

**Design Commission Meeting
Zoom
November 3, 2021, 6:30 p.m.**

I. Opening/Citizen Comment

A regular session of the Gresham Design Commission was called to order on the 3 of November 2021 at 6:30 pm via Zoom. The meeting was recorded and scribed by Carrie Osborn.

COMMISSIONERS PRESENT: Camilla Cok
Rob Cook
Robert Hayden
Pat Lando
Mike McKeel
Tom Orth
Matthew Sugarbaker

COMMISSIONERS ABSENT:

STAFF: David Berniker, Urban Design & Planning
John Heili, Urban Design & Planning
Kevin McConnell, City Attorney’s Office
Carrie Osborn, Urban Design & Planning

Chair Sugarbaker introduced staff and members of the Commission that were present.

II. Hearing Opening Statement

Chair Sugarbaker reviewed the opening statement.

III. Arts Plaza Housing Hearing: 33-39 NE Kelly Ave

Order of Procedure

Application DR 21-00423 is an application for Development of a four-story, multi-family mixed-use 97-unit apartment complex with retail, live/work units, and residential units. Parking for 54 vehicles will be at grade with a portion of it tucked under at the rear of the site.

- Commissioner McKeel wished to abstain from participating or voting on the application.
- No member of the Commission needed to declare any contact, written, oral or otherwise, prior to the hearing with the applicant, any other party involved in the hearing, or any other source of information outside of staff concerning the subject of the hearing.
- Commissioners had visited the site.

- No person wished to object to the jurisdiction of the Commission to hear the matter.

Staff Presentation

Staff gave a presentation that included the following discretionary review items as well as one non-discretionary item:

- Discretionary Item #1: Building Frontage: 4.1151(A)(I)(C)(1-5) & (12)
 - Staff recommends that the Design Commission find these guidelines are met.
 - The Commission supported Discretionary Item #1.
- Discretionary Item #2: Parking Location: 4.1151(A)(1)(G)(9)
 - Staff recommends that the Design Commission find these guidelines are met.
 - The Commission supported Discretionary Item #2.
- Discretionary Item #3: Outdoor Equipment Storage Areas: 4.1151(A)(1)(G)(18)
 - Staff recommends that the Design Commission waive the guideline for the size of the storage areas at the live-work and studio units as proposed.
 - The Commission supported Discretionary Item #3 with modification to Condition of Approval #23.
- Discretionary Item #4: Open Spaces - Public: 4.1151(A)(2)(G)(4)
 - Staff recommends that the Design Commission find these guidelines are met.
 - The Commission supported Discretionary Item #4
- Discretionary Item #5: Open Spaces - Private: 4.1151(A)(2)(G)(9)
 - Staff recommends that the Design Commission waive this guideline.
 - The Commission supported waiving Discretionary Item #5
- Discretionary Item #6: Pedestrian Access 4.1151(A)(3)(C)(6)
 - Staff recommends that the Design Commission waive this guideline but require Condition of Approval #14.
 - The Commission supported waiving Discretionary Item #6 with Condition of approval #14
- Discretionary Item #7: Parking Location & Screening 4.1151(A)(4)(C)(1), (2), & (8) , & (A)(5)(C)(4)
 - Staff recommends that the Design Commission find these guidelines are met.
 - The Commission supported Discretionary Item #7
- Discretionary Item #8 Parking Area Landscaping - Rain Gardens 4.1151(A)(4)(C)(4) & 4.1151(A)(5)(C)4)
 - Staff recommends that the Design Commission find this guideline is met with Condition of Approval #6.
 - The Commission supported Discretionary Item #8
- Discretionary Item #9: Massing & Uninterrupted Walls 4.1151(B)(1)(C)(1) & 4.1151(B)(1)(C)(9)
 - Staff recommends that the Design Commission find these guidelines are met
 - The Commission supported Discretionary Item #9
- Discretionary Item #10 Massing; Upper Floor Step Back 4.1151(B)(1)(C)(4)
 - Staff recommends that the Design Commission find these guidelines are met

- The Commission supported Discretionary Item #10
- Discretionary Item #11 Massing; Base and Top 4.1151(B)(1)(C)(10) & 4.1151(B)(3)(C)(3) & 4.1151(B)(3)(C)(4)
 - Staff recommends that the Design Commission find these guidelines are met
 - The Commission supported Discretionary Item #11
- Discretionary Item #12 Through-Wall Mechanical Systems 4.1151(B)(2)(C)(2)
 - Staff recommends that the Design Commission find this guideline is met with Condition of Approval #23
 - The Commission supported Discretionary Item #12 with the deletion of Condition of Approval #23
- Discretionary Item #13 Repeating Facade Rhythm Features 4.1151(B)(2)(C)(4)
 - Staff recommends that the Design Commission find these guidelines are met
 - The Commission supported Discretionary Item #13
- Discretionary Item #14 Window Recesses 4.1151(B)(2)(C)(8) & 4.1151(B)(2)(C)(11)
 - Staff recommends that the Design Commission find this guideline is met with Condition of Approval #24.
 - The Commission supported Discretionary Item #14
- Discretionary Item #15 Blank Walls 4.1151(B)(2)(C)(12) & 4.1151(B)(2)(C)(12)
 - Staff recommends that the Design Commission find this guideline is met with Condition of Approval #25.
 - The Commission supported Discretionary Item #15 with Condition of Approval #25
- Discretionary Item #16 Ground Level Details 4.1151(B)(3)(C)(1) & 4.1151(B)(3)(C)(2)
 - Staff recommends that the Design Commission find these guidelines are met
 - The Commission supported Discretionary Item #16
- Discretionary Item #17 Ground Level Details 4.1151(B)(3)(C)(6)
 - Staff recommends that the Design Commission find these guidelines are met
 - The Commission supported Discretionary Item #17
- Discretionary Item #18 Transparency 4.1151(B)(5)(C)(2)
 - Staff recommends that the Design Commission find this guideline is met and waive the guideline at the multifamily use related façade area on NE Kelly Avenue.
 - The Commission supported Discretionary Item #18 including waiving the guideline at the multifamily use related façade area on NE Kelly Avenue.
- Discretionary Item #19 Prominent Entrances 4.1151(B)(6)(C)(1)
 - Staff recommends that the Design Commission find these guidelines are met
 - The Commission supported Discretionary Item #19
- Discretionary Item #20 Roof Lines 4.1151(B)(7)(C)(1) & 4.1151(B)(7)(C)(2)
 - Staff recommends that the Design Commission find these guidelines are met
 - The Commission supported Discretionary Item #20
- Discretionary Item #21 Materials 4.1151(B)(9)(C)(1)
 - Staff recommends that the Design Commission find these guidelines are met
 - The Commission supported Discretionary Item #21

- Discussion Item #1: Type II Minor Variance - Floor to Ceiling Heights Table 4.1130 footnote #2
 - Staff recommends that the Design Commission find these guidelines are met
 - The Commission supported Discussion Item #1 with a new Condition of Approval #27
- Discussion Item #2: Parking Reduction 9.0853(E)
 - These standards are met with Condition of Approval #13.
 - The Commission supported the Discussion Item #2 with the modification of Condition of Approval #13.

Applicant Presentation

The applicant described the proposal. Representatives included:

- Diane Moosman, MWA Architects
- Taylor Kaplan, GKDPDX
- Erik Petersen, MWA Architects
- Kealin Freund, Shapiro Didway
- Michael Ard, ARD Engineering
- Chris DesLauriers, T.M. Rippey Consulting Engineers

The applicant outlined multiple conditions of approval for discussion, including:

- South Elevation Studies
 - Applicant explained the modifications to the parapet along the south elevation and proposing to remove the floor line in the gap of the corridor to create a full height recessed condition. They did not want to add more windows to this elevation due to the studio units here.
- Parking and Transformer Screen and FDC Connections
 - Applicant described the proposed screening located on NE Kelly. It will be a steel screen with powder coated welded wire steel and includes an additional modified metal screen and Jasmine vines around the transformer.
- Roof Plan and Mechanical Screening
 - Applicant provided a diagram showing that the rooftop mechanical equipment will not be visible from the street/park.
- PTHP & Window Details
 - Applicant is proposing a custom PTAC grill to be part of the window system.
- Ceiling Heights in Parking and Upper Floor Units
 - Applicant is proposing a 10 inch drop soffit finish element within the café area. Applicant is requesting to reduce the parking entrance height from 10'-8' to 10'-6'.

Commission Comments

The Commission, staff, and the applicant discussed the following in addition to the discretionary items:

- Commission express concerns regarding the Corten planters and possible bleeding onto, and staining of, the adjacent concrete surfaces.
 - Applicant stated that these planters will all be lined with a rock edge condition which will stop any staining of the concrete.
- Commission expressed concerns regarding placement of the FDC.
 - Applicant confirmed that they will be located inside the structure with connections located at the exterior wall.

Public Testimony:

Bill Leslie

Thank you for the opportunity to speak and thank you for your service, volunteer job takes a ton of work. My name is Bill Leslie, I've been in business in Gresham for 32 years, including 23 years as the chief financial officer at Gresham Toyota. I own the business to the northeast of the proposed building and east of the park with the tenant Visiting Angels. The developer's proposal is for 54 spaces, and this won't be adequate and will have a big negative impact the neighborhood and the park.

It won't provide an affective 54 spaces for use by the tenants, it will include guest parking and delivery parking. Code requires deliveries takes place behind the building. Not by taking up parking on the street or by double parking. I think affective parking for the tenant maybe as low as 48 spaces. I think this development will place another 60-70 cars on the city streets. They will effectively dominate all the parking around the park and several blocks to north and east. The transportation study, justifying 54 spaces, was seriously flawed. It is 100% based on apartment complexes in Portland. The closest apartment complex is 2.4 miles away. The second closest is 7 miles and the others were 7 ½ to 9 miles away. That is not a meaningful basis for a Gresham study. Gresham is not Portland. The study is flawed, and it says light rail is one quarter mile away. They measured as the crow flies; people don't walk that way. I measured it using google maps and its 4 tenths of a mile from this building to the platform for light rail.

According to industry standards and my letter to the Commission board included an internet reference, stating that anything over ¼ mile is not considered walkable. Distant to light rail is not walkable which means that the tenants in this building will have cars. The study is flawed, and it says that this location is walkable to groceries, that is incorrect as everyone here knows. I measured using google maps, full-service groceries are Safeway at 9 tenths of a mile, Fred Myers at 1.34 miles and Walmart at 1.1 miles, that's not walkable. These tenants will have cars. The developer says that in many places that spaces are constrained and can not meet parts of the code. That's only because they are trying to build 97 or 99 units. If they put in 50 units, they wouldn't be constrained. They created that constraint. I hope you would not approve this project as presented. Please require 1 parking space per unit, require adequate storage for all units. Did you notice that 28 percent of the units, the live work and studios won't have storage according to code? Those are the units that need it the most. Parking lot lanes will not be to code because quote "parking lot will be at low volume". In fact, when tenants look for parking space, the volume will be very high. Also, they say the building doesn't need to be as tall as the

code requires because there aren't delivery trucks back there, code requires that delivery takes place behind the building. Not by double parking on the street.

The building should meet the code standard for heights. We know Gresham will change, but this group, you guys can influence how it changes. I urge you to use your discretion and not approve the project as presented. There are many, many empty commercial spaces in Gresham, if this project goes forward, more commercial tenants will move out because their customers can not find a place to park, that's bad for Gresham. Thank you again for your time.

Bryce Ballie

My wife and I are the only people who have built a building in the DCC in the last 12 years, 2009 was Mojave and the place down on Miller. The point one, every variance discretionary request is a cost saver. I get it, I've gone through the process. The parapet alone will save \$100,000.00 to \$150,000.00. Why are we having these requirements in place if we were not going to follow. Mainly is reducing the parking code. Parking code is one space per one unit in downtown Gresham. We are now making it to where I can buy any lot and put 40-units get a parking study like this one that says we can get 20-30% less trips. However, if you tell me no, then I can sue you. This is a dangerously slippery slope.

However, if you are going to go under this path, I would prefer you delay approval until a transportation demand management program is put into place. This program could require 30 percent of the units not to have cars. It can require tri-met passes, it could require financial incentives for the people living there. To be honest, I want it to be built, but I want it to have adequate parking for my business. I am down there every single day, and it is busy. It will add 110 cars, it just will. How do you say no to the next group? For a project of this magnitude, I think a State of Oregon traffic engineer should write the parking report. Which would be much more valuable than someone hired by the developer.

I love Downtown Gresham and I have put a ton of money into Downtown Gresham. However, we need to follow our codes. And a lot of these are cost savers. They are, they are going to fill up every spot. Thank you.

Robb Courtney

Good evening, my name is Robb Courtney, I am the owner of a business located at the corner of Kelly and 2nd. I am also a former Parks Manager for the City of Gresham who was involved in the design of the Center for the Arts Plaza.

First, I'd like to state that I'm supportive of additional mixed-use developments in the downtown. I also generally appreciate the aesthetics of the proposed development, although I believe the project massing is too great for the area – the massing should either be reduced or set back further from the street.

My major objections are related to two significant components of the plan; the proposed reduction in on-site parking requirements and the proposed waiver of the children's play requirements.

More specifically, I object to staff's proposals to:

1. Waive / reduce the parking space requirements. (9.0852(B)(1)(a)(i) and (b)(i) - Plan District Minimum Parking Standards / 9.0852(B)(1)(a)(i) and (b)(i) - Plan District Minimum Parking Standards.)

a. The Plan District minimum parking standards call for at least 1 car per residential unit, which may be reduced by up to 50 percent provided the reduction in parking will not impact adjacent uses. I believe the study methodology was not sufficient to make this finding, nor were the conclusions sufficiently supported. Detailed reasons for my objections include:

- The assumption that occupants of up to three room residential units will not have vehicles is not a reasonable one. The transportation staff state, on page 50 of the staff report, that 10 percent Gresham renter households have no car, and 20 percent have only one. However, if we assume those figures are correct, the developer proposes a 44 percent reduction, which exceeds that optimistic projection. A more realistic projection is found in the parking study itself, which states on page 3, that its list of comparable developments had an average parking demand of .98 vehicles per unit.
- Furthermore, the parking study was primarily conducted during the hours of 1am to 3am on weeknights. While this time may reflect peak demand for the development, it does not represent peak demand for the neighborhood. Weekend days and afternoons when there are high numbers of shoppers, and attendees at the theater and at Arts Plaza events are the busiest times in the neighborhood. Summer weekends and afternoons are also heavy use periods for the fountain during summer months. Its typical for street parking to be fully subscribed for 3 blocks around the Arts Plaza during these times.

2. I also object to the proposed waiver of the children's play requirements (4.1151(A)(2)(C)(9) and 4.1151(A)(2)(D)(9) - Children's Play Area.) These requirements are intended to provide facilities for the use of the residents, the Arts Plaza is a community wide amenity and its facilities are intended to serve the broader community, not that of a specific development. Main City Park is also a community serving park and one that is across a major thoroughfare, its playgrounds are not easily accessed by children on their own.

Consequently, I urge the Commission to reject the plan in its current form and to instruct staff to require the developer meet the minimum parking standards of at least one space per unit, to require compliance with the Children's Plan Area requirements, and to discuss changes to the massing and set back of the building.

Rebuttal

The applicant stated that there will be no guest parking, this is not a requirement within Gresham. The parking spaces will be for tenants only. The applicants traffic consultant

demonstrated through a visible mapping system that the project is within the reported walking distance to the light rail station. The consultant verified the time frame the traffic study was completed.

Commission asked what season this was done in and what day of the week it was. The consultant confirmed that they did not provide the dates it in the study, but that it was done on July 1-2, 2021. The consultant stated, in response to a design commission question, he anticipates variations with weekend parking rates over weekday rates but felt there was still sufficient on-street parking surplus to support that variation. Arts Plaza event parking already has greater parking demand and causes parking to spread over a larger area so additional demand does not have a significant impact. Also, there is not useful data to account for the current COVID conditions.

Commission asked staff if the city owned parking lots will be maintained. Staff stated that at this time there are no changes to City parking lots downtown.

Staff addressed concerns that were brought up by public comments. Regarding a dedicated loading spot, staff clarified this is not required for this development. Staff added that the discretionary review items are not variances. These use the guidelines and intent of the code as basis for findings and for making recommendations to the Design Commission.

Discussion

The Commissioners discussed each of the discretionary items and variances outlined in staff's presentation as noted in the Staff Presentation section of these minutes. In addition, there was lengthy discussion regarding the applicant's request for the parking reduction, the parking study and public comment on the proposal. The Commissioners discussed the validity of the study, the existing conditions and potential for impacting uses, wanting to address housing and development density in this district and not wanting to be precedent setting, and options for additional parking spaces and transportation demand management programs.

Motion

Commissioner Cok moved to approve application number DR 21-00423 based on the findings, conclusions, and recommendations stated in the October 26, 2021 staff report with the following modifications and/or additions:

- Delete Condition of Approval #23
- Renumber Conditions of Approval #27 through #31 to Conditions of Approval #28 through #32
- Add a new Condition of Approval 27 to read: Provide drawings that demonstrate the commercial retail space has a minimum ceiling height of 11 feet above the structural floor, the live-work and ground level residential units have a minimum ceiling height of 10 feet 4 inches above the structural floor of each unit, and the parking area entry driveway has a minimum clear vertical height of 10 feet 6 inches above the driveway paving surface. It is understood these ceiling heights are exclusive of areas of drop soffits within the commercial and residential use spaces outside of the ceiling areas of the spaces adjacent to the street-facing perimeter walls.

- Modify Condition of Approval #13 to read: Provide revised drawings demonstrating the elimination of the two landscaped planter islands in the parking area to be replaced with two compact vehicle parking stalls and include drawings and parking notations and calculations that demonstrate a net increase of 5 parking stalls or 59 stalls total to include the three tandem stalls and including up to 32 compact stalls. Additionally, drawing notations and calculations shall be provided to demonstrate site area and parking area landscape calculations updated to reflect only the removal of the parking area landscaping with the understanding this may result in landscape area quantities that are less than the prescribed standards of Section 4.1100 and Section 9.0800.
- Modify Condition of Approval #23 to read: Provide drawings that demonstrate the live-work units shall each have no less than 24 square feet of storage area for outdoor equipment and that the studio units shall each have no less than 19 square feet of storage area for outdoor equipment. These storage areas shall either be located in each unit or easily accessible (such as in a central facility), be completely enclosed and capable of being locked.
- Commissioner Lando seconded the motion. The motion Passed

Vice-chair Cok	Yes
Commissioner Cook	Yes
Commissioner Hayden	Yes
Commissioner Lando	Yes
Commissioner McKeel	Recuse
Commissioner Orth	Yes
Chair Sugarbaker	Yes

V. Adjourn

The meeting adjourned at 10:35 pm.

Chair

Recording Secretary

Date

Date

For more information, please visit: www.GreshamOregon.gov/DesignCommission.