



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

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

HEARING DATE: March 7, 2018

REPORT DATE: February 28, 2018

TO: Design Commission

FROM: GianPaolo Mammone, Associate Development Planner

FILE NUMBER: **DRE/LL/SUR/TR/VAR 17-26000242 - Good Samaritan**

APPLICANT: Jason Guenther, Good Samaritan Society

REPRESENTATIVE: Joe Zody, FFA Architectures and Interiors

LOCATION: 3457 NE Division St., Gresham OR 97030

PARCEL DESCRIPTION: 1S3E02DD -09100; 1S3E02DC -04000; 1S3E02DC -04100

ZONING: Corridor Multi Family (CMF) - Corridor Design District
Moderate Commercial (MC) - Corridor Design District

PROPOSAL: Type III Design Review E for the construction of a 26,265 square-foot building expansion to the existing 30,463 square-foot Good Samaritan's skilled care facility. The proposal includes modifications and improvements to the existing/associated parking area and landscaping as well as a lot line adjustment.

RECOMMENDATION: **APPROVAL WITH CONDITIONS of the Type III Design Review E, Type II Special Use Review, Type II Tree Removal, Lot Line Adjustment, and Type III Variance.**

EXHIBITS: A. Vicinity Map
B. Application Package - Narrative and Plans
C. Responses to Public Notice

I. FINDINGS OF FACT

A. LOCATION: The three subject properties are located on the northeast side of the NE Division Street and NE Kane Drive intersection. Two of them are undeveloped, while the third one currently houses the existing skilled care facility building.

B. ZONING: The three subject properties are located within the Corridor Design District and are designated Corridor Multi Family (the property currently housing the existing skilled care facility building) and Moderate Commercial (the two undeveloped properties).

The existing and proposed Assisted Living Facility use is classified as an Elderly Housing use, which is a Residential use per Section 3.0215 and is allowed under a Special Use Review.

C. PROPOSAL: The proposal includes the construction of a new 26,265 square-foot skilled care facility building expansion. Once completed, this facility will have 60 living units. The expansion will not increase the total number of beds, but only provide relocated beds within the existing skilled care licensed area, as double occupancy room would change to single occupancy rooms. The new structure will connect to the existing facility via an enclosed connector to easily facilitate movements for staff and services. Additional site improvements include new parking areas. The proposal also includes the removal of 22 regulated trees, a Lot Line Adjustment, a Type II Special Use Review for Elderly Housing in the Corridor District, and a Variance pertaining to the setbacks requirements.

D. SITE DESCRIPTION: A proposed Lot Line Adjustment on two abutting lots establishes the new subject property, which expands on the existing parcel that currently houses the skilled care facility. The newly established lot/property is about 4.63 acres in size and is in more than one base zone (Corridor Multi Family - CMF, and Moderate Commercial - MC).

The site is predominantly flat with 22 regulated trees. No Environmental Overlays are present on the subject property.

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

In reference to the subject property (the newly established Lot 1) the abutting properties to the north are zoned Corridor Multi Family (CMF). The property abutting to the west (the newly established Lot 2) is a vacant lot, zoned Moderate Commercial (MC).

The abutting property to the south (the newly established Lot 3) is a vacant lot zoned MC, while the properties to the south, across NE Division Street, are zoned LDR-7 (single-family and duplexes). The lots to the east of the parcel currently housing the existing skilled care facility building are designated as Low Density Residential - 7 (single-family and duplexes)

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 March 7, 2018.

- G. APPLICATION ACCEPTANCE DATE:** The application for design review was submitted on June 29, 2017. The application was subsequently deemed incomplete on July 28, 2017, and an Incompleteness Letter was sent to the applicant that same day. Updates were received on December 12 and December 20, 2017. The application was deemed complete on December 27, 2017.

II. APPLICATION PROCESS FINDINGS

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

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

This standard is met.

Section 7.0003(E)(1). A Design Review E is necessary when a proposed development includes more than five residential units when adjacent to a Low Density Residential - 7 (LDR-7) district. As the subject project includes 60 units (30 existing and 30 private replacement rooms for skilled care services) it exceeds the threshold that triggers the review of the application as a Type E Design Review.

This standard is met.

Section 7.0003(E)(4). A Design Review E is necessary when the application proposes more than five dwelling units to existing multi-family development additions abutting a LDR-7 district. A Design Review E is also necessary for any development projects that propose to use more than three discretionary standards, regardless of size.

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.

7.0103(A) - Site Design

7.0103(A)(1)(D)(1)(a)(i) & (ii) - Building Orientation and Frontage

7.0103(A)(1)(D)(1)(a)(iii) - Location of Parking

7.0103(B) - Building Design

7.0103(B)(1)(D)(1 & 2) - Massing

7.0103(B)(2)(D)(1)(a)(b)(c) - Façade Composition

7.0103(B)(2)(D)(3)(4) - Window Depth and Street-facing Façade Transparency

7.0103(B)(5)(D)(1) - High Quality Material

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 standards and requirements. This Staff Report and the March 7, 2018 Design Commission public hearing represent 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 Type E Design Review is a Type III review. 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 16-26000182) was held on July 6, 2016 (per 11.0700). A Design Consult (ODCC 16-26000247) with the Design Commission was held on August 17, 2016. A Neighborhood Meeting was held on October 11, 2016 (per 11.0800).

The application was formally submitted on June 29, 2017 and initially deemed incomplete on July 28, 2017. Following submittal of new materials, the application was deemed complete on December 27, 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 comment on January 9, 2018. 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 representatives of the applicable neighborhood associations (Northeast and Powell Valley) on February 14, 2018. The notice was also posted onsite on February 14, 2018. 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 (with the caveat that the narrative is, in most instances, per recent conversation with applicant, outdated, incorrect, and inconsistent with the proposed application as reflected in the drawings submitted for this review) and, except to the extent inconsistent with the findings below. The Manager makes the following findings regarding this application file.

GENERAL

4.0400 - Corridor Districts.

Table 4.0420 - Permitted Uses in the Corridor Land Use Districts. Permitted uses specifies that Elderly Housing is a Permitted Use by Special Use Review (SUR) in the Corridor Multi-Family (CMF) and Moderate Commercial (MC) districts.

This standard is met.

Table 4.0430 - Development Requirements for Corridor District. The applicant's drawings and Section 4.0430 narrative provides the findings that address the development standards. Staff accepts the findings that the standards are met (with the caveat that the narrative is, in most instances, per recent conversation with applicant, outdated, incorrect, and inconsistent with the proposed application as reflected in the drawings submitted for this review) with the following clarifications and conditions of approval.

4.0430(H) - Maximum Building Setbacks. The proposal exceeds the maximum building setback standards on the front setbacks. While the maximum front setback is 10 feet in the Moderate Commercial and 20 feet in the Corridor Multi-Family, the proposal is for a front yard setback that varies between 86 feet (southeast corner of the building) and 213 feet (southwest corner of the building). See Sheet C-200).

This standard is met through the approval of the Type III Major Variance.

6.0000 - Land Divisions.

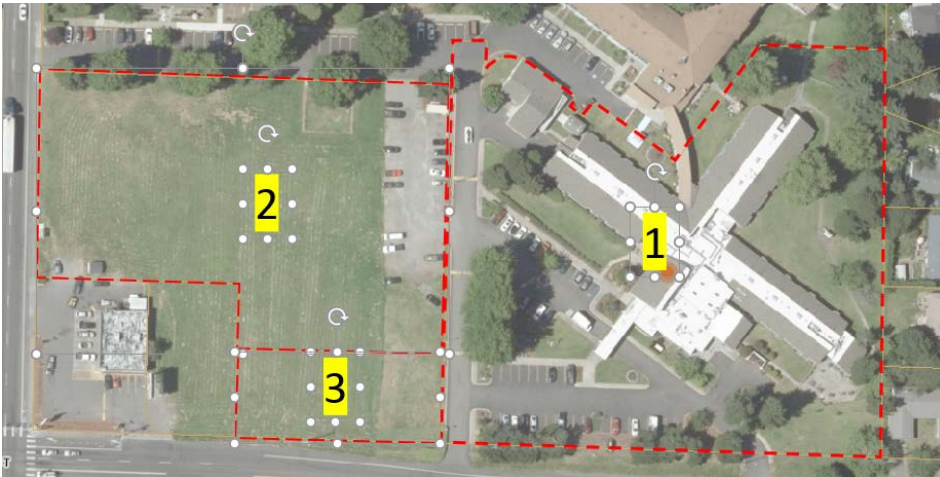
6.0111 - Lot Line Adjustment. No narrative was presented for the lot line adjustment.

The property line between Lot 1 and Lot 2 is shifting approximately 204 feet to the west, while the property line between Lot 2 and 3 is shifting approximately 45 feet to the north. The proposal meets the submittal requirements of Section 11.0900, and no new lots are being created. Therefore, the proposal complies with the criteria stated in Section 6.0100 and 3.0110 - Definition of Lot Line Adjustment/Consolidation.

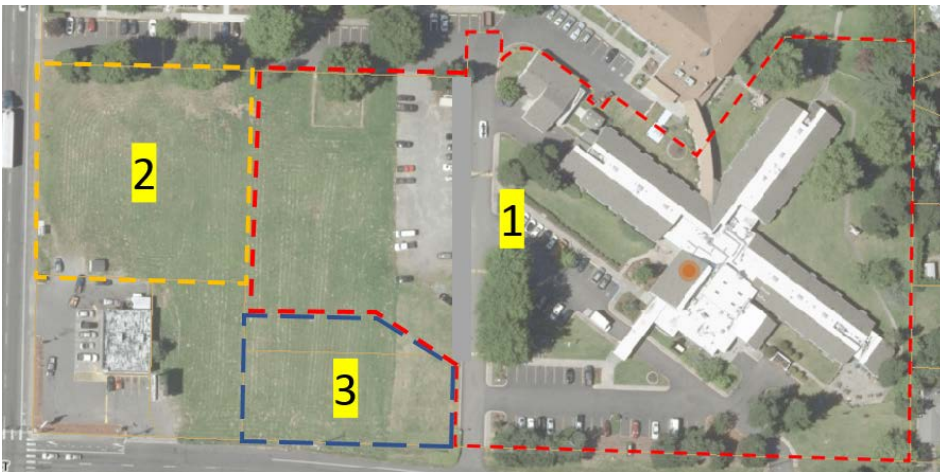
The consolidated lots meet the minimum lot size, dimensions, and street frontage requirements for lots in the MC land use district. A split zoned lot (proposed Lot 1) is created (CMF/MC). Configuration of the newly created lots will not result in foreseeable difficulty in securing building permits. A final map and deed descriptions per 6.0111 shall still be required.

These standards are met with Condition of Approval #9a - #9c.

Current Condition



Proposed Lot Line Adjustment



7.0000 - Design Review - Common Requirements.

7.0212 - Standards for New Solid Waste and Recycling Collection Areas. These standards apply and are addressed by the agency comments (Recycling & Solid Waste) provided later in this Staff Report.

These standards are met with Condition of Approval #4.

7.0220(A), 7.0221 and 7.0222 - Landscaping, Installation and Irrigation. An underground irrigation system is required. A landscape plan completed by a licensed Landscape Architect is also required.

A landscape plan (titled Planting Plan Sheet L3.1) has been prepared and stamped by a licensed Landscape Architect. A fully automatic sprinkler irrigation system, incorporating low water use sprinkler heads is noted on the plan.

Landscaping must be installed prior to occupancy, or a funding mechanism (such as bonding) must be provided. A condition of approval will be required to ensure installation occurs by occupancy or an appropriate funding mechanism is provided at 110 percent of the value.

This standard is met with Condition of Approval #33.

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.

This standard is met with Condition of Approval #10.

8.0000 - Special Uses.

8.0100 - Special Use Review. Per Section 8.0114, the Elderly Housing use is reviewed under the Type II Procedure.

This standard is met.

8.0103 - General Standards. Staff concurs with the applicant's findings pertaining to the Special Use Review that this use complies with the criteria found in Section 8.0103 except as follows.

8.0103(3) - Location of Parking and Loading, including Size, Location, Screening, Drainage Landscape and Surfacing.

Size

Table 9.0851 indicates that for Elderly Housing the minimum parking requirement (there is no maximum) for automobile parking is based on the number of employees (based on the maximum number of employees during any single shift), the number of visitors (based on the average number of visitors expected during peak visitor hours), and on the number of residents with consideration to the number of units or the number of beds, depending on the nature of the facility.

One parking space for every 0.8 employees: 47 employees = 38 parking spaces

One parking space for every visitor during peak hours: 15 visitors = 15 spaces

Due to the nature of this facility, being for rehabilitative care of various conditions, the residents cannot commute to this facility either via automobile or bicycle (staff concurs with applicant's narrative).

The minimum total requirement for automobile parking spaces is, therefore, 53 spaces (there is no maximum). A total of 59 automobile parking spaces are proposed (56 standard and three ADA).

This standard is met.

Location

Section 7.0103(A)(8)(2)(b) states: "Required off-street parking...shall be located to the rear."

The applicant is proposing a parking area (approximately 33 percent of the total parking requirement) that occupies 48 percent of the front yard street frontage (between the building and NE Division Street).

At the August 17, 2016 Optional Design Commission Consult, the applicant inquired about the possibility to locate parking between the building and the sidewalk. The Commissioners commented that:

"A fence/screen utilizing high quality materials, as well as landscaping, would support the applicant's request to locate the parking between the building and sidewalk."

In addition, the Commission stated that:

"The applicant should consider pedestrian connections from the plaza back to the sidewalk and public transit."

The narrative states that buffering and screening along NE Division Street consists of 12-foot long by 6-foot tall stone screen walls broken periodically for visual relief and intermixed with landscaping buffering the entire area along NE Division Street, between it and the existing parking areas; however, the drawings do not show these elements. The architect notified staff that these items have been removed from the design.

While trying to project and extend the entry onto the sidewalk and the street (as per the standards requirements), staff is recommending the applicant provide a trellis/ pergola structure to define a clear pedestrian path from the sidewalk to the main entry that would seamlessly connect the two.

Staff recommends the applicant provide a combination wall/fence utilizing high quality materials as well as enhanced landscaping that would screen the parking area from the public right of way.

Also, it is recommended that the landscaped area facing the parking lot be improved so to provide tall, evergreen shrubs planted at a height of 5 feet to be spaced at 5 feet on center in the planter strip.

A condition of approval requiring an enhanced landscaped area along NE Division Street shall be required. The condition of approval will also require enhanced landscaping, a stone/brick wall topped by a high-quality material fence, such as wrought iron, to be provided along the entire street frontage area in order to provide the necessary screening.

This standard is met with Conditions of Approval #41, #42, #43.

8.0103(12) - Height, Size, Setback, and Location of Buildings and Activities. The proposed building exceeds the maximum setback of the district. A Type III Major Variance has been requested.

See Section 10.1510 - Type III Major Variance Provisions: Maximum Setback later in this Report for Variance findings.

This standard is met with Conditions of Approval #41, #42, #43.

9.0100 - Buffering and Screening. This section of the Development Code is intended to reduce the impacts on adjacent conforming uses that are of a different type. Three buffers are proposed, one adjacent to the single-family homes/duplex to the east, one on the northwest part of the property adjacent to the vacant Lot 2, and a third buffer adjacent to the vacant Lot 3. An Elderly Housing Facility is classified as a Type A use in the buffer matrix. Where bordering commercial to the west and south, and single-family/duplex to the east, a Type C buffer is required. Because the proposed development occurs adjacent to two vacant lots (Lots 2 and 3), the applicant is proposing one-half of the buffer and screening along those boundaries (one-half of the Type C, Option 1 buffer) along the east boundary (abutting the residential uses).

While the application is proposing compliance with a Type C Buffer, Option 1, inclusive of a 20-foot wide buffer, with one tree per 25 linear feet and 50 shrubs per 100 linear feet of landscaped area on Lot 1 along its eastern boundaries (adjacent to the residential development), it is requesting the use of a 6-foot tall solid wood fence in lieu of the required 6-foot tall masonry wall. Even though the applicant has not provided evidence that the wood fence will have the same noise reduction impact as the required masonry, it is accepted that, given the nature of the established (and expanded)

development (a skilled nursing facility), the solid wood fence might accomplish the same noise reduction as per required buffer standards. Increased landscaping would have to be required though, for compliance, as per requirements in Condition #32,

This standard is met with *Conditions of Approval #32*

9.0110(G)(2) - Alternative Buffer. In lieu of the standard buffer requirement, this section of the development code permits applicants to prepare a detailed plan and specifications for landscaping and screening, including plantings, fences, walls, walks, berms and other features designed to afford the degree of desired buffering and screening, so long as they comply with a list of four alternative buffer standards as listed in the conditions of approval. No fence has been proposed along the east buffers of Lots 2 and 3.

This standard is met with Condition of Approval #32.

9.0500 - Grading and Drainage Plans. Please see the Development Engineering Agency Comments later in this Report concerning compliance with this section.

These standards are met with Condition of Approval #2.

9.0851 - Minimum/Maximum Auto and Bicycle Parking Standards. Table 9.0851 indicates that for Elderly Housing the minimum parking requirement (there is no maximum) for automobile parking is based on the number of employees (based on the maximum number of employees during any single shift), the number of visitors (based on the average number of visitors expected during peak visitor hours), and the number of residents with consideration to the number of units or the number of beds, depending by the nature of the facility.

Auto

One parking space for every 0.8 employees: 47 employees = 38 parking spaces

One parking space for every visitor during peak hours: 15 visitors = 15 spaces

The applicant's narrative states that the facility is for the rehabilitative care of various conditions; consequently, residents cannot commute to this facility either by automobile or bicycle. Staff agrees with this assessment.

The minimum total requirement for automobile parking spaces is, therefore, 53 spaces. A total of 59 automobile parking spaces are proposed (56 standard spaces as well as three ADA spaces).

This standard is met.

Bicycle

Long-Term: 1 space per 40 units = 1.5. (2 parking spaces)

Short-Term: 1 per 20 units for first 100 units. (1 parking space)

The applicant's plans do not identify the location of short-term or long-term bicycle parking on the site; therefore, a condition of approval is required to ensure that bicycle parking is shown on the plans provided as part of the building permit submittal. Bicycle parking shall meet the standards of Sections 9.0830 - 9.0832.

This standard is met with Condition of Approval #40.

9.1000 - Tree Regulations. This section prescribes standards for tree removal and protection during construction. Per Notes found on Sheet L0.1 (Tree Preservation Notes), the applicant states that:

“The Root Protection Zone shall be defined as an area with a radius of 1-foot from the trunk for every 1-inch of tree diameter size as measured at the height of 4.5 feet above ground.”

Existing trees, including trees that are proposed for removal, can be found on Sheet L0.1. A total of 22 trees on the subject property are proposed to be removed, all of them having a DBH greater than 8 inches, which are considered Regulated Trees. This application is proposing to plant substantially more trees than it is proposing to remove. Fifty new trees are proposed to be planted: 10 parking trees, nine street trees, and eight buffer trees (the number buffer trees will have to be amended to meet the standards for a Type C Buffer (Option 1) or with the requirements of an alternative buffer plan).

While street trees are part of the proposal, they are not, as per Code requirement 9.1023(C), planted at the required spacing. A condition of approval will require that street trees be installed along the site's NE Division Street frontage at a 30-foot spacing.

This standard is met with Condition of Approval #37.

10.1530 - Type III Major Variance Provisions: Maximum Setback. The applicant is requesting a Type III Variance to the Maximum Setbacks for MC and CMF uses in Table 4.0430. The proposed building front setback (facing NE Division Street) is 88 feet (southeast corner of the building) and 213 feet (southwest corner of the building). Consequently, this proposal exceeds the maximum standard of 30 feet by more than 20 percent.

The Type III procedure shall be used to process a major variance request involving more than a 20 percent reduction or 20 percent increase from a quantitative provision of the Community Development Code. The hearing body shall grant a variance if all of the criteria of Section 10.1510 are satisfied, and one of the following criteria is met:

- A) The circumstances that apply to the site or to the present or permitted use of the site do not typically apply to other properties in the same vicinity or land use district and are unique or unusual; or
- B) It would be more detrimental to the public safety or more injurious to the public welfare to apply the development standard than to grant the proposed variance.

The applicant's narrative states that:

“Even though the proposal is reviewed under the Multi-Family section of the Code, we are not building dwelling units with ground-floor entries but we are constructing individual rooms and a social supportive environment for restorative care that allows staff and patients to nurture mind, body and spirit toward recovery and improvement of quality of life. This has a greater chance for success and is better accomplished in a quiet setting as opposed to locating patient rooms on an active busy street. In addition, locating residents next to a busy street has potential safety concerns for Good Samaritan.”

The applicant further states:

“The site and building placement is also driven by the function of this building and required licensure by the State. The Oregon Department of Human Services regulates skilled nursing care, requires that the services provided under a single license be contiguous (physically connected) for the purpose of licensure, staffing and dining service. Given these constraints, the applicant believes that the location of the building and its consequent setbacks be the minimum necessary variation from the Community Development Code requirement.”

Staff concurs with the applicant that there are development constraints associated with the property, and that the present and permitted use of the property makes the variance necessary. Furthermore, the purposes of the Community Development Code and the applicable policies of the Community Development Plan would be equally met or advanced by a variation from the development requirement.

In addition, the request for variance is in compliance with Criteria A and B as stated above.

The building setback element is being approached and reviewed in correlation with the elements of building orientation and parking areas (not being located between a building and street right of way).

Recognizing that the proposed building location is dictated, in part, by the use, and precludes a full compliance with standards, it is also true that the application could have put a greater focus and emphasis on physical design. For instance, perhaps there could have been an optimal solution in trying to forge a compromise between the vision of Good Samaritan, the regulation of The Oregon Department of Human Services, and the requirements of the City of Gresham Development Code.

At the ODCC meeting on August 17, 2016, when asked if it would be permissible to locate parking between the building and the sidewalk, the Commission noted that a fence/screen utilizing high quality materials as well as landscaping would support the applicant’s request to locate the parking between the building and sidewalk. Additionally, the Commission suggested that the applicant consider pedestrian connections from the plaza, back to the sidewalk and public transit. Furthermore, the Commission felt that the proposal could meet the intent of the guidelines and standards and that they were, therefore, willing to have consideration for the front yard setback as a discretionary item.

While the original narrative stated that buffering and screening along NE Division Street consist of 12 feet long by 6 feet tall stone screen walls, broken periodically for visual relief and intermixed with landscaping buffering the entire area along NE Division Street, between the street and the existing parking areas, such language, according to the architect, is no longer operative and no graphic representation is present on the latest drawings set submitted by the applicant.

While trying to project and extend the entry onto the sidewalk and the street (as per the Standards requirements), staff is recommending the applicant provide a trellis/pergola structure to define a clear pedestrian path from the sidewalk to the main entry that would seamlessly connect the two.

Staff recommends the applicant provide a combination wall/fence utilizing high quality materials as well as enhanced landscaping that would screen the parking area from the public right of way.

Also, it is recommended that the landscaped area facing the parking lot be improved so as to provide tall, evergreen shrubs planted at a height of 5 feet to be spaced at 5 feet on center in the planter strip.

This standard is met with Conditions of Approval #41, #42, #43.

A5.000 - Public Facilities. The majority of the public facilities standards apply and are specifically addressed by the Development Engineering Agency Comments provided later in this staff report.

These standards are met by Condition of Approval #2.

DESIGN REVIEW

7.0100 - Multi-Family Design Guidelines and Standards. Applicants can choose to meet the design criteria of Section 7.0100 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. 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.

The Manager adopts the findings, with the caveat that the narrative is, in most instances, per recent conversation with applicant, outdated, incorrect, and inconsistent with the proposed application as reflected in the drawings submitted for this review. The supporting evidence relied on therein is based primarily on the drawings, except to the extent inconsistent with the findings below, with the exception that this Report will also describe how the proposal will meet the standards that are proposed to be met through the discretionary review process. The Manager makes the following findings regarding this application file.

7.0103(A) - Site Design.

7.0103(A)(1)(D)(1)(a)(i) & (ii) - Building Orientation and Frontage.

ISSUE: The applicant must either:

- Meet the 7.0103(A)(1)(D)(1)(a)(i) & (ii) standard; or
- Meet the 7.0103(A)(1)(C)(1) and 7.0103(A)(1)(C)(2)(a)(b) & (e) guidelines; or
- The Design Commission may waive this guideline to achieve the flexibility necessary to support a particularly creative proposal.

STANDARD: The standard states:

Building Orientation: Any building abutting a public street right of way shall be oriented to the street. The building orientation is met when the following criterion are satisfied:

- (i) The primary entry or entries for all ground-floor units abutting the street shall open directly onto the street right of way, not to the interior of the site or to a parking lot.
- (ii) At least 50 percent of the site’s frontage (not including access driveways) on any street shall be occupied by buildings oriented to the abutting street.

PROPOSAL: The proposal does not orient the building’s principal facade to the street.

The building as proposed is not fronting the abutting public right of way, but it is rotated by a 45-degree angle. In this way the building cannot achieve a presence of at least 50 percent on the site frontage, as only the southeast corner of the building is oriented towards NE Division Street (the abutting street).

GUIDELINE:

- (1) Building Orientation. Buildings shall be located with the principal façade oriented to the street or a street-facing open space such as a courtyard.

(2) Pedestrian Circulation.

- a. Site design shall promote safe, attractive and usable pedestrian facilities and a direct pedestrian connection between the street and buildings on the site.
- b. Pedestrians shall have direct access into the building from the sidewalk.
- e. Architecture and landscape architecture features shall be used to further enhance the pedestrian experience of all multi-dwelling and mixed-use projects such as:
 - i. Special paving;
 - ii. Enhanced landscaping;
 - iii. Lighting such as lighted bollards along the walkway and accent lighting on abutting structures;
 - iv. Trellis; or
 - v. Other features.

RECOMMENDATION: Because there is no building fronting NE Division Street, enhanced pedestrian space should be provided to define the separation between public and private space.

As noted previously, the original narrative stated that buffering and screening along NE Division Street consist of 12 feet long by 6 feet tall stone screen walls, broken periodically for visual relief and intermixed with landscaping buffering the entire area along NE Division Street, between the street and the existing parking areas. According to the architect, the narrative response is no longer accurate; further, no graphic representation of the wall is present on the latest drawings submitted by the applicant.

A combination wall/fence utilizing high quality materials as well as landscaping would (in support of the applicant's request to locate the parking between the building and sidewalk) help by minimizing the parking presence along NE Division Street. Additionally, at the ODCC meeting, the Commission suggested that the applicant consider pedestrian connections from the plaza, back to the sidewalk and public transit. Furthermore, the Commission felt that the proposal could meet the intent of the guidelines and standards and that they were, therefore, willing to give consideration for deviation from the frontage standard as a discretionary item.

While trying to project and extend the entry onto the sidewalk and the street (as per the Standards requirements), staff is recommending the applicant provide a trellis/ pergola structure to define a clear pedestrian path from the sidewalk to the main entry that would seamlessly connect the two.

Staff recommends the applicant provide a combination wall/fence utilizing high quality materials as well as enhanced landscaping that would screen the parking area from the public right of way.

Also, it is recommended that the landscaped area facing the parking lot be improved so as to provide tall, evergreen shrubs planted at a height of 5 feet to be spaced at 5 feet on center in the planter strip.

Staff recommends that the Design Commission find that the guideline is met with Conditions of Approval #41, #42, #43.

7.0103(A)(1)(D)(1)(a)(iii) - Location of Parking. This section requires that onsite surface parking areas shall not be located between a building and an abutting street right of way.

ISSUE: The applicant must either:

- Meet the 7.0103(A)(1)(D)(1)(a)(iii) standard; or
- Meet the 7.0103(A)(3)(C)(2)(c) guideline; or
- The Design Commission may waive this guideline to achieve the flexibility necessary to support a particularly creative proposal.

STANDARD: Except for individual driveways for duplex and townhouse style units, onsite surface parking areas shall not be located between a building and an abutting street right of way.

PROPOSAL: The applicant is proposing a parking area (approximately 33 percent of the total parking requirement) that occupies 48 percent of the front yard street frontage (between the building and NE Division Street).

GUIDELINE: Parking, loading service and vehicular circulation areas shall be located so as to allow primary uses and activities to face the street and to support pedestrian oriented uses.

RECOMMENDATION: At the ODCC on August 17, 2016, when asked if it would be permissible to locate parking between the building and the sidewalk, the Commission noted that a fence/screen utilizing high quality materials as well as landscaping would support the applicant's request to locate the parking between the building and sidewalk. Additionally, the Commission suggested that the applicant consider pedestrian connections from the plaza, back to the sidewalk and public transit. Furthermore, the Commission felt that the proposal could meet the intent of the guidelines and standards and that they were, therefore, willing to have consideration for the front yard setback as a discretionary item.

While the original narrative stated that buffering and screening along NE Division Street consist of 12 feet long by 6 feet tall stone screen walls, broken periodically for visual relief and intermixed with landscaping buffering the entire area along NE Division Street, between the street and the existing parking areas, this

language, according to the architect, is no longer accurate. Further, no graphic representation is present on the latest drawings set submitted by the applicant.

While trying to project and extend the entry onto the sidewalk and the street (as per the Standards requirements), staff is recommending the applicant provide a trellis/pergola structure to define a clear pedestrian path from the sidewalk to the main entry that would seamlessly connect the two.

Staff recommends the applicant provide a combination wall/fence utilizing high quality materials as well as enhanced landscaping that would screen the parking area from the public right of way.

Also, it is recommended that the landscaped area facing the parking lot be improved so to provide tall, evergreen shrubs planted at a height of 5 feet to be spaced at 5 feet on center in the planter strip.

Staff recommends that the Design Commission find that the guideline is met with Conditions of Approval #41, #42, #43.

7.0103(B) - Building Design.

7.0103(B)(1)(D)(1 & 2) - Massing.

ISSUE: The applicant must either:

- Meet the 7.0103(B)(1)(D)(1 & 2) standard; or
- Meet the 7.0103(B)(1)(C) guideline; or
- The Design Commission may waive this guideline to achieve the flexibility necessary to support a particularly creative proposal.

STANDARD:

1. Structures shall not include long, monotonous, uninterrupted walls. Walls shall incorporate structural exterior wall offsets, projections and/or recesses as a means of reducing the scale and improving the appearance of the building. Exterior wall offsets shall reflect the living unit modules when individual unit entries face the street. A minimum of 1-foot horizontal variation shall be used at intervals of 50 feet or less along the structure's primary façade on the ground floor.
2. Structures shall not have an overall horizontal distance exceeding 160 linear feet, measured from end wall to end wall. Structures facing a street can increase to 200 linear feet provided a courtyard, portal to a shared parking area or other open space is provided that breaks up the building wall. Open spaces shall be a minimum of 35 feet in width and depth.

PROPOSAL: The proposed building measures 223 feet by 108 feet exceeding, in this way, the 160 linear-foot allowable dimension (the building is not proposing a courtyard).

GUIDELINE: The intent of the guidelines is to create a transition in the bulk and scale between new developments and adjacent, less intense buildings and zones (the new development is flanked by single-family and duplex development on the east, and by small commercial on the west). All developments shall comply with the following requirements.

- Building(s) that front the public realm shall avoid long, monotonous, uninterrupted walls.
- Building shall be modulated to prevent large, uninterrupted monotonous walls.
- Buildings shall differentiate between the base of the building and the top of the building to enhance the pedestrian realm. Base treatment shall be cohesive across facades and integrated with the architectural character of the building.

RECOMMENDATION: In an effort to break the great wall effect of the south facing façades (south and east facades), design elements shall be introduced and shall occur at regular spacing which responds to the internal functional spaces and establishes a rhythm on the façade. Projecting elements shall follow a logical and repeating pattern corresponding to building articulation features.

- a. Building articulation shall establish a vertical orientation in the façade with complimentary horizontal details, visually reducing the scale of the wall into several smaller lengths.
- b. Building articulation shall create a human scale within the building and de-emphasize the long horizontal element.
- c. Articulating features shall use the establishment of vertical and horizontal datums and introduce an element such as a colonnade (a covered walkway along the south and east elevation, to cover the pedestrian access to the main entrances), loggia or portico.
- d. As per standards under Façade Composition, the recessing of the building shall be a minimum of 2 feet over 6 feet in width.

Staff recommends that the Design Commission find that this guideline is met with Condition of Approval #32a.

7.0103(B)(2)(D)(1)(a)(b)(c) - Façade Composition.

ISSUE: The applicant must either:

- Meet the 7.0103(B)(2)(D)(1)(a)(b)(c)_standard; or
- Meet the 7.0103(A)(3)(C)(1)(3)(5) guideline; or
- The Design Commission may waive this guideline to achieve the flexibility necessary to support a particularly creative proposal.

STANDARD: Street-facing elevations shall be divided into wall planes that reflect living unit modules. Generally, wall planes over 750 square feet shall be divided into distinct planes. This can be achieved by:

- a. Incorporating elements such as porches or decks into the wall plane;
- b. Recessing the building a minimum of 2 feet over 6 feet in width; or by
- c. Extending an architectural bay a minimum of 2 feet from the primary street-facing façade

PROPOSAL: The applicant is proposing only a 1-foot recession between different sections of the building along the south elevation.

GUIDELINE:

- 1) Changes in wall planes, layering, horizontal datums, vertical datums, building materials, color, or fenestration shall be incorporated to create simple and visually interesting buildings.
- 3) Windows and doors shall be designed to create depth and shadows and to emphasize wall thickness and give expression to residential buildings.
- 5) Blank, windowless walls in excess of 750 square feet are prohibited when facing a public street unless required by the Building Code. In instances where a blank wall exceeds 750 square feet, it shall be articulated or intensive landscaping shall be provided.

RECOMMENDATION: In an effort to break the great wall effect of the south façade, staff recommends a condition of approval that design elements shall be introduced and shall occur at regular spacing which responds to the internal space modules, establishing a rhythm on the façade. Projecting elements shall follow a logical and repeating pattern corresponding to building articulation features.

- a. Building articulation shall establish a vertical orientation in the façade with complimentary horizontal details, visually reducing the scale of the wall into several smaller lengths.
- b. Building articulation shall create a human scale within the building and de-emphasize the long horizontal element.
- c. Articulating features shall use the establishment of vertical and horizontal datums and introduce an element such as a colonnade (a covered walkway along the south and east elevation, to cover the pedestrian access to the main entrances), loggia or portico.
- d. As per standards under Façade Composition, the recessing of the building shall be a minimum of 2 feet over 6 feet in width.

Staff recommends that the Design Commission find that this guideline is met with Condition of Approval #32a.

7.0103(B)(2)(D)(3)(4) - Window Depth and Street-facing Facade Transparency.

ISSUE: The applicant must either:

- Meet the 7.0103(B)(2)(D)(3)(4) standard; or
- Meet the 7.0103(B)(2)(C)(3)(4) guideline; or
- The Design Commission may waive this guideline to achieve the flexibility necessary to support a particularly creative proposal.

STANDARD: The transparency standards and guidelines apply only to the façades facing south and east (visible from/facing NE Division Street).

The standards state that:

Exterior windows shall have a minimum of 2-inch reveal (depth) to create a shadow line that highlights materials and the thickness of the wall.

Windows shall occupy a minimum of 25 percent of the total street-facing façade.

PROPOSAL: The proposed street-facing façades (south and east facades) fall short of the 25 percent transparency required. The south façade (223 feet long) having only 17 percent transparency, and the east façade (108 feet long) having only 15 percent transparency.

GUIDELINE: Windows shall be used on the façade to provide articulation to the façade and visibility into the street.

RECOMMENDATION: It is understood that, given the nature of the facility and the desire to provide privacy to the patients, it would be difficult to increase the transparency by increasing the size of the windows in the individual rooms. Similarly, though, it is also true that an increase of transparency could be obtained by redesigning and expanding fenestration in those areas (primary spaces) that, given the nature of their functions, would best benefit from an increase in natural lighting. The floor plan identifies a couple of use areas such as the dining/therapy areas on the south elevation, and the entrances on the east and west elevation. Staff recommends a condition of approval requiring additional transparency/glazing be provided on the south and east facades in areas corresponding to the building's main entry and dining/therapy rooms.

Staff recommends that the Design Commission find that this guideline is met with Condition of Approval #32b.

7.0103(B)(5)(D)(1) - High Quality Material.

ISSUE: The applicant must either:

- Meet the 7.0103(B)(5)(D)(1) standard; or
- Meet the 7.0103(B)(5)(C) guideline; or

- The Design Commission may waive this guideline to achieve the flexibility necessary to support a particularly creative proposal.

STANDARD: Primary building materials shall be utilized on a minimum of 65 percent of each individual building facade.

Secondary building materials are prohibited as primary cladding on each individual building facades and shall not be allowed on more than 35 percent of each individual building facade.

Accent building materials are permitted as accent materials on no greater than 5 percent of each individual building facade (e.g., flashing, projecting features, ornamentation, etc.).

Buildings shall not utilize materials listed as prohibited.

Primary Materials include full brick, stone, stucco, wood-siding, factory or naturally finished flat and profiled metal panels including recycled panels and blocks, fiber reinforced cement siding or panels, ceramic tile, standards, spandrel and block glass, or other as approved by the Manager or Design Commission.

PROPOSAL: The proposed primary material on the building elevation is fiber reinforced cement siding and panels, which is utilized as follows:

- South Façade: 60.3 percent
- North Façade: 54.9 percent
- West Façade: 65.9 percent
- East Façade: 69.8 percent

The façade's design also introduces a 4-foot high base which is described to be a stone veneer wainscot, a natural stone with a thickness of approximately 1 inch.

GUIDELINE: Facades shall consist predominantly of a simple palette of long lasting timeless materials such as brick, stone, stucco, wood siding, and wood shingles.

A hierarchy of building materials shall be incorporated that are durable and reflect a sense of permanence and quality of development.

RECOMMENDATION: While the use of stone in the base of the building is an attractive addition, a condition of approval is needed to ensure that the product be in compliance with the requirements, and the precedents, established by the Design Commission about the nature and dimension of stones. Thus, the condition of approval states that a manufacturer's specification for the stone panel shall be provided to demonstrate that the stone used is considered a natural stone with a thickness of at least 3.5 inches.

Alternatively, a full brick (for veneer reasons, not structural ones) could be used for the base.

Either option would bring all individual facades into compliance with the primary material standard and the intent of the guideline

Staff recommends that the Design Commission find that this guideline is met with Condition of Approval #32c.

IV. RESPONSE TO PUBLIC NOTICE

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.

V. AGENCY COMMENTS

ADDRESSING COMMENTS

FROM: Carrie Osborn, Planning Technician II

DATE: January 18, 2018

Based on the applicant's submitted materials, it does not appear that a change of address or assignment of additional addresses will be necessary.

Unit numbers will be reviewed when building permits are submitted.

RECYCLING & SOLID WASTE COMMENTS

FROM: Shannon Martin, Recycling & Solid Waste Program Manager

DATE: February 12, 2018

As per a discussion with Joe Zody, FFA Architecture and Interiors Inc, a new garbage and recycling plan will need to be submitted for review.

Recommended conditions of approval include:

- Submit a new site plan with garbage and recycling details that meets the Section 7.0212 Standards for New Solid Waste and Recycling Collection Areas.
- Demonstrate that gates provide enough access to service containers that are not on caster wheels (direct front load access).
- Space will be needed for garbage, recycling, food scraps, and glass.

DEVELOPMENT ENGINEERING COMMENTS

FROM: Jesse Davies

DATE: January 24, 2018

The project area is located at 3457 NE Division St., which is on the north side of NE Division Street and between NE Kane Drive and NE Hacienda Avenue in the Corridor Multi-Family and Moderate Commercial land use districts. The site includes three separate tax lots; 1S3E02DC-04000 (vacant), 1S3E02DC-04100 (vacant), and 1S3E02DD-09100 (developed with an existing skilled care facility).

The applicant proposes a lot line adjustment to expand Tax Lot 9100 and a new 25,000 square-foot) skilled nursing care building to the west of the existing nursing facility. The remaining two

adjusted tax lots will not be developed at this time. The applicant, Evangelical Lutheran Good Samaritan Church, also owns the lot to the north of the site (1280 NE Kane Dr./1S3E02D 00300), which is developed with apartments.

The following comments are from Development Engineering and refer to the plans submitted by FFA Architecture and Interiors, Inc received January 8, 2018.

A5.000: GENERAL

Design and construction of all public facility improvements shall be in conformance with applicable sections of the [Gresham Community Development Code \(GCDC\)](#), [Gresham Public Works Standards \(PWS\)](#), [Water Quality Manual \(WQM\)](#) and [Gresham Revised Code \(GRC\)](#).

Prior to construction plan submittal, the applicant shall schedule a pre-design meeting with Jesse Davies, Development Engineering, at 503-618-2395 to discuss technical requirements, design and construction schedules, and to review processes. With construction plan submittal, the applicant will provide an engineer's estimate of the cost of public improvements (including private onsite stormwater detention and water quality systems), enter into an agreement with the City of Gresham for plan review and inspection services, and pay deposits based on the estimate. The applicant will provide a performance bond based on 110 percent of the engineer's estimate.

Approvable public facilities construction plans and performance bond are required prior to building permit approval. Approved plans are valid for one year, and all public improvements must be completed within two years of the Notice to Proceed unless otherwise approved by the Manager.

A right of way permit will be required before beginning work in the public right of way.

Any project that includes construction of public facilities must comply with City of Gresham survey standards. Plans must reference City of Gresham datum, NGVD 1929, 1947 adjustment. Coordinates must be based on Lambert State Plane Coordinate System, Oregon North Zone. Basis of bearing for all measurements should be from City Control Network. Control Points can be found at www.GreshamOregon.gov/Maps/.

A5.100: SANITARY SEWER FACILITIES

Existing Sanitary Sewer Facilities and Approved Point of Connection

There is an existing 8-inch diameter concrete main that runs east-west for approximately 400 feet through the south boundary of the parcel just north of the project site, addressed 1280 NE Kane Dr., that is also owned by the applicant. The proposed new lateral and connection at the manhole at the terminus of this pipe is approvable if located within an easement.

It appears that the existing public sewer line and a portion of the proposed lateral would not be located fully in the existing public wastewater easement that is located 5 feet on either side of the current property boundary between 1280 NE Kane Dr. and Tax Lot 1S3E02DC -04000 (Multnomah County Records, Book 1043 Page 331). As a condition of approval, the existing public sewer line and proposed sewer lateral shall be located in a 20-foot wide wastewater

easement centered over the public wastewater line. The existing wastewater easement may be considered when determining the additional wastewater easement's width.

Pretreatment

Depending on the type of medical use proposed for the new building, pretreatment of wastewater prior to discharge to the public system may be warranted. Please contact Paul Kramer, Wastewater Division, 503-618-2648 for more information.

A5.200 & 9.0500: SURFACE WATER MANAGEMENT SYSTEMS

Approved Point of Discharge

The site lies in the Kelly Creek drainage basin. There is an existing 21-inch concrete stormwater main in NE Division Street that terminates at the southwest corner of Tax Lot 1S3E02DC -04100 and a recently constructed 12-inch PVC main in NE Kane Drive that terminates at the northwest corner of Tax Lot 1S3E02DC -04000. There is also an existing private stormwater system onsite that flows to the north, but the City has no additional information on this system.

The proposed discharge of private stormwater from the addition to the existing private system is approvable. Stormwater from the widening of NE Division Street shall be directed to the main in NE Division Street and will require the extension of this line to the edge of the proposed development, as proposed.

Water Quality & Detention Requirements

Per the Gresham Community Development Code (GCDC), detention and water quality treatment for stormwater runoff are required for developments that add or replace 1,000 square feet or more of the existing surface with impervious area.

The use of green stormwater systems such as rain gardens, planter boxes, and pervious pavement must be used to satisfy water quality requirements to the fullest extent practicable. The proposed combination of rain gardens, swales, detention pipes and cartridge catch basins is approvable. The proposed flow through rain gardens for treatment and detention of NE Division Street is also approvable.

Maintenance Requirements for Private Stormwater Facilities

Private stormwater facilities are subject to periodic inspection by the City to ensure proper maintenance and performance. The applicant shall enter into a maintenance agreement with the City to ensure the implementation of a maintenance plan for the private stormwater facilities. Maintenance of private stormwater facilities is the responsibility of the applicant. Maintenance requirements must be specified in an approved maintenance plan at the time of issuance of the building permit and must include all elements of the system.

Final Drainage Report

A final storm report as well as construction plans for the water quality treatment and detention facilities must be submitted for review at the time of building permit submittal.

Impervious Area Plan

An impervious area plan will be required with the building permit plan submittal. The plan will be required to show the existing impervious area, added impervious area and any impervious area that is to be removed and replaced with areas of each listed.

Erosion and Sedimentation Control Requirements

If the area of disturbance exceeds one acre, an NPDES 1200-C permit shall be obtained from the Oregon Department of Environmental Quality (DEQ). Information can be obtained from DEQ's website at <http://www.deq.state.or.us/wg/wqpermit/stminfo.htm>. Applications are processed directly through DEQ; the LUCS (Land Use Compatibility Statement) form is processed through the City of Gresham.

A5.300: WATER FACILITIES

Existing Water Facilities and Approved Point of Connection

The site lies in the Grant Butte service level with an average static pressure of 47 PSI. Available fire flow is 2,100 gallons per minute at a residual pressure of 27 PSI. The developer's engineer is responsible to ensure the water system is adequate for the customer's needs.

There is an existing 8-inch ductile iron water main in NE Kane Drive and an 8-inch ductile iron water main in NE Division Street. City records show that 3457 NE Division St. currently has a service from the NE Division Street frontage with a 3-inch meter. The site addressed 1280 NE Kane Dr. currently has a water service on the NE Kane Drive frontage with a 6-inch meter. The proposed connection to the existing service for 3457 NE Division St. is approvable.

Backflow Requirements for Domestic and Irrigation Services

An approved backflow prevention device located behind the water meter and outside of the public right of way is required on all commercial developments, irrigation systems, private fire protection systems, domestic water meters 1½-inch and larger, and on other services in hazardous situations, as determined by the City of Gresham.

If not already in compliance, a State and City approved backflow assembly shall be installed on the existing water service at the property line.

Fire Flow Requirements

Fire flow requirements are determined by the Fire Department and not by Development Engineering. Only the Fire Marshal or the Building Official can reduce or increase these requirements.

Portland Water Conduit

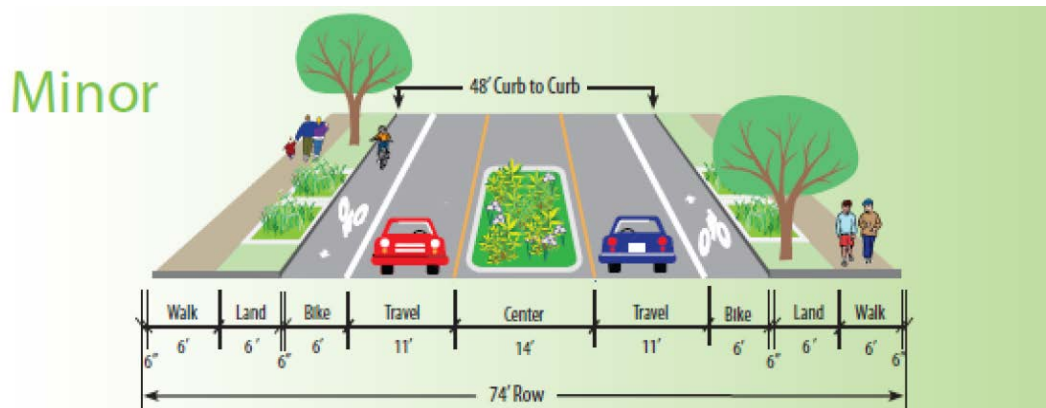
There is a City of Portland water conduit in NE Division Street adjacent to the property. A utility protection plan, stamped by a licensed Oregon Engineer shall be submitted with the construction plan submittal. Portland Water Bureau's Utility Protection Guidelines can be found at the following link: www.PortlandOregon.gov/Water/article/415225.

9.0700, A5.400 and A5.500 STREETS, TRANSPORTATION

Right of Way Dedication & Frontage Improvements

NE Division Street is classified as a Minor Arterial in the Transportation System Plan, requiring 37 feet of right of way (ROW) to roadway centerline. The standard cross section for a Minor Arterial per GCDCA A5.501 is shown below:

Minor Arterial:



NE Division Street currently has adequate ROW to meet the City standard but is lacking adequate frontage improvements. The NE Division Street frontage shall be improved to the standards of a Minor Arterial, as proposed. These improvements shall include: widening the roadway to provide 24 feet of pavement from face of curb to centerline, a 6-inch curb and gutter, a 6-foot amenity zone, and a 6-foot sidewalk.

Overhead Utilities

Overhead utility lines shall be undergrounded along the NE Division Street frontage where warranted per Section A5.510 of the GCDCA. Should the estimated cost of undergrounding existing overhead facilities exceed 10 percent of the estimated cost to construct public improvements required in conjunction with the proposed development or exceed 1 percent of the total development project value, then the applicant must be responsible for undergrounding an amount of overhead utilities equivalent to 10 percent of the estimated cost to construct public improvements required in conjunction with the development or 1 percent of the total development project value, whichever is less, as the applicant's proportional share of its impacts. Only primary feeder lines over 50,000 volts are exempt from undergrounding.

Street Lights

Per Section 6.02.14 of the Public Works Standards (PWS), street lighting with LED fixtures must be provided on all public street frontages at an appropriate spacing based on each street's classification. New street lights shall be installed along the site frontage in accordance with the PWS.

Street Trees

Street trees shall be installed along the site frontage, as proposed.

EASEMENTS and OTHER

All existing and proposed public and private easements on the property or on adjacent properties that benefit the property must be shown on the construction plans submitted for building permit review. In general, all proposed easements must be in place prior to construction plan approval.

CHARGES AND FEES

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 must file with the City Manager a written notice of appeal pursuant to Gresham Revised Code (GRC) 1.05.025.

For required public improvements, the developer will enter into a contract to pay City staff for plan review and inspection services. A deposit will be paid based on the engineer's estimate, and these services will be paid for at actual rates. A guarantee of completion will be required for 110 percent of the public improvement estimate.

Once the construction plans are approved, the City will begin charging a bi-monthly stormwater utility fee for the added impervious area at a current rate of \$20.68 per 2,500 square feet of impervious area. Reductions are available for projects that infiltrate their stormwater. The applicant must request this reduction during construction plan review.

CONCLUSION

Findings submitted under each proceeding code section are generally consistent with the Community Development Code and the Public Works Standards. 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.

FIRE DEPARTMENT COMMENTS

FROM: Duston Yacapin, Gresham Fire

DATE: January 24, 2018

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 or workers arriving onsite. **OFC 505 & 3301**
3. The building addressing shall meet the Gresham Fire Addressing Policy. **OFC 505.1**
4. Fire hydrant locations are not indicated on the plans. They must be shown. Without knowing the building construction types or sizes, a PUBLIC fire hydrant is required to be within 225 feet of the main entrance driveway. The furthest point on each building shall be no more than 400 feet from a hydrant. Hydrants considered for this address cannot cross a major thoroughfare. Public/private fire hydrants will be required to be installed. All fire hydrants shall have STORZ quick adapters on the large port. The model required is Harrington HPHA50-45NHWCAP. **OFC 507**
5. A fire hydrant shall be within 50 feet of the fire sprinkler system "FDC." **OFC Appendix C 102.2 & NFPA 13E**
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 on which the fire hydrant is located. In the case that there is no center line, assume a centerline and place the marker accordingly. **OFC 508.5.4**
7. Prior to applying for a building permit, provide a fire flow test report. The fire flow report will verify that the correct fire flow is available and will be required to have been conducted within the last 12 months. **OFC 507.3 & B-101.1**
8. All Fire Department 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 feet if the highest point of a building is over 30 feet as well as to provide access for aerial ladder trucks. Grass Crete is **NOT** allowed for fire access roads. **OFC 503.2.1 & D103.1**
9. Required Fire Department access roads onsite 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 the time of building permit submittal. **OFC, Appendix D, Section D102.1**
10. No Parking Fire Lane signage or curb marking will be required. Fire access roads 20 to 26 feet wide do not allow parking on either side within that space. Parking spaces outside of that space are acceptable. Indicate signage or curb marking on the building permit plans. The policy can be emailed to the applicant upon request. **OFC D 103.6**
11. Sprinklers will be required. **OFC 903**
12. A fire alarm system will be required. **OFC 907**
13. If a gate is installed on a fire access road, it must meet the requirements of the Gresham Fire Gate Policy. **OFC 506.1**

14. The turning radius for all emergency apparatus roads shall be: 28 feet inside and 48 feet outside radius. **OFC 503.2.4**
15. All Fire Department access roads shall be constructed and maintained prior to and during construction. **OFC 1410**
16. Access roads shall not exceed 12 percent grade. **OFC 503.2.7**
17. A Hazardous Material Inventory Statement (HMIS) will be required showing types and quantities of all hazardous material. **OFC 407.5/5001.5.2**
18. A lockbox will be required for Fire Department access. The lockbox form can be found on the City's website or can be emailed to the applicant upon request. The applicant must use the form with the City of Gresham's key code. Once the site has lockable doors, a key will be required in the lockbox. **OFC 506**
19. Fire apparatus access shall comply with the requirements of OFC 503 and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building. **OFC 503.1.1**
20. Emergency Responder Radio Coverage may be required in this building. Testing must be conducted and results provided to the City of Gresham. If a radio booster system is required, the City will allow six months to apply for permits, install the system and have all final inspections completed. **OFC 510.1**
21. Signs are required to all rooms that access the fire sprinkler riser, HVAC, FACP, and electrical rooms. **OFC 509.1**

VI. 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 of the Type III Design Review E for a new 26,265 square-foot, 30-unit skilled care facility (elderly housing), with special use review, tree removal, lot line adjustment, and variance with the following **conditions of approval**.

These conditions of approval are based on the applicant's **submitted** plans and staff's analysis of the proposal where sufficient information was provided to determine Code compliance. Conditions are aimed at assuring that the criteria are met.

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 7.0103, which will be reviewed under a Type III procedure.
2. 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.
3. The applicant shall schedule a pre-design meeting with Jesse Davies, Development Engineering Specialist, at 503-618-2395 prior to construction plan submittal to discuss permit processes, technical requirements, design and construction schedules, and plan review processes.
4. The applicant shall schedule a pre-design meeting with Shannon Martin, Recycling and Solid Waste Program Manager, at 503-618-2624 prior to construction plan submittal to review the following:
 - Submit new site plan with garbage and recycling details that meets the Section 7.0212 Standards for New Solid Waste and Recycling Collection Areas.
 - Demonstrate that the proposed gates provide enough access to service containers that are not on caster wheels (direct front load access).
 - Space will be needed for garbage, recycling, food scraps, and glass.
5. Temporary addresses of 6 inches shall be provided at EACH construction entrance prior to ANY construction materials or workers arriving onsite. **OFC 505 & 3301**
6. Fire hydrant locations are not indicated on the plans. They must be shown. Without knowing the building construction types or sizes, a PUBLIC fire hydrant is required to be within 225 feet of the main entrance driveway. The furthest point on each building shall be no more than 400 feet from a hydrant. Hydrants considered for this address cannot cross a major thoroughfare. Public/private fire hydrants will be required to be installed. All fire hydrants shall have STORZ quick adapters on the large port. The model required is Harrington HPHA50-45NHWCAP. **OFC 507**
7. A fire hydrant shall be within 50 feet of the fire sprinkler system "FDC." **OFC Appendix C 102.2 & NFPA 13E**
8. Prior to applying for a building permit, provide a fire flow test report. The fire flow report will verify that the correct fire flow is available and will be required to have been conducted within the last 12 months. **OFC 507.3 & B-101.1**

PRIOR TO ISSUANCE OF BUILDING PERMIT

9. Lot Line Adjustment

- a. Submit to the City three copies of the final survey map along with legal descriptions for the adjusted lots. The final map shall comply with the approved preliminary plan and with the applicable requirements of ORS Chapters 92 and 209. Final map submittal shall occur at the City of Gresham Permit Center and include the appropriate fees, application, and copies.
 - b. After the City has approved the final map, the applicant shall file the approved final survey map with the Multnomah County Surveyor. Record with Multnomah County Deed Records the approved final map along with the deeds transferring ownership. Deliver a copy of the stamped approved final lot line adjustment map to Multnomah County Assessment and Taxation.
 - c. Provide to the City of Gresham Development Planning Division a copy of all newly recorded documents with book and page numbers.
10. Prior to building permit issuance, the owner shall enter into and record a landscape maintenance agreement, as approved by the City. The project planner will provide the landscape maintenance agreement template upon request
11. The applicant shall ensure that the existing public wastewater line located on 1S3E02D - 00300 be centered in a minimum 20-foot wide easement. The existing wastewater easement that parallels the line to the south may be utilized as part of that minimum 10-foot width on the south side.
12. The applicant shall enter into a maintenance agreement with the City to ensure the implementation of a maintenance plan for all private stormwater facilities.
13. If the area of disturbance exceeds 1 acre, a NPDES 1200-C permit shall be obtained from the Oregon Department of Environmental Quality (DEQ).
14. To ensure protection for the City of Portland water conduit in NE Division Street, a utility protection plan, stamped by a licensed Oregon Engineer, shall be submitted with the construction plan submittal.

WITH BUILDING PERMIT

15. Provide fire flow per Oregon Fire Code Appendix B. **OFC App B Table B105.1.**
16. The building addressing shall meet the Gresham Fire Addressing Policy. **OFC 505.1**
17. 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 on which the fire hydrant is located. In the case that there is no center line, assume a centerline and place the marker accordingly. **OFC 508.5.4**
18. All Fire Department 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 feet if the highest point of a building is over 30 feet as

well as to provide access for aerial ladder trucks. Grass Crete is **NOT** allowed for fire access roads. **OFC 503.2.1 & D103.1**

19. Required Fire Department access roads onsite 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 the time of building permit submittal. **OFC, Appendix D, Section D102.1**
20. No Parking Fire Lane signage or curb marking will be required. Fire access roads 20 to 26 feet wide do not allow parking on either side within that space. Parking spaces outside of that space are acceptable. Indicate signage or curb marking on the building permit plans. The policy can be emailed to the applicant upon request. **OFC D 103.6**
21. Sprinklers will be required. **OFC 903**
22. A fire alarm system will be required. **OFC 907**
23. If a gate is installed on a fire access road, it must meet the requirements of the Gresham Fire Gate Policy. **OFC 506.1**
24. The turning radius for all emergency apparatus roads shall be: 28 feet inside and 48 feet outside radius. **OFC 503.2.4**
25. All Fire Department access roads shall be constructed and maintained prior to and during construction. **OFC 1410**
26. Access roads shall not exceed 12 percent grade. **OFC 503.2.7**
27. A Hazardous Material Inventory Statement (HMIS) will be required showing types and quantities of all hazardous material. **OFC 407.5/5001.5.2**
28. A lockbox will be required for Fire Department access. The lockbox form can be found on the City's website or can be emailed to the applicant upon request. The applicant must use the form with the City's key code. Once the site has lockable doors, a key will be required in the lockbox. **OFC 506**
29. Fire apparatus access shall comply with the requirements of OFC 503 and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building. **OFC 503.1.1**
30. Emergency Responder Radio Coverage may be required in this building. Testing must be conducted and results provided to the City of Gresham. If a radio booster system is required, the Fire Department will allow six months to apply for permits, install the system and have all final inspections completed. **OFC 510.1**
31. Signs are required to all rooms that access the fire sprinkler riser, HVAC, FACP, and electrical rooms. **OFC 509.1**
32. **Alternative Buffer.** An alternative buffer, in order to be approved, shall be designed and constructed to the following specifications. The landscape plan Sheet L3.1 shall be revised with building permit submittal to reflect these specifications:

- A buffer width of 20 feet is acceptable/approvable.
- The quantity of plantings along the 400-foot long east buffer shall be based on a rate of one tree per 20 lineal feet, resulting in 20 trees; and a rate of 75 shrubs per 100 lineal feet, resulting in 300 shrubs.
- The additional vegetation proposed by the alternative buffer plan shall be concentrated along the northern section of the east buffer, from the northeast corner of the property to the projection of the southeast corner of the wing of the existing facility onto the east property line. Shrub and tree planting rates for the segment of the east buffer along the areas beyond this dense buffer area shall be planted at the standard Type C buffer spacing of one tree per 25 lineal feet and density of 50 shrubs per 100 lineal feet. The balance of additional plantings shall be concentrated along the northern section of the buffer.
- A 6-foot solid wood fence must be installed in order to meet the standard Type C buffer intent.

32a. Recess the building a minimum of 2 feet over 6 feet in width in the south and east facing facades, along wall planes that reflect internal living unit modules. Building articulation shall establish a vertical orientation in the façade with complimentary horizontal details, visually reducing the scale of the wall into several smaller lengths and introducing an element such as a colonnade (a covered walkway along the south and east elevation, to cover the pedestrian access to the main entrances), loggia or portico.

32b. Provide increased/enhanced fenestration on the south and east elevations with emphasis on the recognizable functional areas of the dining/therapy rooms (along the west elevation) and main entrance (along the east elevation).

32c. A manufacturer's specification for the stone panel shall be provided to demonstrate that the stone used is considered a natural stone with a thickness of at least 3.5 inches. Alternatively, a full brick (for veneer reasons, not structural ones) could be used for the base.

PRIOR TO OCCUPANCY

33. 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.

34. Overhead utility lines shall be undergrounded along the NE Division Street frontage where warranted per Section A5.510 of the GCDC.

35. The NE Division Street frontage shall be improved to Minor Arterial standards and include: widening the roadway to 24 feet to centerline, a 6-inch curb, a 6-foot amenity zone, and a 6-foot sidewalk.

36. Street lighting with LED fixtures shall be provided along the NE Division Street frontage at an appropriate spacing based on the street's classification.

37. Street trees shall be installed along the site's NE Division Street frontage at 30-foot spacing.

38. Stormwater from the widening of NE Division Street shall be directed to the 21-inch main in NE Division Street and will require the extension of this line to the edge of the proposed development.
39. If not already in compliance, a State and City approved backflow assembly shall be installed on the existing water service at the property line.

SITE DESIGN

40. Show on site plan the location of all bicycle spaces. The bicycle rack shall be positioned to allow for access to the required number of bicycle parking spaces as per Section 9.0832(B)(1-2) - Bicycle Racks and Section 9.0832(E) - Size of Space. Bicycle parking spaces must be at least 2 feet wide and 6 feet long. All long-term bicycle parking spaces are required to be covered.
41. Provide an enhanced landscaped area along NE Division Street inclusive of a stone/brick wall topped by a wrought iron fence (for a combined height of no less than 8 feet) along the entire street frontage area, with the exclusion of the driveways. The sidewalk/landscape/walkways design elements should also be inclusive of items such as decorative paving patterns, ornamental art features, and/or creative lighting elements at Manager's discretion.
42. The landscaped area facing the parking lot along NE Division shall be improved and shall provide tall, evergreen shrubs (recommended shrub: Medora Juniper/*Juniperus Scopularum* 'Medora') planted at a height of 5 feet to be spaced at 5 feet on center in the planter strip. The taller shrubs shall be in addition to the smaller shrubs shown on the plan; however, the quantity of the smaller shrubs may need to be reduced to accommodate the taller shrubs. An alternative to the Medora Juniper may be recommended by the applicant and approved at the discretion of the Manager.
43. The applicant shall provide a trellis/pergola structure to define a clear pedestrian path from the sidewalk to the main entry, so to seamlessly connect the two.

End of Staff Report