



Revised STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION

CASE FILE: LU 16-100496 DZM MS
PC # 14-242574
Block 290
REVIEW BY: Design Commission
WHEN: May 4, 2017 @ 1:30pm
WHERE: *CH2M Building*
2020 SW Fourth Ave., Lincoln Room
Portland, OR 97201

Note: This staff report is revised from the initial staff report which was issued on May 9, 2016. Changes in this staff report are underlined or boxed.

Bureau of Development Services Staff: Hillary Adam 503-823-3581 /
Hillary.Adam@portlandoregon.gov

GENERAL INFORMATION

Applicant: Greg Mitchell, Architect
LRS Architects
720 NW Davis St Suite 300
Portland, OR 97209

Thomas Brenneke, Owner
Guardian Real Estate
760 SW 9th Ave., Suite 2200
Portland, OR 97204

Russell A Marzen, Owner
XPO Properties, Inc
1851 West Oak Parkway
Marietta, GA 30062

Site Address: BLOCK 290 - 1417 NW 20th Avenue

Legal Description: INC PT VAC ST BLOCK 291, COUCHS ADD; INC PT VAC ST
BLOCK 290, COUCHS ADD

Tax Account No.: R180230010, R180230190
State ID No.: 1N1E33BA 00100, 1N1E33BA 00101
Quarter Section: 2927

Neighborhood: Northwest District, contact John Bradley at 503-313-7574.
Business District: Nob Hill, contact at nobhillportland@gmail.com.

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Northwest

Zoning: EXd – Central Employment with Design overlay

Case Type: DZM MS – Design Review with Modifications and *potential* Master Plan Amendment

Procedure: Type III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

Proposal:

Type III Design Review for a new multi-story residential building with ground floor retail, below-grade parking, and a roof terrace. Proposed exterior materials include Norman brick, zinc-alloy panels, fiber cement panel, vinyl windows, aluminum storefronts, wood doors, and aluminum and glass balconies. The proposal also includes development of a publicly-accessible plaza and a portion of the vacated NW Quimby right-of-way.

Modifications are requested to:

1. Con-way Master Plan Standard #1 – to increase the maximum height from 47’ to 57’ for a penthouse amenity space on the lower portion of the building;
2. Con-way Master Plan Standard #7 – to reduce the 50’ depth requirements for ground floor retail fronting on the square to as little as 34’ in some locations (and 10’ in one location) and to reduce the amount of retail/neighborhood facilities fronting the square to below 75% at the northern square-facing wall;
3. Con-way Master Plan Standard #8 – ~~to reduce the amount of windows on the east and south façades of the upper floors of the east wing from 35% to approximately 25% and~~ to reduce the required setback of the upper floor of the east and south façades of the east wing from 5’-0” to 0’-0”;
4. Con-way Master Plan Standard #10 – to reduce the clearance of the ground plane connection between the square and the park from 25’ to an average of 15’, with a minimum clearance of 13’-9”, and to reduce the size of the square from 16,000sf to approximately 13,775sf;
5. 33.266.220.C.3.b – to reduce the width of required long-term bicycle parking spaces from 24” to 18”; and
6. 33.140.242 – to not provide main entrances that face the Transit Street.

Areas underlined indicate Modifications that differ from the previous proposed design; areas in *italics* indicate Modifications added since the Notice of Proposal was issued; areas in ~~striketrough~~ have been eliminated since the Notice of Proposal.

A *potential* Master Plan Amendment is requested to be considered that would:

1. Amend the boundaries of designated open areas and development areas by revising Map 04-7, and subsequently revising Map 05-1 and 05-6 of the Master Plan to align with the new boundaries, in order to allow the proposed development to shift approximately 8’-2” to the east in the event that the overhead utility lines along NW 21st Avenue cannot be relocated.

The previous version of this proposal included a Master plan Amendment to allow vehicular access from NW Pettygrove Street; however, this has since been removed.

Design Review is required because the proposal is for new development is a design overlay.

Relevant Approval Criteria:

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

- Community Design Guidelines
- Section 5 of the Con-way Master Plan
- 33.825.040 Modifications That Will Better Meet Design Review Requirements
- Approval Criteria 1-3 of Section 8 of the Con-way Master Plan

ANALYSIS

Site and Vicinity: The subject property is comprised of two long blocks, typical of the Northwest neighborhood, with a vacated portion of NW Quimby Street between the two blocks, totaling 211,600 square feet of site area. The proposed project area does not cover the entire area, but rather, is focused on the southwest corner of the site including the western half of the vacated NW Quimby Street. The property owners intend to establish three separate parcels with the northern block as one parcel, the project area as a second parcel, and a third parcel at the southeast corner to be developed as a public park. Creating three separate parcels is subject to a separate process outside of this land use process. The southern half of the site is currently occupied by 43,868 square foot industrial building, which also provides area for automobile parking. The northern half of the site is currently used as a surface parking lot. The subject property is the southern terminus of the Con-way Master Plan area, which is in the process of redevelopment from office use and surface parking to a mixed-use neighborhood.

Nearby development includes: to the east, multi-dwelling developments built in 2006, 2011, and 2013, as well as 1-story mid-century commercial developments; to the south, single-story mid-century warehouses, a two-story 1908 commercial building, as well as vintage single- and multi-dwelling structures and a 2016 5-story multi-dwelling building; to the west, a 1906 residence converted to commercial use, the 40,000sf 1-story Legacy Recycling Center, the 7-story Q21 mixed-use development, and the 6-story LL Hawkins multi-dwelling building with New Seasons further west. The recently approved Block 294 and 295 mixed-use developments are further northwest and are currently under construction. Surface parking extends to the north with the 5-story XPO building further north.

The Con-way Master Plan area is located within the boundaries of the Northwest Plan District. The aggregate site area contained within the proposed Master Plan limits, excluding current rights-of-way, is 762,168 sq. feet, or 17.49 acres. Present uses of the Master Plan area include office, industrial, warehousing and surface parking, and recently, retail and high-density residential uses. The area originally accommodated a trucking depot and truck maintenance facilities; it evolved over time to include headquarters office facilities that supported the trucking operations. Trucking operations have moved to off-site locales. Con-way, and its property, was recently purchased by XPO. Today, XPO owns and occupies office buildings on Blocks 293 and 294. Block 295W, is occupied by a 3-story office building currently being renovated. Block 296W was recently renovated for use as a grocery store and other small commercial uses and Block 296E was recently developed as a 6-story mixed-use building. As noted, Block 290 contains a vacant truck maintenance building. A small industrial building is located on Block 16. The balance of the Master Plan area includes paved lots, which are used as parking.

Northwest Portland is recognized as the City's most intensely developed urban neighborhood – a place of diverse housing options, substantial employment, and

regionally recognized destination retail. It is a close-in neighborhood with a mix of land uses located side-by-side in a compact geographic area. As noted in Appendix D of the approved Master Plan, as of 2009 population of Northwest Portland was estimated at close to 9,400 residents. And, while the district is known for a large supply of high value vintage older homes, nearly 90% of residential units district-wide (including apartments) are renter-occupied.

The northernmost boundary of the Master Plan area is I-405, the southernmost boundary is NW Pettygrove Street, the westernmost boundary is NW 22nd Avenue and the easternmost boundary is almost to NW 20th Avenue. NW 21st (included within the Master Plan area boundary) and NW 23rd Avenues are the major north-south commercial corridors of the Northwest Plan District. They can be characterized as successful, vibrant retail streets offering amenities like small retailers, boutique shops and a wide-range of restaurants to residents, office workers, and visitors including tourists. The Master Plan area is unlike the rest of the district in that it includes a vast area of surface parking lots and a few large office buildings.

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

The Design Overlay Zone [d] promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The Northwest Plan District implements the Northwest District Plan, providing for an urban level of mixed-use development including commercial, office, housing, and employment. Objectives of the plan district include strengthening the area's role as a commercial and residential center. The regulations of this chapter: promote housing and mixed-use development; address the area's parking scarcity while discouraging auto-oriented developments; enhance the pedestrian experience; encourage a mixed-use environment, with transit supportive levels of development and a concentration of commercial uses, along main streets and the streetcar alignment; and minimize conflicts between the mixed-uses of the plan district and the industrial uses of the adjacent Guild's Lake Industrial Sanctuary.

Land Use History: City records indicate that prior land use reviews include:

- EA 11-160116 PC – Pre-Application Conference for a Type III Master Plan for redevelopment of the 15.62 acre Con-way site;
- EA 11-188950 APPT – Design Advice Request for the Con-way Master Plan;
- LU 12-135162 MS – Approval of Northwest Master Plan for the Con-way site;
- EA 14-242574 PC – Pre-Application conference for the current proposal;
- EA 15-125245 DA – Design Advice Request for the current proposal. There were three Design Advice hearings, held on April 23, 2015, June 11, 2015, and August 20, 2015. Exhibits G-4, G-5, and G-6 summarize the comments from these hearings;
- EA 15-198024 APPT – Early Assistance appointment for reconfiguration of the existing site into three tax lots.

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed **April 14, 2017**. The following Bureaus have responded with no issue or concerns:

- Water Bureau
- Fire Bureau
- Life Safety Division of BDS
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

The Bureau of Transportation Engineering responded with the following comments. The May 9, 2016 PBOT response to the initial proposal stated the following: “The applicant is required to provide a site specific TDM plan or approval of the Conway Master Plan TDM plan prior to approval of this land use review. At this time, PBOT cannot support approval because neither requirement has been met. PBOT continues to have serious concerns to the significant building encroachments into the vacated NW Quimby right-of-way and to a lesser extent into the eastern boundary of the site into what was proposed as public park. If PBOT had known the park area would be reduced, PBOT would have recommended the standard 60-ft wide pedestrian facility similar to the requirement for the other superblocks in the master plan area. Lesser amounts than the full 60-ft clear area can be considered with Design Commission recommendations that balance the desire for a clear vertical space that reinforces the openness of the standard 200-ft block pattern.” Please see Exhibit E-1 for additional details.

On April 20, 2017, PBOT issued a revised letter in response to the revised design. PBOT noted objection to the proposal, but noted the following requirements will be conditions of the building permit approval:

- Dedicate 3-ft on NW 21st Ave and construct a 15-ft sidewalk corridor.
- Rebuild frontages to Conway Master Plan standards under a separate public works permit. Dedications and a bond and contract for the public works permit are required prior to building permit approval.
- No dedications are needed on the other three frontages
- Provide a through pedestrian and bicycle connection in the vacated NW Quimby parcel between NW 20th and NW 21st in accordance with the approved Conway Master Plan (12-135162 MS). Public pedestrian easements will be required for the full width of the vacated NW Quimby and a minimum 40-ft on the north south pedestrian connection.
- The site is subject to the XPO Transportation Demand Management Plan (TDM) approved by PBOT on March 22, 2017. The applicant can contact Steve Hoyt-McBeth at Steve.Hoyt-McBeth@portlandoregon.gov for more information.

Please see Exhibit E-1b for additional details.

The Bureau of Environmental Services responded with the following comments. The May 9, 2016 BES response to the initial proposal noted that they did not recommend approval, as the proposed stormwater management plan was not approvable and a revised stormwater management plan may affect the final site design; BES has requested additional information. BES noted that if the application is deemed approvable at a later date, the following conditions should be included in the final decision:

1. Prior to permit approval, the applicant must address the ownership of the public sewer and easement in vacated NW Quimby St to the satisfaction of BES.
2. Prior to permit approval, the applicant must assess the Block 291 drainage system and provide an acceptable route of stormwater discharge per PCC 17.38 to the satisfaction of BES.

Please see Exhibit E-2 for additional details.

On April 21, 2017, BES issued a revised letter in response to the revised design. BES no longer objected to the proposal but requested the following conditions of approval:

1. The owner/applicant must complete one of the following prior to BES approval of building permits:
 - a. Show the stormwater system will be located on the lot that it serves, e.g. through completion of a PLA or other method;
 - b. Move the stormwater system elsewhere on the site so that it does not cross a property line; or
 - c. Obtain approval from BDS for a plumbing code appeal to allow the stormwater system to cross a property line and obtain proper legal access from the adjacent property owner.
2. Prior to permit approval, the applicant must resolve the ownership of the public sewer and easement in vacated NW Quimby St to the satisfaction of BES.

Please see Exhibit E-2b for additional details.

Upon revision of the staff report to a recommendation of approval, these conditions will be incorporated as conditions of approval.

Procedural History:

- The application was deemed complete on March 29, 2016.
- The initial Notice of Proposal was issued on April 27, 2016 for a prior design by YBA Architects that was scheduled to appear before the Design Commission on May 19, 2016.
- Staff's initial report to the Commission recommended denial at that time due to outstanding PBOT and BES issues as well as guidelines that were not yet met.
- At that time, the applicant elected to not follow through with the planned Design Commission hearing and requested to place the application on hold in order to revise the design.
- At the applicant's request, an extension of the review period was provided to November 15, 2017, per ORS 227.178.
- The applicant also changed the design team, switching to LRS Architects.
- Just as staff worked closely with the YBA design team, staff also met several times with the LRS team.
- Because the design was quite different from the previous design, staff suggested that the applicant hold a Design Advice with the Design Commission prior to moving forward with the design review application; however, this was not desired by the applicant.
- A revised design was submitted on March 9, 2017, the site was posted on April 4, 2017, and a second Notice of Proposal was issued on April 14, 2017.
- This staff report was prepared in advance of the new hearing date set for May 4, 2017.

Neighborhood Review: The first Notice of Proposal in Your Neighborhood was mailed on **April 27, 2016**. A total of twelve written responses from either the Neighborhood Association or notified property owners in response to the initial proposal were received prior to issuance of the initial staff report, which was published on May 9, 2016 in anticipation of the [postponed] May 19, 2016 Design Commission hearing.

1. Chris Smith, on April 13, 2016, wrote in opposition to Master Plan Amendment #2 to allow access from NW Pettygrove. See Exhibit F-1 for additional details.
2. Ted Timmons, on April 15, 2016, wrote with concerns with allowing garage access from NW Pettygrove, suggesting the access should be from NW 20th avenue. See Exhibit F-2 for additional details.

3. David Lewis, on April 21, 2016, wrote with concerns with allowing garage access from NW Pettygrove, intended as a green street, and adjacent to a pedestrian plaza and a future city park. See Exhibit F-3 for additional details.
4. Chris Shaffer, on April 29, 2016, wrote in opposition to Master Plan Amendment #2 to allow garage access from Pettygrove, intended as a green street, and adjacent to a pedestrian plaza and a future city park. See Exhibit F-4 for additional details.
5. Jessica Engelman, on April 29, 2016, wrote in opposition to Master Plan Amendment #2 to allow garage access from Pettygrove, intended as a green street, and adjacent to a pedestrian plaza and a future city park. See Exhibit F-5 for additional details.
6. Joseph Edge, on April 29, 2016, wrote in opposition to Master Plan Amendment #2 to allow garage access from Pettygrove, intended as a green street, and adjacent to a pedestrian plaza and a future city park. See Exhibit F-6 for additional details.
7. Lucy Wong, on April 30, wrote in opposition to Master Plan Amendment #2 to allow garage access from Pettygrove, intended as a green street, and adjacent to a pedestrian plaza and a future city park. See Exhibit F-7 for additional details.
8. Emily Guise, on April 30, wrote in opposition to Master Plan Amendment #2 to allow garage access from Pettygrove, intended as a green street, and adjacent to a pedestrian plaza and a future city park. See Exhibit F-8 for additional details.
9. Ron Walters, on May 2, 2016, wrote in opposition to the proposal, stating that it does not meet the standards, guidelines or intentions of the Master Plan. He noted that 86% of respondents to an online survey he created opposed the proposal. See Exhibit F-9 for additional details.
10. Gabrielle Ackerman, on May 2, 2016, wrote with suggestions that this space could be used as a multi-use community center, including an indoor swimming pool. See Exhibit F-10 for additional details.
11. Steve Pinger, on May 2, 2016, provided correspondence from Northwest District Association to the applicant, which noted opposition to the proposal due to the reduced width of the square, the increased height of the southeast corner of the building, and the joining of all the buildings (previously shown to be separate) resulting in reduced connections between the sidewalk and the square and a perception of privatization of the square. See Exhibit F-11 for additional details.
12. Steve Pinger, on May 6, 2016, submitted a letter by Greg Theisen, Acting Chair of the Northwest District Association Planning Committee, dated May 5, 2016 stating that the Master Plan should be updated prior to review of this development proposal as prior comments indicated that Block 291 and the Park should be developed in concert with Block 290. He noted that the proposal includes approximately 160,000sf of floor area while the Master Plan assumed 120,000sf at this location, noting that the additional square footage has a negative impact on the square and the Park. He noted that since August 2015, the square has shifted to a more north-south orientation and the eastern portion of the building is now 6 stories, limiting the square's access to sunlight. He noted that connecting the wings of the building has resulted in the square feeling more privatized, as connections to the square are now through buildings rather than between buildings. He noted the issues of the conception of the project regarding master planning with the adjacent blocks and the appropriateness of the development program given the limitations of the site need to be resolved and, assuming that can be achieved, NDWA would support the project if the width and arrangement of entries into the square return to the arrangement shown in the August 20th submittal and that the connection above the first floor are reduced to the width of upper level corridors. See Exhibit F-12 for additional details.

The following staff comments, in the two paragraphs below, are in response to the twelve comments noted above and have not been amended from the initial report:

Staff note: Scope of Review and Process. With regard to NWDA’s comments regarding concurrent development on Block 291 and at the Park, the purpose of design review is not to force development to occur, but to review development that is proposed. No development is currently proposed for Block 291 and no development is currently proposed at the Park. With regard to comments about the need to revise the Master Plan prior to review of this development, staff does not believe that this separation is necessary as the Master Plan will only be amended through this review if it is warranted by the merits of the proposal. Staff believes that reviewing the proposed amendments to the Master Plan with a specific proposal is more beneficial than reviewing potential revisions to the Master Plan without a specific proposal under consideration.

NW Pettygrove. Many of the respondents noted that NW Pettygrove is intended to be developed as a green street, as identified in the Northwest District Plan, North of Lovejoy Project, and North Pearl District Plan. Staff notes that the subject property is not within the boundaries of the North Lovejoy Project and North Pearl District Plan study areas. The 2003 Northwest District Plan identified Pettygrove as a green street, but noted that bicycle facilities may be more appropriate along Thurman while Pettygrove was more appropriate for pedestrian connections. Interestingly, the City’s 2006 Transportation System Plan did not identify Pettygrove as either a City Bikeway or a City Walkway, however, Raleigh and Overton are designated City Bikeways. The 2010 Portland Bicycle Plan for 2030 noted NW Pettygrove as a “future bicycle boulevard”; however, the 2015 Neighborhood Greenway Map noted that NW Raleigh (two blocks north) and NW Overton (one block south) are existing greenways (aka bicycle boulevards) while Pettygrove is neither an existing nor funded greenway. Given the lack of infrastructure dedicated to bicycle safety in other parts of the city compared to the adjacency of other green streets in Northwest, Pettygrove has not been identified as a priority for green street development. The River District Right-of-Way Standards, which have been applied in the Pearl District, do not apply to this section of NW Pettygrove. In addition, no green street improvements are required as part of this development. Staff further addresses these concerns in the findings below under E1, D4, and Amendment #2.

A revised Notice of Proposal for the revised proposal was mailed, on **April 14, 2017**. At the time of writing this revised staff report a total of three written responses have been received from either the Neighborhood Association or notified property owners in response to the revised proposal:

13. Steve Pinger, Northwest District Association Planning Committee, on April 14, 2017, wrote in opposition. He noted that, unlike the previous project which the committee offered conditional support, the committee unanimously voted in opposition to the current proposal. He noted that the current proposal is fundamentally flawed in that it places too much building area on a site that does not have the capacity to accommodate it as well as the open space requirements, resulting in too little area devoted to a public square, which is compromised by the scale of the surrounding buildings. He noted that the square has too little sunlight and daylight to be successful and that the square is more like a privatized courtyard rather than a public square. He noted that the Master Plan envisioned that the subject site would be developed with only 85,000sf, rather than 190,000 that is proposed, which is 20% more than the previous scheme which also had massing challenges. He also noted that the proposed square only has approximately 8,700sf of area that is open to the sky which results in 45% of the minimum area of the square being underneath upper floors of the

- building. He noted that the proposal does not meet guideline 7B.3 which requires that buildings around the square should be massed to optimize solar exposure, because of the height of the surrounding buildings relative to the width of the square. He also noted that the proposal provides only half of the retail frontage needed to ensure a successful square, rather than a privatized courtyard. He also noted the NWDA continues to have concerns that the development of Blocks 290 and 291 have not been in coordination, nor has the square been designed in coordination with the adjacent future park, as was envisioned by the Master Plan. See Exhibit F-13 for additional details.
14. Suzanne Lennard, on April 17, 2017, wrote in opposition. She noted that the Master Plan repeatedly refers to Block 290 as “square and associated development”, meaning that the building surrounding the square was intended to be secondary with the square the primary purpose of this site. She notes that the breezeway connection between the square and the park should not be counted as part of the area of the square as it is identified in the Master Plan as “ground plane connection between the square and neighborhood park”. She notes that half of the paved area counted as “square” is located beneath upper portions of the building. She noted that the Master Plan envisioned that this site would contain less built floor area, thus the provision allowing the transfer of floor area throughout the Con-way Master Plan area was included in the Plan. She also noted that unlike all other sites in Con-way, Block 290 is not subject to the minimum 1.5:1 FAR because of the requirement to provide both a square and a park on this block. She noted that both the prior scheme and the current scheme have failed to transfer FAR off of this site, and have instead increased the FAR above 3:1 when only the standard 200’ x 200’ block is counted as site area (rather than also including Quimby and the north-south pedestrian connection as site area). She noted that the 7-story buildings fronting the square do not provide human scale and that the proposal provides minimal sun exposure for a limited number of hours. She noted that the proportions of the square are too narrow to provide comfort to those within the space and that at the height of the surrounding buildings proposed, the square would have to be 142’ wide, rather than the 65’ proposed, in order to be correctly proportioned. She noted that the proposal does not place a strong emphasis on the quality of the public realm, and that the proposal would negatively impact the intended social functions of the square, due to its size and lack of sunlight. She noted that the proposal does not meet the standards, guidelines, or purpose of the square, which is intended to be a “significant, iconic urban place.” See Exhibit F-14 for additional details.
15. Ms. Michael James, on April 18, 2017, wrote in opposition, stating that the proposal does not integrate the existing lower rise neighborhood and presents a looming inhospitable wall to the neighborhood. She noted that the proposed square is 50% smaller than envisioned in the Master Plan, will be shrouded in shade most of the day, and is not usable for its intended public purpose “due to its small size and oppressive lack of view or sunlight.” See Exhibit F-15 for additional details.
16. Ron Walters, on April 19, 2017, wrote in opposition. He noted that the Master Plan recognized that development potential on Block 290 was significantly limited due to the requirements for a square and neighborhood park, as indicated in the appendix, which envisioned 85,000sf of development potential on Block 290. He noted that the Master Plan allows for the transfer of floor area throughout the plan area and envisioned the concurrent development of Block 291 and Block 290. He noted that the applicant has not transferred and floor area and resulting proposal fails to provide the intended open spaces. He noted opposition to the placement of private ground floor development in the pedway, and noted that his should be cited as an Amendment to the designated open

- spaces. He also noted that the Modifications and Amendments will, individually and collectively, have a negative impact due to the limited access to sun, cantilevered buildings at the edges of the square, the reduced size of the connection between the square and park, and the separation of Quimby Festival Street from the square. See Exhibit F-16 for additional details.
17. Ron Walters, on April 19, 2017, provided survey results from 77 respondents, indicating opposition to the proposal. He noted the following survey results: 83% oppose or strongly oppose the size and layout of the proposed square; 87% believe the buildings around the square are not attractive nor appropriately scaled; 88% of respondents feel the square will not receive sufficient sunlight; 84% do not believe the square will be cozy, warm, and welcoming; 84% believe the square does not achieve the goal of creating a “historically significant iconic focal point” of the neighborhood. See Exhibit F-17 for additional details.
18. Michael W. Mehaffy, President of the Goose Hollow Foothills League, on April 21, 2016, wrote in opposition. He noted that the proposed square is intended to be a city-wide asset and does not appear to meet that requirement. He noted that the square has too much shading and not enough connection to the surrounding urban fabric, noting that it appears to be more of a courtyard for the residents with the mass of the development overwhelming the proper design of the space. He noted that while it is understandable to try to maximize floor area, it is up to the public sector to ensure that a proper public space is created. See Exhibit F-18 for additional details.

Staff response: While staff can appreciate that the Master Plan envisioned less development potential on Block 290 than the 3:1 that is noted as the maximum across the Master Plan area, this limitation was not written into the standards and thus can only be addressed through the standards and guidelines in place. Likewise, while the development of Block 291 was envisioned to be concurrent with Block 290, this also was not a requirement of the Master Plan; because Block 290 is proposed to be developed independently, we can only review the proposed development against the standards and guidelines in place. The concerns regarding the size and dimensions of the square, the encroachment into the north-south connection by the residential stoops, and other issues noted are addressed in the findings below.

ZONING CODE APPROVAL CRITERIA

(1) DESIGN REVIEW (33.825)

Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site’s location, the applicable design guidelines are the Community Design Guidelines and Section 5

and Section 8 of the Con-way Master Plan.

Community Design Guidelines

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland's urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other movement systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

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

The following findings are in response to the current (revised) design, which is significantly changed from the prior design. Staff has considered the previous design only with regard to applying the guidelines consistently.

P1. Plan Area Character. Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.

Findings: The subject property is located within the Transition Area of the Northwest Plan District. The desired characteristics and traditions of this area suggest that new development should incorporate the following: partial-block development; street frontages lined with buildings; dividing the façades and rooflines of larger buildings into distinct components that reflect the established pattern of 50 to 100 foot-wide increments; larger structures that provide a sense of urban enclosure along main streets with a finer grain of façade articulation and roofline variation along east-west streets; and extending the NW 21st Avenue main street retail pattern of ground floor windows close to the sidewalks with spaces suitable for small tenants with residences or offices at the upper floors.

The proposed development is a standard U-shaped plan with a 7-story east and north wing, with a western wing that drops to 4 stories with a small pavilion at the 5th floor. The building is primarily clad in white brick with areas of the façades peeled away in an attempt to break up the massing; this occurs at areas where the north-south wings are marked by vertical slits in the façade, which allow the creation of framed zinc panel areas to establish an articulation of the residential wings as brick tubes. Additional areas of erosion of this concept occurs along NW 21st Avenue which help to further break up the massing of the west façade; however, staff notes that the north and east façades, are dominated by the large relatively unbroken massing. This is particularly apparent at the continuous eastern roofline, which will serve as the backdrop of the future park. The proposal will provide additional retail space along NW 21st, close to the sidewalk, with residences above; however, staff notes that none of these retail spaces provides access directly from NW 21st Avenue, which is atypical for the neighborhood and is antithetical to the desired character of the area.

This guideline is not yet met; however, with the provision of retail entrances facing NW 21st and further articulation of the eastern roofline, this guideline could be met.

P2. Historic and Conservation Districts. Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area's historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.

Findings: The site is not located within a historic district. The nearest historic district is several blocks away. *This guideline is not applicable.*

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

Findings: The site is not located at an identified gateway. *This guideline is not applicable.*

E1. The Pedestrian Network. Create an efficient, pleasant, and safe network of sidewalks and paths for pedestrians that link destination points and nearby residential areas while visually and physically buffering pedestrians from vehicle areas.

Findings: Sidewalks will be rebuilt to PBOT standards as part of this development. Street trees are proposed along both public frontages, NW 21st Avenue and NW Pettygrove Street. This will ensure an efficient, pleasant and safe network of sidewalks for pedestrians.

The applicant is also proposing additional pedestrian connections, as the project requires development of a public square, as well as the north-south connection on the east. The applicant has also elected to develop a portion of the Quimby festival street as part of this proposal. Over the course of three Design Advice Requests, the applicant was provided direction by the Design Commission that the Quimby festival street, which is intended to primarily serve pedestrian and bicyclists, could be designed to accommodate vehicles in a limited manner. However, because the purpose of this street is to be used for neighborhood community events, it was advised that the garage access should not be located on this parcel as this would make it infeasible to close down the street for such events.

Nevertheless, the applicant has elected to locate the vehicular access to the below-grade garage, as well as the loading space, along NW Quimby. Staff notes that the previous design proposed vehicular access from Pettygrove, which also presented challenges including the need for a Master Plan Amendment to lift the access restriction on Pettygrove, significant neighborhood opposition, as well as safety concerns due to the garage's proximity to a pedestrian connection between Pettygrove and the square.

The applicant has proposed a design for Quimby, which attempts to slow vehicular traffic through the use of a meandering roadway, landscape planters, and the deployment of removable bollards. While the proposed design is shown (ghosted) on the eastern portion of Quimby, staff notes that the applicant does not have control over this portion of the site and thus has not been granted permission to develop the eastern portion of Quimby as shown. Staff's prior concerns that the use of Quimby for garage access precludes the use of the street as a Festival Street remain, as it is not clear how pedestrians would be protected from vehicles on this street during a festival. Bollards located at one end of the Quimby road way and occasional raised planters will not keep pedestrians from filtering into the roadway when a festival is taking place, particularly if there is a large volume of people. In addition, if pedestrian traffic was to be directed to the

sidewalks at the crossing of Quimby and the pedestrian way, there then exists potential conflicts at the garage entry.

This guideline is not yet met; however, with resolution of the pedestrian/vehicular conflicts, this guideline could be met.

Staff notes that a Master Plan Amendment to remove the proposed “Quimby Festival Street” may be a solution, as prior testimony from the neighborhood seemed to favor Quimby as the preferred location over Pettygrove for garage access. With such an Amendment, Quimby could be developed and designed to look like a typical public street but remain in private ownership, primarily used for vehicular access.

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

Findings: Benches are provided along NW Quimby, along the “pedestrian way” between the building and the park, and within the square. Movable chairs are also shown to be located within the square, which can be moved to either sun or shade depending on the sitters’ desires. *This guideline is met.*

E3. The Sidewalk Level of Buildings. Create a sense of enclosure and visual interest to buildings along sidewalks and pedestrian areas by incorporating small scale building design features, creating effective gathering places, and differentiating street level facades.

Findings: The ground level of the building is differentiated from the upper levels in that it is clad primarily with glass, as well as a composite panel that has not yet been identified. For the most part, the upper levels overhang the ground level at the interior; around the outer perimeter of the building, a slight overhang is compensated by additional canopies at the northwest and southeast corners, as well as at the residential entries on the east. The residential entries at the east help reduce the scale of the building above with their landscaped stoops facing the park, while the canopies help reduce the scale of the 7-story northwest and southeast corners. Benches and seating opportunities are also provided along Quimby, along the pedestrian way, and within the square to provide multiple opportunities for large and small gatherings. Staff has concerns, however, that the lack of sunlight entering the square would make the interior gathering spaces less effective than is intended by the Con-way Master Plan, though these concerns are addressed elsewhere. *This guideline is met.*

E4. Corners that Build Active Intersections. Create intersections that are active, unified, and have a clear identity through careful scaling detail and location of buildings, outdoor areas, and entrances.

Findings: The proposed building features ground level retail at the southwest and southeast corners, residential units at the northeast corner, and a spacious residential lobby at the northwest corner, stretching residential amenities along the north façade. Stepped entries to the retail spaces at the southwest corner may generate activity; however because they are not accessible entries, they may not be used as primary entries. While staff has encouraged more retail along NW 21st, this has not been provided. The residential lobby at this corner is unlikely to be used very often because the elevator is located more than 130’ away from this

entry and tenants will be more likely to use the entry located 10' from the elevator which connects to the square.

Staff notes that while the previous design broke the standard 200' x 200' grid by extending 13' north into Quimby and 12' east into the north-south pedestrian connection, the current design maintains the 200' x 200' grid which will allow for a more natural flow of pedestrians, as this is the pattern throughout most of the city.

This guideline is not yet met; however, with the addition of more retail at the northwest corner along NW 21st Avenue, this guideline could be met.

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

Findings: Significant weather protection is provided, primarily within the boundary of the property, through the 2nd floor overhangs at the west and east entries to the square, which are fully covered by the building above, and along the west and east edges of the square. As is noted elsewhere, a significant amount of the proposed square is covered by upper level building area, with notably tall walls, which will produce quite a bit of shadow on the square. While this may be somewhat mitigated by the white brick walls of the upper portions of the building, it may not make up for the lack of sunlight falling on the square itself.

The current proposal is starkly different from the prior proposal in this regard, as the previous proposal was designed to maximize access to sunlight in the square, with shorter building heights, recessed upper levels, and an extension of the building footprint beyond the intended boundary lines on the east and the north in order to create a wider square. While the footprint of the building and the amount of sunlight reaching the square were continually points of concern, the previous design more successfully mitigated the effects of both shadow and sun than does the current proposal. These concerns are more thoroughly discussed below, however staff believes that significant massing changes, such as shifting floor area to the north, creating a point tower (through a height Modification), or potentially expanding the footprint horizontally, are required to adequately meet this guideline.

Some canopy coverage is also provided at the northwest and southeast corners of the building. Staff notes that while significant coverage is provided along the north façade where there is little active space, no coverage beyond a slight overhang of the upper floors is provided along the southern frontage of the NW 21st façade, adjacent to the bus stop. Staff suggests that additional canopy coverage could be provided at the southeast corner of the building without significantly affecting the design expression.

This guideline is not yet met, however, with significant massing changes, (such as shifting floor area to the north wing, creating a point tower, or potentially expanding the footprint horizontally) and the provision of an additional canopy at the southeast corner of the building, particularly along NW 21st Avenue, this guideline may be met.

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

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

Findings for D1 and D3: Because the Con-way Master Plan calls for a public square to be built on Block 290W, the applicant proposes a public square in the middle of the building. The Conway Master Plan also requires that the square shall have no dimension less than 100 feet and shall be 16,000 square feet in area. The applicant has argued that the Master Plan does not specify whether these measurements must be taken at the ground level or upper levels, nor whether or not connections may or may not be counted as the total area of the square and staff agrees with this statement. Ms. Lennard in Exhibit F-14, noted that the breezeway areas should not be counted as part of the total square area as it is described as a different element. Because the standard states that the square shall have “no dimension less than 100 feet” staff agrees that the breezeways shall not be counted; if they are to be counted, they must be no less than 100 feet wide. As such, a Modification has been added to this staff report to reduce the total area of the square from 16,000sf to approximately 13,775sf; this is further discussed below.

Staff notes that the previous design also required a Modification to reduce the area of the square by 220sf. Staff supported this previous request as the ground level dimensions of that design were 113’ in the east-west direction, with the upper level dimensions in the east-west direction ultimately exceeding 100’; in contrast, the current design proposes an upper level dimension of 65’ and a lower level dimension of 100’ in the east-west direction. Therefore, while the design of the square may be usable and accessible, staff does not consider it to be sizable, nor arguably pleasant enough to meet the purpose intended by the Master Plan. These concerns are more thoroughly discussed below, however staff believes that significant massing changes, such as shifting floor area to the north, creating a point tower (through a height Modification), or potentially expanding the footprint horizontally, are required to adequately meet this guideline.

The square is connected to the public sidewalk at two locations and connected to the pedestrian way and park on the east. The potential for the square to feel privatized has been an ongoing concern. At the prior Design Advice Requests, the Commission stated a strong preference for the square to feel open and inviting to pedestrians on the sidewalk, noting that glimpse of light from the right-of-way and wide openings to the sidewalk would be important. The previous design was donut-shaped, creating a four-sided square, which heightened the privatization concerns. The current design has opened the square to the sidewalk so that pedestrians can flow freely into the square; however, these concerns remain as the square has the character of a typical courtyard rather than of a public square.

At prior Design Advice Requests, the Commission also noted that the paving should be simplified to a single paver so that the square does not feel branded with the building. The proposed paving is an irregular striped pattern, which starts just beyond the building edges. The previous design had a similar pattern and staff again suggests that the right-of-way paving pattern could bleed into the square, where it could lead to a special paving pattern only discovered upon committing to the square; this would allow the square to feel less privatized. However, staff also notes that the varied paving pattern adds interest to the relatively simple backdrop of the building.

As is noted elsewhere, the proposed design for the Quimby Festival Street is hampered by the fact that the applicant has control over only the western half of this street and is proposing to locate the below-grade garage entrance on this street. The proposed paving for this street has reverted to asphalt, though a meandering roadway will help to slow vehicle traffic.

Because the park is not currently proposed for development, (though Parks is slated to begin public outreach later this year), it is difficult to ascertain how the proposed development will interact with the park. However, the applicant proposes to develop a north-south pedestrian connection, immediately east of the building, which will align with future north-south connections, as outlined in the Master Plan. The proposed connection allows space for outdoor dining at the southeast corner, with residential stoops facing the park at the northeast corner. The proposed connection features a paved allée, adjacent to a field of decomposed granite, also with a formal row of trees, which serves as the threshold to the as-yet undeveloped park. Staff believes that this will serve as a smooth transition for the future park, however it is to be designed.

Staff also notes that a small pavilion is now proposed of the 4-story west wing, which provides additional outdoor amenity space for the tenants and eliminates staff’s previous concerns about the lack of mitigation on this relatively visible rooftop. In addition, various balconies are proposed at the upper levels. Some of the balconies are traditional projecting balconies, while others are Julietts. Staff notes that the Julietts are accessed via a vinyl slider, which is rather illogical as the railing extends across a fixed glazed area where no railing is necessary; these sliders should be revised to swinging doors or the Julietts revised to true balconies.

This guideline is not yet met; however, with significant massing changes at the upper levels (such as shifting floor area to the north wing, creating a point tower, or potentially expanding the footprint horizontally), simplification of the paving pattern, and reconsideration of the Juliet balconies, this guideline may be met.

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

D5. Crime Prevention. Use site design and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground level uses, and outdoor areas.

Findings: The building will provide eyes on the street through use of glazed ground floor retail spaces, upper floor windows, balconies, and through activated outdoor areas including the square, Quimby festival street, and the pedestrian way on the east. Pedestrian-oriented lighting is proposed throughout the development via soffit lighting, landscape lighting, and flood lighting within the square. The current proposal provides 9,800sf of retail in 5 demarcated spaces. As is noted elsewhere, zero retail entries are provided into the retail spaces directly from NW 21st, which does not meet the standard of the Zoning Code.

Staff also notes that the ground level retail spaces at the southwest corner are shown to be accessible only from the square side of the building; this does not appear to be equitable. While the proposal may meet building code requirements for accessibility, staff notes that equitable access should be provided on both sides of the building to individual retail spaces so that those with mobility issues do not

have to travel further than those without mobility issues to access the same services. In addition, the retail space immediately south of the lobby does not appear to have an accessible entrance and requires all to access via a stair; this is unlikely to meet the requirements Americans with Disabilities Act and must be revised.

Staff notes that, in general, significantly fewer public entries are provided to a total amount of retail space significantly (52%) reduced from the previous design. In the previous design, 14 public entries were provided at the outer perimeter of the building, with 29 total; in the current design, 4 public entries are provided at the outer perimeter of the building with 12 total public entries. Staff notes these changes because the previous proposal was found to meet this guideline through the deployment of frequent public entries along the sidewalk and square, while the current proposal is not found to meet this guideline. Staff does not believe that the limited number of entries, particularly at the outer perimeter of the building, is sufficient to meet this guideline. In addition, staff also believes that the relatively small amount of retail space, in combination with the excessive amount of space devoted to residential amenities at the ground level, serves to provide an active ground level that will maintain adequate eyes on the street or on the square, particularly during the evening hours. In addition, it appears that the minimum length of ground floor windows required along NW Quimby is about 3” short of the (50%) length required, which would require a Modification to the Ground Floor Windows standard in order to be approved.

This guideline is not yet met; however, with the provision of additional retail space, additional accessible public entries to the retail spaces particularly at the outer perimeter, and additional windows on the north ground level façade, this guideline could be met.

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

Findings: The proposed parking is located below grade, which will minimize the negative impacts of parking which currently exist on the site. The garage access is located on the north façade, along Quimby, adjacent to other back-of-house uses such as a fire pump room, ventilation shaft, and egress corridor. This results in a significant amount of dead space as a significant amount of the adjacent residential wall is also non-fenestrated. The applicant has indicated that a high-speed overhead garage door is to be provided. While high-speed doors are a common requirement in urban areas, there has been no indication that a high-speed door is required here. Therefore, staff suggests that the proposed garage door could be revised to a more interesting door which can move at a slower speed, such as a decorative gate as this would reduce the negative impacts of this opening on the pedestrian environment.

This guideline is not yet met; however, with the provision of a decorative garage gate in place of the proposed high-speed overhead door, this guideline could be met.

D6. Architectural Integrity. Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

Findings: The proposal is for an entirely new building. The existing warehouse building will be removed from the site. *This guideline is not applicable.*

D7. Blending into the Neighborhood. Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

Findings: Within the Con-way Master Plan area, four developments have so far been approved and, with the exception of the renovation of an existing concrete warehouse, all of the approved proposals were for mixed-use developments featuring brick, in varying shades, as a primary cladding material. The proposed building features brick, in one shade, as a primary cladding material, with zinc panels as an accent material. While the development to the south and east is rather varied with regard to typology, use, and age, the newer developments to the west and northwest are somewhat similar to the proposed in that they feature taller buildings along the eastern portion of the site with lower buildings on the west. The Q21 project immediately west features a horizontally divided 7-story volume along NW 21st Avenue with a small plaza forecourt.

Were it not for the specific requirements of this particular site, the proposed building would complement the neighboring buildings adequately. However, because of the unique requirements of this site, specifically to provide a public square, staff finds that the building's proposed massing and proportions do not adequately meet this guideline with regard to reducing the impact of the development on the established neighborhood. Rather, staff agrees with the public comments that the current proposal would have a rather negative impact on the planned use of this particular site, which is to provide a public square to serve as a gathering spot for the existing and to-be-developed neighborhood. These concerns are more thoroughly discussed below, however staff believes that significant massing changes, such as shifting floor area to the north, creating a point tower (through a height Modification), or potentially expanding the footprint horizontally, are required to adequately meet this guideline.

This guideline is not yet met, however with significant changes to the massing (such as shifting floor area to the north wing, creating a point tower, or potentially expanding the footprint horizontally) and including increasing the width of the east-west dimension of the square from earth to sky, this guideline could be met.

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

Findings: While staff had noted concerns with a potentially overly chaotic expression in the previous design and suggested some simplification, the current proposal has swung to other end of the spectrum, particularly on the courtyard and park-facing façades. As staff suggested previously, the interior façades of the square must balance a sense of calm and that of activity to support the desired activities in the square.

Staff noted concerns with the previous proposal that the mechanical equipment on the roof of the 4-story volume was not sufficiently obscured. The current proposal uses a portion of this rooftop as an amenity deck with trees in planters, which help to reduce the visual impact of the mechanical units, whose number have also been reduced.

With regard to the proposed materials, generally, they appear to be of high quality. However, staff notes that the “thru-color composite rain screen cladding board system”, which can be found at the ground level and in vertical slots at upper levels has not been identified. Staff has expressed concerns about the durability of fiber-cement products located at the ground level but recognizes that some of these products have been previously approved at the ground level of a limited number of buildings. Staff suggests that concrete, perhaps tinted, or a dark brick could be a more durable alternative for a project that will have a significant amount of public interaction at all ground level elevations. Staff notes that the brick proposed is not a standard brick, but a Norman brick. Staff also notes that the gauge of the zinc panel has not been indicated, so staff may not verify its resistance to oil-canning; however the manufacturer’s website indicates a deflection of 5/64” on 36” and a curvature of 1/32”; the proposed panels are 12’ x 48”.

The proposed fields of green zinc-alloy panels are shown to be substantially recessed (15”-20”) from the outer wall plane. Staff notes however that the windows at the zinc panels appear to be slightly proud of the panels, as indicated by the jamb and sill details on sheets 6.4 and 6.5. In addition, the proposed PTAC louvers are shown to be proud of both the zinc panels and the composite panel, as is shown on sheets 6.6 and 6.7

This guideline is not yet met; however, with additional interest at the courtyard and park-facing façades, demonstration of the quality of the fiber cement product and reconsideration of fiber cement at the ground level, clarification on the potential for oilcanning at the zinc panels, and refinement of the window and louver detailing, this guideline may be met.

NW Master Plan Design Guidelines

Introduction

The existing Community Design Guidelines, along with these new seven (7) Con-way Master Plan design guidelines, are the applicable approval criteria for design review. Design guidelines are mandatory approval criteria that must be met as part of design review and historic design review. They inform developers and the community as to what issues will be addressed during the design review process. The guidelines state broader concepts than typical development standards in order to provide flexibility to designers, yet they are requirements.

Applicants are responsible for explaining, in their application, how their design meets each applicable guideline.

The design review process is flexible. It is intended to encourage designs that are innovative and appropriate for their locations. For this reason design guidelines are qualitative statements. Unlike objective design standards, there are typically many acceptable ways to meet each design guideline. Examples of how to address specific guidelines are included in this section for each design guideline. It is not the City’s intent to prescribe any specific design solution through the design guidelines.

During the design review process, the review body must find that the proposal meets each of the applicable design guidelines. Proposals that meet all applicable guidelines

will be approved; proposals that do not meet all of the applicable guidelines will not be approved.

If the review body approves the proposed design, they may add conditions to their approval to ensure the proposal's compliance with the guidelines. If the review body does not approve the proposed design, they would prefer that the applicants revise the design to address deficiencies rather than have the city impose a specific solution through conditions. They may find that such action is necessary to better achieve the goals for design review.

In some cases, a design guideline may be waived during the design review process. An applicable guideline may be waived as part of the design review process when the proposed design better meets the goals of design review than would a project that had complied with the guideline. If a waiver is requested, the applicants must explain, in their application, how the goals of design review are better met in the proposed design than would be possible if each guideline being considered for waiver was followed. Allowing the waiver of one or more guidelines during the design review process reflects the City's concern that the design guidelines not become a rigid set of requirements that stifle innovation.

Goals of design review:

1. Encourage urban design excellence;
2. Integrate urban design and preservation of our heritage into the development process;
3. Promote the development of diversity and areas of special character within the district;
4. Establish an urban design relationship between the district and the Northwest District as a whole;
5. Provide for a pleasant, rich and diverse experience for pedestrians;
6. Assist in creating a 18-hour district which is safe, humane and prosperous; and
7. Ensure that development proposals are at a human scale and that they relates to the scale and desired character of its setting and the Northwest District as a whole.

Guideline 1: Provide human scale to buildings and edges along sidewalks, squares and pedestrian accessways.

Findings: As is noted elsewhere, staff has concerns about the proposed scale of the building, relative to the proportions of the square. Specifically, while the west wing fronting on the square feels properly scaled, the north wing, and especially the east wing do not. Staff notes that while views from and into the square highlight the west wing, no views are shown capturing the entirety of the east or north wings and how it would feel to be in the square and facing the sheer vertical walls of the east or north. This is in stark contrast to the previous design which employed a tiered approach that stepped the building back as it went up; this approach introduced human scale to what were otherwise tall buildings facing the square. The previous design also employed this approach on the north and east perimeter façades, thus reducing the scale of the building along Quimby and the pedway adjacent to the park, whereas the current proposal presents mostly stark vertical faces to these areas. Staff also believes that significant massing changes, such as shifting floor area to the north, creating a point tower (through a height Modification), or potentially expanding the footprint horizontally, would allow for more variation in the scale of the building, particularly as it impacts the square.

With regard to providing human scale in the current proposal, the upper levels overhang the ground level at the interior, providing shelter and creating cozy walkways around the square; around the outer perimeter of the building, a slight overhang is compensated by additional canopies at the northwest and southeast

corners, as well as at the residential entries on the east. The residential entries at the east help reduce the scale of the building above with their landscaped stoops facing the park, while the canopies help reduce the scale of the 7-story northwest and southeast corners. In addition, canopies, signage, and pedestrian-oriented lighting are also provided to bring down the scale of the building. Benches and seating opportunities are also provided along Quimby, along the pedestrian way, and within the square to provide multiple opportunities for large and small gatherings.

This guideline is not yet met; however, with significant changes to the massing, particularly by breaking down the vertical scale of the building facing the square and on the north and east façades, and potentially by shifting floor area to the north wing, creating a point tower, or potentially expanding the footprint horizontally, this guideline could be met.

Guideline 2: Develop urban edge variety adjacent to parks, pedestrian accessways and greenstreets. Program uses on the ground level of buildings adjacent to parks, accessways and greenstreets that activate and expand the public realm. Design the lower stories of buildings to include elements that activate uses and add variety and interest to the building facades.

Findings: The proposal provides retail and the primary entrance to the courtyard at Pettygrove, which has the potential to become a future green street, similar to the conditions several blocks east of the site. Along the park edge, the applicant has provided a north-south connection in the area intended as the western 60' of the park. Adjacent to this connection, the building features retail at the south and ground level residential units with landscaped stoops at the north, with a covered breezeway to the square between. With the right tenants, the north-south connection could be activated by the proposed uses, however, the proposed residential stoops may also have the negative effect of privatizing this area. This area was intended for use as a neighborhood park, as Mr. Walters noted in Exhibit F-16, suggesting that an Amendment to the Open Space areas should apply due to this condition. Staff notes that stoops are allowed to encroach into other open space areas, such as the pedestrian accessways, without an Amendment and therefore staff has taken a similar approach at this location. In addition, the “accomplished by” statements for this guideline in the Master Plan indicate that stoops can be incorporated to meet this guideline. *This guideline is met.*

Guideline 3: Develop weather protection. Develop integrated weather protection systems at the sidewalk level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection, and sunlight on the pedestrian environment.

Findings: Significant weather protection is provided, primarily within the boundary of the property, through the 2nd floor overhangs at the west and east entries to the square, which are fully covered by the building above, and along the west and east edges of the square. As is noted elsewhere, a significant amount of the proposed square is covered by upper level building area, with notably tall walls, which will produce quite a bit of shadow on the square. While this may be somewhat mitigated by the white brick walls of the upper portions of the building, it may not make up for the lack of sunlight falling on the square itself; however these concerns are more thoroughly discussed elsewhere.

Some canopy coverage is also provided at the northwest and southeast corners of the building. Staff notes that while significant coverage is provided along the north

façade where there is little active space, no coverage beyond a slight overhang of the upper floors is provided along the southern frontage of the NW 21st façade, adjacent to the bus stop. Staff suggests that additional canopy coverage could be provided at the southeast corner of the building without significantly affecting the design expression.

This guideline is not yet met, however, with the provision of an additional canopy at the southeast corner of the building, particularly along NW 21st Avenue, this guideline may be met.

Guideline 4: Develop buildings that are appropriately scaled to the neighborhood. Façades should be well articulated and offer diversity in volume and form along the street edge.

Findings: While the proposed building may arguably be “appropriately scaled” for the overall Northwest neighborhood, staff notes that *this site is specifically designated in the Con-way Master Plan to feature a public square.* To that end, staff does not believe that the proposed building is appropriately scaled to meet the unique requirements for this particular site within the neighborhood, as the square itself is not sized adequately proportional to the walls that define the space. Staff agrees with the public comments that the proposed massing of the current proposal would have a rather negative impact on the planned use of this particular site, which is to provide a public square to serve as a gathering spot for the existing and to-be-developed neighborhood. Staff believes that significant massing changes, such as shifting floor area to the north or creating a point tower (through a height Modification) (as was discussed in previous meetings and DARs), or potentially expanding the footprint horizontally (as was proposed in the previous design), are required to adequately meet this guideline.

This guideline is not yet met; however, with significant changes to the proposed massing, (such as shifting floor area to the north wing, creating a point tower, or potentially expanding the footprint horizontally), this guideline could be met.

Guideline 5: Provide transitions between the public and private realms when residential structures abut streets, parks and pedestrian accessways.

Findings: The proposal features ground level units at the northeast corner, facing the park. These units are separated from the public realm by landscape planters and raised entries. This transition will provide enough separation for tenants to have some privacy while still being close to enough to engage with passersby if so desired. *This guideline is met.*

Guideline 6: Integrate high-quality materials and design details.

Findings: As is noted under Guideline D8 above, the proposed materials are generally high quality. These materials include Norman brick, aluminum storefront, wood storefront doors, and aluminum and glass balconies. Staff has expressed concerns regarding the proposed fiber cement of unknown manufacture as well as the with the thickness of the zinc-alloy panels as both of these materials are used rather extensively and in the case of the fiber cement panel, at the ground level. As was also noted above, staff has concerns with regard to the window and louver details, as described under Guideline D8.

This guideline is not yet met; however, with demonstration of the quality of the fiber cement product and reconsideration of fiber cement at the ground level, clarification on the potential for oilcanning at the zinc panels, and refinement of the window and lower detailing, this guideline may be met.

Guideline 7A: Provide private open spaces that are well integrated with adjacent development, act as gathering places designed to adapt to a variety of activities, are linked together and to other nearby open spaces, are accessible to the public and provide distinctive neighborhood identity.

Findings: The proposed development of the square, Quimby festival street, and pedestrian way at the east, while occurring on private property, will be publicly accessible, with provision of public access easements, as required. The pedestrian way is intended to be a continuation of the pedestrian accessways, which will be developed to the north as part of future proposals within the Con-way Master Plan area. It also serves as a buffer between the proposed development and the future park, which has yet to be designed. The proposed Quimby festival street is intended to be a special street, allowing for limited vehicular access, to allow for community events; however it is not currently designed to function this way. The proposed square is a central component to this site and is envisioned, in the Master Plan, to be the heart of the neighborhood; however staff does not believe that the square, as currently designed, will provide the desired distinctive neighborhood identity. As is noted above and below, staff has concerns with the proposed design of Quimby as well as the design of the square. These private, publicly-accessible spaces are further discussed below.

As further described in the more specific findings below, this guideline is not yet met; however, with resolution of the pedestrian/vehicular conflicts on Quimby, and with significant massing changes (such as shifting floor area to the north wing, creating a point tower, or potentially expanding the footprint horizontally), and the introduction of additional retail adjacent to the square, this guideline could be met.

Guideline 7B: Square – Design the square to be a significant iconic urban place and include commercial focal points as adjacent uses.

7.B.1 – Provide architectural context around the perimeter of the square. Activate the square with active ground floor uses that offer opportunities such as outdoor dining from private establishments that adjoin the square.

7.B.2 – Provide ground level sight lines and pedestrian access from the square into the neighborhood park.

7.B.3 – Mass adjacent buildings to enclose the square and to optimize solar exposure.

7.B.4 – If possible, provide additional commercial space and/or multi-family housing at the upper levels of the surrounding development, to help put “eyes” on the square.

7.B.5 – If/when commercial uses such as cafes are located on the second floors, provide balconies for outdoor dining to activate the square from the upper levels.

7.B.6 – Design the square to be flexible and to support commerce, activities, and events such as farmers/public markets, dining, fairs, art shows, and small musical performances, etc.

7.B.7 – Consider opportunities for neighborhood facilities such as schools, libraries, meeting places, full service bike station and community centers to abut the square and provide for 18 hour activity.

7.B.8 – Design the square as a simple and flexible urban space; include high quality furnishings and materials particularly at the ground plane. The square should be appropriately sized for the activities and functions envisioned in the space.

7.B.9 – Incorporate elements that evoke the history of the neighborhood such as a water feature or public art to give identity to the square.

7.B.10 – Provide landscape elements consisting primarily of shade trees, possibly including low shrubs and ground covers that allow for surveillance and security.

7.B.11 – Provide furnishings such as lighting, trash containers, fixed benches, movable tables and chairs, bollards and planters.

7.B.12 – Design the eastern edge of the site so that it is well integrated with the neighborhood park.

7.B.13 – Provide for universal accessibility.

7.B.14 – Provide public access easements for the square.

7.B.15 – In the event that construction of the square significantly lags construction of the neighborhood park, interim improvements shall be allowed. Interim improvements include activities and treatments, such as demolition, grading, seeding, installing temporary paving, allowing public access and the like. Phase 1 improvements are to be mutually agreed upon by Con-way, property owner, and Portland Parks and Recreation. Phase 1 improvements, as described above, shall not be subject to Design Review and shall be allowed outright on the square.

Findings: As is noted in the findings above, staff has significant concerns about the design of the square that mirror the comments received by the public. The headline of this guideline states that the square is intended to be “a significant iconic urban place”. Staff does not believe that the current proposal meets this intent primarily for the following reasons:

- While the square does have some retail uses surrounding it, the amount of retail sorely lacks the opportunity for a variety of spaces, thereby limiting the reasons to go to the square or remain in the square once a user is there.
- The adjacent buildings are massed to enclose the square on three sides, but are not massed to optimize solar exposure as the width of the upper levels above the square (65’) is too narrow relative to the adjacent building walls (7 stories tall), particularly the east wall.

Staff notes that some aspects of this guideline are met such as the provision of upper-level residential units which will help provide eyes on the street; however staff also notes that there are significant portions of the ground plane that are covered and out of view of these upper levels. In addition, fixed and movable furnishings, plantings, and lighting have been provided and the square is envisioned to accommodate a number of different uses and activities.

That said, at the current horizontal and vertical dimensions, staff does not believe that the proposed square can meet this guideline and become a “significant iconic urban place”. Notably, with regard to the previous design, staff found that while this guideline was not yet met, that it could have been met with reconsideration of the paving pattern, and provision of a connecting ramp and an easement, all relatively minor concerns. With regard to that design, staff noted that the building massing was sculpted to maximize sunlight entering the square which has been of primary importance to both the neighborhood and the Design Commission since the first Design Advice. Throughout the Design Advice process, the Commission suggested that additional steps could be taken to maximize solar exposure such as shifting floor area to the north or creating a point tower (through a height Modification). The current proposal has made no clear attempt to maximize solar access beyond orienting the courtyard to the south, and has reduced the amount of area open to sunlight from what was previously seen. As such staff would

suggest that expansion of the footprint horizontally could potentially help maximize the solar exposure, similar to what was proposed in the previous design as this guideline was closer to being met in the previous version.

This guideline is not yet met; however, with significant massing changes (such as shifting floor area to the north wing, creating a point tower, or potentially expanding the footprint horizontally) and the introduction of additional retail, this guideline may be met.

Guideline 7C: NW Quimby Parcel – Provide a multi-use street and open space that links the neighborhood park and square to the south and development to the north, and serves primarily as a pedestrian and bicycle connection.

7.C.1 – Provide through pedestrian and bicycle connections between NW 21st and 20th.

7.C.2 – Provide emergency and service access as needed to adjacent developments.

7.C.3 – As needed, provide access to building entrances and pedestrian accessways to the north of the parcel.

7.C.4 – Provide transitions to hard and landscape elements included in the neighborhood park to the south of the parcel.

7.C.5 – Provide public access easements.

7.C.6 – Accommodate underground public utilities as needed.

7.C.7 – Provide a location for a flexible festival street to host a farmers market, art walk or other programmed neighborhood events.

7.C.8 – Design the festival street to reflect the character of the potential square on the west end as well as the neighborhood park on the east end.

Findings: The following findings are similar to those found under Guideline E1.

Over the course of three Design Advice Requests, the applicant was provided direction by the Design Commission that the Quimby festival street, which is intended to primarily serve pedestrian and bicyclists, could be designed to accommodate vehicles in a limited manner. However, because the purpose of this street is to be used for neighborhood community events, it was advised that the garage access should not be located on this parcel as this would make it infeasible to close down the street for such events.

Nevertheless, the applicant has elected to locate the vehicular access to the below-grade garage, as well as the loading space, along NW Quimby. Staff notes that the previous design proposed vehicular access from Pettygrove, which also presented challenges including the need for a Master Plan Amendment to lift the access restriction on Pettygrove, significant neighborhood opposition, as well as safety concerns due to the garage's proximity to a pedestrian connection between Pettygrove and the square.

The applicant has proposed a design for Quimby, which attempts to slow vehicular traffic through the use of a meandering roadway, landscape planters, and the deployment of removable bollards. While the proposed design is shown (ghosted) on the eastern portion of Quimby, staff notes that the applicant does not have control over this portion of the site and thus has not been granted permission to develop the eastern portion of Quimby as shown. Staff's prior concerns that the use of Quimby for garage access precludes the use of the street as a Festival Street remain, as it is not clear how pedestrians would be protected from vehicles on this street during a festival. Bollards located at one end of the Quimby road way and occasional raised planters will not keep pedestrians from filtering into the roadway when a festival is taking place, particularly if there is a

large volume of people. In addition, if pedestrian traffic was to be directed to the sidewalks at the crossing of Quimby and the pedestrian way, there then exists potential conflicts at the garage entry.

Therefore, while some parameters of this guideline, such as accommodation of underground utility vaults, may be met, it is not clear how 7.C.7 (the intended function of this street) is met.

This guideline is not yet met; however, with resolution of the pedestrian/vehicular conflicts, this guideline could be met.

Staff notes that a Master Plan Amendment to remove the proposed “Quimby Festival Street” may be a solution, as prior testimony from the neighborhood seemed to favor Quimby as the preferred location over Pettygrove for garage access. With such an Amendment, Quimby could be developed and designed to look like a typical public street but remain in private ownership, primarily used for vehicular access.

Guideline 7D: Pedestrian Accessways – Provide a network of pedestrian accessways that, together with public greenstreets and building forecourts, form a special pedestrian circuit or network of connected open spaces in the neighborhood, in addition to adjacent development.

Findings: The subject property does not include an area for a designated pedestrian accessway; however, as is discussed elsewhere, the proposal does provide a similar connection at the eastern edge of the property which will connect to the north-south pedestrian accessways to the north. *This guideline is not applicable.*

Guideline 7E: Building Forecourts – Provide building forecourts on specific blocks that serve as multi-use outdoor spaces open to the public.

Findings: The subject property does not include an area for a designated building forecourt. *This guideline is not applicable.*

Guideline 7F: Pocket Park – Provide land for a small pocket park west of St. Patrick’s Church.

Findings: The subject property does not include an area for a designated pocket park. *This guideline is not applicable.*

(2) MODIFICATION REQUESTS (33.825)

33.825.040 Modifications That Will Better Meet Design Review Requirements:

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

modifications if it finds that the applicant has shown that the following approval criteria are met:

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

The following Modifications are requested:

1. **Con-way Master Plan Standard #1** – to increase the maximum height from 47’ to 57’ for a penthouse amenity space on the lower portion of the building;

Findings: Staff finds that the proposed additional height of the western wing of the building, in order to accommodate a relatively small rooftop pavilion, is reasonable. Because the proposed pavilion is set several feet back from the parapet edge, the pavilion will not be visible and will not cast additional shadow on the square. The increase in height, which serves only to provide the height with which to provide the pavilion helps Guideline D1 Outdoor Areas is better met the proposal as it helps to activate what would otherwise be an inactive roofscape.

This Modification warrants approval.

2. **Con-way Master Plan Standard #7** – to reduce the 50’ depth requirements for ground floor retail fronting on the square to as little as 34’ in some locations (and 10’ in one location) and to reduce the amount of retail/neighborhood facilities fronting the square to below 75% at the northern square-facing wall;

Findings: The Purpose statement reads as follows: “This requirement ensures that Retail Sales, Service, or Neighborhood Facility uses are developed along NW 21st Avenue; these uses activate and enrich the public realm. The requirement specifically focuses on Retail Sales and Service uses because they generate more activity and interaction within the public realm than do other active ground floor uses, and help to establish and reinforce a lively and vibrant public realm along NW 21st Avenue.”

This requested Modification applies to that part of the building fronting on NW 21st and fronting on the square. With regard to the portion of the building fronting on NW 21st, the ground level of the western wing is indicated to be 44’-11”. The retail space to its north is 33’-11”, and the retail space narrows from 28’-0” to 10’-0”. The retail space at the southeast corner is 49’-1” but narrows to 13’-8”. Since the first Design Advice Request, successful design of the square has been of primary importance and it was stated multiple times that significant reduction of the area of the square would make it unsuccessful. Staff and the Commission have recognized that it is mathematically impossible to accommodate 50’ deep retail spaces on both sides of a 100’ square on a 197’ wide parcel. As such, reduction of the depth of the retail spaces was considered acceptable as a means to ensure that the square would not be compromised.

Ultimately, staff would support further reduction to the depth of the retail spaces on the west and east, but notes that this would not solve the current issues facing the square as these are a result of the width of the upper levels that overhang the ground floor and the square. With regard to the northern retail space at the end of the square, staff believes that this space should be deeper as this area could be one

of the more desirable locations in the square for a substantial retail tenant. The total amount of retail frontage along the north wall of the square is proposed to be reduced to 62.5%, rather than the 75% required; however the total amount of retail and neighborhood facilities provided around the entire perimeter of the square and breezeways is 81.4%, per the applicant's calculations. While this implies an abundance of activity, the 10' deep retail space at the north end of the square feels stunted and unable to enhance the energy that is supposed to exist within the square, particularly with its blank wall facing the square. While angled spaces have the ability to add interest and direct energy, this space feels improperly designed to serve that function.

In order to be counted as a "neighborhood facility" (which does not count toward the total FAR) the proposed bike facility must meet several parameters upon permitting, as outlined in standard 5.B.6, including demonstration of a binding agreement with a lease holder and a covenant with the City reserving the space for such for 20 years. Upon revision of the staff report to a recommendation of approval, this would be incorporated as a condition of approval.

Unlike the previous proposal which requested a reduction in the height of the retail spaces, the current proposal does not and has instead elected to sink the southwestern retail spaces below the sidewalk grade to ensure that the base height is met within the four-story volume. As staff has noted above, this has presented challenges with regard to accessibility. As such, staff suggests that a reduction in the ground level clearance may be more appropriate than what the current design proposes at this location.

This Modification does not yet warrant approval; however, with an increase in depth to the retail space at the north end of the square, this Modification may warrant approval.

3. **Con-way Master Plan Standard #8** – to reduce the required setback of the upper floor of the east and south façades of the east wing from 5'-0" to 0'-0";

Findings: The purpose statement reads as follows: "These regulations reinforce the continuity of the pedestrian-oriented environment, provide a pleasant, rich and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, and also help to maintain a healthy urban district with architectural elements or improvements that provide visual interest and interrelate with the pedestrian environment."

This standard applies to the southern and eastern frontages of the building. It states that "the top floor of all buildings taller than 75 feet shall be setback a minimum of 5 feet." It is not entirely clear how this standard relates to the purpose statement which primarily speaks to the pedestrian experience. Staff notes that the building is 77 feet tall at the applicable location, meaning if it were just two feet shorter, this standard would not apply. Staff has noted elsewhere that additional articulation of the east façade is needed; therefore, with additional articulation, staff believes that this Modification could be warranted.

This Modification does not yet warrant approval; however, with additional articulation of the east façade, this Modification could warrant approval.

4. **Con-way Master Plan Standard #10** – to reduce the clearance of the ground plane connection between the square and the park from 25' to an average of 15', with a

minimum clearance of 13'-9" and to reduce the size of the square from 16,000sf to approximately 13,775sf;

Findings: The Purpose statement reads as follows: “The square shall be a significant, iconic, urban place, framed by active buildings on at least three sides, and connected to nearby open spaces.”

Because the standard states that the square shall have “no dimension less than 100 feet” staff agrees that the breezeways shall not be counted; if they are to be counted, they must be no less than 100 feet wide. As such, a Modification has been added to this staff report to reduce the total area of the square from 16,000sf to approximately 13,775sf.

Staff notes that the previous design also required a Modification to reduce the area of the square by 220sf and did not count the breezeway areas as part of the square. Staff supported this previous, relatively minimal, request as the ground level dimension of that design was 113' in the east-west direction, with the upper level dimension in the east-west direction ultimately exceeding 100' as the building peeled away at upper levels; in contrast, the current design proposes a ground level dimension of 100' and an upper level dimension of 65' in the east-west direction.

As staff has noted in multiple findings above, the proposed design of the square meets neither the intent of the Con-way Master Plan, nor several of the applicable guidelines. This is in part due to the dimensions and proportions of the square, particularly at the upper levels; while the “square” may meet the linear requirements of no dimension less than 100' at the ground floor, the upper levels of the building project partially over the square and extend 7 stories on the east, thereby reducing the amount of light entering the square and the amount of visible sky – two elements that are critical to a successful square. As such, staff sees no nexus to recommend approval of a Modification to the size of the square, as it is currently designed. Staff and the Commission have previously suggested that massing on the east could be shifted elsewhere such as to the north, or in a point tower (through a height Modification); in addition, the footprint could be expanded to the east, as it was in the previous version, which would allow the square to be widened.

With regard to the requested reduction of the clearance between the square and the park, staff previously supported this Modification as the breezeway was located between heavily glazed retail on either side and the ground level in general was heavily glazed which allowed views between the square and the outer perimeter of the building on all sides. The current proposal features heavily glazed retail on the south side with a shared bike facility and residential uses on the north. The applicant was previously proposing a relatively blank north wall but has added more glazing at the bike facility as well as some interpretive art panels at the residential wall. Staff notes that this aspect of the proposal could be interesting but is in need of additional refinement.

This Modification does not yet warrant approval; however, with significant massing changes (such as shifting floor area to the north wing, creating a point tower, or potentially expanding the footprint horizontally), including an overall increase to the total area of the square, and with additional refinement of the north breezeway wall, this Modification may warrant approval.

5. **33.266.220.C.3.b Bicycle Parking Standards** – to reduce the width of required long-term bicycle parking spaces from 24” to 18”.

Findings: The Purpose statement reads as follows: “Bicycle parking is required for most use categories to encourage the use of bicycles by providing safe and convenient places to park bicycles. These regulations ensure adequate short and long-term bicycle parking based on the demand generated by the different use categories and on the level of security necessary to encourage the use of bicycles for short and long stays. These regulations will help meet the City’s goal that 10 percent of all trips be made by bicycle.”

The reduction of bike parking area results in either a reduced amount of area dedicated to the relatively inactive use of bicycle storage, or the ability to store more bicycles within the same area. In this instance, the proposed bike parking is located in the basement and within the units, and therefore will not impact ground level uses, but will minimize areas devoted to bicycle storage; therefore, D4 Parking Areas and Garages is better met. Staff has found in many other instances that an 18” on-center spacing with a 6” vertical stagger to be sufficient to meet the purpose of the standard with regard to convenience and safety.

Provided, the bike parking is set at 18” on center with a 6” vertical stagger, this Modification warrants approval. Because the drawings do not indicate such dimensions, upon revision of the staff report to a recommendation of approval, these dimensional requirements would be incorporated as a condition of approval for this Modification.

6. **33.140.242 Transit Street Main Entrance** – to not provide retail entrances that face the Transit Street.

Findings: The Purpose of the standard states: “Locating the main entrance to a use on a transit street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.” As is noted elsewhere, the proposed retail fronting on NW 21st Avenue does not include any entrances that provide direct access to NW 21st Avenue. Not only does this result in inconvenient access to the transit street but it may also result in more back-of-house uses in the retail areas being located along NW 21st Avenue. Therefore, the purpose of the standard is not met, nor are the guidelines better met by the current proposal.

This Modification does not warrant approval; staff suggests that entrances opening onto NW 21st Avenue be provided.

**(3) Con-way Master Plan Amendment Approval Criteria
Amendment Process**

The master plan provides for an amendment process in Chapter 33.562.300.F that does not reflect the nature of the proposed master plan in that it requires an amendment for a variety of circumstances not anticipated as part of the Con-way Master Plan. Therefore, the master plan will replace Chapter 33.562.300.F with the following:

Amendments to the Con-way Master Plan.

Amendment Required and Review Procedures. The Con-way Master Plan is a market-driven master plan that provides for a flexible development framework that

anticipates a broad variety of potential allowed outcomes. Because there is not an exact and specific development outcome required for the ultimate build-out of the Con-way Master Plan the amendment process will be required for only very significant deviations from the approved Master Plan.

Review Procedures. Amendments to the Con-way Master Plan are reviewed as follows:

1. The following amendments will be processed through a Type III procedure before the Hearings Officer:
 - a. A change that increases the overall density of the entire Con-way master plan area above a 3:1 floor area ratio;
 - b. Changes to the Master Plan boundary;
 - c. Increase in the overall maximum square footage of uses as allowed in Section 5, Standard 2.
2. The following amendments will be processed through a Type III procedure before the Design Commission:
 - a. Removal of dedicated open space; or
 - b. Changes to the Design Standards and Guidelines.
3. If amendments are proposed that include changes to 1 and 2 above, then the Design Commission will make a recommendation regarding any items under 2 above to the Hearings Officer who will make the final decision under a Type III procedure.

Approval Criteria. The approval criteria for an amendment to the Con-way master plan are as follows:

1. Overall. The amendment is consistent with the approved Con-way Master Plan's vision and purpose;
2. Design. The urban design elements provided in the purpose statements of the Design Standards and Guidelines of the approved Con-way master plan continue to be met after the amendment;
3. Transportation. The net new weekday p.m. peak hour trip generation of the overall Master Plan site with the amendment remains less than or equal to 1,535 trips. In the event that the Master Plan site net new weekday p.m. peak hour trip generation exceeds 1,535 trips, a transportation impact study will be required to demonstrate what mitigation measures (if any) will be required of the amendment to satisfy City of Portland and Oregon Department of Transportation operating standards at impacted intersections.

Master Plan Amendment #1: Amend the boundaries of designated open areas and development areas by revising Map 04-7, and subsequently revising Map 05-1 and 05-6 of the Master Plan to align with the new boundaries. This Amendment is requested in the event that PGE does not realign, or allow realignment by others, the power lines along NW 21st to the western side of the poles. This condition and the consequences of not realigning the power lines are shown on sheets A.1 and A.2. If the power lines cannot be realigned, this would result in an eastward shift of the entire development approximately 8'-2", resulting in a loss of designated open space equal to that dimension for the entire north-south length of the project site.

1. **Overall.** The amendment is consistent with the approved Con-way Master Plan's vision and purpose;

Findings: As described in the Con-way Master Plan, Section 2 "Overall Scheme", the intent of the plan is that "these properties be developed in a manner that generates a vibrant mixed-use urban environment. This chapter also discusses how this will be accomplished by addressing proposed densities through height and

massing, phasing of development, review procedures, design standards, design guidelines and principles, and transportation. These elements are generally discussed in Section 2 and in more detail in their respective sections.

Approximately 25% of the total land area owned by Con-way is designated to become open space as a part of this application. All open space will be accessible to the public. These spaces have not yet been designed but guiding principles have been established in Section 5.”

Block 290 is specifically discussed as follows in Section 2: “Block 290 will be the site for two major open spaces being proposed. A neighborhood park will be located on the easterly portion of this block – property that may be conveyed to the Parks Bureau. A privately owned and developed, but publicly accessible urban square will be located on the westerly side of this block. The square will be fronted on two sides by mixed-use buildings with ground-level, commercial retail uses; these will be complementary to the varied functions and activities that will occur in the square.”

Staff notes that the Master Plan contains maps (02-2 and 04-7) which indicate the location of designated open areas as well as maps that indicate the location of intended building footprints (02-1 and 04-1, as well as those related to the design standards). While these maps clearly relate to the standard 200’ x 200’ city block, staff could not find commentary or a justification for establishing this as this intended footprint of future buildings; the only indication that this may be a specific desire is the sense that such a footprint is the most logical as one travels across this city.

In the event that PGE will not relocate or allow relocation of the NW 21st Avenue power lines, the applicant proposes to amend the designated open areas by extending the buildable area of Block 290W approximately 8’-2” to the east. This amounts to a removal of 1,633 square feet of designated open space that is then transferred to the area dedicated to the “square and associated development”.

The question of whether or not the proposed development would be allowed to migrate east into the designated “neighborhood park” has been one of the most significant questions surrounding this project over the course of its existence. The first iteration occupied the entire western 60’ of the designated Neighborhood Park. While a pedestrian accessway was not designated in this area as part of the Master Plan, the Plan did indicate that the north-south pedestrian accessways would terminate in open space. Thus, it was difficult to reconcile the then-proposed footprint of the building with the removal of open space. The proposed footprint of the building decreased in subsequent Design Advice proposals, with the previous design showing a maximum 15’ extension into the designated park area, with the adjacent 45’ between the building and the future park proposed to be developed as a continuation of the north-south pedestrian accessways. Again, the current proposal only seeks to encroach into this area a distance of 8’-2” and only if PGE will not relocate or allow relocation of the utility lines to the other side of the utility poles.

At the Design Advice Requests, the Design Commission repeatedly expressed concern over the proposed removal of open space and the expansion of the building footprint area beyond the standard 200’ x 200’ block. The Commission generally expressed doubt that the proposal could meet all the expectations of the Master Plan’s open space requirements without incorporating additional development area (Block 291) into the proposal. By including development on Block 291, as was anticipated by the Master Plan, the additional building area could relieve the financial and development envelope burden that Block 290 has by the requirement

to provide an open public square. However, no development is proposed on Block 291. Staff cannot require that additional development be proposed; we can only judge the proposed development on its merits. Prior Design Commission comments indicated that in order for the removal of open space to be approved, the design of the proposal must demonstrate that this transfer of open area to development area is warranted. The Commission had also suggested, during the Design Advice process, that additional height at the north could be considered in order to help the proposal maintain the standard 200’ x 200’ footprint while also maximizing solar exposure on the square.

As is outlined throughout this staff report, the massing of the proposed development has been an ongoing debate throughout this project’s history as the design teams’ have worked to shape a building that meets the standards of the Code and the Con-way Master Plan, while also meeting the guidelines. While the previous design sought to break the limits in the horizontal direction with a footprint exceeding the standard 200’ x 200’ block, the current design aimed to maintain the typical footprint and, as such, has pushed additional floor area inward and upward. However, with this Amendment request, the current design also seeks to break the horizontal boundary and move eastward into the designated “neighborhood park” in the event that the power lines cannot be relocated.

Staff does not believe that the existing power lines staying in their current location is justification enough for the project to shift into the designated open space. While the applicant has noted that this condition will arise on the blocks north of this site, staff notes that it is the current and future applicants’ responsibility to design the building around the power lines if they cannot be relocated. It is not the burden of the neighborhood to give up designated open space for a situation that could otherwise be addressed through creative design. Staff suggests that, if the power lines, cannot be relocated, then the western wing of the building should be redesigned as necessary.

Therefore, this approval criterion is not yet met; however with significant massing changes that respond to the above concerns and result is a successful public square that meets the intent of the Con-way Master Plan such as shifting floor area to the north wing or creating a point tower, in addition to potentially expanding the footprint horizontally, this criterion may be met.

- 2. **Design.** The urban design elements provided in the purpose statements of the Design Standards and Guidelines of the approved Con-way master plan continue to be met after the amendment;

Findings: Purpose statements appear only under Design Standards and Guidelines #5, #6, #7, #8, and #10. Staff has addressed each below:

#5 Neighborhood Facilities within the NW Master Plan Area.

Purpose: “This regulation encourages creation of facilities to serve those who live and work in the NW Master Plan Area. These facilities are necessary elements of a neighborhood.”

Findings: As this amendment does not affect neighborhood facilities, this amendment will have no effect on this urban design element. *This purpose statement does not apply.*

#6 Required Building Lines.

Purpose: “Required building lines are intended to enhance the urban quality of the NW Master Plan Area.”

Findings: Map 05-4 indicates the location of required building lines, however, no required building lines are shown on Block 290. A note on Map 05-4 states that “required building lines will apply to any buildings planned as part of a park Master Plan that front NW 21st or a public square.” As this amendment does not affect designated required building lines, and is not a part of a park Master Plan, this amendment will have no effect on this urban design element. *This purpose statement does not apply.*

#7 Special Required Ground Floor Retail Sales, Service, or Neighborhood Facility Uses on NW 21st Avenue and Buildings that Front the Square.

Purpose: “This requirement ensures that Retail Sales, Service, or Neighborhood Facility uses are developed along NW 21st Avenue; these uses activate and enrich the public realm. The requirement specifically focuses on Retail Sales and Service uses because they generate more activity and interaction within the public realm than do other active ground floor uses, and help to establish and reinforce a lively and vibrant public realm along NW 21st Avenue.”

Findings: The proposed amendment retains the requirement for ground floor retail sales and service uses fronting on NW 21st and on the square; therefore, the proposed amendment will have no effect on this urban design element. *This purpose statement is met.*

#8 Standards on Streets and Open Spaces.

Purpose: “These regulations reinforce the continuity of the pedestrian-oriented environment, provide a pleasant, rich and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, and also help to maintain a healthy urban district with architectural elements or improvements that provide visual interest and interrelate with the pedestrian environment.”

Findings: The proposed amendment retains the requirement for standards on streets and open spaces that support a pedestrian-oriented environment, but will shift the line on the corresponding map (05-6). The proposed amendment will have a minimal effect of this standard, revising the exact location where this standard is required along the eastern building frontage, but will not result in any other significant changes. *This purpose statement is met.*

#10 Square Standards.

Purpose: “The square shall be a significant, iconic urban place, framed by active buildings on at least three sides, and connected to nearby, open spaces.”

Findings: The purpose of the requested amendment is to avoid existing power lines which have been in place and known about for some time. Contrary to the previous design which sought to encroach into the designated open spaces in order to increase the size of the square in order to ensure its success, the current design does not indicate any changes to the square as a result of the requested eastward shift. *This purpose statement is not met.*

- 3. Transportation.** The net new weekday p.m. peak hour trip generation of the overall Master Plan site with the amendment remains less than or equal to 1,535 trips. In the event that the Master Plan site net new weekday p.m. peak hour trip generation exceeds 1,535 trips, a transportation impact study will be required to demonstrate what mitigation measures (if any) will be required of the amendment to satisfy City of Portland and Oregon Department of Transportation operating standards at impacted intersections.

Findings: The proposed amendment will have no effect on trip generation. *This approval criterion is met.*

Based on the findings noted above, these approval criteria are not met; however, with significant massing changes that respond to the above concerns and result is a successful public square that meets the intent of the Con-way Master Plan such as shifting floor area to the north wing or creating a point tower, in addition to potentially expanding the footprint horizontally, these criteria may be met.

DEVELOPMENT STANDARDS

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

CONCLUSIONS

Staff recognizes the significant challenges of accommodating the required public square as well as supportive private development on this site, which meets the standards outlined in the Con-way Master Plan. Staff has now worked with two different design teams in an attempt to recommend approval of a proposed development for this site. The previous design had some challenges, which resulted in a recommendation of denial, as staff did not believe it was ready for approval. Unfortunately, the current design is further away from meeting the approval criteria than was the previous design. An issue exacerbating the challenges of developing Block 290 stem from the fact that the Master Plan envisioned concurrent development between Blocks 290 and 291, as this would allow the floor area on 290 to be leveraged by floor area on 291, in addition to solving the vehicular access problem as Block 290 has access restrictions on NW 21st and Pettygrove, and has a park and a festival street on the other two sides.

As is noted by the public comments, the primary purpose of Block 290 is to provide a public square for the neighborhood. The current proposal fails to do so, and has instead proposed a 7-story building adjacent to a privatized courtyard. The current proposal meets neither the intent, the standards, nor the guidelines of the Con-way Master Plan.

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal does not meet the applicable design guidelines, Modification criteria, or Adjustment criteria and therefore does not yet warrant approval.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time to the Design Commission decision)

Because not all approval criteria are met, staff cannot yet recommend approval, therefore, staff recommends Denial.

The following concerns require resolution before staff can recommend approval:

- significant changes to the massing, particularly at the upper levels, (such as shifting floor area to the north, creating a point tower (through a height Modification), or potentially expanding the footprint horizontally), including increasing the width of the east-west dimension of the square from earth to sky

- and including an overall increase to the total area of the square that result is a successful public square that meets the intent of the Con-way Master Plan;
- provision of accessible retail entrances facing NW 21st; addition of more retail at the northwest corner along NW 21st Avenue; with an increase in depth to the retail space at the north end of the square; and provision of an additional canopy at the southeast corner of the building, particularly along NW 21st Avenue.
- breaking down the vertical scale of the building facing the square and on the north and east façades by adding interest at the courtyard and park-facing façades, including further articulation of the eastern roofline;
- demonstration of the quality of the fiber cement product, clarification on the potential for oilcanning at the zinc panels, and refinement of the window and louver detailing;
- resolution of the potential pedestrian/ vehicular conflicts at Quimby;
- provision of a decorative garage gate in place of the proposed high-speed overhead door;
- additional windows on the north ground level façade;
- reconsideration of the Juliet balconies; and
- simplification of the paving pattern in the square.

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Procedural Information. The application for this land use review was submitted on January 5, 2016, and was determined to be complete on March 29, 2016.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 5, 2016.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be waived, granting a full extension. See Exhibit A-5. The applicant then provided an additional extension to November 15, 2017. See Exhibit A-6.

Some of the information contained in this report was provided by the applicant. As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the recommendation of the Bureau of Development Services with input from other City and public agencies.

This report is not a decision. The review body for this proposal is the Design Commission who will make the decision on this case. This report is a recommendation to the Design Commission by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Design Commission will make a decision about this proposal at the hearing or will grant a continuance. Your comments to the Design Commission can be mailed, c/o the Design

Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201 or faxed to 503-823-5630.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. You may review the file on this case by appointment at our office at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201. Please call the file review line at 503-823-7617 to schedule an appointment.

Appeal of the decision. The decision of the Design Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Design Commission, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. **Appeals must be filed within 14 days of the decision. An appeal fee of \$5,000.00 will be charged.**

Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County

Recorder to the County Recorder’s office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

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

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

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the city.

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

Hillary Adam
April 24, 2017

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement
 - 1. Original Drawing Submittal Set
 - 2. Project Description
 - 3. Design Narrative, received March 29, 2016
 - 4. Revised Drawing Set, received March 29, 2016
 - 5. Initial Extension, dated May 18, 2016
 - 6. Extension, dated October 27, 2016
 - 7. Resubmitted Pre-Application Conference Summary
 - 8. Revised Stormwater Management Report, dated March 3, 2017
 - 9. Revised Drawing Set, dated March 9, 2017
- B. Zoning Map (attached)
- C. Plan & Drawings
 - 1. Drawing Set for May 4, 2017 hearing (121 sheets) (4.1, 4.2, 4.3, 4.6, 4.7, 4.8, 4.9 attached)
- D. Notification information:
 - 1. Request for response

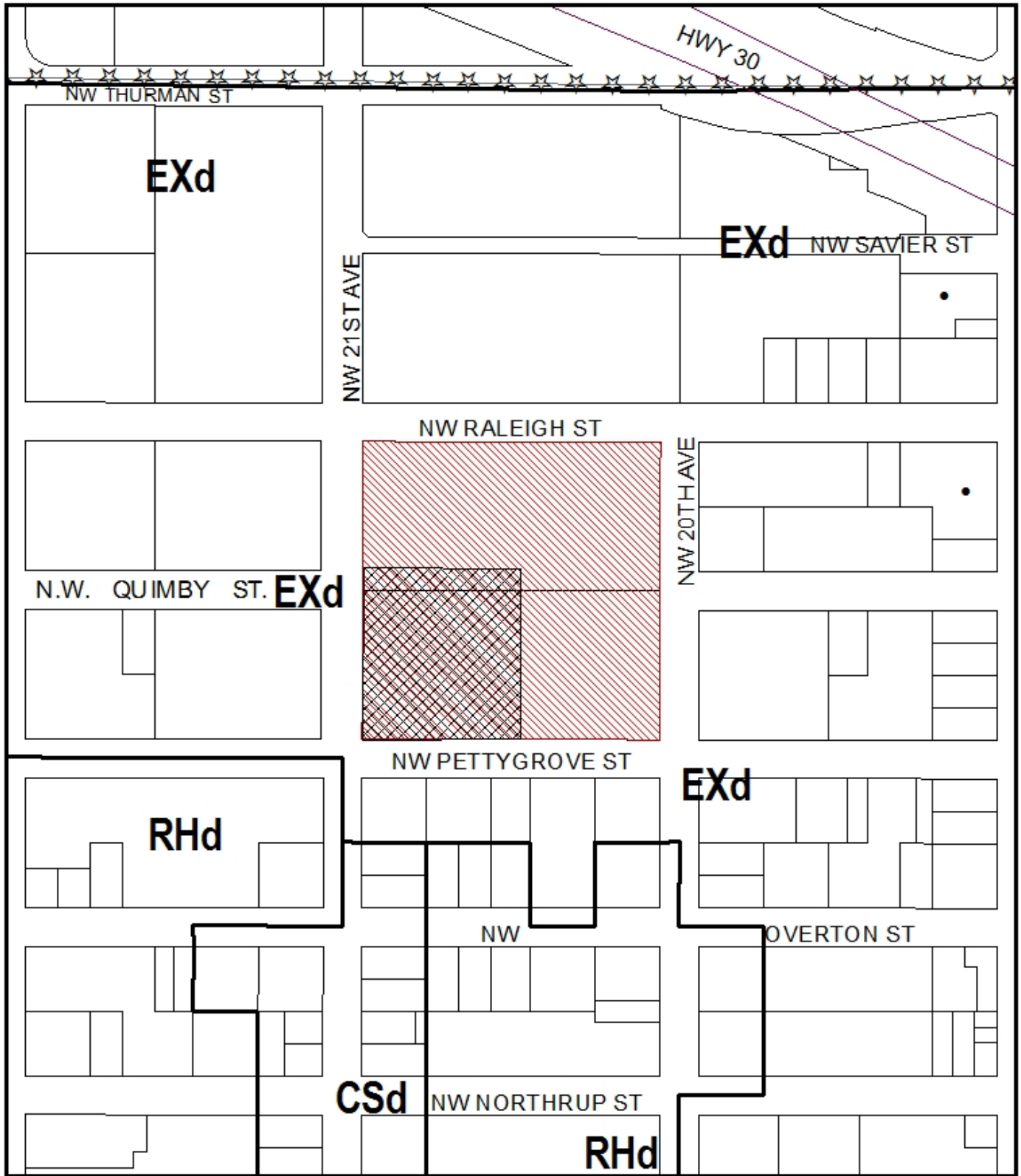
2. Posting letter sent to applicant
 3. Notice to be posted
 4. Applicant's statement certifying posting
 5. Mailed notice
 6. Mailing list
 7. Revised Posting Instructions
 8. Revised Posting Notice
 9. Certification Form
 10. Revised Mailed Notice
 11. Revised Mailing List
- E. Agency Responses:
1. Bureau of Transportation Engineering and Development Review
 2. Bureau of Environmental Services
 3. Water Bureau
 4. Fire Bureau
 5. Bureau of Parks, Forestry Division
 6. Site Development Review Section of BDS
- F. Letters
1. Chris Smith, on April 13, 2016, wrote in opposition to Master Plan Amendment #2 to allow access from NW Pettygrove.
 2. Ted Timmons, on April 15, 2016, wrote with concerns with allowing garage access from NW Pettygrove, suggesting the access should be from NW 20th avenue.
 3. David Lewis, on April 21, 2016, wrote with concerns with allowing garage access from NW Pettygrove, intended as a green street, and adjacent to a pedestrian plaza and a future city park.
 4. Chris Shaffer, on April 29, 2016, wrote in opposition to Master Plan Amendment #2 to allow garage access from Pettygrove, intended as a green street, and adjacent to a pedestrian plaza and a future city park.
 5. Jessica Engelman, on April 29, 2016, wrote in opposition to Master Plan Amendment #2 to allow garage access from Pettygrove, intended as a green street, and adjacent to a pedestrian plaza and a future city park.
 6. Joseph Edge, on April 29, 2016, wrote in opposition to Master Plan Amendment #2 to allow garage access from Pettygrove, intended as a green street, and adjacent to a pedestrian plaza and a future city park.
 7. Lucy Wong, on April 30, wrote in opposition to Master Plan Amendment #2 to allow garage access from Pettygrove, intended as a green street, and adjacent to a pedestrian plaza and a future city park.
 8. Emily Guise, on April 30, wrote in opposition to Master Plan Amendment #2 to allow garage access from Pettygrove, intended as a green street, and adjacent to a pedestrian plaza and a future city park.
 9. Ron Walters, on May 2, 2016, wrote in opposition to the proposal, stating that it does not meet the standards, guidelines or intentions of the Master Plan. He noted that 86% of respondents to an online survey he created opposed the proposal.
 10. Gabrielle Ackerman, on May 2, 2016, wrote with suggestions that this space could be used as a multi-use community center, including an indoor swimming pool.
 11. Steve Pinger, on May 2, 2016, provided correspondence from Northwest District Association to the applicant, which noted opposition to the proposal due to the reduced width of the square, the increased height of the southeast corner of the building, and the joining of all the buildings (previously shown to be separate) resulting in reduced connections between the sidewalk and the square and a perception of privatization of the square.

12. Steve Pinger, on May 6, 2016, submitted a letter by Greg Theisen, Acting Chair of the Northwest District Association Planning Committee, dated May 5, 2016 stating that the Master Plan should be updated prior to review of this development proposal as prior comments indicated that Block 291 and the Park should be developed in concert with Block 290. He noted concerns with increased height at the southeast, the full-width connection of the wings of the building, previously proposed to be separate buildings, narrowness and arrangement of entries to the square, and a feeling of privatization of the square.
13. Steve Pinger, Northwest District Association Planning Committee, on April 14, 2017, wrote in opposition. He noted that, unlike the previous project which the committee offered conditional support, the committee unanimously voted in opposition to the current proposal. He noted that the current proposal is fundamentally flawed in that it places too much building area on a site that does not have the capacity to accommodate it as well as the open space requirements, resulting in too little area devoted to a public square, which is compromised by the scale of the surrounding buildings. He noted that the square has too little sunlight and daylight to be successful and that the square is more like a privatized courtyard rather than a public square. He noted that the Master Plan envisioned that the subject site would be developed with only 85,000sf, rather than 190,000 that is proposed, which is 20% more than the previous scheme which also had massing challenges. He also noted that the proposed square only has approximately 8,700sf of area that is open to the sky which results in 45% of the minimum area of the square being underneath upper floors of the building. He noted that the proposal does not meet guideline 7B.3 which requires that buildings around the square should be massed to optimize solar exposure, because of the height of the surrounding buildings relative to the width of the square. He also noted that the proposal provides only half of the retail frontage needed to ensure a successful square, rather than a privatized courtyard. He also noted the NWDA continues to have concerns that the development of Blocks 290 and 291 have not been in coordination, nor has the square been designed in coordination with the adjacent future park, as was envisioned by the Master Plan.
14. Suzanne Lennard, on April 17, 2017, wrote in opposition. She noted that the Master Plan repeatedly refers to Block 290 as “square and associated development”, meaning that the building surrounding the square was intended to be secondary with the square the primary purpose of this site. She notes that the breezeway connection between the square and the park should not be counted as part of the area of the square as it is identified in the Master Plan as “ground plane connection between the square and neighborhood park”. She notes that half of the paved area counted as “square” is located beneath upper portions of the building. She noted that the Master Plan envisioned that this site would contain less built floor area, thus the provision allowing the transfer of floor area throughout the Con-way Master Plan area was included in the Plan. She also noted that unlike all other sites in Con-way, Block 290 is not subject to the minimum 1.5:1 FAR because of the requirement to provide both a square and a park on this block. She noted that both the prior scheme and the current scheme have failed to transfer FAR off of this site, and have instead increased the FAR above 3:1 when only the standard 200’ x 200’ block is counted as site area (rather than also including Quimby and the north-south pedestrian connection as site area). She noted that the 7-story buildings fronting the square do not provide human scale and that the proposal provides minimal sun exposure for a limited number of hours. She noted that the proportions of the square are too narrow to provide comfort to those within the space and that at the height of the surrounding buildings proposed, the square would have to be 142’ wide, rather than the 65’ proposed, in order to be correctly proportioned.

- She noted that the proposal does not place a strong emphasis on the quality of the public realm, and that the proposal would negatively impact the intended social functions of the square, due to its size and lack of sunlight. She noted that the proposal does not meet the standards, guidelines, or purpose of the square, which is intended to be a “significant, iconic urban place.”
15. Ms. Michael James, on April 18, 2017, wrote in opposition, stating that the proposal does not integrate the existing lower rise neighborhood and presents a looming inhospitable wall to the neighborhood. She noted that the proposed square is 50% smaller than envisioned in the Master Plan, will be shrouded in shade most of the day, and is not usable for its intended public purpose “due to its small size and oppressive lack of view or sunlight.”
 16. Ron Walters, on April 19, 2017, wrote in opposition. He noted that the Master Plan recognized that development potential on Block 290 was significantly limited due to the requirements for a square and neighborhood park, as indicated in the appendix, which envisioned 85,000sf of development potential on Block 290. He noted that the Master Plan allows for the transfer of floor area throughout the plan area and envisioned the concurrent development of Block 291 and Block 290. He noted that the applicant has not transferred and floor area and resulting proposal fails to provide the intended open spaces. He noted opposition to the placement of private ground floor development in the pedway, and noted that his should be cited as an Amendment to the designated open spaces. He also noted that the Modifications and Amendments will, individually and collectively, have a negative impact due to the limited access to sun, cantilevered buildings at the edges of the square, the reduced size of the connection between the square and park, and the separation of Quimby Festival Street from the square.
 17. Ron Walters, on April 19, 2017, provided survey results from 77 respondents, indicating opposition to the proposal. He noted the following survey results: 83% oppose or strongly oppose the size and layout of the proposed square; 87% believe the buildings around the square are not attractive nor appropriately scaled; 88% of respondents feel the square will not receive sufficient sunlight; 84% do not believe the square will be cozy, warm, and welcoming; 84% believe the square does not achieve the goal of creating a “historically significant iconic focal point” of the neighborhood.
 18. Michael W. Mehaffy, President of the Goose Hollow Foothills League, on April 21, 2016, wrote in opposition. He noted that the proposed square is intended to be a city-wide asset and does not appear to meet that requirement. He noted that the square has too much shading and not enough connection to the surrounding urban fabric, noting that it appears to be more of a courtyard for the residents with the mass of the development overwhelming the proper design of the space. He noted that while it is understandable to try to maximize floor area, it is up to the public sector to ensure that a proper public space is created.

G. Other

1. Original LUR Application
2. Revised LUR Application, dated March 29, 2016
3. Incomplete Letter, dated February 4, 2016
4. Design Advice Summary #1, for April 23, 2015
5. Design Advice Summary #2, for June 11, 2015
6. Design Advice Summary #3, for August 20, 2015
7. Staff Report for May 16, 2016 hearing
8. Drawing Set for May 19, 2016 hearing



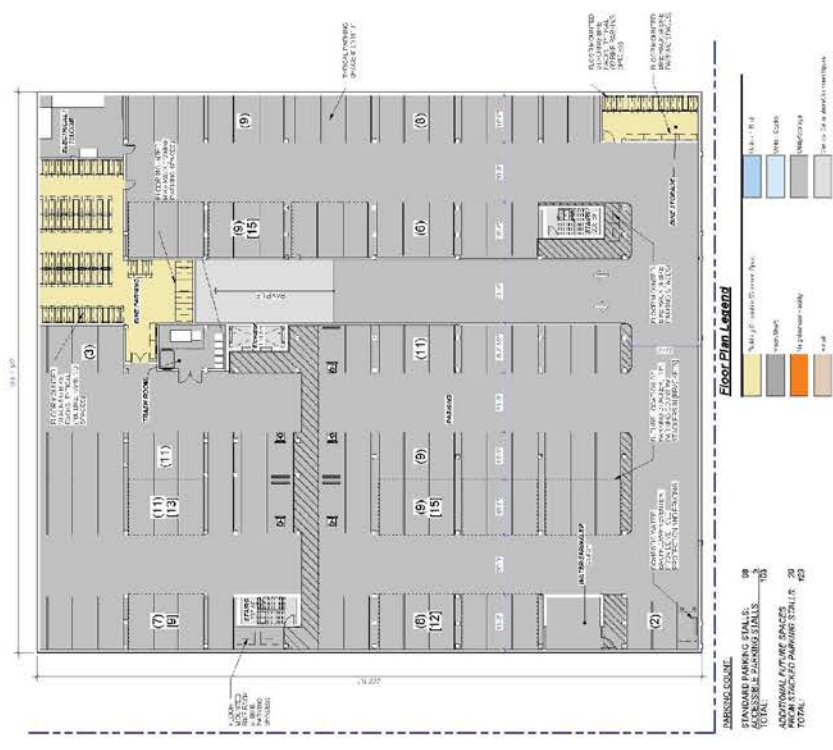
ZONING



This site lies within the:
NORTHWEST PLAN DISTRICT

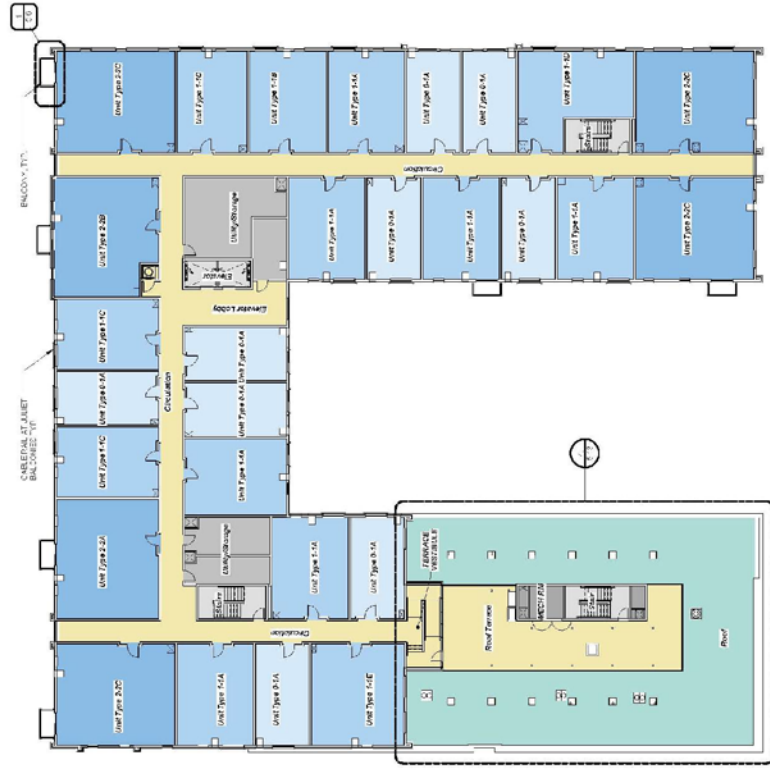
-  Project Area
-  Site
-  Recreational Trails
-  Historic Landmark

File No.	<u>LU 16-100496 DZM</u>
1/4 Section	<u>2927 2827</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E33BA 100</u>
Exhibit	<u>B (Apr 12, 2017)</u>

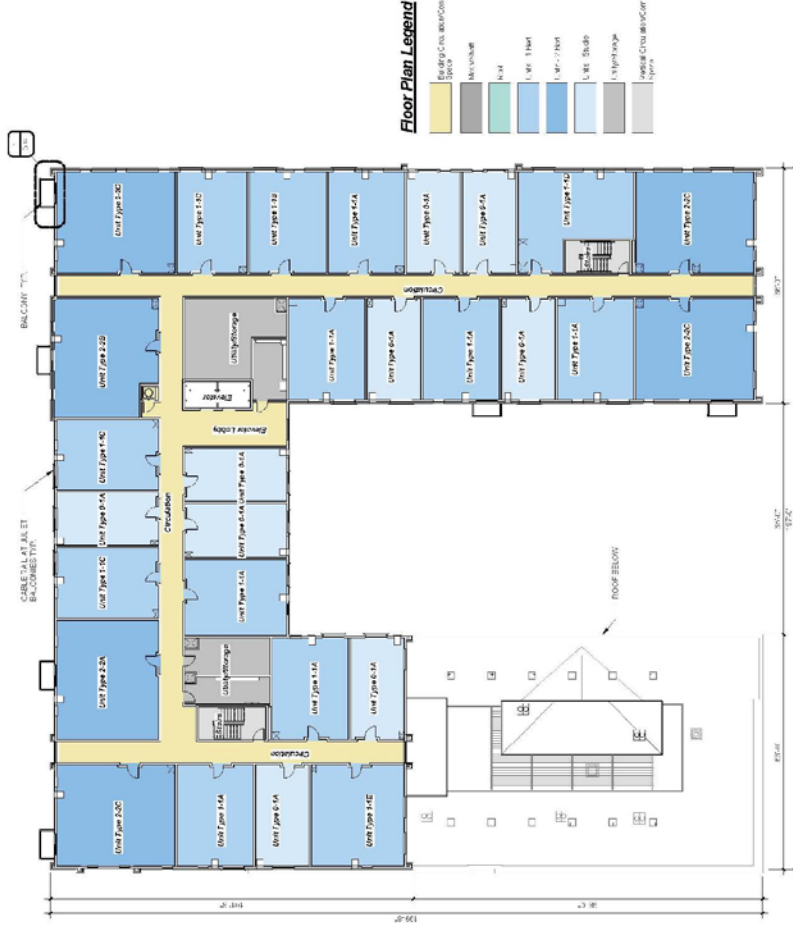


1. PARKING LEVEL





1. LEVEL 5



2. LEVEL 6 & 7

Floor Plan Legend

Yellow	Building Circulation Core
Grey	Stair
Light Blue	Apartment
Dark Blue	Unit
Light Green	Unit 1.1H
Light Purple	Unit 1.1H
Light Yellow	Unit Studio
Light Blue	Unit 1.1H
Light Green	Unit 1.1H
Light Purple	Unit 1.1H
Light Yellow	Unit Studio
Light Blue	Unit 1.1H
Light Green	Unit 1.1H
Light Purple	Unit 1.1H
Light Yellow	Unit Studio
Light Blue	Unit 1.1H
Light Green	Unit 1.1H
Light Purple	Unit 1.1H
Light Yellow	Unit Studio



LU 16-100496 DZM MS - BLOCK 290 APARTMENTS



EXTERIOR ELEVATIONS - NORTH (NW QUIMBY / FESTIVAL ST) 4.6



MARCH 09, 2017

LU 16-100496 DZM MS - BLOCK 290 APARTMENTS



EXTERIOR ELEVATIONS - SOUTH (NW PETTYGROVE)



