave. The massing, bulk, and height of the proposed buildings helps to anchor this gateway, and the brick used on the buildings' exteriors helps to anchor them both physically to the ground and metaphorically to the historical development pattern along SE 92<sup>nd</sup> Ave, which comprises the original Lents townsite downtown.

*Therefore, this guideline is met.*

**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.

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

**Findings for E1 & E2:** The proposal provides safe, attractive, and efficient pedestrian connections around and through the large site and a well-integrated set of places for people to linger and rest along the public rights-of-way and on the site's interior. Specific features that will ensure the creation of a successful pedestrian network and successful stopping places are:

- The complete reconstruction of the sidewalks in the right-of-way surrounding both blocks of the site. These sidewalks will be widened—sometimes significantly—and built to current PBOT standards.

- A new 12' wide pedestrian walkway running north-south through the center of the large eastern block. This new walkway will essentially cut this large block into the equivalent of a "typical" Portland-sized 200' by 200' block. This sidewalk also acts as a pedestrian extension of SE 93<sup>rd</sup> Ave from the south, connecting that street to SE Foster Rd.
- Residential lobbies and ground-floor retail spaces are oriented towards the public and private sidewalks, and back of house uses are minimized along primary pedestrian pathways.
- A large, shared pedestrian-vehicle plaza is located at the southeastern corner of the eastern building. This plaza is primarily a pedestrian space, with raised landscaping beds along the public sidewalk edge at the south and additional sidewalk space that runs along the west and north sides of the plaza. The plaza is connected to the north-south walkway described above on its east side. The plaza is also connected through its interior by three paved pathways that run diagonally through the space, providing shortcuts and defined walkways to the retail space on the north edge of the plaza and a shortcut to the north-south walkway on its east side. The plaza's interior differentiates itself from the pedestrian walkways by using pavers instead of the scored concrete used on the sidewalks and walkways. Lighted bollards along the north edge of this bricked portion of the plaza, and removable bollards along the east edge of the plaza, help to separate the occasional vehicular use from the primary pedestrian space. Trees ring the plaza, and built-in seating is provided in the planters along the south edge, providing additional places for pedestrians to stop and rest. Additional pedestrian lighting is provided along the southern edge of the plaza as well, incorporated in the planter walls and illuminating the trees.
- A 16' wide pedestrian passageway cuts through the ground floor of the west building, connecting the sidewalk along SE 92<sup>nd</sup> Ave to the parking lot on the interior of the block. The sidewalk scoring pattern continues into this space, helping to identify it as an extension of the pedestrian system. Benches are provided along the axis of the passageway, providing covered places to sit within the project site.
- An internal walkway connects the pedestrian passageway on the west block with other "back-of-house" elements, such as the trash room, maintenance room, and a back entrance to the west building's residential lobby.
- On the west side of the west block, along SE 91<sup>st</sup> Ave, where the parking lot would otherwise be very exposed to the street, a raised landscape planter with built in wood seating elements and containing trees and a brick and metal fence towards the block's interior provides for additional places to rest along this street. Here, too, the pedestrian network is strengthened by extending the sidewalk's concrete paving and scoring pattern into the driveways for the parking lot, connecting the public sidewalk to an egress route from the building at the north end.

*Therefore, these guidelines are 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.

**Findings:** The project creates a sense of enclosure and visual interest along sidewalks and pedestrian areas by incorporating the following design features:

- The ground levels of both buildings are occupied primarily by retail/commercial uses with extensive storefront glazing and multiple entries, allowing for myriad view opportunities to the spaces' interiors.
- Canopies wrap the ground floors of both buildings, providing both shelter from the elements for pedestrians and further serving to articulate the ground floor and distinguishing it from the upper stories of both buildings.

- Brick pilasters break the storefront windows into distinct bays of varying sizes and help tie the ground floors of both buildings to the top floors with their similar colorations. The mid-level floors, meanwhile, are clad in brick of the opposite color to provide additional differentiation to the ground floor.
- Recessed pockets in the ground floors of both buildings provide space for ground cover plantings and vertical greenery. The recessed portions of the buildings are clad in brick that match the pilasters, and a wire mesh grid, powder coated to match the color of the adjacent wall, is suspended in front of each to provide additional patterning and a substrate for vines to climb.
- The 16'-wide pedestrian passageway that penetrates the west building incorporates a folded wood soffit that provides additional interest to this space, with incorporated recessed strip lighting to provide illumination. The wood soffit material also ties into the wood used in the canopy soffits that wrap the building, helping to unify the two types of spaces. Storefront glazing also wraps the eastern corners of these spaces to emphasize the public nature of this space. The addition of a door or operable storefront windows into the retail/commercial space on the north side of this pedestrian passageway would help to add further visual interest and increase the quality of the space by better connecting it to the interior of the building and allowing opportunities for activities inside to spill to the exterior, at least on occasion, and would better meet this guideline.

*With the condition of approval that a storefront door or operable storefront windows that are similar in configuration to the proposed storefront windows shall be added to the north side of the pedestrian passageway into the retail/commercial space on the west building, this guideline will be met.*

**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:** The proposed development creates active, unified, and clearly identified intersections by incorporating the following features:

- Both buildings extend to the street frontage and delineate the sidewalk edge with building form at each intersection—specifically at the intersections of SE 91<sup>st</sup> & Woodstock, SE 91<sup>st</sup> & Foster, SE 92<sup>nd</sup> & Woodstock, and SE 92<sup>nd</sup> & Foster.
- Retail/commercial storefront spaces lie at most of the corners, and entries into these spaces are also typically provided at these corners. The one exception to this is the residential lobby entrance at the southwest corner of the east building, which is located at the intersection of SE 92<sup>nd</sup> Ave & Woodstock. Though it, too, will help to activate the corner with the comings-and-goings of residents and their guests.
- The large plaza associated with the east building is located behind the residential lobby, and it is thus pushed away from the corner, allowing the active building use and edge to define the intersection.
- Ground floor canopies wrap the corners of the buildings, providing valuable sheltered pedestrian space at these intersections and also providing a location for future signage (not included as part of this review) that could be attached to or hung from the canopies.

*Therefore, this guideline is met.*

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



**Findings:** The ground floors of both buildings are wrapped with canopies that project over the public right-of-way by 3'. The ground floors of both buildings are also recessed by 3', providing wider sidewalks and 6' of total canopy depth on the sidewalks that are protected from the elements. These deep canopies also help to limit reflection of light from the storefront windows while simultaneously helping to limit glare on the storefronts' interiors. Excessive shadow is mitigated at night by recessed lighting in the canopy soffits which cast light onto the sidewalk surface.

*Therefore, this guideline is met.*

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

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

**Findings for D1 & D3:** The proposal includes the following features that create successful outdoor areas and landscaping:

- A large, shared pedestrian-vehicle plaza is located at the southern edge of the eastern building. This plaza is primarily a pedestrian space, with raised landscaping beds along the public sidewalk edge at the south and additional sidewalk space that runs along the west and north sides of the plaza. The plaza is connected to a north-south walkway that bisects the eastern block. The plaza is also connected through its interior by three paved pathways that run diagonally through the space, providing shortcuts and defined walkways to the retail space on the north edge of the plaza and a shortcut to the north-south walkway on its east side. The plaza's interior differentiates itself from the pedestrian walkways by using pavers instead of the scored concrete used on the sidewalks and walkways. Lighted bollards along the north edge of this bricked portion of the plaza, and removable bollards along the east edge of the plaza, help to separate the occasional vehicular use from the primary pedestrian space. Trees ring the plaza, and built-in seating is provided in the planters along the south edge, providing additional places for pedestrians to stop and rest. Additional pedestrian lighting is provided along the southern edge of the plaza as well, incorporated in the planter walls and illuminating the trees. This plaza also visually connects with the courtyard on the second story of the east building.
- The north-south walkway described above is designed as a 12'-wide sidewalk with tree wells shown along its northern two-thirds. The lack of tree wells on the southern third of the walkway helps to allow occasional vehicle movement into and out of the plaza area. The tree wells continue south of the plaza driveway access and past the transformer to help unify the landscaping treatment of this walkway and to provide additional landscape screening near the transformer.
- The parking lot that occupies the eastern half of the east block is heavily landscaped with trees, bioswales, and planting strips along its perimeter. Islands of bioswales and trees also extend east-west on the interior of the parking lot, helping to break up what would otherwise be a large expanse of asphalt.
- A similar situation presents itself at the parking lot on the west block. Here, the exposed surface parking lot is smaller and awkwardly shaped. A large triangular island of landscaping separates the two aisles of parking, and is planted with large trees, shrubs, and stormwater plantings.
- Recessed pockets in the ground floors of both buildings provide space for ground cover plantings and vertical greenery in the form of star jasmine vines (*Trachelospermum jasminoides*). A powder-coated wire mesh screen is suspended along the wall of each recess to provide additional patterning and a substrate for vines to climb. The star jasmine is an important choice for these recesses, as it

should grow and flower even on the shady northern sides of the buildings where some of these recesses occur.

- A raised landscape planter on the west side of the west block, along SE 91<sup>st</sup> Ave, provides additional landscape screening and useable outdoor space along the sidewalk. The raised planter includes built-in wood seating and contains trees, shrubs, and ground cover. Additionally, a brick and metal screen wind north-south along the planter's interior side, riffing off of the patterning of the C-shaped building that lies to the north and south of this area. The sidewalk paving material (scored concrete) also extends into the driveways on either side of the planter, visually enlarging the pedestrian and landscaping realm and connecting the sidewalk to the egress door on the north wing of the building. This gives a greater sense of useable and better integrated outdoor space in this area.
- At the west end of the 16'-wide pedestrian passageway that cuts through the west building, connecting the sidewalk along SE 92<sup>nd</sup> Ave with the parking lot on the block's interior, two small, triangular planting areas are placed to provide an opportunity for small shrubs and vines to provide a softer backdrop to the passageway when viewed from the street and to better delineate the passageway from the parking lot. The vines are placed to grow up wire mesh attached to all sides of structural columns on either side of the passageway.
- New street trees are proposed along the east side of SE 91<sup>st</sup> Ave, both sides of SE 92<sup>nd</sup> Ave, the south side of SE Foster Rd, and the north side of SE Woodstock Blvd which will provide additional shade, buffer, and interest to the sidewalks along these streets.

*Therefore, these guidelines are met.*

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

**Findings:** The proposal includes main entrances to both residential lobbies and all retail/commercial spaces that are accessible to pedestrians directly off of the sidewalks and other pedestrian walkways. Entrances are all covered by canopies. The entry doors into these spaces are glazed and are integral components to the kit-of-parts retail storefront system used throughout both buildings' ground floors. The lobby entries for each building face SE 92<sup>nd</sup> St, which is a transit street, and which is a more equitable location for placing the lobbies with respect to SE Foster Rd and SE Woodstock Blvd, which are also transit streets—placement along this street allows easier access to all transit facilities in the immediate vicinity, including the MAX station near I-205.

*Therefore, this guideline is met.*

**D4. Parking Areas and Garages.** Integrate parking in a manner that is attractive and complementary to the site and its surroundings. Locate parking in a manner that minimizes negative impacts on the community and its pedestrians. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

**Findings:** Parking is integrated into the proposal on both blocks in the following manner:

- The surface parking lot that occupies the eastern half of the east block is heavily landscaped with trees, bioswales, and planting strips along its perimeter, helping to screen the parking lot from the sidewalk and, with the addition of new street trees, from the street. Islands of bioswales and trees also extend east-west on the interior of the parking lot, helping to break up what would otherwise be a large expanse of asphalt.

- Parking on the west lot is provided through a combination of structured tuck-under parking and surface parking. The tuck-under parking lines the north and east sides of the parking lot, and it is screened from the street by the building in addition to landscaping. In particular, short extension “wings” of the retail/commercial space along SE 91<sup>st</sup> Ave help to provide additional integration of this structured and surface parking into the overall proposal. The exposed surface parking lot is smaller than the parking lot on the east lot and awkwardly shaped. A large triangular island of landscaping separates the two aisles of parking, and is planted with large trees, shrubs, and stormwater plantings, which provide additional screening.
- Pole-mounted downlighting is provided in each of the parking lots to provide sufficient illumination at night for safety. The fact that these lights are aimed downwards, towards the parking lots, helps to limit their glare impacts on adjacent properties and reduce light pollution, making them better integrated components in regards to adjacent buildings and the environment.
- Surface-mounted cans provide illumination in the tuck-under parking areas on the west block. These can fixtures, like the pole-mounted fixtures, are aimed downwards to reduce overall light pollution and glare.

*Therefore, this guideline is met.*

**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.

**Findings:** The proposal includes the following components that will help reduce the likelihood of crime:

- Both buildings are built up to the street edge and have active uses in the form of retail/commercial space at their ground floors. Large storefront window systems provide views both into and out from these retail/commercial spaces, allowing for “eyes on the street” surveillance of the street. Entries to the retail/commercial spaces are provided directly off of the sidewalks and walkways along which these spaces are oriented.
- Pedestrian-oriented lighting is provided under the canopies that wrap both buildings. Linear LED strips illuminate the pedestrian passageway that cuts through the ground floor of the west building. Lighted bollards and fixtures recessed in planter walls provide illumination at the plaza space on the east block. Pole-mounted downlighting provides illumination at both parking lots, and surface-mounted cans provide additional illumination in the tuck-under parking areas. Altogether, these lighting fixtures help to ensure that activities in these exterior spaces are well-illuminated.
- The 16'-wide pedestrian passageway that penetrates the west is lined with storefront glazing on both sides of the passageway, providing views into and from the residential lobby on the south side and the retail/commercial space on the north side. The addition of a door or operable storefront windows into the retail/commercial space on the north side of this pedestrian passageway would help to increase safety in this passageway by providing connections to the interior space and encouraging a future tenant of this space to feel a sense of ownership for the passageway, rather than the tenant potentially blocking off fixed windows. The addition of a door or operable storefront windows would also allow opportunities for activities inside to spill to the exterior, at least on occasion, and would better meet this guideline.

*With the condition of approval that a storefront door or operable storefront windows that are similar in configuration to the proposed storefront windows*

*shall be added to the north side of the pedestrian passageway into the retail/commercial space on the west building, this guideline will be met.*

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

**Findings:** The buildings' primary compositional concept contains three primary elements. First, a series of contrasting vertical elements (represented by dark and pale brick, dark-colored and pale-colored metal panels, and windows) is used around each of the buildings. Atop this alternating background, a monochromatic ribbon wraps each building at the middle levels (2 through 4). This ribbon takes the form of brick that is the opposite color of the brick used on the ground floor. The ribbon also appears to be set in front of the vertical contrasting elements since the ground floor is setback from the sidewalk edge. Finally, the brick ribbons are broken to reveal a contrasting vertical element, clad in metal panel, set behind and forming bays out of the ribbon. These bays return in towards the building, creating recesses into which balconies are placed. Altogether, the proposed compositional concept provides visual interest and creates the framework for a cohesive composition.

The following features and details will ensure that the project will be built of high-quality materials, will be cohesively composed, and will be interesting to view:

- The proposed design incorporates durable, Norman-sized brick (or, as an alternate, Norman econ-brick, which is 1" taller than standard Norman brick) at the ground level piers and in bays on the upper stories. Brick returns at residential window jambs and the ground level piers help to add visual interest and shadow to the composition of building facades. Two different colors of brick are used—black and off-white—and alternate between the ground floor and upper floors on the east building, and, again, invert and alternate between the ground floor and the upper floors on the west building, further increasing the visual interest of the proposal and defining part of the buildings' compositional parti.
- An aluminum storefront system is proposed at the ground level. The sills of the storefront system are proposed to be raised up slightly off grade on concrete curbs which will help to improve the durability of the system. When combined with the brick piers, the storefront system creates a varied rhythm but cohesive pattern of enclosure along the street-facing ground floors of both buildings.
- Metal canopies project out from the storefront windows over the sidewalks and provide a clear division between the storefront windows and their transom windows above. The canopies also help to conceal from the sidewalk metal louvers that are placed in various locations in the transom area. The canopies are composed of painted steel frames, standing seam metal roof panels set within the steel frames, and clear-coated, tongue-and-groove Douglas fir soffits. These materials are durable, attractive, and simply composed and help to create a well-proportioned and harmonious ground floor level to both buildings.
- The upper stories are set proud of the ground floor by approximately 3'-0". This transition begins at the header of the storefront window transoms. A 22ga metal panel soffit, similar in panel dimension to panels used across the buildings' facades and described below, clads this transition. This design is simple, well-integrated with the rest of the building composition, and utilizes a durable material.
- Balcony railings are set out near the face of the brick bays and are composed of simple rectangular steel plate pickets and rail. Behind the pickets, a perforated steel sheet is proposed to be placed up to 30" high on the rail. Though these sheets will help to screen from the street objects that are placed on the balconies, on the East Building, the dark finish of these sheets interrupts the light-colored vertical strips which alternate in between the dark-colored brick bays, as described in the

buildings' concept above, and thus decreases the overall coherency of the composition of the facades. Therefore, these sheets should be removed from the railing detail.

- Side-wall louvered-vents are located primarily within walls clad with vertical metal panels, though where this is not possible, they are located within brick-clad walls. The vents are set to the side of the windows. The sills of the louvers align with the window heads, and on the second and third levels, the heads of the louvers align with the control joints in the brick. The louvers are proposed to be finished to match the wall color into which they are set. Details A & B, Exhibit C-88, show the louvers as sitting nearly flush within the walls. This helps to reduce their appearance and better integrate them within the overall façade composition.
- Commercial-grade vinyl windows are proposed for use in the residential units. The proposed window system utilizes internal steel reinforcements to ensure their durability. On the east building, these windows will have white-colored sashes and mullions, contrasting with the dark brick. In some bays, light-colored metal panel spandrels sit adjacent to narrower vinyl windows. Similar patterns are repeated on the west building with inverted colors. There, the vinyl is black set into light-colored brick. Here, too, dark colored metal accent panels replace the light-colored metal panels used on the other building. On both buildings, the metal accent panels are no wider than 8" and are composed of 22ga metal, helping to ensure their rigidity and limit potential pillowing and oil-canning.
- Eight-inch wide metal panels are proposed on the upper stories of both buildings. These will be composed of the same 22ga metal used on the accent panels around the vinyl windows, helping to ensure their durability. The colors used will likewise match those used around the vinyl windows below and reflecting the primary coloring of the ground floor on each building, completing the architectural façade composition. These metal panels are also used in vertical recesses in the façade and on the east building courtyard south elevation.
- Metal coping at the parapet will be prefinished and colored to match the adjacent metal wall panels. The proposed coping will be 18ga thick, ensuring that a crisp line is cut against the sky without pillowing or oil-canning.
- Exposed flashings and custom metal trim details are proposed in numerous places, such as at the base of window bays (Details K/Exh. C-92, M/Exh. C-93, Q/Exh. C-94), at the top of the brick sections of the building between levels 4 and 5 (Detail R/Exh C-94), at metal panel closures (Exh. C-100 and C-101), and at ground level canopies (Detail I/Exh. C-91). The gauge of the metals proposed to be used in these flashings is not identified; however, it is important that, like with the metal panels, pillowing and oil-canning are kept to a minimum to maintain crisp lines and show quality in their construction. Thus, these exposed flashings should be at least 22ga thick.
- Building signage is shown on several drawings in the proposal; however, no details or dimensions are yet provided, and Exhibit C-114 indicates that building signage will be a deferred submittal. Thus, no signs will be approved as part of this design review.

*With the condition of approval that the proposed perforated sheet metal panel attached to the steel balcony railing pickets, as depicted in Detail D/Exhibit C-88, shall be removed from this detail; and,*

*With the condition of approval that exposed metal flashings, as depicted in Detail K/Exhibit C-92, Detail M/Exhibit C-93, Detail Q/Exhibit C-94, details on Exhibits C-100 and C-101, and Detail I/Exhibit C-91, shall be at least 22ga thick, these guidelines will be met.*

### **33.825.040 Modifications That Will Better Meet Design Review Requirements:**

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

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

**Modification #1:** 33.140.275.C.1.b – Location and Heights of Fences. A Modification is requested allow fence screening elements to be taller than 3-1/2 feet tall within 10 feet of the street lot line along SE 91<sup>st</sup> Avenue.

*Purpose Statement:* The fence regulations promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

*Standard:* 33.140.275.C.1.b. – Fences along street lot lines, including pedestrian connections. EG2, EX and IG2 zones. In EG2, EX and IG2 zones, within 10 feet of a street lot line, fences that meet the following standards are allowed:

- (1) Fences that are more than 50 percent sight-obscuring may be up to 3-1/2 feet high;
- (2) Fences that are 50 percent or less sight-obscuring may be up to 8 feet high.

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

**Findings:** The proposed fence along the west property line of the west block provides additional screening to the parking lot that fronts this portion of the street and helps to establish an urban edge along this portion of the sidewalk that would otherwise be lacking built up elements found throughout the rest of the two-block project site. The fence, composed of alternating brick piers and tall steel picket rails. This alternating pattern of solid and void echoes the patterning of brick piers and storefront glazing found throughout the ground floors of both buildings. The proposed fence also relates to other built-up screening edges found on other sites in Lents Town Center which have parking along the sidewalk—two of which are found along SE Reedway Street between SE 91<sup>st</sup> Ave and SE 88<sup>th</sup> Ave. The proposed fence, therefore helps this edge of the site to better meet Guideline E3 – The Sidewalk Level of Buildings by creating a sense of enclosure in this area, Guidelines D3 – Landscape Features and D4 – Parking Areas and Garages by screening the parking lot. It continues the patterning of the building along the otherwise empty street edge along SE 91<sup>st</sup> Ave and utilizing screening patterns established elsewhere in the town center, better meeting Guidelines D7 – Blending into the Neighborhood and D8 – Interest, Quality, and Composition.

The proposed fence steps back into the site at either end, opening up better vision clearance areas for motorists at the driveway. The fence also includes areas of steel picket rails between the brick piers, allowing for views into the site, despite its height. Thus, the overall purpose of the standard is met.

*Therefore, this Modification merits approval.*

**Modification #2:** 33.266.130.C.1 – Location of Vehicle Areas, and 33.266.130.C.3.b – Frontage Limitation. A Modification is requested to allow vehicle area to be located between the building and the street along SE Woodstock Blvd at the proposed plaza, which will also serve as occasional move-in, move-out loading area. The Modification is also requested to allow more than 50% of the frontage on a transit street (both SE Foster Rd and SE Woodstock Blvd) of the eastern block to be occupied by vehicle area in a Pedestrian District.

*Purpose Statement:* The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones. Together with the transit street building setback standards in the base zone chapters, the vehicle area restrictions for sites on transit streets and in Pedestrian Districts:

- Provide a pedestrian access that is protected from auto traffic; and
- Create an environment that is inviting to pedestrians and transit users.

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

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

*Standard:* 33.266.130.C.1 – Location of vehicle areas. The allowed on-site location of all vehicle areas is stated in Table 266-3.

Per Table 266-3 Location of Vehicle Areas [1]

<b>Zone</b>	<b>General Standard</b>	<b>Exception for Through Lots and Sites with Three Frontages</b>	<b>Exception for Full-block Sites</b>
RX, CX, EX	Not allowed between a building and any street.	May have vehicle areas between the building and one Local Service Transit Street.	May have vehicle areas between the building and two Local Service Transit Streets.

Notes: [1] Driveways that provide a straight-line connection between the street and a parking area inside a building are not subject to these regulations.

*Standard: 33.266.130.C.3.b – Frontage limitation.* The standard of this paragraph applies outside the Central City plan district in the RH, RX, IR, CN, CO, CG, CX, EG1, and EX zones. Where vehicle areas are adjacent to a transit street or a street in a Pedestrian District, no more than 50 percent of the frontage on the transit street or street in a Pedestrian District may be used for vehicle areas. Sites where there is less than 100 square feet of net building area are exempt from this standard.

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

**Findings:** The proposed vehicle area between the east building and SE Woodstock Blvd will take the form of a plaza that will be separated from the sidewalk by raised landscape planters, planted with trees and other lower-lying plants, and that will be paved with brick-type pavers. A typical urban edge sidewalk will run along the north side of the building, with trees planted in tree wells, providing additional landscaping around the plaza. Removable bollards at the east end driveway entrance to the plaza will restrict vehicle entry to specific occasions when loading closer to the lobby entrance is needed. At all other times, the plaza will be closed to vehicles. This plaza creates a large pedestrian stopping place along SE Woodstock Blvd and permits pedestrians to occupy semi-public space set back from the heavily-trafficked SE Woodstock Blvd (*Guideline E2 – Stopping Places*). The planters, landscaping, and open plaza area also create usable outdoor areas for both residents and visitors to the site and visually connect the private residential courtyard on the second floor with the public realm along the street (*Guidelines D1 – Outdoor Areas* and *D3 – Landscape Features*). Doors along the retail space at the north edge of the plaza allow for opportunities for retail uses to spill out onto the plaza (*Guideline E3 – The Sidewalk Level of Buildings*).

The modification request to allow more than 50% of the street frontage along SE Foster Rd and SE Woodstock Blvd to be occupied by vehicle area better meets the design guidelines by preserving a large, block-sized parcel for future development and aggregating currently-proposed development in a smaller area, thus resulting in taller buildings with a strong street edge. The north-south sidewalk bisecting the east block acts, in some ways, as a half-street improvement serving the current development. One could reasonably expect that a future development on the eastern half of the site would either expand this sidewalk or build another parallel to it with a driveway or private roadway in between, establishing, essentially, a more-complete extension of SE 93<sup>rd</sup> Ave to SE Foster Rd. Ultimately, in the long-term, the concentration of existing development program on a smaller site area and the preservation of a large parcel for future development will result in a more urban condition within the Lents Town Center with resulting better pedestrian ground level features along both streets (*Guidelines P1 – Plan Area Character, E1 – Pedestrian Networks, and D7 – Blending into the Neighborhood*).

In the meantime, the proposed parking lot is heavily landscaped with trees, shrubs, and stormwater planters, adding visual interest minimizing the vacant lot/parking lot's otherwise negative impacts on pedestrians and on the neighborhood. The proposed plaza/vehicle area described above, similarly incorporates landscaping and pedestrian outdoor spaces and stopping places that will benefit the pedestrian experience along the street (*Guidelines P1 – Plan Area Character, E2 – Stopping Places, D1 – Outdoor Areas, D3 – Landscape Features, and D4 – Parking Areas and Garages*).

The purpose of the parking standards is to improve the appearance, safety, environmental quality, and pedestrian comfort of vehicle areas. Though vehicles will use the plaza area,



it is primarily designed to accommodate pedestrian uses. The pavers, trees, sidewalks, and landscape planters are all designed to improve the pedestrian experience in this space and to reduce the visual impact of the plaza/vehicle area from the street. Additionally, the landscaped area provides shade, stormwater, and environmental quality benefits, meeting the purpose of the standard.

*Therefore, this Modification merits 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**

The proposed two new retail mixed-use buildings will help to more-fully establish the Lents Town Center area with the addition of new pedestrian-oriented development to two central blocks in the town center. The proposed new buildings, with their ground level retail spaces, numerous canopies, and quality materiality, will be enduring and complementary additions to this southeast Portland neighborhood.

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

## **ADMINISTRATIVE DECISION**

Approval of the proposed two new retail mixed-use buildings and associated parking lots and site design in the Lents Town Center area of southeast Portland, and approval of two requested modifications:

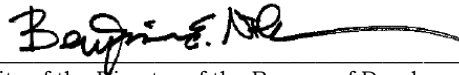
- 1) 33.140.275.C.1.b – Location and Heights of Fences – to allow fence screening elements to be taller than 3-1/2 feet tall within 10 feet of the street lot line along SE 91<sup>st</sup> Avenue; and,
- 2) 33.266.130.C.1 – Location of Vehicle Areas, and 33.266.130.C.3.b – Frontage Limitation – to allow vehicle area to be located between the building and the street along SE Woodstock Blvd at the proposed plaza, and to allow more than 50% of the frontage on a transit street (both SE Foster Rd and SE Woodstock Blvd) of the eastern block to be occupied by vehicle area in a Pedestrian District;

Per the approved site plans, Exhibits C-10 through C-139, signed and dated 10/25/2016, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through E) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 16-128006 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. A storefront door or operable storefront windows that are similar in configuration to the proposed storefront windows shall be added to the north side of the pedestrian passageway into the retail/commercial space on the west building.
- C. The proposed perforated sheet metal panel attached to the steel balcony railing pickets, as depicted in Detail D/Exhibit C-88, shall be removed from this detail.
- D. Exposed metal flashings, as depicted in Detail K/Exhibit C-92, Detail M/Exhibit C-93, Detail Q/Exhibit C-94, details on Exhibits C-100 and C-101, and Detail I/Exhibit C-91, shall be at least 22ga thick.
- E. No field changes allowed.

**Staff Planner: Benjamin Nielsen**

**Decision rendered by:**  **on October 25, 2016.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: October 28, 2016**

**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 April 13, 2016, and was determined to be complete on May 19, 2016.

*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 April 13, 2016.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period, as stated with Exhibit G-10. **The review period will expire on: June 24, 2017.**

**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 November 11, 2016**, at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

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

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

**Recording the final decision.**

If this Land Use Review is approved the final decision 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 **November 14, 2016 – (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 Submittals

1. Original Narrative, dated February 26, 2016
2. Original Drawing Package
3. West Block Plaza study, dated April 1, 2016
4. Revised Drawing Package, dated March 31, 2016 and received April 11, 2016
5. Oliver Station Plaza Design concepts, dated April 14, 2016
6. Revised Narrative, dated May 11, 2016 and received May 19, 2016
7. Revised Drawing Package, dated May 19, 2016
8. Preliminary Stormwater Report, dated May 18, 2016
9. Design Review Resubmission Memo, dated July 20, 2016
10. Revised Drawing Package, dated July 20, 2016
11. Revised Drawing Package, dated September 9, 2016
12. Design Review Resubmission Memo, dated September 12, 2016
13. Revised Drawing Package, dated October 21, 2016

B. Zoning Map (attached)

C. Plans/Drawings:

- 1-9. *Not used.*
10. Block Plan
11. Podium Level Block Plan
12. Site Plan: West Block (attached)
13. Site Plan: East Block (attached)
14. Floor Plans: East – Level 2 & 3
15. Floor Plans: East – Level 4 & 5

16. Roof Plan: East
17. Floor Plans: West – Level 2 & 3
18. Floor Plans: West – Level 4 & 5
19. Roof Plan: West
20. Enlarged Site Plan
21. *Not used.*
22. Enlarged Site Plan: West Block
23. West Block: Screening on 91<sup>st</sup>
- 24-26. *Not used.*
27. West Block: Screening on 91<sup>st</sup>
28. West Block: Screening on 91<sup>st</sup>
29. West Block: Open Pedway
- 30-31. *Not used.*
32. Landscape: West Block Podium
33. Landscape: East Block
34. Landscape: East Block Podium
35. *Not used.*
- 36-37. Landscape Details
38. Landscape: West Block Site
39. Landscape: West Block, Level 2 Courtyard
40. Landscape: Plant List
41. Landscape: Image Examples
- 42-51. *Not used.*
- 52-53. Elevation: East Block – 92<sup>nd</sup>/West (C-53 attached)
- 54-55. Elevation: East Block – Foster/North (C-55 attached)
- 56-57. Elevation: East Block – Parking Lot/East
- 58-59. Elevation: East Block – Woodstock/South
- 60-61. Elevation: East Block – Podium, West
- 62-63. Elevation: East Block – Podium East
- 64-65. Elevation: East Block – Podium/South
- 66-67. Elevation: West Block – 92<sup>nd</sup>/East (C-67 attached)
- 68-69. Elevation: West Block – Foster/North (C-69 attached)
- 70-71. Elevation: West Block – Woodstock/South
- 72-73. Elevation: West Block – 91<sup>st</sup>/West
- 74-75. Elevation: West Block – Courtyard/South
- 76-77. Elevation: West Block – Courtyard/North
- 78-79. Elevation: West Block – Courtyard/West
80. Materials: Exterior, West Block
81. Materials: Exterior, East Block
82. Materials: Site
83. Building Sections: 92<sup>nd</sup> Ave Looking North
84. Building Sections: East Block
85. Building Sections; West Block
86. Wall Sections: Typical
87. Wall Sections: Typical
88. Exterior Details: Bolted Balcony
89. Exterior Details: Storefront
90. Exterior Details: Soffits
91. Exterior Details: Canopies
92. Exterior Details: Windows
93. Exterior Details: Windows
94. Exterior Details: Metal Panel
95. Exterior Details: Metal Panel
96. Exterior Details: PT Slab Corner Balcony
97. Exterior Details: Soffit, Tuck Under Parking

98. Exterior Details: PT Slab Courtyard
99. Exterior Details: Roof
100. Exterior Details: Metal to Brick
101. Exterior Details: Metal to Brick
102. Exterior Details: Pedway Soffit
103. Exterior Details: Wood Bench, Planter
104. *Not used.*
105. Site Utility Feasibility Plan – West
106. Site Utility Feasibility Plan: East
107. Site Lighting – West
108. Site Lighting – East
109. Reflected Ceiling Plan: West Block – Level 1
110. Reflected Ceiling Plan: West Block, Pedway
111. Reflected Ceiling Plan: East Block – Level 1
- 112-113. *Not used.*
114. Signage Elevations
115. *Not used.*
116. West Block: Level 1 Windows Diagrams
117. West Block: Level 1 Windows Diagrams
118. West Block: Level 1 Windows Diagrams
119. East Block: Level Windows Diagrams
120. East Block: Level 1 Windows Diagrams
- 121-126. *Not used.*
127. Cutsheets: Bike Racks
128. Cutsheets: Rooftop Equipment
129. Cutsheets: Roof Top Equipment
130. Cutsheets: PV Array
131. Cutsheets: Lighting Fixtures
132. Cutsheets: Exterior Materials
133. Cutsheets: Exterior Vinyl Windows
134. Cutsheets: Storefront
135. Cutsheets: Trash Room Sectional Door
136. Cutsheets: Trash Room Sectional Door
137. Cutsheets: Dwelling Unit Exhaust Louver
138. Cutsheets: Storefront Louver
139. Cutsheets: Bolt On Balcony Porch Plank
- D. Notification information:
  1. Mailing list
  2. Mailed notice
- E. Agency Responses:
  1. Bureau of Environmental Services
  2. Bureau of Transportation Engineering and Development Review
  3. Water Bureau
  4. Fire Bureau
  5. Life Safety Review Section of BDS
- F. Correspondence:
  1. Daniel McElligott; June 1, 2016; concerns about concentrating affordable housing in Lents and questions about proposal
  2. Marah Danielson, Senior Planner, ODOT Development Review; June 7, 2016; comments about construction staging and freeway noise
- G. Other:
  1. Original LU Application, received February 29, 2016; valid April 13, 2016
  2. Preliminary Comments memo, dated March 23, 2016
  3. Email from Rebecca Esau re: Neighborhood Contact Requirement, dated March 30, 2016

4. Neighborhood Contact Requirement letters and registered mail receipts, dated March 31, 2016
5. Email from planner to applicant re: Neighborhood Contact Requirement follow-up letter, dated April 1, 2016
6. Neighborhood Contact Requirement follow-up, dated April 13, 2016
7. Woonerf images, dated April 14, 2016
8. Email from applicant re: traffic adjacent to the site, dated April 15, 2016
9. Incomplete Application Letter, dated April 22, 2016
10. Signed Request for Extension of 120-Day Review Period, received June 30, 2016
11. Historic Resource Inventory Removal Acknowledgement Letter
12. Pre-application Conference Summary Memo (EA 15-234897 PC)

**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).**





# SITE PLAN: WEST BLOCK

PROPERTY LINE



SCALE: 1" = 30'



SE WOODSTOCK BLVD

BIOSWALE

SE 91ST AVE

SE 92ND AVE

SE FOSTER ROAD

\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner *Benjamin S. NVL*  
 Date *10/25/2016*  
 \* This approval applies only to the  
 reviews requested and is subject to all  
 conditions of approval.  
 Additional zoning requirements may apply.



OLIVER STATION

SE 92ND AVE & SE FOSTER RD, LENTS, PORTLAND | TYPE II LAND USE REVIEW 16-128006 DZ | OCTOBER 21, 2016

EXHIBIT C-12

# SITE PLAN: EAST BLOCK

PROPERTY LINE



\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner *Barbara N. N.*  
 Date *10/26/2016*  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval.  
 A-33 local zoning requirements may apply.

AN EASEMENT EXISTS UNDER AND ADJACENT TO THE TRIMET LIGHT RAIL & MULTIMODAL PATH BRIDGE. STRUCTURED DEVELOPMENT IS RESTRICTED TO WITHIN THE 10FT OF THE BRIDGE DRIP LINE.



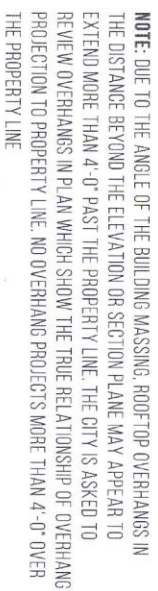
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EXHIBIT C-13



## SE WOODSTOCK BLVD



SURFACE PARKING LOT

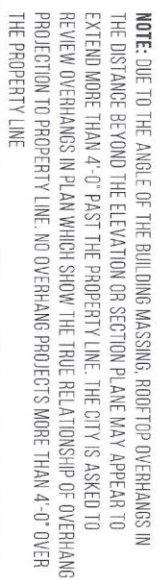


\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner *Debra E. Hill*  
Date *10/23/2016*

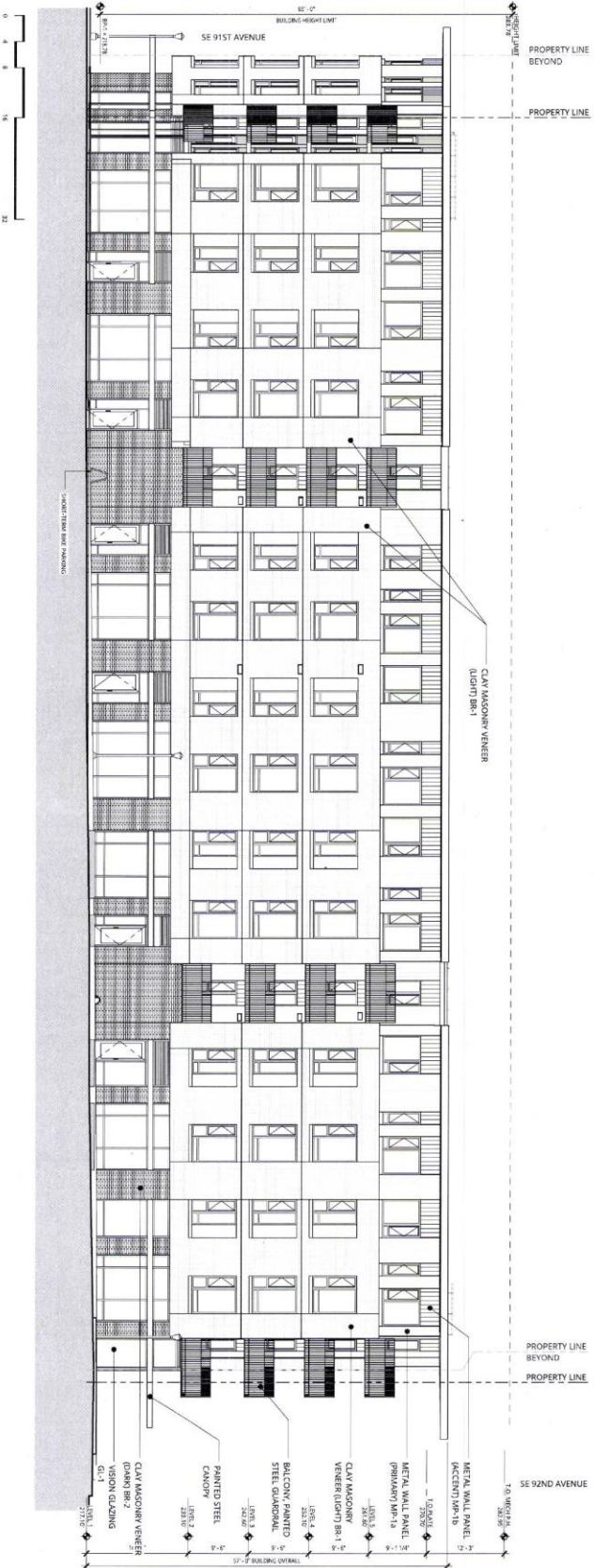
\* This approval applies only to the  
revisions requested and is subject to all  
conditions of approval.  
Additional zoning requirements may apply.

**NOTE:** DUE TO THE ANGLE OF THE BUILDING MASSING, ROOFTOP OVERHANGS IN THE DISTANCE BEYOND THE ELEVATION OR SECTION PLANE MAY APPEAR TO EXTEND MORE THAN 4'-0" PAST THE PROPERTY LINE. THE CITY IS ASKED TO REVIEW OVERHANGS IN PLAN WHICH SHOW THE TRUE RELATIONSHIP OF OVERHANG PROJECTION TO PROPERTY LINE. NO OVERHANG PROJECTS MORE THAN 4'-0" OVER THE PROPERTY LINE.





# ELEVATION: WEST BLOCK - FOSTER / NORTH



E

BUILDING ELEVATION - WEST BLOCK, NORTH ALONG FOSTER

**\*Approved\***  
City of Portland  
Bureau of Development Services  
Planner *Debra S. Nyl*  
Date *10/21/2016*

\* This approval applies only to the  
specific conditions of response  
to all other conditions may apply.

**NOTE:** DUE TO THE ANGLE OF THE BUILDING MASSING, ROOFTOP OVERHANGS IN THE DISTANCE BEYOND THE ELEVATION OR SECTION PLANE MAY APPEAR TO EXTEND MORE THAN 4'-0" PAST THE PROPERTY LINE. THE CITY IS ASKED TO REVIEW OVERHANGS IN PLAN WHICH SHOW THE TRUE RELATIONSHIP OF OVERHANG PROJECTION TO PROPERTY LINE. NO OVERHANG PROJECTS MORE THAN 4'-0" OVER THE PROPERTY LINE.



OLIVER STATION

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EXHIBIT C-69