



**CITY OF GRESHAM**  
**Urban Design & Planning**  
1333 NW Eastman Parkway  
Gresham, Oregon 97030-3825

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**STAFF REPORT - DESIGN REVIEW E  
FINDINGS AND RECOMMENDATION**

HEARING DATE: November 15, 2017, 6:30 p.m.

REPORT DATE: November 1, 2017

TO: Design Commission

FROM: GianPaolo Mammone, Associate Planner

FILE NUMBER: DRE 17-26000148

APPLICANT: Eugene Labunsky, West Coast Home Solutions LLC

REPRESENTATIVE: Jesse Winterowd, Winterbrook Planning

LOCATION: NE Cleveland Avenue and NE 5<sup>th</sup> Street

PARCEL DESCRIPTION: 1S3E10AC00301, 1S3E10AC00302, 1S3E10AC00303, 1S3E10AC00304, 1S3E10AC00305, 1S3E10AC00306, 1S3E10AC00307, 1S3E10AC00308, 1S3E10AC00309, 1S3E10AC00310, 1S3E10AC00311, 1S3E10AC00312, 1S3E10AC00313, 1S3E10AC00314, 1S3E10AC00338, 1S3E10AC00339, 1S3E10AC00340, 1S3E10AC00343, 1S3E10AC00344, 1S3E10AC00345, 1S3E10AC00346, 1S3E10AD04609, 1S3E10AD04610, 1S3E10AD04611, 1S3E10AD04612, 1S3E10AD04613, 1S3E10AD04614, 1S3E10AD04615, 1S3E10AD04616, 1S3E10AD04617, 1S3E10AD04618

PROPOSAL: Type III Design Review E for the construction of 31 new single-family attached townhome style dwellings on Lots 1-14, 54-60, and 68-78 of the previously approved Iron Crest Estates and Iron Crest II Subdivision Plats.

RECOMMENDATION: **APPROVAL WITH CONDITIONS of the Type III Design Review**

EXHIBITS: A. Vicinity Map  
B. Application Package - Narrative and Plans

## **I. FINDINGS OF FACT**

**A. LOCATION:** The site is located on the east side of NE Cleveland Avenue, between NE Cleveland Avenue and NE Liberty Street, and on the south side of NE 6th Street, between NE 6th Street and NE 4th Street. NE Cleveland Avenue is a Downtown Street classified as a "Unique Street". NE Liberty Avenue is a Downtown street classified as an "Urban Residential" Street. The internal circulation is provided by a private street (NE 5th Street), with access to both on NE Cleveland Avenue and NE 6th Street.

**B. ZONING:** The subject property is located within the Downtown Design District and it is designated Residential Low Rise -2 (DRL- 2). The proposed townhouses are classified as Single Family Attached Dwellings which is a Residential Classification per Section 3.0213.

**C. PROPOSAL:** The applicant is proposing the construction of 31 new single-family attached townhouses style dwellings on Lots 1-14, 54-60, and 68-78 of the previously approved Iron Crest Estates and Iron Crest II Subdivision Plats.

Three distinct row house design types were originally proposed for Iron Crest. Two of these row house design types are reflected in the 31 existing units.

**D. SITE DESCRIPTION:** Iron Crest Estates Subdivision was approved in 2005 via file number DRSDTR 04-8108 (50 lots/units). This is a single-family attached row home development that has 31 of the row homes already built on recorded subdivision lots. However, the development has not been completed, as the original construction of homes occurred into 2009, but none since then. The site has approved final plats defining the lot configuration. It also has an expired design review approval. Since the time of the original design review approval, the Development Code has changed to incorporate new Downtown Plan Land Use stStandards and new Downtown design gGuidelines and stStandards. Construction of homes on the lots requires a new Design Review approval in accordance with the current standards for single-family attached units. The Design Guidelines/Standards of Section 4.1100 apply.

Per GIS there are no Overlays on these properties.

**E. SURROUNDING LAND USES:** This finding is based on the application submitted, City zoning maps, and City GIS information on land uses.

The properties immediately abutting the proposed 31 townhouses (properties within the Iron Crest Subdivisions) are also all within the Downtown Design District and are similarly zoned Residential Low Rise -2 (DRL- 2).

The entire subdivision is completely surrounded by properties (directly abutting to the South and across NE Cleveland Avenue to the West, NE 6<sup>th</sup> Street to the North, and NE Liberty Avenue to the East) that are all within the Downtown Design District and are similarly zoned Residential Low Rise -2 (DRL- 2). Per Gresham Map 2 (GIS) all the surrounding uses are Residential.

**F. PUBLIC NOTICE AND COMMENTS:** The City of Gresham Development Planning Division sent notices of the proposal to the surrounding property owners of record (as shown on the most recent property tax assessment roll) and residents within 300 feet of the subject

property. **No written public comments have been received as of the preparation of this report.**

Various agencies were sent notices; their comments and recommendations are attached to, and made a part of, this review and recommendation.

Public and neighborhood association comments can be submitted at any time up until the hearing date or at the hearing on November 15, 2017.

**G. APPLICATION ACCEPTANCE DATE:** The application for design review was submitted on April 20th, 2017. The application was subsequently deemed incomplete on May 19, 2017. Updates were received on September 13, 2017, and a “Ready to be Deemed Complete” Letter was sent to the applicant on September 22, 2017. The Application was deemed complete on September 29, 2017.

An Optional Design Commission Consult (ODCC) meeting was held on August 3, 2016.

## **II. APPLICATION PROCESS FINDINGS**

**7.0003 - Design Review Applications.** This section lists the types of Design Review levels as well as applicability of each. In this particular case, the Design Review Type E (DR-E), is the applicable review.

**Per table 7.003. DR-E:** Design Review E is necessary when more than five new residential units in the DRL-2 zone are proposed, and when using, at least, ~~one~~ the discretionary guideline.

*This is a single-family attached row home development that has many of the row homes built on a platted subdivision; however, the development has not been completed. The site has approved final plats defining the lot configuration. It also has an expired design review approval. Since the time of the original design review approval, the Development Code has changed to incorporate new Downtown Plan ~~U~~ and ~~U~~ Use ~~S~~ Standards and new Downtown ~~D~~ Design ~~G~~ Guidelines and ~~S~~ Standards. Construction of homes on the lots requires a new Design Review approval in accordance with the current standards for single-family attached units. The Design Guidelines/Standards of Section 4.1100 apply.*

**Per table 7.0003. DR-E:** Design Review E is necessary when using at least one discretionary guideline.

The applicant has chosen to follow the discretionary process. For all criteria, the application must:

- Meet the guideline, intent statement and relevant principles; or
- Meet the guideline by complying with the relevant clear and objective design standards; or
- Receive approval from the Design Commission for a waiver of the guideline.

Compliance with Section 4.1100 Downtown Plan Design District Design Guidelines and Standards is proposed by meeting the relevant clear and objective standards for all guidelines

*except the following discretionary items which will meet the guideline, relevant principles and intent:*

**4.1151(A) – Site Design**

- 4.1151(A)(1)(C)(23) – Street Frontage and Building Orientation
- 4.1151(A)(2)(C)(12) – Common Open Space
- 4.1151(A)(5)(C/D)(3) – Site Landscaping

**4.1151(B) – Building Design**

- 4.1151(B)(1)(C)(10) – Building Base and Top
- 4.1151(B)(2)(C)(17) and 4.1151(B)(2)(D)(17) – Dwelling Unit Offset
- 4.1151(B)(2)(C)(18) and 4.1151(B)(2)(D)(18) – Entry Covered Porch or Portico
- 4.1151(B)(5)(C)(1-3) and 4.1151(B)(5)(D)(1-3) – Ground-floor Minimum Transparency
- 4.1151(B)(9)(C)(2) and 4.1151(B)(9)(D)(1) – Secondary Materials Restriction

This Report will describe how the proposal will meet the Code sections as a summary overview with reference to the applicant’s narrative. The Report will also address how the proposal is meeting the guidelines and/or where a condition of approval can be required to bring the proposal into compliance.

This standard is met.

**11.0101 - Development Permit Required.** A development permit is being pursued in accordance with the Gresham Development Code ~~s~~Standards and ~~r~~Requirements. This Staff Report and the November 15, 2017 Design Commission public hearing represents the review of the proposed development as it relates to the Gresham Development Code standards and requirements for development.

This standard is met.

**11.0203 - 11.0204 - Classification of Applications by Procedure and Review Authorities, Table 11.0204.** Table 11.0204 shows proposal types and process information. The Design Review DR-E is a Type III review. Per 11.0203(B)(2) the permit will be handled under the Type III process. This application requires both a pre-application conference and an early neighborhood meeting.

This standard is met.

**11.0500 and 11.0900 - Type III Quasi-Judicial Procedures.** This proposal is subject to the Type III procedure because it includes a request for a Type E Design Review. Under this Type III procedure, a Pre-Application Meeting (PAM 16-26000220) was held on August 3, 2016 (per 11.0700). On the same date a Design Consult (ODCC 16-26000223) with the Design Commission was held (August 3, 2016). A Neighborhood Meeting was held on October 22, 2016 (per 11.0800).

The application for design review was submitted on April 20, 2017. On May 22, 2017 an Incomplete Notification was sent to the applicant. A second submittal was done on September 22, 2017. The application was deemed complete on September 29, 2017. The determination of completeness occurred within 180 days of the submittal of the initial application.

Copies of the complete application were transmitted to each affected agency and City department for review and comments on October 4, 2017. Per 11.0502(E), a public notice of this proposal was mailed to owners of property and residents within 300 feet of the site as well as to the applicable Neighborhood Association (Central City). The notice was also posted on site on October 19, 2017. No written responses to the public notice were received prior to the preparation of this Staff Report. Comments received in the interim, if any, will be submitted at the public hearing.

This standard is met.

### III. **FINDINGS**

The Manager adopts the findings in the application submittal material as found in Exhibits A and B and the supporting evidence relied on therein, except to the extent inconsistent with the findings below. The Manager makes the following findings regarding this application file.

#### **GENERAL**

**4.1115 – Downtown Residential Low-Rise-2 (DRL-2).** Staff concurs with the applicant’s findings as stated in the narrative.

This standard is met.

**7.0220(A), 7.0221 and 7.0222 – Landscaping, Installation and Irrigation.** Staff concurs with the applicant’s findings as stated in the narrative except as provided below:

- Landscaping must be installed prior to the issuance of a Certificate of Occupancy or a funding mechanism (such as bonding) must be provided prior to issuance of a Temporary Certificate of Occupancy. A condition of approval will be provided to insure installation occurs by occupancy or an appropriate funding mechanism is provided at 110 percent of the value of plant materials and labor as determined by the Manager.

***These standards are met with Condition of Approval #11.***

**7.0223 – Maintenance Responsibility.** Site improvements including landscaping, paving, striping, and signage must be properly maintained and landscaping replaced if it becomes dead or damaged.

For landscaping, the City has developed a maintenance agreement which the applicant shall be required to sign and record as a condition of approval. The Applicant has agreed (see narrative) to accept a condition of approval related to maintenance of

landscape on site, and (see drawing sheet L1.1) to maintain landscape in accordance with the required signed maintenance agreement

***This standard is met with Condition of Approval #5.***

**9.0550 – Grading and Drainage and Storm-Water Quality Control Requirements.** These standards apply and are addressed by the agency comments (Development Engineering and Development Transportation Planning) provided below.

The original development had master planned storm-water facilities for these lots. No additional private or public Ffacilities are required. There is a recorded agreement to maintain storm water facilities which is sufficient for the proposed row houses.

This standard is met.

**9.0800 – Parking.** Per table 9.0851(A)(1) (Minimum /maximum Auto Parking Table), two off-street parking spaces per dwelling unit are required. As shown on Sheet C3, (Site Plan Building & Furnishing Plan) Units 1-9 and 69-78 provide 2 car garages, while Units 10-14 and 54-60 provide single-car garages and sufficient driveway space (20 feet) to park a second vehicle.

Staff concurs with the conclusion that such proposal complies with the language and the intent of the Code's s standard.

This standard is met.

**A5.000 – Public Facilities.** Public Facilities standards apply and have been specifically addressed in the narrative. The development has master planned Public facilities developed with recorded agreements consistent with City Standards. No additional private or public facilities are required. There is a recorded agreement to maintain storm-water facilities which is sufficient for the proposed row houses.

Erosion and sedimentation control shall comply with the Erosion Prevention & Sediment Control Manual of January 2006.

***These standards are met with Conditions of Approval #3 & #4.***

## **DESIGN REVIEW**

**4.1100 – Downtown Plan District, Design Guidelines and Standards.** Applicants can choose to meet the design criteria of Section 4.1100 by either meeting the design guidelines through the discretionary process or by meeting the standards through the clear and objective process. The applicant in this case has chosen to follow the discretionary process. Staff accepts the applicant's findings except as provided below. For all criteria, the applicant must show compliance with the design guideline or the corresponding design standard. Alternatively, the Design Commission can choose to waive a guideline to achieve the flexibility necessary to support a particularly creative proposal.

The findings which follow will describe how the proposal has either:

- Met the design guideline by meeting the corresponding design standard as described in the applicant’s narrative;
- Met the design guideline by meeting the corresponding design standard with a condition of approval;
- Met the guideline, the intent and the principles in a specified fashion;
- Not met the guideline but is requesting a waiver of the guideline for a particularly creative proposal; or
- Not met the guideline and cannot do so through a condition of approval.

**4.1151(A) – Site Design.**

**4.1151(A)(1)(D)(1) – Percentage of Site Frontage Occupied by Building.** In each development, a minimum percentage of site frontage that must be occupied by a building shall be:

- In Urban Residential Streets (NE Liberty Ave.): 75 percent, except for Multi-Family Residential and **Single-Family Attached** (therefore the standard does not apply).
- Cleveland Avenue: 75 percent, except for Multi-Family Residential and **Single-Family Attached** (therefore the standard does not apply).

*This standard does not apply.*

**4.1151(A)(1)(C/D)(18) – Exterior Garbage/Recycling Areas and Outdoor Storage Areas.**

- **Location and Screening of Exterior Garbage and Recycling Areas.** ~~The S~~standard states that: ~~“These requirements (c~~Collection/recycling area entirely screened by employment of a vegetative screening and/or a minimum 6-foot high ~~sight-height~~ obscuring fence or wall) apply to single-family attached dwellings only if common garbage collection & recycling facilities are provided~~”~~. Since the development did not design, nor build such facilities, since individual units have respective individual garbage collection, ~~such~~**this requirement does not apply.**
- **Outdoor Storage Areas.** As submitted by the applicant, all the drawings, and ~~the~~ narrative, clearly show the presence of outdoor storage facilities in compliance with the standard (6-feet high and 24 square feet in area).

The applicant, by mistake, checked the “Guideline” ~~wrong~~ ~~box~~ ~~box~~ incorrectly.

*This standard is met.*

**4.1151(A)(1)(D)(23) – Street Frontage and Building Orientation.**

ISSUE: The applicant must either:

- Meet the 4.1151(A)(1)(D)(23) standard; or

- Meet the 4.1151(A)(1)(C)(23) guideline; or
- The Design Commission may waive the guideline to achieve the flexibility necessary to support a particularly creative proposal; ~~or~~
- The Design Commission may deny.

STANDARD: ~~The standard states that:~~ “Buildings shall face one another with a front-to-front and a back-to-back relationship whether on either side of a street, alley or open space. An exception to this is with oddly configured properties where a partial building grouping accessed (for example) by a short section of public, ~~or~~ private street, ~~or~~ alley might be located to a side in a side-to-rear relationship.

PROPOSAL: As proposed, the cluster of units 57-60, (and more specifically Unit 57) fail to meet the standard as lot 57’s western side extends along the backyards of lot 10 through 14. The applicant is asking for discretionary review, but ~~doesn’t~~ does not provide findings that ~~as to~~ meet the guidelines.

GUIDELINE: Single-family attached developments shall provide site design that orients units toward the street to provide a welcoming and interesting face to the public realm and limits the visual presence of access and parking. Developments also shall provide site design that provides a highly functional and attractive relationship between the buildings, such as by minimizing front-to-back relationships.

RECOMMENDATION: At the time when the subdivision plat was approved the Development Code was not inclusive of a Design Review element as sophisticated, and complex as the one currently in place. Consequently, it is extremely difficult, if not impossible, for a subdivision that was designed more than ten years ago trying to achieve compliance with any, and all, standards, that have since been employed and implemented in the new mechanism of our code.

While trying to comply with the more demanding standards (building front facades shall front the street with direct access to the sidewalk) the development fails (because ~~of~~ the original design could not anticipate such requirements) to comply with lesser ones (~~B~~ buildings shall face one another with a front to front and back to back relationship, whether on either side of a street, alley or open space). It appears to be the classic case of a “blanket too short”. The exception relevant to “oddly configured properties” as introduced in the standard above seems to perfectly match the conditions as presented in the Iron Crest subdivision.

***Staff recommends that the Design Commission find that the guideline is met.***

**4.1151(A)(2)(D)(12) – Common Open Space.** In the Narrative ~~f~~Form, the applicant, voices his strong preference for this standard to be waived. In the same narrative (and in all the drawings), however, the applicant addresses the issue of Common Open Space by making a proposal that not only meets, but ~~that far~~ exceeds (1,000 square feet minimum square footage required, 2,683 square feet proposed) the standards requirements.



***This is a “Preference for a Waiver of Standards” with the understanding that, should the request of waiver be the triggering point for a Commission’s denial of the DRE, the applicant is willing to comply with the standard~~...~~ as clearly proposed on all the drawings, and as stated in the narrative as well.***

ISSUE: The Design Commission might require that the applicant:

- Meet the 4.1151(A)(2)(D)(12) standard; or
- Meet the 4.1151(A)(2)(C)(12) guideline; or
- The Design Commission may waive these guidelines.

STANDARD: Single-family attached development of 20 or more units shall comply with the following:

- Developments of 20 or more units (including elderly housing single-family attached complexes of 20 or more units) shall provide one or more common open spaces with minimum combined total area of 800 square feet. For developments of more than 20 units, add an additional 200 square feet of open space for every additional 10 units. For phased developments, open space requirements shall be met per phase.

PROPOSAL: The applicant is ~~requesting a waiver of standard because~~this standard be waived. ~~‡~~The lots in Iron Crest were master planned, approved, platted and partially developed, without the need to address this standard, which makes it~~...~~ making difficult to provide viable common open space area.

GUIDELINE: ~~Meet the 4.1151(A)(2)(C)(12) guidelines “~~Adequate, usable shared open space shall be provided for developments that provide a place for residents to gather for recreation, entertainment or enjoyment of a high-quality outdoor space. Children’s play areas shall be designed to promote safety, creative play and exercise and shall be adequate for the number of units in the development. A mechanism shall be established that provides for the continued maintenance of the shared space~~”.~~

RECOMMENDATION: While recognizing that the subdivision was platted, and partially developed before the open space code requirement ~~for open space~~, and could not, ~~of course~~, anticipate such a requirement, it is also true that an open space area (even when failing the standards for “Optimal Solution”) is an important element of a neighborhood/subdivision. A common open space area, inclusive of a play-ground area can, clearly, aid in creating the opportunity for ~~kids’~~ safe activity for kids, and ~~for everyone’~~ social interaction for everyone. ~~‡~~Arguably, this is probably the most important element in generating opportunities towards the vision of a community (as a subdivision clearly is), or even better, ~~...~~ a healthy community.

Since the design clearly can afford such an open space (as demonstrated in the plans submitted) it would be unnecessary to grant a waiver. The applicant was

able, thanks to a valid effort and creative design, to find a solution in the design by incorporating, ~~in the design,~~ an element that is very important to the city of Gresham’s vision of successful urban fabric, and in recognizing the meaning of such an area. Such effort, and its final product, should not be missed.

***Staff recommends that the Design Commission requires compliance with the Standard. The Standard is met with Condition of Approval #16.***

**4.1151(A)(3)(D)(10) – On-site Pedestrian Circulation System Connections.** The Standard states that: ~~“The~~ on-site pedestrian circulation system shall be continuous and connect the following streets abutting the site; ground-level units’ entrances and common parking areas; shared open space and children’s playground areas; abutting transit facility; and any pedestrian amenities such as plazas, resting areas and viewpoints”.

The plans, as submitted, show compliance with the standard (the clear and objective standard is met). ~~–~~The standard does not call for “walkway access to units rear entries” as implied by the applicant ‘s findings (and the erroneous checking of the guideline’s box).

***The standard is met.***

**4.1151(A)(5)(C/D)(3) – Site Landscaping.**

ISSUE: The applicant must either:

- Meet the 4.1151(A)(5)(D)(3) standard; or
- Meet the 4.1151(A)(5)(C)(3) guideline; or
- The Design Commission may waive this guideline to achieve the flexibility necessary to support a particularly creative proposal; or
- The Design Commission may deny.

STANDARD: ~~The standard states that:~~ “At least 15 percent of the site area shall be landscaped. Required sidewalk easements can be subtracted from the site area for purposes of this calculation”.

PROPOSAL: The applicant is calling for discretionary review stating that the site has been landscaped to “the maximum extent possible”.

GUIDELINE: Use a rich, yet coordinated palette of landscape materials throughout the site to provide scale, texture and color that supports the design intentions of the building architecture.

RECOMMENDATION: It is difficult, in this kind of context, to comprehensively determine the amount of total landscape integrated in the design. If the effort ~~might,~~ might fall short (but there is no clear determination of that) on the percentage on landscape integrated in the design, it does so only from a numerical standpoint since, at a glance, the visual impact of the landscape seems to corroborate the

applicant's statement that the site has been landscaped to "the maximum extent possible".

In addition, in what is a clear attempt to fully comply with, (and exceed) the intent of the guidelines, the landscape design plan incorporates 7 different types of trees, 14 different types of shrubs, and 6 different types of groundcover and perennials— clearly this is a "use of a rich, yet coordinated palette of landscape materials throughout the site to provide scale, texture and color that supports the design intentions of the building architecture "

**Staff recommends that the Design Commission find that the guideline is met.**

#### **4.1151(B) – Building Design.**

#### **4.1151(B)(1)(D)(10) – Building Base and Top.**

ISSUE: The applicant must either:

- Meet the 4.1151(B)(1)(D)(10) standard; or
- Meet the 4.1151(B)(1)(C)(10) guideline; or
- The Design Commission may waive this guideline to achieve the flexibility necessary to support a particularly creative proposal; or;
- The Design Commission may deny.

STANDARD: ~~The standard states that:~~ "Buildings shall have, at a minimum, a base and top.

The base shall be considered from grade and it shall be 12 to 20 feet tall. The top of the base or ground-floor level shall consist of a distinct physical transition between the base and any upper floors. This transition element (such as change in brick pattern and other materials, articulation of a floor line, change in window types, etc.) shall be compatible, where possible, with datums on surrounding buildings.

PROPOSAL: The applicant is presenting a proposal where the base of the building is differentiated by the "board and batt" base at 9 feet high. The gable tops of the buildings have a shingle pattern while the main body is horizontal lap siding. Such pattern is consistent with the design of existing homes on the site.

GUIDELINE: Differentiate between the base of the building and the top of the building to enhance the pedestrian realm.

RECOMMENDATION: As of September 14, 2017, the language of the standard that required a base of a building to "be considered from grade and (it shall) to be 12 to 20 feet tall" is no more no longer exists.

The new standard states that: "Except for single story structures, buildings shall have, at a minimum, a base and top. ~~a-~~The top of the base shall consist of a

distinct physical transition between the base and the upper floors. The base height shall be from grade to a minimum of the top of the first floor and a maximum of the top of the second floor. The transition element (such as change in brick pattern and other materials, articulation of a floor line, change in window types, etc.) shall be compatible, where possible, with datums on surrounding buildings”.

Staff is of the opinion that, as proposed, the design, clearly, does not comply with the numerical value that was defined in the old/inoperative standard, but that it fully complies both with the language, vision and intent of the old guidelines, and the newly adopted standard.

***Staff recommends that the Design Commission find that the guideline is met.***

**4.1151(B)(2)(D)(1) – Mechanical Elements Screening.** The Standard states that:—“ the ~~M~~mechanical and communication equipment and components shall be screened so they are not visible from streets and other street level public spaces, including alleys. They shall be screened in a manner that is compatible with the architectural character of the building”.

Plans and elevations, as proposed, do not show any type of mechanical equipment of components which need to be screened.

Nevertheless, it is agreed that mechanical equipment and accessories shall not detract from the building architecture and façade composition and shall be designed to minimize their visibility. As such compliance with the standard is required.

***This standard is met with Condition of Approval #15.***

**4.1151(B)(2)(D)(17) – Dwelling Unit Offset.**

ISSUE: The applicant must either:

- Meet the 4.1151(B)(2)(D)(17) standard; or
- Meet the 4.1151(B)(2)(C)(17) guideline; or
- The Design Commission may waive this guideline to achieve the flexibility necessary to support a particularly creative proposal; or;
- The Design Commission may deny.

STANDARD: ~~This standard requires to~~—“Offset every two dwelling units from the next dwelling unit by at least 4 feet in exterior wall offset for buildings two~~2~~ stories or taller and over 50 feet in length, or, at least 2 feet in offset for buildings one story in height or less than 50 feet in length.”

PROPOSAL: While the proposal does introduce, in some of the building blocks, a compliance with the standard (an offset of at least four feet every two dwelling units), it fails to do so systematically among all the units. In the bBlock containing Units 5-9, the offset between the units is between 2 and 3 feet. In the bBlock containing Units 69-73, the offset between the units is between 0 and 3 feet. In the bBlock containing Units 74-78, the offset between the units is 2 feet.

GUIDELINE: Offset dwelling units to provide building articulation.

RECOMMENDATION: Recent conversations (and meetings) with the architect had confirmed the applicant/architect's willingness to fully comply with the language of the Standard. In a recent email, the applicant/architect had also stated his intention to amend all drawings to conform with the required standard. Amended drawings were submitted, but ~~the new drawings (technical error?)~~ possibly due to a technical error, did not reflect the verbal and written commitment. Still it is important to note that the applicant/architect has committed himself to full compliance with the standards: "Offset every two dwelling units from the next dwelling unit by at least 4 feet in exterior wall".

Staff analysis, and recommendation, is, ~~of course~~, based on the drawings as submitted (showing a lack of compliance with the standards, for some of the dwelling units referenced above in the Proposal).

***This standard is met with Condition of Approval #12.***

#### **4.1151(B)(2)(D)(18) – Entry Covered Porch or Portico.**

ISSUE: The applicant must either:

- Meet the 4.1151(B)(2)(D)(18) standard; or
- Meet the 4.1151(B)(2)(C)(18) guideline; or
- The Design Commission may waive this guideline to achieve the flexibility necessary to support a particularly creative proposal; or;
- The Design Commission may deny.

STANDARD: ~~This standard requires to "p~~provide a covered porch or portico with a floor area of at least 40 square feet, for each entry...".

PROPOSAL: While the proposal does introduce, in some of the building blocks, a compliance with the standard, ~~(provide a covered porch or portico with a floor area of at least 40 square feet, for each entry)~~, it fails to do so systematically among all the units. In Units 55-9 the portico is 34 square feet. In Units 57-60, the porticos vary between 27 and 32 square feet.

GUIDELINES: Make entries more prominent with architectural features that make them stand out and provide landing space at the front door to add to the layers of elements between the sidewalk and the front door.

RECOMMENDATION: Recent conversations (and meetings) with the architect had confirmed the applicant/architect's willingness to fully comply with the language of the Standard. In a recent email, the applicant/architect had also stated his intention to amend all drawings to conform with the required standard. Amended drawings were submitted, but ~~the new drawings (technical error?) possibly due to a technical error,~~ did not reflect the verbal and written commitment. Still it is important to note that the applicant/architect has committed himself to full compliance with the standards: ~~"provide a covered porch or portico with a floor area of at least 40 square feet, for each entry..."~~. Staff analysis, and recommendation, is, ~~of course,~~ based on the drawings as submitted (showing a lack of compliance with the standards, for some of the dwelling units referenced above in the Proposal).

***This standard is met with Condition of Approval #13.***

**4.1151(B)(5)(D)(1 & 3) – Ground-floor Minimum Transparency & Transparency Area Calculation.**

ISSUE: The applicant must either:

- Meet the 4.1151(B)(2)(D)(1 & 3) standard; or
- Meet the 4.1151(B)(2)(C)(1-3) guideline; or
- The Design Commission may waive this guideline to achieve the flexibility necessary to support a particularly creative proposal; ~~or~~
- The Design Commission may deny.

STANDARD: The transparency standards and guidelines apply only to the façades facing Cleveland Avenue, Liberty Avenue, and 6th Street. These facades are:

- Facing Cleveland – primary facades of units 1-4 and 5-9
- Facing Liberty – primary facades of units 69-73 and 74-78
- Facing 6th – north façade (end wall) of unit 69

The standard states that along an Urban Residential Street (NE Liberty Avenue) and along Cleveland Blvd. (Unique Street): "In each building, in a Single-Family Attached development, the ground-level façade area shall contain clear, transparent glass on facades visible from any street at the following Percentages a minimum of 25 percent. The minimums above shall be calculated on the area of the ground-floor facade between 2 feet and 12 feet above grade".

PROPOSAL: The proposed street-facing ground floor façades exceed the 25 percent transparency within the base area of the individual buildings (the area that defines the ground floors), but not within the 2 to 12 feet above grade area as required by standards.

GUIDELINE: Promote pedestrian-oriented uses with a high degree of transparency along the street. Uses shall be readily discernible to passers-by.

RECOMMENDATION: As presented, the base section of the individual buildings shows compliance with (~~it actually does exceed~~s) the 25 percent minimum transparency requirements for ground floors, between the height of 0 feet to 8 feet (floor to ceiling).

It is the staff's opinion that applying a transparency area to the clearly defined area within the height of the building base, (versus ~~an arbitrary~~ 12 feet in height) would define a standard that more closely applies to the characteristics of the individual buildings and that it is tailored and customized to create a more visually proportional, and an architecturally and technically, successful solution.

This, ~~of course,~~ would achieve not only a technical, but also a semantically more congruent compliance with the intent and the language of the code's guideline: ~~“Promote pedestrian-oriented uses with a high degree of transparency along the street. Uses shall be readily discernible to passers-by.” 4.1151(B)(2)(C)(1-3).~~

***Staff recommends that the Design Commission find that this guideline is met.***

#### **4.1151(B)(9)(C)(1) – 4.1151(B)(9)(D)(1) – Primary Materials Restriction**

ISSUE: The applicant must either:

- Meet the 4.1151(B)(9)(D)(1) standard; or
- Meet the 4.1151(B)(9)(C)(1) guideline; or
- The Design Commission may waive this guideline to achieve the flexibility necessary to support a particularly creative proposal; ~~or~~
- The Design Commission may deny.

STANDARD: ~~The standard states that:~~ “Buildings shall utilize primary materials for no less than 65 percent of each building facade area. Secondary materials are prohibited as primary cladding on building facades and shall not be allowed on more than 35 percent of each building facade area. Accent materials are permitted on no greater than 5 percent of each facade as trims or accents (e.g. flashing, projecting features ornamentation, etc.)”.

PROPOSAL: The building elevations are differentiated by the board and batt base, the horizontal lap siding for the upper floors, and the shingle pattern for the gable tops.

The project is proposing Hardie Plank Lap Siding (a Fiber reinforced cement material) for the upper floors elevations, and Hardie Board for the trims. LP Board and batt siding are proposed for the ground floor elevations (building base).

According to the Gresham Community Development Code, (table 4.1151 (B)(9)) Fiber Reinforced Cement Siding, -and Panels,- while applied to Single-Family attached homes in the Downtown Design District, is considered a “Secondary Material”.

Standard 4.1151(B)(9)(D)(1) states that: “Secondary materials are prohibited as a primary cladding”.

At the August 3, 2016 ODCC, the Design Commission had suggested that the applicant work with staff to select high quality materials that will better meet the Code. The homes facing Cleveland and Liberty are especially important in terms of utilizing quality materials as they face prominent streets.

While in meetings and conversations with staff, the applicant confirmed his intention to use Hardy Planks/Fiber cement reinforced panels (a secondary material) for most of the buildings’ elevations (first and second floor elevations). According to the applicant, this is done in order to maintain material consistency with the previously constructed buildings

**GUIDELINE:**

1. The predominant building materials shall be high-quality, durable and attractive.
2. The predominant building material may be complimented with other secondary materials which may not be appropriate on large areas of the façade.
3. Accent materials, which would generally not be acceptable on large areas of the façade, may be used in limited areas of the façade to highlight architectural features.
4. Materials identified as prohibited shall not be used on any building.

**RECOMMENDATION:** ~~If it is true that maintaining consistency with existing siding materials and patterns, within tight enclaves, might be a rationale for not deviating from established precedents (as proposed by the applicant), even when the proposed/established materials no longer comply with the requirements/standards of a code that has evolved over time (and that is, therefore, different from the time the original 31 homes were built some ten years ago), it is also true that city’s neighborhoods, campuses, and their buildings, do evolve and change (in form and material) without compromising the quality of the urban fabric or of the building themselves. The applicant is proposing that maintaining the consistency with the existing siding materials and patterns is reason enough for not deviating from the established precedents. The proposed and established materials no longer comply with the requirements and standards of the code, which has evolved since the original 31 homes were built.~~



Although the City’s neighborhoods, campuses, and their buildings do evolve and change (in form and materials), they do not compromise the quality of the urban fabric or of the building themselves.

The code, unlike at the time the first homes were built, classifies “Fiber reinforced cement siding and panels” as “Secondary Materials” that are prohibited as primary cladding on building facades and shall not be allowed on more than 35 percent of each building façade area. Willingly ignoring the “rule of law”, simply for cosmetic loyalty to the past, is not a strong rationale for doing so, and should not be accepted, ~~(while also anticipating no objections, or an enthusiastic approval)~~...unless a true, genuine effort can be made to comply with the new required standards.

During the August 3, 2016 ODC the Commissioners recommended that the applicant work hard to select “high quality materials that will better meet the Code” ... and that “the homes facing Cleveland Ave. and Liberty Ave. were especially important in terms of utilizing quality materials as they faced prominent streets”.

The intent of this code section is “to value each building as a high-quality, long-term addition to downtown. Smaller scale, natural materials are encouraged, as are sustainably harvested, salvaged, recycled or reused products”.

***This standard is met with Condition of Approval #14.***

### **III. AGENCY COMMENTS**

#### **ADDRESSING COMMENTS**

**FROM:** Carrie Osborn, Planning Technician II

**DATE:** October 20, 2017

Addresses have already been assigned to each lot when the original application SD/PH/DRMIN 05-26006145 was approved. Additionally, the US Postal Service requires that mail delivery to all new developments be centralized by using centralized box units. It is the responsibility of the developer/builder to purchase, install and maintain the mail receptacles. I can provide a handout from the Post Office with more information if you need it. The applicant and/or representative may contact the Addressing Coordinator at 503-618-2809 withif any questions or concerns.

#### **DEVELOPMENT ENGINEERING COMMENTS**

**FROM:** Jesse Davies, Development Engineering Specialist

**DATE:** October 19, 2017

The project is located on the east side of NE Cleveland Avenue, in the DLR-2 Land Use District. The applicant proposes 31 new single family attached dwellings on Lots 1-14, 54-60, and 68-78 of the previously platted Iron Crest Estates. The following comments are from Development

Engineering, and refer to the plans submitted by Mentrum Architecture Incorporated received 9/29/2017.

#### **A5.100: SANITARY SEWER FACILITIES**

The original development master planned sewer facilities for these lots. No additional private or public facilities are required.

#### **A5.200: SURFACE WATER MANAGEMENT SYSTEMS**

The original development master planned storm water facilities for these lots. No additional private or public Facilities are required. There is a recorded agreement to maintain storm water facilities which is sufficient for the proposed row houses.

Erosion and sedimentation control shall comply with the Erosion Prevention & Sediment Control Manual, January 2006.

#### **A5.300: WATER FACILITIES**

The site lies in the Grant Butte service level. Fire Department will determine required fire flow for the development.

The existing public and private facilities are adequate for the proposed use.

#### **9.0700, A5.400 and A5.500: STREETS, TRANSPORTATION**

NE Cleveland Avenue is ~~a~~ classified as a standard collector but currently built to a modified minor arterial standard. NE Liberty Avenue is classified as a local transitional. NE 6th Street is classified as a local transitional. No additional dedication or improvements are required on any of the above street frontages at this time.

#### **CHARGES AND FEES:**

A check of engineering records shows no liens against the property. System Development Charges (SDCs) and connection fees for transportation, parks, and storm drainage are payable to the City of Gresham prior to building permit issuance. Please check with the Permit Center for updated fees as the project progresses, as connection and SDC rates are subject to change and are those in effect at time of building permit application.

A person challenging the calculation of a systems development charge (SDC) or a facilities charge (FC) must appeal within 10 calendar days of the issue date of the associated building permit. The appellant shall file with the City Manager a written notice of appeal pursuant to GRC 1.05.025.

#### **CONCLUSION:**

Findings submitted under each proceeding code section are generally consistent with the Community Development Code and the Public Works Standards. The following recommended conditions of approval will ensure that the Community Development Code and the Public Works Standards are met and adequate public facilities to serve this development are constructed.

#### **RECOMMENDED CONDITIONS OF APPROVAL:**

##### **General Conditions:**

1. The applicant shall provide adequate public facilities and services including access, drainage, water and sanitary sewer, as applicable, per all applicable sections of Appendix 5 of the Community Development Code and the 2006 Public Works Standards.
2. Erosion and sedimentation control shall comply with the Erosion Prevention & Sediment Control Manual, January 2006.

#### **FIRE DEPARTMENT COMMENTS**

**FROM:** Kyle Stuart, Gresham Fire

**DATE:** October 11, 2017

NOTE: Building permit plans shall include a separate "FIRE ACCESS AND WATER SUPPLY PLAN" indicating all of the following:

1. Provide fire flow per Oregon Fire Code Appendix B. **OFC App B Table B105.1.**
2. Temporary addresses of 6 inches shall be provided at EACH construction entrance prior to ANY construction materials arriving on site Prior to the building finals a 4 inch permanent address placard will be required on each building, facing the address street, per Gresham Fire Addressing Policy. I can email the policy to you. **OFC 505 & 3301**
3. Required fire hydrants and access road shall be installed and approved PRIOR to any combustible construction material arriving on site. **OFC 3312.1**
4. Without knowing the building construction types or sizes, a PUBLIC fire hydrant is required to be within 250 feet of the main entrance driveway. The furthest point on each building shall be no more than 600 feet from a hydrant. Private fire hydrants shall be installed along the entire length of the fire access road with spacing no more than 500 feet apart. Show on the building plans where the nearest existing and new hydrants are located. **OFC Appendix C and 507**
5. Each public or private fire hydrant used for fire flow for this property shall have a 5-inch **Storz** adapter with National Standard Threads installed on the 4 ½ -inch fire hydrant outlet. The adapter shall be constructed of high-strength aluminum alloy, have a Teflon coating on the seat and threads, and use a rubber gasket and two (2) set screws to secure it in place. The adapter shall be provided with an aluminum alloy pressure cap. The cap shall be attached to the hydrant barrel or Storz adapter with a cable to prevent

theft of the cap. Adapter shall be Harrington HPHA50-45NHWCAP or equal approved by Gresham Fire.

6. Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be BLUE. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the marker accordingly. **OFC 508.5.4**
7. All Fire Dept. Access Roads shall be drawn to scale and shown clearly on plans. The access roads shall be constructed and maintained prior to and during construction. The minimum width is required to be 26' due to the building height being over 30' high. **OFC 503.2.1 & D103.1**
8. At least one of the required aerial fire access roads shall be located a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. This will be required to be approved by the fire code official. **OFC Appendix D, Section D105.3**
9. Required Fire Dept. Access Roads on site shall be designed to support an apparatus weighing 75,000 lb. gross vehicle weight. Provide an engineer's letter stating the access road meets those requirements at time of building permit submittal. **OFC Appendix D, Section D102.1**
10. The turning radius for all emergency apparatus roads shall be: 28' inside and 48' outside radius. **OFC 503.2.4**

#### **IV. CONCLUSION**

This development proposal is consistent with the applicable Development Procedures and Standards or can reasonably be made to comply with the applicable standards and criteria through the imposition of conditions of approval. While the development proposal is generally consistent with the applicable Development Standards, conditions of approval are aimed at assuring the criteria are met when the applicant's narrative and plans do not provide enough information to assure each criterion is met.

#### **V. RECOMMENDATION**

**Staff recommends APPROVAL WITH CONDITIONS** of the Type III Design Review E for the proposal to construct of 31 new single-family attached dwellings on Lots 1-14, 54-60 and 68-78 of the previously approved Iron Crest Estates and Iron Crest II Subdivision Plats.

If the Design Commission chooses to approve the proposal with conditions, the following **conditions of approval** are recommended.

Note that this recommendation for approval with conditions is based on the applicant's submitted narrative and plans and staff's analysis of the proposal based on Code compliance; any conditions are aimed at assuring the criteria are met when the applicant's narrative and plans do not provide enough information to assure each criterion is met. Consistency with the submitted plans is required. Where Code standards or guidelines could be met with conditions

of approval, the finding “This standard or guideline is met by Condition of Approval \_\_\_” is made.

### **GENERAL CONDITIONS**

1. This approval is valid for one year from the date of decision (the end of the appeal period). An application for a Building permit must be submitted within one year of this decision (per Section 11.0105). An extension, as permitted under Section 11.0106, is possible. Any changes to the plans must comply with the Gresham Development Code, City of Gresham Public Works Standards, the Building Code and Uniform Fire Code. Changes to the plans that require a discretionary decision will be reviewed, at minimum, as a Type II procedure, except changes that affect standards under Section 7.0603, which will be reviewed under a Type III procedure.
2. Addresses have already been assigned to each lot when the original application SD/PH/DRMIN 05-26006145 was approved. Additionally, the US Postal Service requires that mail delivery to all new developments be centralized by using centralized box units. It is the responsibility of the developer/builder to purchase, install and maintain the mail receptacles.
3. The applicant shall provide adequate public facilities and services including access, drainage, water and sanitary sewer, as applicable, per all applicable sections of Appendix 5 of the Community Development Code and the 2006 Public Works Standards.
4. Erosion and sedimentation control shall comply with the Erosion Prevention & Sediment Control Manual, January 2006.

### **PRIOR TO ISSUANCE OF BUILDING PERMIT**

5. Prior to Building Permit issuance, the “owner” shall enter into and record a Landscape Maintenance Agreement, as approved by the City. The specific requirements of the agreement are also found in subsections (a) - (d) of 7.0603(A)(7)(c)(2). The project planner will provide the Landscape Maintenance Agreement template upon request.

### **WITH BUILDING PERMIT**

6. Provide fire flow per Oregon Fire Code Appendix B. **OFC App B Table B105.1.**
7. Temporary addresses of 6 inches shall be provided at EACH construction entrance prior to ANY construction materials arriving on site. Prior to the building finals a 4 inch permanent address placard will be required on each building, facing the address street, per Gresham Fire Addressing Policy. I can email the policy to you. **OFC 505 & 3310**
8. Without knowing the building construction types or sizes, a PUBLIC fire hydrant is required to be within 250 feet of the main entrance driveway. The furthest point on each building shall be no more than 600 feet from a hydrant. Private fire hydrants shall be installed along the entire length of the fire access road with spacing no more than 500 feet apart. Show on the building plans where the nearest existing and new hydrants are located. **OFC Appendix C and 507**

9. Each public or private fire hydrant used for fire flow for this property shall have a 5-inch **Storz** adapter with National Standard Threads installed on the 4 ½ -inch fire hydrant outlet. The adapter shall be constructed of high-strength aluminum alloy, have a Teflon coating on the seat and threads, and use a rubber gasket and two (2) set screws to secure it in place. The adapter shall be provided with an aluminum alloy pressure cap. The cap shall be attached to the hydrant barrel or Storz adapter with a cable to prevent theft of the cap. Adapter shall be Harrington HPHA50-45NHWCAP or equal approved by Gresham Fire.
10. Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be BLUE. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the marker accordingly. **OFC 508.5.4**

#### **PRIOR TO OCCUPANCY**

11. Installation of landscaping and irrigation system shall be provided prior to temporary building occupancy unless an appropriate financial guarantee (such as a cash deposit or surety bond) is provided at a 110 percent value to insure said installation. Installation of landscaping and irrigation system shall be provided prior to any final occupancy.

#### **BUILDING DESIGN**

12. Dwelling Unit Offset: Offset every two dwelling units from the next dwelling unit by at least 4 feet in exterior wall as per Section 4.1151(B)(2)(D)(17).
13. Entry Covered Porch or Portico: For each entry, provide a covered porch or portico with a floor area of at least 40 square feet as per Section 4.1151(B)(2)(D)(18)
14. Primary Materials Restriction: At a minimum, a Primary Material (as listed in Table 4.1151(B)(9)) shall be applied to the front facades of the buildings.
15. Mechanical and communication equipment and components shall be screened so they are not visible from streets and other street level public spaces, including alleys. They shall be screened in a manner that is compatible with the architectural character of the building.
16. Common Open Space: The application shall comply (as presented in the plans) with the language of the Standard 4.1151(A)(2)(9D)(12)

#### ***End of Staff Report***