



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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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 22-161291 DZM – KAFOURY COURT APARTMENTS

GENERAL INFORMATION

Applicants: Jonah Gamblin and Nicholas Papaefthimiou | Design Research Office
8535 SE 9th Ave | Portland, OR 97202
jonah@designresearchoffice.com

Owner/Agents: Kymberly Horner and Jeremy Jostand | Portland Community Reinvestment Initiatives
6329 NE Martin Luther King Jr. Blvd | Portland, OR 97211

Site Address: 4066 NE GRAND AVE

Legal Description: BLOCK 16 LOT 1&2 POTENTIAL ADDITIONAL TAX, LINCOLN PK ANX
Tax Account No.: R497302450
State ID No.: 1N1E23CB 20800
Quarter Section: 2631

Neighborhood: King, contact Libby Deal at libby.kingnapdx@gmail.com
Business District: Soul District Business Association, contact at Info@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact at info@necoalition.org

Plan District: None
Zoning: RM4d, Residential Multi-Dwelling 4 with Design Overlay
Case Type: DZM, Design Review with Modification
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:
The applicant seeks Design Review approval for a proposal to build a 6-story affordable housing project targeting Black seniors on a site located at the corner of NE Grand Ave and NE Mason St. The new building will have 40 dwelling units and will include approximately 30,700

SF of interior area and more than 4,300 SF of interior common room, exterior private areas, private balconies, and enclosed sunrooms.

Modification requests [PZC 33.825.040]:

- Reduce the percentage of area of a street-facing facade within 20' of a street lot line that must be divided into facade planes offset by at least 2' in depth from the rest of the facade from the required 25% to 16% for the west facade (33.120.230.C).
- Reduce the dimensions for the 4 required long-term bicycle parking spaces for larger bikes (5% of spaces) from the required 120" L x 36" W to 87" L x 25¾" W and allow them to be placed in bicycle lockers rather than a horizontal rack (33.266.210.D.3.b).

Design exception requests for window projection into public right-of-way (IBC/32/#1):

- Exception to standards for windows allowed to project into public right-of-way - to increase the width of oriel windows projecting into the public rights-of-way from 12'-0" to 17'-5" on the 4th and 6th floors, and from 12'-0" to 21'-6" on the 2nd floor on the NE Grand Ave frontage to allow projecting sunrooms.

Design Review is necessary because the proposal is for exterior alterations in a Design Overlay Zone.

Relevant Approval Criteria:

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

- Portland Citywide Design Guidelines
- 33.825.040, Modifications That Will Better Meet Design Review Requirements

ANALYSIS

Site and Vicinity: The 10,000 SF site is located at the intersection of NE Grand Ave and NE Mason St, sitting one block east of NE Martin Luther King Jr Blvd. It is currently developed with a single-story L-shaped apartment structure to be replaced by the proposed development. The site sits within the boundaries of the Albina Community Plan and the King Neighborhood Plan. The site for Kafoury Court is on the boundary between higher intensity development along the MLK Blvd corridor and the lower intensity development of the King neighborhood. The residential fabric to the north, east and south of the property is predominantly single-family houses which date from the early part of the 20th century. The site is across the street from a 5-story multifamily housing project to the west.

The MLK corridor and the western half of the NE Grand corridor are zoned for high density residential and commercial development with the existing development along these corridors a transitional mix of newer, high density mixed-use buildings and older lower density development. The subject site is on a block of NE Grand where the higher density RM4 zoning crosses over and also occupies the eastern half of the street, whereas most of the eastern side of NE Grand is classified under the R2.5 single-family dwelling zone. Generally, the neighborhoods surrounding the NE MLK Jr/Grand corridors are zoned for and developed with lower density single family housing. King School Park is located ~ 3 blocks to the north of the site, and Irving Park is located ~4 blocks to the southeast of the site.

The City's Transportation System Plan (TSP) classifies the site as "close to transit" and classifies the abutting rights-of-way (ROWs) as follows:

- NE Grand Ave: Local Service for all modes
- NE Mason St: Major City Bikeway, Neighborhood Walkway, Local Service all other modes

Zoning: The RM4 zone is a high density, urban-scale multi-dwelling zone applied near the Central City, and in town centers, station areas, and along civic corridors that are served by

frequent transit and are close to commercial services. It is intended to be an intensely urban zone with a high percentage of building coverage and a strong building orientation to the pedestrian environment of streets, with buildings located close to sidewalks with little or no front setback. This is a mid-rise to high-rise zone with buildings of up to seven or more stories. The Design overlay zone is applied to this zone.

The Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city’s evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people’s daily experience; and
- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed 9/9/2022. The following seven Bureaus, Divisions and/or Sections responded with no objections and six of these included comments found in Exhibits E-1 and E-7:

- Life Safety Division of the Bureau of Development Services (Exhibit E-1)
- The Bureau of Parks-Forestry Division (Exhibit E-2)
- Fire Bureau (Exhibit E-3)
- Bureau of Environmental Services (Exhibit E-4)
- Site Development Section of BDS (Exhibit E-5)
- Portland Bureau of Transportation – original response and revised response (Exhibits E-6 & 7)
- Water Bureau

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on 9/9/2022. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

(1) Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review implements the Design overlay zone, strengthening these areas as places designed for people. Design review supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces.

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 Portland Citywide Design Guidelines.

Portland Citywide Design Guidelines

The Portland Citywide Design Guidelines consist of a set of guidelines for design cases in community planning areas outside of the Central City. The Portland Community Design Guidelines focus on three tenets: **Context**, balancing the aspirations of the future desired character with today's setting; **Public Realm**, strengthening a building and site's relationship with the public rights-of-way and open spaces; and **Quality And Resilience**, underscoring holistic site and building designs that benefit people and climate.

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

01: Build on the character, local identity, and aspiration of the place.

Possible design approaches may include, but are not limited to:

- Community - Relating to the local community's identity, history, and cultural values and places.
- Architecture - Taking cues from desired character of existing architecture.
- Nature - Reflecting and enhancing local natural resources such as rivers, streams, buttes and vegetation.

02: Create Positive Relationship with surroundings.

Possible design approaches may include, but are not limited to:

- Building Massing - Developing effective placement and proportion of building massing toward adjacent lower-scale development and residential uses.
- Street Wall - Maintaining a vibrant street wall with continuous storefronts along historic main streets.
- Connectivity - Creating visual and physical links to adjacent pedestrian pathways and neighboring open spaces.
- Adjacent Historic Landmarks - Deferring to the neighboring historic landmark through massing and urban form.

03: Integrate and enhance on-site features and opportunities to contribute to a location's uniqueness.

Possible design approaches may include, but are not limited to:

- Natural Resources - Minimizing site disturbance and integrating topography and natural resources found on-site.
- Viewpoints - Integrating views to community points of interest.
- On-site Older Buildings and Historic Resources - Retaining existing older buildings and historic resources.
- Social and Cultural Significance - Incorporating a site's significant cultural or social history.

08: Design for quality, using enduring materials and strategies with a coherent approach.

Possible design approaches may include, but are not limited to:

- Unity - Expressing a clear and coherent design approach to unify building.
- Articulation - Highlighting function, hierarchy, or spaces through small breaks in form.
- Application of Exterior Materials - Expressing the building design with hierarchy, shifts or repetition.
- Quality of Materials - Providing quality, resilience, and durability in construction and execution of details.
- Building Openings - Offering permeability, depth, and texture.

09: Design for resilience, health, and stewardship of the environment, ensuring adaptability to climate change and the evolving needs of the city.

Possible design approaches may include, but are not limited to:

- Adaptable Buildings - Providing flexibility in building programming, floor heights, and building openings.
- Resource Conservation - Prioritizing the use of existing structures or reclaimed and recycled materials.
- Native Landscaping - Integrating native landscaping and large canopy trees to address heat island and provide for pollinators.
- Ecoroofs - Providing and integrating ecoroofs for pollinators and people.
- Bird-Safe - Reducing bird strikes through careful design.

- Daylight and Air - Providing daylight and ventilation and improving indoor air quality.
- On-Site Stormwater - Allowing rain to soak into the ground and filter through lush vegetation and landscaping.

Findings for PCWDG 1, 2, 3, 8, and 9: The proposed building will be a 6-story residential structure utilizing quality and permanent materials. Through partnership with the Black community of Portland and Northwest pilot project, the project will prioritize housing of low-income, chronically homeless, Black seniors. The prioritization of Black seniors is of unique importance in understanding the project's connection to this area's cultural history as well as its future needs. The King neighborhood community has suffered a legacy of discrimination, redlining, and displacement of the local Black community. This project confronts that history and provides a place for the seniors of the Black community – who carry the stories of that era and provide an irreplaceable link to that past – to remain in their home community and ensure those stories are not forgotten. Kafoury Court ensures that these elders will always have a place in their community.

Although a larger scale building, Kafoury Court will not detract from the livability or pedestrian realm of the surrounding residential uses. The proposed 6-story affordable housing building is responding to a diverse context with a location on the boundary between higher intensity development along the NE Martin Luther King Jr Blvd corridor and the lower intensity development of the King neighborhood. The residential fabric to the north, east and south of the property is predominantly single-family houses which date from the early part of the 20th century. The site is across the street from a 5-story multifamily housing project to the west. Kafoury Court fulfills the City's intent in the recent up-zoning of this neighborhood by providing a high density, multi-dwelling building with minimal setbacks and high lot coverage, while at the same time, the building mediates the scale of the 7+-story development along NE MLK, with the 2 to 3-story tall homes of the King neighborhood. While the maximum height allowed is 110 feet, Kafoury Court is a 6-level, approximately 62' building, far less than the maximum allowed, in deference to the surrounding residential context. The program is consolidated in a compact cubic form which limits the height of the building and minimizes the apparent bulk. The building is also light colored to minimize the sense of scale.

In addition to its compatible scale, the proposal will also be compatible with the residential areas around it in being an entirely residential building with a design that clearly conveys its residential use. Although there are no commercial uses proposed on the site, the ground floor is programmed to successfully activate its two street frontages to create a pleasant pedestrian realm and add to the area's safety. A community room is located at the most prominent and visible location in the building and is intended to be used by residents, Permanent Supportive Service staff workers as well as the local neighborhood. To this end, the community room can be accessed either from the main lobby and Permanent Supportive Service offices, or directly from NE Mason to allow the community room to be a neighborhood amenity. Adding to the residential character of the building are the "vertical front porches" along its Grand Ave frontage in the form of common social areas on each floor which include projecting sunrooms and covered exterior decks. The sunrooms and decks are intended to replicate the function of a traditional front porch and support social patterns which were common in North and Northeast Portland.

The design steps down from 6-stories to 1-story at its north and eastern frontages to break down the building's scale. As the lower density street frontage, the building presents a human-scaled single-story expression along Mason St, and as a higher density corridor, the building steps up to six-stories for most of its Grand Ave frontage. The site sits on a block that is zoned RM4 along Grand Ave, a zoning designation that is intended for urban scale, high density residential development so it is appropriate to place the taller massing along this street frontage. In addition, the placement of the building on the lot is away from the single-family homes to the south and east and towards the two street frontages, reinforcing the urban nature of the corner.

The project locates exterior balconies along the east elevation, the only frontage which directly abuts an R2.5 parcel. These inset balconies are articulated as subtractions from

the mass of the building to further minimize the bulk of the project and increase the residential sensibility of the development. Two of the three balconies are located at the corners of the building which erodes the building mass further and softens the east elevation and gives the east facade a more domestic appearance and feel.

The proposal also uses landscaping to foster a contextual relationship with its surroundings. On the west frontage (NE Grand Avenue), the project maximizes the hardscape and locates the main building entrance to be framed by street trees. Along the NE Mason St frontage, the project features a continuous planting zone to soften the street edge across from the smaller scale residential development. On the second floor, a planter runs the entire length of the Mason Street frontage, and on the ground floor, a recessed garden activates the entrance to the community room and provides a residential-scaled recess from sidewalk traffic. Private gardens along the east side of the property create a buffer from the abutting residential parcels. Throughout the site, the landscaping of the project emphasizes drought-tolerant native plants and pollinators.

The building will be durable, and highly sustainable. The building is a simple cubic volume integrated with a larger first floor podium. The public-oriented podium and the upper-floor cube are united with a brick facade which extends down to the sidewalk and expresses the building's structure. The bricks are arranged in a stacked bond pattern on a Norman module (nominal 12" long by 3" high) which emphasizes the building's pure geometry and sets a module that organizes openings on each level. The bricks are coated with a transparent glaze that animates the otherwise heavy material with a play of light with the changing seasons and time of day. In addition to the glazed brick, the design utilizes Parklex Prodema, a high-density laminated wood panel product, as a contrasting material at the social areas and entries. Painted metal is used to unite the railings, metal trim and storefront glazing systems.

Each unit has its own heat pump and energy recovery ventilator (ERV) that supply fresh air to the units. The ERV's are adapted to receive MERV-13 filters, meaning that in the recurrence of events such as a viral pandemic or wildfire emergency, tenants can bring conditioned fresh air into their apartments without concern of unhealthy air quality. The fact that each unit has its own system means that there is no building-wide maintenance outage and allows the owner to repair (and upgrade) mechanical systems on a piece-by-piece basis. Additionally, each unit has its own tankless water heater, which minimizes energy use as well as eliminates the need for multiple, insulated water risers. The roof is designed to be "solar-ready" and is finished with a cool-roof TPO system to reflect heat away from the building.

These guidelines are met.

04: Design the sidewalk level of buildings to be active and human-scaled.

Possible design approaches may include, but are not limited to:

- Ground Floor Heights - Designing buildings with taller, more adaptable ground floors.
- Multiple Entries and Windows - Offering more than one entrance along the ground floors of buildings to provide "eyes on the street" and avoid blank expanses of walls.
- Weather Protection - Providing protection from wind, rain, and sun.
- Lighting - Enhancing safety and visibility for pedestrians and highlighting special building features.
- Residential Setbacks - Creating soft transitions while separating private spaces from public spaces.

05: Provide opportunities to pause, sit, and interact.

Possible design approaches may include, but are not limited to:

- Seating - Providing a variety of seating types for passersby and building users.
- Integrate Bicycles - Designing open spaces that accommodate parking for bicycles.
- Art/Water - Designing spaces that can integrate opportunities for art, stormwater or water features.
- Enclosure - Offering a comfortable buffer and distinction from the public realm.
- Trees and Landscaping - Promoting health and wellness by helping to mitigate the effects of urban heat island.

06: Integrate and minimize the impact of parking and building services.

Possible design approaches may include, but are not limited to:

- Vehicles and Parking - Screening and buffering vehicle areas from pedestrians and integrating parking into the building design.
- Utilities, Trash and Recycling - Siting and screening utilities, trash, and recycling enclosures away from public realm.
- Vaults - Integrating and concealing vaults within open areas.
- Stormwater Planters - Integrating stormwater with multiple uses, such as buffering, placemaking, and seating opportunities.
- Long-Term Bicycle Parking - Designing bicycle parking to encourage use by adding bike lobbies and bike repair amenities.

07: Support the comfort, safety, and dignity of residents, workers, and visitors through thoughtful site and building design.

Possible design approaches may include, but are not limited to:

- Internal Open Spaces - Offering a variety of multi-functional spaces such as balconies, stoops, plazas, play areas, and passive sitting areas.
- Internal Connections - Creating safe and visible pedestrian circulation through sites.
- Vehicles Areas - Ensuring that vehicle areas do not impair the usability and enjoyment of the site.
- Solar Access - Providing solar access to open areas.
- Windows and Entries - Orienting windows and entries toward on-site circulation and open areas.

Findings for PCWDG 4, 5, 6, and 7: As a project that centers seniors as a vulnerable population, the design addresses seniors' needs in the public realm in various ways, including providing clear wayfinding, straightforward circulation, and maximum transparency on the ground floor. The building, due to the highly visible corner location, height, and unique design, will assist in wayfinding in the area for all pedestrians. The cantilevered sun porches at the front of the building add to the placemaking quality of the building. In addition, the proposed project addresses the pedestrian realm along NE Grand and NE Mason in a variety of ways that will activate the ground floor of the building and make it a positive addition to the neighborhood.

The project's main entrance is off NE Grand, anticipating future development of this street as a multifamily corridor. The main entrance opens into a lobby and seating area, mailroom, and the elevators. The main entrance is announced by the massing of the sunrooms along the west facade and is framed by street trees. Locating the main entry beneath the sunrooms also provides a clear visual clue as to point of entry by placing the entry beneath main social spaces of the building.

All the project's ground-floor uses along NE Grand Ave (with the sole exception of the Fire Command Center) receive full-height glazing to maximize transparency to the street. A generous canopy at the entrance and recesses along the length of the facade provide a total of more than 260 square feet of weather-protected public area. The corner of NE Grand Ave and NE Mason St – the most prominent and visible portion of the project – is the site of the Community Room. This room is fully glazed on both sides to create a visual connection to the neighborhood and foster activity along the street. The Community Room features a separate entrance off NE Mason St, facing the neighborhood, which allows it to function independently of the rest of the building and more fully serve the broader community.

In early versions of the design, the Community Room featured approximately 15 linear feet of glazing along NE Mason St and a windowless 7'-4" x 17' alcove off the sidewalk. The revised submission provides more than 30' feet of glazing in this area (more than double the previous version) and reduces the alcove to roughly 6' deep x 12' wide. This recess still provides more than 70 sf of centralized weather protection off the street as well as landscaping. The smaller alcove and sidewalk-level plantings provide better passive surveillance from both inside and outside the building as well as an enhanced public experience, while recalling the landscaped setbacks and covered porches of the local single-family homes.

While a residential unit is located in the northeast corner of the ground floor, the design mitigates the impacts of this unit’s placement by clustering the north-facing windows into a single opening and placing the sill 3’-6” above finish floor. Because the unit is more than 24” above the street, it will be extremely difficult for passers-by to see into the unit. The bedroom has been oriented exclusively towards the backyard and does not have any openings along the sidewalk. The residential unit’s frontage is articulated to bring visual interest and warmth to the pedestrian realm with the inter-weaving of wood slat siding into the ground floor brick and a landscape buffer. All landscaping zones will have drip irrigation to help ensure their success.

The project includes several opportunities for rest and casual social interaction at the ground floor. The main entry is set back in a covered recess along NE Grand which includes a bench that can accommodate 3 to 4 residents or pedestrians under cover. An additional waiting area for residents is provided indoors as part of the main lobby with a view to the street.

The design of the sunrooms and public balconies on the NE Grand Ave façade are extensions of the public realm which invite social interaction and community-building both between the residents of the project as well as between the project and the street. All the sunrooms and porches are accessible by all the building’s residents. They are accessed from a common interior corridor and are located on the west elevation to maximize solar gain and the useability of the common areas throughout the year. Each floor has access to a sunroom or common deck. They are between 272 and 373 square feet in area to enable furniture layout to support multiple activities simultaneously. The sunrooms are unconditioned but include interior shading and lighting as well as passive ventilation to extend the time of year and time of day during which they can be used. These spaces provide weather-protected outdoor rooms from which seniors can interact with the streetscape without having to descend the building or leave the proximity of their homes. They provide eyes on the street as well as dynamic opportunities to activate the public realm with semi-public zones for seating, socializing, and recreation. These features also provide human-scale, texture and visual interest to the façade for pedestrians.

No onsite vehicle parking or loading is proposed for the new building. Given the site dimensions of 100’ x 100’, parking and associated vehicle movement areas would have occupied a significant percentage of the ground floor, reducing the quantity of housing units and minimizing the ability of the building to engage directly with the public realm.

The project includes a screened service alley on the south end of the site where building services such as utility rooms, trash collection, and stormwater treatment are consolidated in a service yard and screened from the existing single family residential to the south with an 8’ high fence. Trash and recycling areas are inside the building with an access to the street via the service yard. The drywell and other site utilities are recessed into the paving in this area.

The building design supports site surveillance and security. The sunrooms provide views to NE Grand and NE Mason without providing sightlines into the residential units. At the street level, passive surveillance is also incorporated at both the main entry to the building and the entry to the community room on NE Mason. The location and fenestration of the property management office allows the property manager to surveil the entry, common areas and community room, and respond directly to any threats to resident safety. The property management office is adjacent to the main entry and has multiple view windows: one looking onto the sidewalk at NE Grand, one window looking onto the main building entry; one into the lobby; and one into the community room. Finally, the large extents of glazing at the north entrance of the community room provide multiple vantage points into the entry alcove and discourage unauthorized use of this covered area.

These guidelines are 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. The review body may not consider modifications to standards for which adjustments are prohibited. 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 other standards that are calculated based upon the size or intensity of the use such as the quantity of parking and loading spaces) 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.
- C. Mitigation of impacts.** Any impacts resulting from the modifications are mitigated to the extent practical.

Modification #1: Reduce the percentage of area of a street-facing facade within 20' of a street lot line that must be divided into facade planes offset by at least 2' in depth from the rest of the facade from the required 25% to 16% for the west facade (33.120.230.C).

Purpose Statement: Along with the height and setback standard, the Building Length and Façade Articulation standards limit the bulk of buildings close to the street. These standards help ensure that large buildings will be divided into smaller components that relate to the scale and development patterns of Portland's multi-dwelling residential areas and add visual interest and variety to the street environment.

Standard: 33.120.230.C, Façade Articulation. In the RM4 zone, for buildings that are more than 45' high that have facade areas of more than 4,500 SF within 20' of a street property line at least 25% of the area of a street-facing facade within 20' of a street lot line be divided into facade planes that are off-set by at least 2' in depth from the rest of the facade. Façade area used to meet the facade articulation standard may be recessed behind, or project out from, the primary facade plane, but projections into street right-of-way do not count toward meeting 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.*
- C. Mitigation of impacts.** *Any impacts resulting from the modifications are mitigated to the extent practical.*

Findings: The front (west) façade of the building features unique, projecting sunroom elements that create a great deal of articulation, however, technically the offset provided by the sunrooms does not meet the standard as prescribed in the zoning code. In the RM4 zone, Portland Zoning Code, 33.120.230.C, requires buildings that are more than 45' high that have facade areas of more than 4,500 SF within 20' of a street property line to have at least 25% of the area of a street-facing facade within 20' of a street lot line be divided into facade planes that are off-set by at least 2' in depth from the rest of the facade. While over 25% of the façade area of the proposed building is offset by more than 2' in the form of projecting sunrooms as well as deeply recessed terraces, they do not meet the standard as the standard specifies that projections into street right-of-way do not count toward meeting this standard. This is because only the recessed terraces count toward the standard as the projecting sunrooms are oriel windows. The

Modification request, in tandem with the Oriel Exception request, will allow the west façade to keep the projecting sunrooms without having to provide additional façade articulation elsewhere on the primary façade plane.

On balance, the Modification is consistent with the purpose of the standard. Given all the pushing and pulling of the façade plane created by the projecting sunrooms and recessed terraces, the west façade will not have a bulky appearance close to the street. The projecting sunrooms and the deeply recessed terraces on the front façade successfully divide the building's mass into smaller components that relate to the scale of the residential area. In addition, the front façade steps down to one story at its north end which further breaks up the building. The highly glazed sunrooms and open terraces add a great deal of visual interest to the building, enlivening the front façade with resident activity and do not create a bulky, looming effect at the street edge. It should also be noted that the standard only kicks in for façade areas of more than 4,500 SF in RM4 and this façade area is not far over the threshold in being 4,746 SF. While it is enough to trigger the standard, were the area slightly smaller, it would not apply.

Generally, the non-conforming façade articulation will better meet the design review approval criteria than would a design that meets the standard being modified. The 25% of façade area required to be offset in the manner prescribed by the standard is far less than the amount of façade area that is offset by the pushing and pulling of the projecting sunrooms and deeply recessed terrace areas. These cover a far larger area of the front façade and provide a great deal of activation and visual interest in so doing. The oriels are entirely butt-glazed and are shared activity spaces open to all building residents. With senior residents living in the building, these are sure to be highly used, lively spaces and thus are highly activating elements for the public realm. The Modification allows the project to better meet *Portland Citywide Design Guidelines 01, 02, 03, and 04*.

In addition, the proposal meets the standard with 16% of its façade area, and this 16% is at the recessed areas where it is far more deeply recessed than the minimum 2' prescribed by the standard. The extra depth of the recess in excess of 2' mitigates for the final 9% more of façade area that would have met the standard if the façade were not articulated with large oriel sunrooms.

Therefore, this Modification merits approval.

Modification #2: Reduce the dimensions for the 4 required long-term bicycle parking spaces for larger bikes (5% of spaces) from the required 120" L x 36" W to 87" L x 25¾" W and allow them to be placed in bicycle lockers rather than a horizontal rack (33.266.210.D.3.b).

Purpose Statement: These standards ensure that required bicycle parking is designed so people of all ages and abilities can access the bicycle parking and securely lock their bicycle without undue inconvenience. Bicycle parking is in areas that are reasonably safeguarded from theft and accidental damage. The standards allow for a variety of bicycle types, including but not limited to standard bicycles, tricycles, hand cycles, tandems, electric motor assisted cycles and cargo bicycles. Long-term bicycle parking is in secure, weather protected facilities and is intended for building and site occupants, and others who need bicycle parking for several hours or longer. Short-term bicycle parking is located in publicly accessible, highly visible locations that serve the main entrance of a building. Short-term bicycle parking is visible to pedestrians and bicyclists on the street and is intended for building and site visitors.

Standard: 33.266.210.D.3.b, Standards for Long-Term Bicycle Parking, Parking for larger bicycle space. At least 5 percent of spaces must accommodate a larger bicycle space, placed in a horizontal rack. These spaces may be included to meet the requirement for Subparagraph D.3.a.

- 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.*
- C. Mitigation of impacts.** *Any impacts resulting from the modifications are mitigated to the extent practical.*

Findings: The zoning code requires 62 long-term bicycle parking spaces based on the standard of 1.5 long-term spaces per housing unit. Although the zoning code has a lower requirement for elderly and disabled housing of 1 long-term space per 8 units, it requires a covenant which the applicant did not choose to undertake, so the general standard applies. The applicant is thus meeting the requirement of 62 long-term bicycle parking spaces on site. Of the long-term spaces, 5% are required to be for larger bikes – in this case, 4 larger spaces are required. The Modification request will allow these 4 spaces to be located in bike lockers where they will be somewhat smaller than the required larger bicycle size and will not be located on a horizontal rack as is required. The required larger bicycle dimension is 120” L x 36” W and the Modification will allow it to go down to 87” L x 25 ¾” W (for reference, a standard bike space is 72” L x 24” W). This Modification is taken into consideration under the very specific factors of this particular project which is for affordable housing for low-income seniors. PBOT did not object to the Modification and noted the following in their response:

PBOT anticipates this location being attractive for cyclists and is a location where the 2035 mode split goals established in the Transportation System Plan are likely to be achievable. With that said, cycling is but one way to achieve mode splits. Transit and walking are other ways. The site is 1 block from NE Martin Luther King Jr. Blvd, which contains frequent service transit. Staff points this out in the context of this being an affordable housing complex specifically targeted to seniors.

The project is not providing on-site vehicle parking, which is a design choice which often works to promote travel by means other than motor vehicles. PBOT staff wishes to further note the overall number of long term bicycle parking spaces provided by the project meets the required standard of 62. Most are proposed in a manner which meets the dimensional requirements. The requirements for oversized bicycle parking are the subject of the modification request. The oversized bicycle parking standards are intended to house bicycles such as cargo bikes. Given that this project is geared at seniors making 30% or less of the Median Family Income and given that 30 of the 40 units are set aside for permanent supportive housing, staff notes it is a reasonable assumption that there will be less demand for cargo bikes than in a standard market rate apartment building.

On balance, the Modification is consistent with the purpose of the standard. The primary purpose of the standard is to ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and damage and that be located in secure, weather-protected facilities. The proposed locker storage system meets these goals and will accommodate larger bicycles in a convenient location for users, providing the same level of service that would be provided by having a horizontal rack. The bicycle parking system proposed is safe and secure, located in a convenient area, and designed to avoid any intentional or accidental damage to bicycles; as such, the proposal is consistent with the purpose statement of the bicycle parking standards.

Generally, the non-conforming larger bicycle spaces will better meet the design review approval criteria than would a design that meets the standard being modified. The proposed functional and space efficient system eases floor plan demands and results in additional opportunities for active uses at the street, such as lobby space and

community amenity spaces thereby better meeting *Design Guidelines 01, 02, 04, and 05*.

Therefore this Modification merits approval.

Exception #1: Exception for Window Projection into Public Right-of-Way

IBC/32/#1 - Standards for windows allowed to project into public right-of-way: to increase the width of oriel windows projecting into the public rights-of-way from 12'-0" to 17'-5" on the 4th and 6th floors, and from 12'-0" to 21'-6" on the 2nd floor on the NE Grand Ave frontage to allow projecting sunrooms.

A. Projection. Maximum projection of 4 feet into the right-of-way including trim, eaves and ornament.

Findings: The maximum projection for any element of the projecting volumes is 3'-0". *This Criterion is met.*

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

Findings: It is unclear if there is sufficient clearance underneath the lowest oriel window (on NE Grand) to meet this requirement, as adjacent sidewalk levels and the level of the soffits above have not been provided. Because these oriels project up to 3'-0", the clearance for these two oriels above finished sidewalk grade is required to be a minimum 11'-0". Therefore, a condition of approval has been added:

All oriels need to demonstrate compliance with Standard B of Standards for Windows Allowed to Project into Public Right-of-way at the time of permit.

With this condition of approval, this Criterion is met.

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

Findings: Projecting wall areas of all oriel windows are under 40% of the wall's area. *This Criterion is met.*

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

Findings: The projecting wall length for every single window which projects into public right-of-way is under 50% of its building wall length (Exhibit C3.2) *This Criterion is met.*

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

Findings: Windows areas exceed 30% on all projecting wall faces. Side windows exceed 10% of all side walls. *This Criterion is met.*

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

Findings: Proposed projections are 17'-5" wide on the 4th and 6th floors, and 21'-6" wide on the 2nd floor on the NE Grand Ave frontage. All three of the projecting oriel widths exceed the 12' foot standard. These wider oriels are sunrooms which are butt-glazed on all 3 sides of the projection. As fully glazed elements, these projections add to the activation and interest of the building's front façade and provide occupants with access to sunlight, moonlight and the enjoyment of the surrounding views. These

elements also contribute to breaking down the overall massing of the proposal. *This criterion is not met but approval of this requested exception is granted through Design Review.*

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

Findings: There are no projecting window elements with horizontal separation from other projecting window elements on the same elevation or plane of wall. *This Criterion is met.*

DEVELOPMENT STANDARDS

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

CONCLUSIONS

In addition to providing much needed housing, the proposed six-story, affordable housing development in the King neighborhood will bring pedestrian activity and a sense of place to the two streets it faces onto. With a mission of supporting the continuity of the Black community in Northeast Portland, the building will foster community and stability. Its design promotes a sense of permanence and connection to place, and will provide a welcoming and hospitable experience to residents. The design review process implements the Design overlay zone, strengthening these areas as places designed for people. Design review supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces. The proposal meets the applicable design guidelines, modification and exception criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a proposal to build a 6-story affordable housing development on a site located on the corner of NE Grand Ave and NE Mason St.

Approval of the following Modification requests:

- Reduce the percentage of area of a street-facing facade within 20' of a street lot line that must be divided into facade planes offset by at least 2' in depth from the rest of the facade from the required 25% to 16% for the west facade (33.120.230.C).
- Reduce the dimensions for the 4 required long-term bicycle parking spaces for larger bikes (5% of spaces) from the required 120" L x 36" W to 87" L x 25¾" W and allow them to be placed in bicycle lockers rather than a horizontal rack (33.266.210.D.3.b).

Approval of the following Exception request:

- Exception for Window Projection into Public Right-of-Way (IBC/32/#1) - Standards for windows allowed to project into public right-of-way - to increase the width of oriel windows projecting into the public rights-of-way from 12'-0" to 17'-5" on the 4th and 6th floors, and from 12'-0" to 21'-6" on the 2nd floor on the NE Grand Ave frontage to allow projecting sunrooms.

Approvals per Exhibits C-1 through C-42, signed and dated 11/7/2022, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) 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 22-161291 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.
- D. All oriels need to demonstrate compliance with Standard B of Standards for Windows Allowed to Project into Public Right-of-way at the time of permit.

Staff Planner: Tanya Paglia



Decision rendered by: _____ **on 11/7/2022**
By authority of the Director of the Bureau of Development Services

Decision mailed: 11/14/2022

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 July 11, 2022, and was determined to be complete on 9/6/2022.

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 July 11, 2022.

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 requested that the 120-day review period be extended 10 days. Unless further extended by the applicant, **the 120 days will expire on: 1/4/2023.**

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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on 11/29/2022. The completed appeal application form must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIX decisions on property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **11/29/2022** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

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 Submittal
 1. Original plan set and applicant's original project narrative, zoning summary – NOT APPROVED/reference only
 2. Neighborhood contact information
 3. Façade articulation diagram
 4. Updated plan set and applicant's updated project narrative, zoning summary, and response to approval criteria – NOT APPROVED/reference only
 5. Bike locker information
 6. Updated drawings – NOT APPROVED/reference only
 7. Draft rendering – NOT APPROVED/reference only
 8. Draft rendering – NOT APPROVED/reference only
 9. Draft diagram – NOT APPROVED/reference only
 10. Landscape rendering – NOT APPROVED/reference only
 11. Stormwater report
 12. Final updated plan set and applicant's updated project narrative, zoning summary, and response to approval criteria – NOT APPROVED/reference only
 13. Request for Extension of 120-Day Review Period for 10 days dated 10/24/2022
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Context Plan
 2. Site Plan (attached)
 3. Level 1 Plan
 4. Level 2 and Level 3 Plan
 5. Level 4 and Level 5 Plan
 6. Level 6 and Roof Plan
 7. West Elevation (attached)
 8. West Elevation - Materials
 9. South Elevation
 10. South Elevation - Materials
 11. East Elevation
 12. East Elevation - Materials
 13. North Elevation (attached)
 14. North Elevation - Materials
 15. Zoning Compliance Diagrams
 16. Bike Parking Compliance
 17. Building Section (C.17)
 18. Building Section (C.18)
 19. Building Details (C.19)
 20. Building Details (C.20)
 21. Building Details (C.21)
 22. Building Details (C.22)
 23. Building Details (C.23)
 24. Building Details (C.24)

25. Building Details (C.25)
 26. Building Details (C.26)
 27. Building Details (C.27)
 28. Building Details (C.28)
 29. Building Details (C.29)
 30. Building Details (C.30)
 31. Exterior Materials
 32. Landscape Plan
 33. Landscape/Level 1/Materials
 34. Landscape/Level 1/Trees
 35. Landscape/Level 1/Planting
 36. Landscape/Level 2/Materials & Planting
 37. Grading Plan
 38. Utility Plan
 39. Lighting Concept/West Elevation (C.42)
 40. Lighting Concept/West Elevation (C.43)
 41. Lighting Concept/North Elevation (C.44)
 42. Lighting Concept/West Elevation (C.45)
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Life Safety Division of the Bureau of Development Services
 2. The Bureau of Parks-Forestry Division
 3. Fire Bureau
 4. Bureau of Environmental Services
 5. Site Development Section of BDS
 - 6 & 7. Portland Bureau of Transportation – original response and revised response
- F. Correspondence: None received
- G. Other:
1. Original LU Application
 2. Incomplete Letter

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).