

**IN THE CITY COUNCIL OF THE
CITY OF
PORTLAND OREGON**

**IN THE MATTER OF AN APPLICATION BY Greg Mitchell, LRS Architects FOR A DESIGN
REVIEW WITH MODIFICATIONS AND MASTER PLAN AMENDMENT FOR A NEW MIXED
USE DEVELOPMENT AT 1417 NW 20TH AVE (Block 290).
(LU 16-100496 DZM MS)**

FINDINGS AND CONCLUSIONS

**ADOPTED BY THE CITY COUNCIL ON
NOVEMBER 8, 2017**

**DENIAL OF APPEAL OF FINAL FINDINGS AND DECISION BY THE DESIGN
COMMISSION RENDERED ON AUGUST 3, 2017**

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FINDINGS AND CONCLUSIONS

The findings and conclusions of the City Council in this matter are set forth below.

I. GENERAL INFORMATION

Applicant:	Greg Mitchell, Project Manager Trish Nixon, Architect LRS Architects 720 NW Davis St Suite 300 Portland, OR 97209
Owner:	Thomas Brenneke, President Guardian Real Estate 760 SW 9 th Ave, Suite 2200 Portland, OR 97214
Owner:	Russell A Marzen, Owner XPO Properties, Inc 1851 West Oak Parkway Marietta, GA 30062
Appellant:	Northwest District Association c/o Karen Karlsson 2257 NW Raleigh St Portland, OR 97210
Site Address:	BLOCK 290 – 1417 NW 20 th 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 (EX) with Design (d) overlay
Case Type:	DZM MS, Design Review (DZ) with Modifications (M) and Master Plan Amendment (MS)
Procedure:	Type III. The decision of the Design Commission was appealed to City Council.

II. INTRODUCTION, PROCEDURAL HISTORY AND NEIGHBORHOOD REVIEW

Introduction: The applicant sought Design Review approval 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 square 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(C and D.2) – to reduce the 50' depth requirement for retail fronting on the square to 47'-2" and 49'-4" and 16'-9" at the bike facility; and to reduce the amount of retail/neighborhood facilities fronting on the square from 75% to 38% at the northern square-facing wall;
3. Con-way Master Plan Standard #8(F) – 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(B, C) – to reduce the dimensions on the square at the southwest corner from 100' to 31'-6"; to reduce the clearance of the ground plane connection between the square and the park from 25' to a minimum clearance of 14'-9";
5. 33.266.220.C.3.b – to reduce the width of required long-term bicycle parking spaces from 24" to 18"; and

A Master Plan Amendment is requested to:

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 extend 15' to the east into the westernmost portion of the designated Neighborhood Park.

A previous version of this proposal included a Master Plan Amendment to allow vehicular access from NW Pettygrove Street; however, this has since been removed. A previously identified Modification to reduce the clearance height of retail spaces has also since been removed.

Design Review is required because the proposal is for new development in a design overlay. Design Review is necessary because the project proposes new development within a design overlay zone, per section 33.420.041 of the Portland Zoning Code.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of Title 33 of the Portland Zoning Code. 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

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 for a Design Commission hearing to be held May 4, 2017.
- At the May 4, 2017 Design Commission hearing, staff presented their report recommending denial and the applicant presented their proposal. Testimony was received from the public. The Commission was in support of the staff report and agreed to form a 3-member subcommittee to meet with the applicant and representatives from the neighborhood in order to try to resolve outstanding issues. A return date was set for June 1, 2017; this date was later rescheduled to June 8th due to a power outage affecting the applicant's offices.
- The Design Commission subcommittee, the applicant, members of NWDA, BDS staff, and PBOT staff met on May 12, 2017. The applicant presented two options including one that included a taller building at the north which maintained the 200' x 197' footprint and another that proposed extension of the building by 15' to the east into the Neighborhood Park, while maintaining previously-proposed heights. The subcommittee was supportive of expansion of the footprint to the east because this allowed the square to increase in width, thereby allowing more solar access to the square; two of three of the NWDA members present expressed tentative support for this concept but noted that they could not speak for the NWDA as a whole. The Design Commission subcommittee also provided additional comments on the architectural design of the building.
- The applicant returned to the Design Commission on June 8, 2017 in order to present their progress to the rest of the Commission. Because the intent of this hearing was to confirm the path forward with the rest of the Commission, this hearing was considered to be a work session and no staff report was drafted prior to the hearing; however, a memo was drafted listing the Modifications and Amendment necessary in order to approve this proposal. Staff presented the memo, the applicant presented their proposal, and public testimony was received. The majority of the Design Commission expressed support for the proposed design and suggested additional refinement.
- The applicant returned to the Design commission on July 6, 2017, with a staff report recommending approval with conditions. Staff presented the staff report, the applicant presented their revised proposal, and public testimony was received. The Commission requested additional details and provided additional suggestions for improvement including bench details and revisions. The record was requested, by the neighborhood association, to be held open and the return hearing was set for July 24, 2017. The record was held open for seven days, ending at 5pm on July 13, 2017. During the first seven day period for new evidence (July 6, 2017- July 13, 2017), the following additional testimony was received:
 - Burton Francis, on July 6, 2017 wrote in opposition to the design of the square. See Exhibit H-26.
 - Greg Mitchell, on July 13, 2017, provided revised drawings in response to Commission requests. See Exhibit H-27.
 - Greg Mitchell, on July 13, 2017, provided revised drawings in response to Commission requests. See Exhibit H-28.
 - Greg Mitchell, on July 13, 2017, provided new bench cutsheets in response to Commission requests. See Exhibit H-29.
 - Karen Karlsson, on July 13, 2017, wrote, contesting the size of the square. See Exhibit H-30.
 - Greg Theisen, Co-Chair NWDA Planning Committee, on July 13, 2017, wrote in opposition to the proposal, noting that the standards and guidelines have not been met and objecting to the process. See Exhibit H-31.
- During the second seven-day period for responses to new evidence received (July 13, 2017 - 5pm on July 20, 2017), no responses were received.

- At the hearing on August 3, 2017, the Commission added two additional conditions (conditions J and K).
- An appeal of the Design Commission decision was submitted on September 1, 2017 and the City Council appeal hearing was held on October 12, 2017. On October 12, 2017, City council took a tentative vote (4-1, Fritz) to uphold the Design Commission decision with an added condition to work with RACC on the art program for the site.

120-Day Rule. NWDA asserts that the latest possible deadline for the city to make its final decision was 365 days from application completeness (by March 28, 2017), under ORS 227.178(5). However, as explained by LUBA:

ORS 227.178(5) does not say that an extension beyond 365 days divests the city of jurisdiction over the application or “voids” the application, and in fact the relevant statutes do not specify what consequences, if any, flow from a written extension of the 120-day deadline beyond the period prescribed in ORS 227.178(5).... an applicant is free to waive the 120-day deadline entirely and give up its mandamus remedies under ORS 227.179(1) as a result. ... Nothing in ORS 227.178(5) or anything else cited to us prohibits such voluntary waiver or imposes any express limitation on the city’s ability to act and rely upon such a waiver. *Leathers Oil Company v. City of Newberg*, 63 Or LUBA 176, 198 (2011).

The City Council reviewed the applicant’s waiver of the 120-day rule and finds that it authorizes the City to postpone the final decision. It also reviewed the record of public and NWDA involvement and finds that these parties remained actively engaged at the Design Commission and in the City Council appeal, and that they were sent notice of the design revisions made by the applicant prior to the first held hearing of the Design Commission on May 4, 2017. The City Council concludes these parties are not prejudiced by the postponement of the City’s final decision to November 2017.

The City Council also finds that a new application was not required when the design of the proposed building changed because Section 33.730.060.B anticipates such changes, and protects the interests of the public and the neighborhood associations by requiring new notice, which was sent on April 14, 2017. The City Council concludes that compliance with Section 33.730.060.B obviates a new application.

The appellant asserts the City’s failure to require a new application means the application fails to provide affordable housing as required by Chapter 33.245. The City Council reviewed BDS’s June 6, 2017 zoning confirmation letter in the record, which confirms that properties within the Con-way Master Plan are vested, as of August 27, 2012 when the Con-way Master Plan was approved, and thereby exempt from new zoning code regulations that go into effect during the life of the master plan (which expires in 2022), and affirms that letter. The City Council acknowledges the evidence in the record that the project developer intends to voluntarily provide many affordable apartments through the MULTE program, as approved by the City Council in April 2017, and notes there is no zoning code requirement to do so.

III. ANALYSIS

Site and Vicinity:

The site is comprised of portions of two long blocks, (the westernmost ten lots in Block 290 and the west 260 feet of the vacated NW Quimby St between Blocks 290 and 291) totaling 66,820 square feet of site area in the southwest corner of Blocks 290 and 291. The property owners intend to establish three development areas within the two blocks, with Block 291 as one development area, the project site as a second development area, and third area comprised of the eastern eight lots of Block 290 and the eastern 200 feet of the vacated Quimby right-of-way to be developed as a public park. Lot line adjustments to creating three development areas are subject to a separate process outside of this land use process. Block 290 is currently occupied by 43,868 square foot industrial building, which also provides area for automobile parking. Block 291 and the vacated Quimby right-of-way are

currently used as a surface parking lot. The site 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 40,000 sf 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, and 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, the 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 St, 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 Blocks 290 and 291 into three tax lots.

Agency Review: A “Request for Response” was mailed **April 14, 2017**. The following Bureaus have responded with no issues 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 no 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 Con-way 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 Festival Street between NW 20th and NW 21st in accordance with the approved Con-way 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, which have been incorporated as 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.

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.

A revised Notice of Proposal for the revised proposal was mailed, on **April 14, 2017**. At the time of writing the revised staff report a total of three written responses were 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 this 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.

Additional responses were received after the publication of the revised staff report dated April 24, 2016 and prior to the hearing on May 4, 2017:

19. Michelle Wyffels, Trimet, wrote on April 27, 2017, noting Trimet's desire to maintain that the bus stop and bus zone at NW 21st and Pettygrove. See Exhibit F-19 for additional details.
20. Greg Theisen, NWDA Co-Chair Planning Committee, wrote on May 2, 2017 contesting the applicant's extension of the timeline. See Exhibit F-20 for additional details.
21. Mike Abbate, Director of Portland Parks & Recreation, wrote on May 3, 2017 (dated April 21, 2017) in support of the proposal. See Exhibit F-21 for additional details.

Additional responses were received after the hearing on May 4, 2017 and prior to the hearing on June 8, 2017:

22. Kurt Creager, Director of Portland Housing Bureau, wrote in support of the proposal, noting the applicant's participation in the Multiple-Unit Limited Tax Exemption (MULTE) Program as part of this project. See Exhibit F-22 for additional details.
23. Ron Walters, on May 12, 2017 and on May 18, 2017, wrote in opposition, citing standards not met, outstanding issues, and offering potential solutions. See Exhibit F-23 for additional details.
24. Greg Theisen, Co-Chair NWDA Planning Committee, on May 19, 2017, wrote in opposition, citing Con-way Master Plan standards not met. See Exhibit F-24 for additional details.
25. Greg Theisen, Co-Chair NWDA Planning Committee, on June 6, 2017, wrote in opposition suggesting alternative massing arrangements per the standards of the Con-way Master Plan. See Exhibit F-25 for additional details.

Additional responses were received after the hearing on June 8, 2017 and prior to the publication of the staff report, dated June 30, 2017:

26. Greg Theisen, Co-Chair NWDA Planning Committee, on June 26, 2017, wrote in opposition, addressing requested Modification and the requested Amendment, as well as other issue including maximum and minimum floor area ratio and uses, enclosure of the square, connection to Quimby, and use of Quimby. See Exhibit F-26 for additional details.
27. Suzanne Lennard, on June 26, 2017, wrote in opposition suggesting that the applicant should transfer FAR off of Block 290 or purchase an additional site to which to transfer the FAR. See Exhibit F-27 for additional details.
28. Ron Walters, on June 29, 2017, wrote in opposition, objecting to the Commission's consideration of the proposal on June 8, 2017 and encouraging denial. See Exhibit F-28, 2017.

IV. ZONING CODE APPROVAL CRITERIA AND FINDINGS

Chapter 33.825 Design Review

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. The City Council reviewed the relationship of the Con-way Master Plan to Chapter 33.825, and interprets the procedural provisions of Section 5 and, particularly,

Section 8 of the Master Plan to mean that some architectural features which may normally be evaluated as modifications in a typical Design Review application require an amendment to the Master Plan. It concludes that Section 5 requires modifications for several development standards as described below; however, it also finds that the location of the east wing of the building is not eligible for review as a modification. Section 8 classifies placement of the building wing in that location as removal of what was originally planned as dedicated open space, as anticipated by master plan Review Procedure 2a, and the City Council finds this requires an amendment under more restrictive criteria as described below.

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.

The City Council has considered all guidelines applicable to this project by the Design Commission and raised by the appellant.

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 wings, 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 east and west 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 occur along the north façade and the south façade of the west wing, of which there were previously two options for each. Of the options provided, the City Council finds that options 4.6.B and 4.8 best respond to the area's desired characteristics and traditions because they articulate the massing and thereby provide more visual interest; these have been incorporated into the drawing set and noted as Exhibits C-67 and C-69. For the east façade facing the future park; the City Council finds the design provides a clean backdrop to the park with the vertical green zinc alloy frame near the center of the façade marking the entrance to the square, and the north-south pedestrian connection at the base of the east elevation will be an attractive space for events. The proposal will provide additional retail space along NW 21st Ave, close to the sidewalk, with residences above. The current design includes direct access to NW 21st Ave from these retail spaces. *This guideline is 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: The City Council finds that sidewalks with street trees will be built to PBOT standards on both NW 21st Ave and NW Pettygrove St, with NW 21st Ave widened to accommodate transit riders. This will ensure an efficient, pleasant and safe network of sidewalks for pedestrians on the south and west segments of the perimeter.

The open public square connects directly to NW 21st Ave, NW Pettygrove St, and the north-south pedestrian way. A new sidewalk will follow the north edge of the building in the Quimby Festival Street. The City Council finds that sidewalks surround the perimeter of the building and the central portion of the site will be open to pedestrians at all times, and concludes this pedestrian network is efficient, because it allows pedestrians to cross through the site and not just around it. It is pleasant because the palette of concrete, pavers, trees and furniture provides both visual interest and stopping places, included rain shelter in the breezeway; and it is safe because it completely replaces the current, degraded sidewalks, will be completely lit at night, and the retail and residential uses will provide activity and eyes on the street.

In addition, a north-south pedestrian accessway forms the east edge of the property adjacent to the future public park. This accessway features planters, trees, seating, pathway options and space for adjacent retail uses to spill out and engage passersby. This pedestrian accessway lies within Lot 9 of Block 290, which has never been public right-of-way, and the City Council finds there is no requirement for this Lot to be dedicated as public right-of-way to create the 200' x 200' street grid preferred by appellants. The City Council finds the proposed public easement will ensure public pedestrian access to this area, and that designation of the accessway area as a private access easement or as private right-of-way is not appropriate because those designations could result in private control over the area that could conflict with the intended public use and access.

The application includes the west portion of the Quimby Festival Street. 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. Because the purpose of this street is to be used for neighborhood community events, NWDA and others said the garage access should not be located on this north elevation, since this would make it infeasible to close down the street for such events, but rather NW 20th or NW Raleigh (if the project area was expanded to include Block 291, as was suggested during the DARs) or on Pettygrove if the site was not expanded. The City Council finds this site is not adjacent to NW 20th Ave or to NW Raleigh St, and therefore that underground access from those streets is not feasible.

Throughout the course of these discussions, other neighbors advocated for locating the garage access on Quimby to preserve the potential for NW Pettygrove St to be developed as a green street. The originally submitted design proposed vehicular access from NW Pettygrove St, which also presented challenges including the need for a Master Plan Amendment to lift

the access restriction on NW Pettygrove St, significant neighborhood opposition, as well as safety concerns due to the garage's proximity to a pedestrian connection between NW Pettygrove St and the square. The City Council finds the site has an abutter's right of vehicle access to reach a public street, that NW 21st Ave is designated for a streetcar stop where vehicle access is prohibited, NW Pettygrove St is envisioned as a potential future green street where vehicle access is discouraged, and therefore Quimby is the best location for vehicle access. The City Council reviewed Master Plan map 06-1 which shows streets "where garage access and loading docks are prohibited" and finds that garage access to the site is prohibited from NW Pettygrove St and NW 21st Ave, and concludes the proposed Quimby access is consistent with the Master Plan.

The City Council finds the number of festivals occurring along Quimby throughout the year will be relatively minimal and could be managed by the property owner via communication and coordination with the building tenants. The City Council considered the Design Commission recommendation for a simple design to reduce conflicts between vehicles and other users, and finds this design is efficient, safe and pleasant for pedestrians because it separates vehicles from the pedestrian sidewalks. In addition, the alternatively paved mid-block pedestrian crossing will help to slow and discourage vehicle traffic on this street. *This guideline is met.*

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 the north-south pedestrian way between the building and the park, and within the public square. As requested by the Design Commission, benches along the pathway will provide backs and arm rests, and a condition doubles the number of benches along the pedestrian accessway from 4 to 8, with some oriented perpendicular to the path of travel. Movable chairs will be located along the pedestrian way near the southern retail space, indicating intent for this space to be leased by a restaurant which can spill out into the public realm and provide opportunity for passerby to become customers. Fixed bench seating is also shown within the pedestrian way which can be used by pedestrians. Fixed bench seating is also proposed within the square which is designed in a much more engaging and playful way than those along the pedestrian way and can be used by all users of the square. The square also provides space for movable seating to be provided by the retail tenants.

The City Council finds that the provision of furniture on this pedestrian connection and in the public square provide comfortable places to stop, visit, meet and rest.

With the condition that four additional benches be added to the north-south pedway (for a total of 8 benches), with some oriented perpendicular to the pedway, 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 City Council finds the glass storefronts at the ground level of the building are differentiated from the upper levels which are primarily clad in brick. The revised design includes a slight overhang to provide a bit of shelter at the perimeter of the square, which also differentiates the upper levels by placing them on a different plane, slightly closer to the square. The one exception to this is along the east side of the square which features an arcade supporting the upper levels, which adds variety to the square. Canopies are also provided at the southeast corner, along the western and northern wings and above the live/work entries on the east, which further differentiate the ground level of the building and break down the scale.

The at-grade access for these live/work units allows for easy conversion to solely commercial space in the future, and the City Council finds these small-scale features, including the various slight overhangs referenced above, create a sense of enclosure and visual interest. This reinforces the public realm by ensuring that this frontage is not privatized as it was previously and adds intimate small-scale variety to the ground level of the building.

Benches and seating opportunities are also provided along the pedestrian way, and within the square, and the City Council finds these furnishings provide multiple opportunities for large and small gatherings, lending to the sense of enclosure and visual interest. *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 public square is completely open to the intersection of NW 21st Ave and NW Pettygrove St, with ground level retail along NW 21st Ave which wraps halfway along the north facade and at the southeast corner. All but one of the dividable retail spaces provide pedestrian access from both the perimeter streets and the public square. The amount of retail frontage has been increased from the previous version, particularly along NW 21st Ave and Quimby. The City Council finds the small scale of the retail spaces, their location just north of the intersection and on the square, with multiple entrances and outdoor seating opportunities will create an active and unified intersection. It also finds the public square is a unique feature that will clearly identify this intersection and streetcar stop. The City Council also finds the adjoining retail, residential lobby and breezeway access to the park draw visitors in from the intersection, further supporting the activity at the intersection. *This guideline is 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: The City Council finds that weather protection is provided by canopies at the west, north, and southeast corners as well as at the live/work entries. Slight overhangs still provide some protection at the interior edge of the square. In addition, the arcade design at the eastern edge of the square provides some variety to these edges and still allows users to enjoy the square even during less desirable weather. *This guideline is 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;

Findings: The City Council reviewed the site plan Sheet 3.1 showing that 65% of the site is open to the public via a public access easement, including the 16,000 sf urban square, and notes the building footprint affords sizeable outdoor areas. It notes the placement of trees and furniture as approved by the Design Commission. It notes the steps and ramps, in combination with the public access easement, and finds that these elements allow accessibility of the square for all users. It finds the trees, furniture and overhangs make these spaces pleasant in all seasons, and that the ubiquitous lighting makes the places safe for visitors.

The City Council considered the appellant's assertion this guideline is not met because arrangement of the square and its character are more akin to a private courtyard than a public square. It finds that the square is an outdoor area surrounded by shops and well connected to other public areas such as the future park and the transit stop, and concludes these features reflect the character of a public square.

Per Standard 10.D, a public access easement shall be required for the square and ground plane connection. Because the applicant also proposes to develop a north-south connection west of the park and the western portion Quimby, the required public access easement shall include all of these ground level open areas.

Per Standard 10.D, with the condition of approval that an easement be provided prior to issuance of Permit allowing public access to the entire square, the entire ground plane connection, the north-south connection (for a width of 45') and the western portion of Quimby (for a width of 60'), this guideline is met.

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

The City Council finds that the spacious public square is open to the street intersection, and forms a prominent entrance to the building. It notes for persons approaching the building from other directions, other entrances face directly on the surrounding streets. It considered the landscaping and hardscaping in the square shown on Sheet 3.5, and how the gradually sloped sidewalk on NW Pettygrove St ensures accessibility despite the grade change. It finds the retail entrances facing NW 21st Ave are oriented to the transit stop, which is currently served by Tri-Met buses. *This guideline is met.*

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

Findings: The City Council reviewed the comprehensive landscape plan Sheet 3.5, and notes the numerous proposed trees in the public square, the north-south pedestrian connection, and along the Quimby private street, which are accentuated with ground cover plantings in and around the north-south pedestrian access and shrubs along the east edge of the public square. It finds these features are appropriately scaled and placed because they will provide shade and ground level greenspace along key pedestrian routes, and that the variety of plantings promotes visual interest and hints at the differing functions of these public spaces. A roof deck and clubhouse on the roof of the 4-story west wing provides additional outdoor amenity space with planters. In addition, various balconies are proposed at the upper levels, some of which will include planters.

The City Council considered the appellant's assertion that this guideline is not met because arrangement of the square and its character are more akin to a private courtyard than a public square. It finds that the landscape features are placed to encourage use by the public, and public access will be implemented with an easement. The furnishings will facilitate public events, such as music performances, and the City Council concludes these elements reflect the character of a public square.

This guideline is 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 and ventilation shaft. As a means of consistency with the overhead retail storefronts, a translucent glazed overhead garage door is provided. The City Council finds the garage entrance provides some relief to this façade and is integrated with the retail frontages on other sides of the building. In addition, parking is provided along the sides of Quimby, which,

along with the sidewalk aprons and mid-block raised walkway, will help to slow traffic along this street. *This guideline is met.*

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, the western portion of the Quimby Festival Street, and the pedestrian way on the east. Pedestrian-oriented lighting is proposed throughout the development via soffit lighting, landscape lighting, flood lighting, pole lights, and in-ground lights within the square. The current design which provides retail entrances along NW 21st Ave, and the relocation of residential amenity space to the 4th floor roof increases active retail space at the ground level. In addition, the added canopy at the residential lobby entrance at the square, encourages lingering by pedestrians accessing the building, particularly from the transit line along NW 21st Ave. The City Council finds these features serve as a deterrent to potential criminal activity. *This guideline is 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 a 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: The City Council notes that within the Con-way Master Plan area, four developments are approved and, with the exception of the renovation of an existing concrete warehouse, all are mixed-use developments featuring brick, in varying shades, as a primary cladding material. The proposed building also incorporates brick as the primary cladding, 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 massing and proportion because they feature taller buildings along the eastern portion of their respective sites with lower buildings on the west. The Q21 project immediately west features a horizontally divided 7-story volume along NW 21st Ave with a small plaza forecourt.

The City Council finds that the proposal, especially the public square open to the intersection, mitigates for the impact of new development in the neighborhood by providing new open space for outdoor dining and other outdoor activities such as art shows. While the footprint of the building is proposed to extend 15' eastward beyond the standard city footprint of 200' x 200', this extension allows for a wider public square which is open to the public and thereby benefits the Slabtown neighborhood. *This guideline is 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: The City Council reviewed the exterior elevations on Sheets 4.6B through 4.12, and finds the building is interesting to view from all vantage points because the combination of white Norman brick, zinc panels, and white windows with projecting balconies and related articulation,

The City Council finds the materials are of high quality. At the June 8th Design Commission hearing, the applicant noted that they intend to use Equitone panels with concealed fasteners

at the ground level and exposed fasteners at the upper level areas, which are minimal, and at the hearing Commissioners noted that this material has been approved at the ground level of a limited number of buildings where it continuously extends into the upper levels. Ultimately the majority of the Commission came to accept this material provided a less contrasting color could be employed and the fasteners at the ground level could be concealed.

The proposed fields of green zinc-alloy panels are shown to be substantially recessed (15"-20") from the outer wall plane. However, 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; and a condition of approval has been added to address this condition.

As was noted in a previous staff report, the original design proposed mechanical equipment on the roof of the 4-story volume which was not sufficiently obscured. The current proposal uses the majority of this rooftop as an amenity deck and clubhouse in a more cohesive design than was previously proposed. This proposal requires a Modification to maximum height, which is further addressed below; however, the City Council finds this proposal is a better use of the rooftop than an unimproved rooftop, adding visual interest to views from surrounding buildings.

With the condition of approval that the windows and louvers shall not project beyond the exterior face of adjacent cladding material, this guideline is 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 this 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 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 relate 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: The previous design prompted concerns about the scale of the proposed building relative to the scale of the square. The City Council reviewed the prior plans and finds that in response to these concerns, the footprint of the building expanded horizontally in order to allow for more of the square to be open to the sky while still providing weather protection along the east edge of the square, thus improving the human scale of the square and the building.

The previous design also featured a significant loggia at the ground level, which is now mostly eliminated to provide a 100' clear width from east to west at the upper levels, as shown on Sheets 4.2 and 4.3. A slight overhang remains to differentiate the upper levels from the ground level at the interior of the square, as does the change in material, which extends around the perimeter of the building. Additionally, canopies at the southeast corner, and along the western and northern wings, as well as above the live/work entries, help provide human scale to the building. The broken articulation of the facades further helps break down the scale, particularly on the south, west, and north, with the east façade serving as a backdrop to the park, the eastern entrance to the square marked and visible from a distance.

Signage and pedestrian-oriented lighting are concentrated at the ground level and thereby provide human scale. Benches and seating opportunities are also provided along the pedestrian way, and within the square to provide multiple opportunities for large and small gatherings or respite. The City Council finds these features provide human scale to the project.

The City Council reviewed the appellant's assertion this standard is not met, and finds that their concern relates to the scaling of the square and the buildings that surround it. It reviewed the architectural plans Sheets 3.25, 3.26 and 4.29 detailing the pedestrian accessway, Sheets 3.12, 3.19, 3.20, and 3.21 regarding activities in the square, and Sheets 3.23, 3.24 regarding the Quimby sidewalk, Sheet 3.10 regarding the NW Pettygrove St sidewalk, and Sheet 4.9 regarding the NW 21st Ave sidewalk, and finds these designs provide the desired human scale because they are furnished with benches and other seating, because they are lined with trees, and because the building itself is heavily glazed around the perimeter. The City Council also finds that the Design Commission is comprised of architectural experts, and their decision that the guideline is met is substantial evidence to rely on.

The City Council considered the opposing views, as well as the findings of the Design Commission, and concludes that opponent assertions on the mathematical requirements of scale are different from the applicable development standards in the Con-way Master Plan, and that based on the applicable standards and guidelines which support density in Slabtown this project achieves human scale in these areas. *This guideline is 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 City Council notes the retail spaces and the primary entrance to the square at NW Pettygrove St, which has the potential to become a future green street, similar to the implemented Green Streets several blocks east of the site. Along the park edge, the applicant has provided a north-south connection to the west of the future park. Adjacent to this connection, the building features retail at the south and live/work units at the north, with a covered breezeway to the square between. The previous design featured ground level units with elevated stoops in the location of the live/work units, and the City Council finds the revision to place those entrances at the ground level is an improved urban edge because it creates greater potential for ground level engagement and greater potential for conversion to solely commercial use.

Because Quimby is to be used for neighborhood community events, appellant argues the garage access should not be located on this north elevation as it may conflict with pedestrians, since this would make it infeasible to close down the street for such events, and rather it should be accessed underground from NW 20th Ave or NW Raleigh St. The City Council finds this site is not adjacent to NW 20th Ave or to NW Raleigh St, and therefore that underground access from those streets is not feasible. The City Council agreed with the applicant's statement and the findings of the Design Commission that use of the street, including closure of the street for festivals, could be coordinated between building management and the tenants who use the garage in order to minimize potential conflicts. It further finds the design includes wide sidewalks and street trees that protect the safety of pedestrians, and creates a strong urban edge. *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: The City Council finds that weather protection is provided via canopies at the west, north, and southeast corner as well as at the live/work entries. Slight overhangs still provide some protection at the interior edge of the square. In addition, the previously proposed arcade design is carried forward into this design at the eastern edge of the square though it has been significantly reduced in width and provides some variety to these edges as well as still allows users to enjoy the square even during less desirable weather. The breezeway between the square and the future parks will also provide shelter from rain and sun. *This guideline is 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: The City Council reviewed the numerous development standards applicable to the site and the surrounding area. It finds the general scale of new development in the neighborhood, both within the Con-way Master Plan and other properties south of this site, is in the three to seven story range. Neighborhood projects include: a 2016 5-story multi-dwelling building; to the west, the 7-story Q21 mixed-use development, and the 6-story LL Hawkins multi-dwelling building with New Seasons further west, and the 5-story XPO building further north.

The City Council finds the wings of the building are four stories with a penthouse at the west, and seven stories at the north and east, with the square open to the south. The varied heights are appropriate for the neighborhood – a 7-story building is located directly to the west across NW 21st Ave and five and six story buildings are located in the general vicinity within and adjacent to the Con-way Master Plan area.

The façades of the building offer variety to the street edge as well as surrounding the square in that the perimeter facades are primarily brick on the west and east, likewise on the south and north with areas of inset green zinc-alloy panels framed in substantial recesses of the

white brick. At the interior of the square, the facades are clad in white brick at the east and west with the green zinc-alloy cladding the north; this adds variety to the façade while also ensuring simplicity. Street level signage and lighting add visual diversity along the public streets. Around all sides of the building, projecting balconies and Julietts are proposed to provide additional texture and variety to the façades. The City Council finds these features create the desired diversity of volume and form. *This guideline is met.*

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

Findings: On the north portion of the east façade, live/work units feature at-grade entries from the pedestrian accessway. These units provide variety to the ground level of the building facing the park and also provide flexibility because they could be converted for solely commercial use in the future. Small potted planters adjacent to the building wall mark the dividing lines between units and also provide a green buffer between the building wall and path of pedestrian travel. The City Council finds these subtle dividing lines create the desired transition. *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 high quality. These materials include Norman brick, aluminum storefront, wood storefront doors, and aluminum and glass balconies. The City Council agrees with the Design Commission finding that that the proposed Equitone panels are appropriate for use at the ground floor provided the fasteners are not exposed. The City Council shares the Design Commission's interest in the window and louver details, as described under Guideline D8, and finds that the condition of approval regarding their position on the vertical plane is necessary to ensure a high-quality design.

With the condition of approval that the windows and louvers shall not project beyond the exterior face of adjacent cladding material, this guideline is 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 City Council finds that consistent with the Con-way Master Plan, the square, the Quimby Festival Street, and the pedestrian way at the east, while occurring on private property, will be publicly accessible, with provision of public access easements. 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 City Council considered the landscaping and furnishing plans and notes these spaces are amendable to different types of activities, such as art fairs and al fresco dining.

On the site plans, the City Council finds these spaces are all directly linked to each other and the future public park and the abutting public sidewalks on the NW Pettygrove St and NW 21st Ave right-of-ways. These will be among the largest publicly-accessible spaces in Slabtown and therefore will provide a distinct neighborhood identity.

The City Council considered appellant's testimony that the proposed design does not achieve this standard because the square does not connect to the park and surrounding streets. It reviewed Sheets 3.2, Site Access Plan, 3.7 Site Circulation, and 3.18 Square Circulation and finds there are numerous routes through and around the building, with comfortable and sheltered stopping places, which combine with the pedestrian access easement to ensure the open spaces on the site are well integrated, adaptable, linked and accessible.

Per Standard 10.D, with the condition of approval that an easement be provided prior to issuance of permit allowing public access to the entire square, the entire ground plane connection, the north-south connection (for a width of 45') and the western portion of Quimby (for a width of 60'), this guideline is met.

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

Findings: The City Council considered the proposed design, and the opposing testimony that the square is not designed as an iconic urban place for various reasons. The City Council notes that “iconic” is not defined in the definitions section of the zoning code, and therefore evaluates this guideline consistent with the normal dictionary meaning of that word, as required by Section 33.910.010: “widely known and acknowledged especially for distinctive excellence” (from Merriam-Webster). The City Council considered the Con-way Master Plan, and the role of the square within the plan area, and the broader Slabtown neighborhood, and the Northwest Plan District. The City Council finds a dearth of public urban places in Slabtown. The nearest public urban space is Wallace Park, five blocks to the west, which features softball fields, a dog park, basketball courts, and a tot lot, surrounded by a school and mostly single-family residences, without nearby commercial uses, which the City Council finds is a suburban-type of park. Thus, there are no similar urban places near this site which means this square will be widely known as the only public space of its type in this portion of the city.

The City Council evaluated the features of the square, including the level grade opening to the south and southwest, the small-scale retail flanking the east and west edges, and the active residential lobby and bike station. It considered other public squares in the city, including Terry Shrunk Plaza, Chapman and Lownsdale Squares, Pioneer Courthouse Square, Jamison Square, and Director’s Park, and notes that none of these squares feature level hardscape with several abutting retail shops, and none include an abutting residential lobby with residential apartments and balconies above. The City Council concludes these distinct elements ensure that this square will be widely known and acknowledged for the bold mixture of uses that enliven it during times when the other mentioned squares lie dormant, and that it will become an iconic urban place. *This guideline is met.*

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.

Findings: The proposed square is framed on two sides with the walls of the building, and a portion of the third side is partially framed by the west wing, with the balance open to the intersection and transit stop. The City Council finds these three wings provide architectural context because they complement the landscaping and hardscaping within the square itself. The site plan shows the majority of the square is ringed with leasable retail space that allows opportunities to spill out on to the square through such activities as al fresco dining and outdoor display. The City Council also reviewed the ground floor plans for a residential lobby, bike station and pet wash, and finds that these uses that will bring activity to the square, especially during the early morning and later evening hours when retail activity is slower. It concludes that having mixed uses around the square will better activate the square throughout all hours of the day and night, whereas exclusively retail spaces would only activate the square during portions of the day when those uses were active.

Sightlines and pedestrian access between the square and the park is provided on the east. By expanding the footprint of the building, the massing encloses the square while also optimizing solar exposure; by shifting the west wing of the building north and opening up the southwest corner, additional sunlight is able to enter the square from the south. The commercial space and upper level residential units will provide eyes on the square. While no commercial spaces

are proposed at the second floor, residential balconies overlook the square, offering additional opportunities for activation and engagement. *This guideline is met.*

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

Findings: The site plan shows there are ground level sightlines and pedestrian access between the square and the park to the east. These sightlines are provided by heavily glazed retail space on the east as well as a ground plane breezeway that provides an outdoor connection between the square and the park. The City Council finds the ample glazing in these areas improves visibility and the spatial connection, effectively responding to this guideline. The City Council considered appellant's testimony that the proposed design does not achieve this standard because the square does not connect to the park and surrounding streets, and finds that Sheet 3.7 Landscape – Site Circulation demonstrates ample pedestrian connections to these areas. *This guideline is met.*

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

Findings: The City Council reviewed the architectural plans and finds the square is framed on the east and north with the wings of the building, and a portion of the west wing is open to the intersection, the transit stop, and the afternoon sun. The widest opening between the square and the street is on the south, which maximizes solar exposure, as shown on Sheet 1.15, Solar Studies. The City Council interprets this guideline to mean that a balance must be found between enclosure and optimal solar exposure, and finds that by emphasizing the mid-day and afternoon solar exposure times, this design brings light to the square when it is most needed, and places the building massing which forms the sense of enclosure where it will have the least shadow impacts in the mid-day and the afternoon. *This guideline is met.*

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.

Findings: The proposal is for a mixed-use building with ground floor retail with 200 units of residential units at upper floors, as well as, live/work units facing the future park. The upper level residential units will provide eyes on the square, especially by means of windows and residential balconies that directly overlook the square, offering additional opportunities for activation and engagement. *This guideline is met.*

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.

Findings: There are no commercial uses on the second floor. *Therefore, this guideline is not applicable.*

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.

Findings: The City Council reviewed the site plan, the landscape plans and the architectural plans detailing the building wings around the square, and finds that the square is flexible because there are large areas of open space with level paving, as well as other areas for smaller groups and individuals to gather, and other areas of weather protection. It finds the square is designed to support commerce with numerous small shop spaces for lease, which will be able to use the square for al fresco dining and related indoor-outdoor commerce. The City Council finds the full-service bike station and pet-wash room, open to the public at the northeast corner of the square, will promote activity at all hours of the week. The minimal fixed bench seating will be round platforms constructed of Ipé wood in molded forms for a variety of seating positions while leaving most areas open for larger events such as farmer's

markets and art shows. The paving will be high quality concrete pavers with accent pavers to mark a subtle delineation of potential zones for various activities. *This guideline is met.*

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.

Findings: The City Council finds that the building considered these options, and programmed the space at the northeast corner of the square for a public bike station and pet wash. *This guideline is met.*

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.

Findings: The City Council reviewed the site plan and finds that the level terrain and generally rectangular shape form a simple and flexible urban space. It notes the simplicity of this square contrasts with other public spaces in the city such as Terry Shrunk Plaza and Pioneer Square where topography compels division of the spaces for separate functions and makes blending their edges with adjacent buildings more challenging and less accessible. It concludes the level terrain and generally uniform shape maximize flexibility. The City Council considered the types of activities intended for the square, including art shows and farmer's markets, and concludes the size of the square is appropriate for those activities because, at 16,000 square feet, there is capacity for many dozen of the temporary display booths and canopies commonly used for those types of events. The City Council agrees with the Design Commission that the round wooden benches within the square should be made of Ipé to ensure they are high quality and that the middle round bench in the middle of the square should be eliminated to ensure greater flexibility of the space.

With the condition of approval that the benches be made of Ipé, and that the middle round bench in the middle of the square be eliminated, this guideline is met.

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.

Findings: The City Council considered the applicant's proposal for replicating an existing mural that reflects the history of Slabtown on the north wall of the breezeway. This mural specifically relates to the recent past of the neighborhood by reflecting the trucking history of the Con-way Master Plan area. The City Council finds this mural evokes the history of the neighborhood.

At the appeal hearing, Councilor Fish noted there will be public art in the new park lying immediately east of the site, and the City Council finds that the success of public art in the square and in the park will be augmented if all of the public art pieces are coordinated. It concludes that the proposed art associated with the development should be coordinated with RACC for a more cohesive art program.

With the condition of approval that the design of the breezeway mural and art in the public square shall be coordinated with the Regional Arts and Culture Council to ensure these elements of the design are complementary toward the public art in the new park just east of this site, this guideline is met.

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

Findings: The City Council reviewed the landscape plans for the square, and finds sculptural trees are proposed within planters integrated into the wood bench rounds. These trees will provide some shade to the square while leaving plenty of open area for solar exposure and

also allowing relatively clear views across the square for security purposes. *This guideline is met.*

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

Findings: The City Council reviewed the landscape plans for the square, and finds lighting is provided within the square via pole lights, flood lights, sconces, soffit lights at the arcade, and in-ground lights within the square. Movable chairs and tables were specifically requested to not be shown on the architectural plans for the design of the square to avoid the wrong impression that the square did not include large open spaces; however, they are shown on the renderings and are indicative of the applicant's intent for the space. Nonetheless, movable chairs will be located along the pedestrian way near the southern retail space, indicating intent for this space to be leased by a restaurant which can spill out into the public realm and provide opportunity for passerby to become customers. Fixed bench seating is also shown within the pedestrian way which can be used by pedestrians. Fixed bench seating is also proposed within the square which is designed in a much more engaging and playful way than those along the pedestrian way and can be used by all users of the square. The square also provides space for movable seating to be provided by the retail tenants. A condition of approval requires that movable chairs and tables be provided to ensure additional opportunities for seating that is not associated with the adjacent commercial spaces.

With the condition of approval that movable chairs and tables be provided, by the property owner, within the square to ensure additional opportunities for seating which are not associated with the adjacent commercial spaces, this guideline is met.

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

Findings: The eastern edge of the site is designed to function as a north-south pedestrian accessway and serve as the border to the future park; it features three pathway options and an allée of trees. The City Council finds this design will provide a green visual buffer between the east wing of the building and the park, to soften the transition between the two uses. The City Council notes the ground level retail space in the east wing has an entrance to the east to provide orientation to the park, and services to park visitors. North of the breezeway, five live-work units are oriented to the east as well. The City Council concludes these features integrate the eastern edge of the site with the park.

The City Council evaluated the objections of project opponents that the building wrongfully encroaches into the park, which violates this guideline, and fails to provide a public benefit. The City Council notes that the guideline calls for a well-integrated eastern edge but does not require that the eastern edge be sited in a particular location or that a public benefit must be provided. *This guideline is met.*

7.B.13 – Provide for universal accessibility.

Findings: The site slopes down from west to east, with the ground floor retail, the residential lobby and the square at the same elevation to ensure accessibility. The square is directly accessible at grade from both the NW Pettygrove St sidewalk on the south and the eastern breezeway. Public access easements make the square accessible to everyone at all times. *This guideline is met.*

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

Findings: A condition of approval, noted above, requires the public access easement. *This guideline is met.*

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: The City Council finds the square will most likely precede construction of the neighborhood park. In the event the park development occurs prior to the proposed project, if an interim improvement to this site is desired, the City Council finds that a new Design Review application will not be required for the interim improvement. *This guideline is 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.

Findings: The City Council finds that the vacated NW Quimby Festival Street will be redeveloped as a 60-foot wide private Festival Street that connects the future neighborhood park with the transit on NW 21st Ave, with direct access to the north-south accessway, the breezeway leading to the square, and then further south to NW Pettygrove St. The parcel will provide direct pedestrian and bicycle connections between the public park and other points to the east and the NW 21st Ave transit stop. This link to transit ensures the parcel will primarily serve pedestrians and bicyclists.

The City Council considered the assertion that use of this parcel for access to the underground parking violates this guideline. It interprets the guideline not to mean that vehicle access must be prohibited; rather that the parcel “serves primarily as a pedestrian and bicycle connection.” The City Council notes the underground garage will only have parking for approximately 100 vehicles, and finds that this means the amount of vehicle traffic on this parcel will be light. It notes there will be stop signs at NW 20th Ave and NW 21st Ave, so vehicles will not have sufficient distance to accelerate to speeds which could be hazardous to bicyclists and pedestrians. The apron at the west end and sidewalk to remain at the east end, as well as the alternatively paved raised mid-block crossing, will also help to slow and discourage vehicle traffic on this street. The small amount of traffic at limited speeds will encourage use of this connection by pedestrians and bicyclists, and the City Council concludes it will serve primarily as a pedestrian and bicycle connection.

The City Council considered the appellant’s assertion this guideline is not met because arrangement of the square and its character are more akin to a private courtyard than a public square. It interprets this guideline to apply to Quimby as distinct from the square, and therefore finds the square is not subject to this guideline. To the extent that the appellant argues that Quimby is more akin to a private courtyard than a public square, the City Council finds the design strikes a balance between all users of this street, and that its character will differ consistent with the programming of this space at any given time, which adds to the public character of the space. *This guideline is met.*

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

Findings: The City Council finds that the portion of the Quimby Festival Street located on this site is planned to extend between NW 21st Ave and NW 20th Ave, and that the remaining segment will be developed along with the public park on the east portion of this block. The City Council considered the appellant’s testimony that the design of Quimby functions entirely to provide access to the underground parking. It reviewed drawing Sheets 3.23 and 3.24 regarding Quimby plan and section views, and finds that pedestrians and bicycles are accommodated. *This guideline is met.*

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

Findings: This design meets the fire code requirements for emergency vehicle access, and service vehicles will also utilize this parcel for access to the building and the underground garage. Quimby will be developed to provide pedestrian, bicycle, and vehicle access, across the site between NW 20th and NW 21st Avenues. It will also serve to provide convenient pedestrian and bicycle connections to the pedestrian accessways north of the site. The City Council reviewed the PBOT comments and notes that it has no objections. The City Council finds this is substantial evidence that all PBOT requirements are met. *This guideline is met.*

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

Findings: The Quimby Festival Street will be subject to a public easement for vehicle and pedestrian use, which ensures development to the north will be accessible from this parcel. The City Council considered the appellant's testimony that the design of Quimby functions entirely to provide access to the underground parking. It reviewed drawing Sheets 3.23 and 3.24 regarding Quimby plan and section views, Sheet 3.25, a plan view of the north-south accessway, and finds that the access needs of Block 291 to the north are preserved by this design which accommodates vehicles, bicycles and pedestrians. *This guideline is met.*

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

Findings: The design for the Quimby Festival Street features landscape beds flanking a raised pedestrian crossing, thus giving priority to pedestrians accessing the park. The City Council considered the appellant's testimony that the design of Quimby functions entirely to provide access to the underground parking. It reviewed Sheets 3.23, Quimby plan view, and finds that the planting beds and trees provide a transition to the future park. *This guideline is met.*

7.C.5 – Provide public access easements.

Findings: A public access easement, noted above, will be provided over the Quimby Festival Street. *This guideline is met.*

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

Findings: The drawings show that public utilities will be located underground. A public utility easement will be provided on the Quimby Festival Street. *This guideline is met.*

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

Findings: A festival street will be provided along the Quimby Parcel, as envisioned by the Con-way Master Plan. The Quimby Festival Street will be subject to an easement that will provide a location for a farmer's market, art walk, and similar events. The landscaped corner bulbs shown on Sheet 3.5 narrow the vehicle travel lanes, and thereby create space for temporary booths and displays in the parking spaces which can open to the sidewalk. This layout reduces the risk of vehicle-pedestrian conflicts. The City Council finds this design allows programmed events to occur without the need to completely block access for emergency or passenger vehicles.

The City Council considered the appellant's contention that allowing vehicle access to the garage is incompatible with this guideline, and interprets the guideline not to require a prohibition on vehicle traffic. The City Council notes "festival street" is not defined in the master plan or the zoning code; however, "street" is defined in Chapter 33.910 as:

A right-of-way that is intended for motor vehicle, pedestrian or bicycle travel or for motor vehicle, bicycle or pedestrian access to abutting property. For the purposes of this Title, street does not include alleys, rail rights-of-way that do not also allow for motor vehicle access, or the interstate freeways and the Sunset Highway including their ramps.

The City Council concludes that the term “festival street” is intended to allow multiple uses but is not intended to prohibit vehicle traffic.

The Quimby parcel will be subject to a unique public easement to facilitate access and festival street activities, and will provide a location for a farmer’s market, art walk, and similar events. The landscaped corner bulbs shown on Sheet 3.5 narrow the vehicle travel lanes, and thereby create space for booths and displays in the parking spaces which are open to the sidewalk. This layout reduces the risk of vehicle-pedestrian conflicts. The City Council finds this design allows programmed events open to the public to occur without the need to completely block access for emergency or passenger vehicles.

The City Council notes that the Quimby parcel was first dedicated as a public right-of-way in 1872, and then was vacated in 1967, as shown by the plat of Couch’s Addition in the record. Since the vacation, it has been used for private trucking and motor vehicle related uses. The City Council finds that Quimby is no longer a dedicated public right-of-way, and is not being dedicated as public right-of-way as a condition of this project (except for the western 3’ which is being dedicated to widen NW 21st Ave). The City Council notes that on Master Plan map 06-5 Street Plan, Quimby is the only area designated by a unique color, and is shown to have “special design features”, and concludes that Quimby does not fit within the customary classifications. The condition of approval requires that an easement be granted to the public to guarantee public access at all times, so that access to the Quimby Festival Street is not within the exclusive control of one or more private property owners. The City Council finds this easement will protect the public right of access better than if Quimby was designated as a private access easement or a private right-of-way, because those instruments can provide private parties with the right to exclude the public, which is contrary to the Master Plan’s intention for this parcel.

The City Council also reviewed the appellant’s testimony that the design of Quimby functions entirely to provide access to the underground parking. It reviewed drawing Sheets 3.23 and 3.24 regarding Quimby plan and section views, and finds there is sufficient space in the design to accommodate other uses beyond garage access. *This guideline is met.*

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 Quimby Festival Street is designed with similar materials as the public square, including raised planters, trees, scored concrete paving and concrete unit pavers. It reflects the character of the square by providing a simple hardscape design with raised planting areas that provides for flexible local use while encouraging pedestrian and cyclist connections to the future park to the east. In addition, the primary focus is on pedestrians, consistent with the square on the west portion of Block 290 and the park on the east portion. For example, the raised midblock crosswalk is flanked by landscaped corner bulbs. The Festival Street also reflects the character of the square in that the adjacent building is of the same design and materials, which form a cohesive atmosphere as one moves around and through the 65% of the site open to the public.

The City Council considered the appellant’s contention that allowing vehicle access to the garage is incompatible with this guideline as well, and interprets the guideline to not require a prohibition on vehicle traffic. The City Council again notes “festival street” is not defined in the master plan or the zoning code; however, “street” is defined in Chapter 33.910 as:

A right-of-way that is intended for motor vehicle, pedestrian or bicycle travel or for motor vehicle, bicycle or pedestrian access to abutting property. For the purposes of this Title, street does not include alleys, rail rights-of-way that do not also allow for motor vehicle access, or the interstate freeways and the Sunset Highway including their ramps.

The City Council notes this definition and affirms its interpretation that the “festival street” is intended to allow multiple uses but is not intended to prohibit vehicle traffic.

The City Council also reviewed the appellant’s testimony that the design of Quimby functions entirely to provide access to the underground parking. It reviewed drawing Sheets 3.23 and 3.24 regarding Quimby plan and section views, and finds the generous landscaped corner bulbs and tree-lined sidewalks reflect the character of the public square and the future neighborhood park on the east end because the tree and planter alignment mimics what is planned for those spaces. *This guideline is met.*

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: A full 65% of the site is open to pedestrians, in addition to the new sidewalks on the abutting rights-of-way. The project provides a dedicated 45-foot wide pedestrian accessway between the Quimby Festival Street and NW Pettygrove Street, providing a direct connection south from the future pedestrian accessways to the north. The site plan also provides direct connections from the transit stop on NW 21st Ave through the public square and breezeway to the future public park. This network connects the open spaces on the site and in the neighborhood.

The City Council considered appellant’s testimony that the proposed design does not achieve this standard because the square does not connect to the park and surrounding streets. The Record includes Sheets 3.2, Site Access Plan, 3.7 Site Circulation, and 3.18 Square Circulation. Council finds there are numerous pedestrian routes through and around the building, with comfortable and sheltered stopping places, which combine with the pedestrian access easement to ensure the open spaces on the site are well integrated, adaptable, linked and accessible. *This guideline is met.*

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 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;

A. Better meets design guidelines.

Findings: The City Council reviewed the Design Commission decision regarding the design guidelines relevant to this modification, and agrees that Guidelines E4 *Corners that Build Active Intersections* and D1 *Outdoor Areas* apply because the primary design goal of this project is an active public square. It notes the Design Commission is comprised of experts and their decision is substantial evidence the guideline is met. The current design removes the south segment of the west wing, and decreases the area for the residential amenity on the ground level, to open the square to the intersection and its transit stop. This converts enclosed private space to public open space right at the intersection corner, where high pedestrian traffic is anticipated. Because the square now extends to the intersection corner, Guideline E4 is relevant, and because the design activates the intersection and the adjacent square for public pedestrian uses, the modification better meets Guideline E4 than a design without the modification for a rooftop amenity, because it replaces enclosed private space at the intersection with open public space that allows more afternoon sun into the square. The City Council considered this bold move by LRS Architects, and finds their judgment on this architectural question is substantial evidence to be weighed carefully by the City Council.

The City Council also finds that Guideline D1 Outdoor Areas applies because the modification is used to create a rooftop gathering space that includes an outdoor patio. It again recalls opponent testimony that the ground level residential amenity wrongfully lends a private atmosphere to the public square and displaces too much retail use. Because the modification moves the needed private amenity space well away from the public square, this guideline is better met by this design than by a design without an outdoor roof patio that compels the apartment residents to use the public square like they would a private outdoor patio. Similarly, the guideline is also better met by the design because it shifts the west wing north away from the intersection opening up the square to afternoon sunlight. The City Council also considered the appellants concern about increasing the sense of enclosure, and finds this design actually reduces the sense of enclosure on the square better than a west wing which complies with the height standard but extends further south. *These guidelines are better met by this design.*

B. Purpose of the standard.

Unlike the zoning code which has a specific purpose statement for each chapter, the Con-way Master Plan describes the overarching framework of the Con-way Master Plan area in Section 2, Overall Scheme. The City Council interprets Section 2 to be the equivalent of a purpose statement in the zoning code, because it explains the purpose of the standards, notwithstanding that it is not titled “Purpose”. The “overall scheme” for Height and Massing (Densities) is:

Consistent with Con-way’s approach to development described above, specific building heights and dimensional characteristics for each proposed new structure will be described at the time development applications are submitted for each project. Map 02-3 describes the maximum heights that are allowed within the Master Plan boundary.

Massing is carefully addressed to ensure that new structures are compatible with desired neighborhood characteristics via a series of Design Standards and Guidelines described in Section 5. These criteria attempt to balance desired densities with livability and positive urban qualities, with a strong emphasis on the quality of the pedestrian realm.

The development program described below achieves an overall density (floor area ratio / FAR) of 3:1 throughout the Con-way Master Plan area. This density level is currently allowed in the Northwest Plan district for residential uses only. To enable development to achieve a truly vibrant mixed-use environment, the Con-way Master Plan expands the mix of uses allowed so that commercial, office, employment and other allowed uses be allowed at a 3:1 FAR. Provisions explaining the uses that are allowed in the Con-way Master Plan are described in Section 5, Development and Design Standards and Criteria, of this application.

At 3:1 FAR, the overall development program for this Master Plan is as follows:

Total FAR = 2,280,850 square feet

Existing Floor area = 330,850 square feet (Includes floor area for existing buildings on Blocks 293 and 294, Adtech I and Adtech II respectively. See Appendix.)

New floor area = 1,950,000 square feet

Proposed allocations of FAR between uses are described in Section 3, bearing in mind that these are approximate allocations that will ultimately be market driven.

The City Council interprets the maximum height standards in the master plan to be eligible for modification, because additional height is not explicitly prohibited, either in the base zone or in the Master Plan. See Table 140-3 in Section 33.140.

The placement of the residential amenity space to the roof of the 4th floor allows additional ground floor area to be developed for customer-activated commercial space, including retail. As is stated in the overall scheme for height and massing: *These criteria attempt to balance desired densities with livability and positive urban qualities, with a strong emphasis on the quality of the pedestrian realm.* The increased height at the 4th floor activates the roof which is very visible to other wings of this building as well as surrounding neighborhood development.

The City Council considered the opponent testimony that the public square was more akin to a private courtyard than a public square, and that the modification criteria of Section 33.825.040 are not satisfied. It finds that the residents will need an outdoor gathering space, and that placing that function on the fourth floor roof instead of on the public square appropriately addresses opponent concerns about privatization of the pedestrian realm within the ground level square. This protects the public qualities of the pedestrian realm. *The modification is consistent with the purpose of the height standard.*

This Modification warrants approval.

- 2. Con-way Master Plan Standard #7 (C, D.2)** – to reduce the 50' depth requirement for retail fronting on the square to 47'-2" and 49'-4" and 16'-9" at the bike facility; and to reduce the amount of retail/neighborhood facilities fronting on the square from 75% to 38% at the northern square-facing wall;

A. Better meets design guidelines.

Findings: Guideline P1, Plan Area Character compels designs to enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions. Here, the primary desired characteristic is an active public square, supported by adjacent retail. The City Council reviewed the architect's plan Sheets 2.11A, 4.14 and 4.15 which detail the retail fronting the square and finds the entire west and east edges of the square are fronted by retail, as is the south elevation facing the intersection of NW 21st Ave and NW Pettygrove St. The only square frontage that is not retail is a portion of the north elevation, which is the active residential lobby which will be most active when the retail spaces are not, thereby spreading the activity in the square over more hours of the day and week.

The City Council considered the appellant's argument that this modification will have a negative impact on the public realm and diminish the utility of the square as a gathering place for events and activities. It reviewed Sheets 2.11A, 4.14 and 4.15 regarding retail frontage on the square, and finds those sheets are substantial evidence that the east wall, the west wall, and the south wall of the west wing all have 100% retail fronting on the square, and that including all walls, retail frontage easily exceeds 75% of the total. It finds there is no contrary evidence in the record to explain why a modification to reduce retail frontage on just one wall, when the other building frontages are 100% retail, will not better meet the guideline than a design which meets the standard for each wall but has less linear feet of retail frontage overall. It finds this design better meets the guideline than a design where each wall of retail frontage was compliant although the overall frontage of retail was less than what is proposed, and the rhythm of continuous retail was interrupted.

Because the proposal includes reduced retail widths, this allows more space to be dedicated to publicly-accessible open areas, such as the square, the sidewalk, and the north-south connection. While the reduction in width is minimal for the retail spaces, this allows better visibility through the highly glazed spaces toward the square and perimeter open areas. In addition, the reduced size of the neighborhood bike facility, allows for greater variety in the event that this is converted to a micro-retail unit at some point in the future. Likewise, while reducing the amount of retail frontage on a single wall (the north), this allows greater variety in the character of the square edges, with the north wall providing access to the main building for residents and providing frontage on the square with a residential lounge looking out onto the square.

The City Council finds that the depth and width of the neighborhood facility consisting of a bike station and pet wash are ample for those uses, because they do not require floor area for display of merchandise, or seating in the cases of a bar or restaurant.

Guideline D1 supports sizable, usable outdoor areas, and this design features outdoor seating for use by retail spaces, and Guideline 7A is for private open spaces that are well integrated with adjacent development. The City Council finds that the actual area of retail use exceeds the square footage as traditionally measured within buildings, and that the availability of retail goods and services will ensure the outdoor areas, which are well integrated with the adjacent retail shops, are active and pleasant.

The City Council considered the appellant's claim that reduction of the depth of retail spaces means the guidelines are not better met by this design. The City Council reviewed neighborhood written and oral testimony and concluded that maximizing the size of the public square was their priority, and agrees with that priority. The City Council finds that this design better meets these guidelines than a design with 50-foot wide retail wings and a smaller public square.

The City Council concludes guidelines P1 *Plan Area Character*, D1 *Outdoor Areas*, and Guideline 7A are better met with the proposed design than by a design with deeper retail spaces because this design allows a larger square, and because the limited frontage of the residential lobby ensures active use of the square at times when retail shops are closed.

These guidelines are better met by this design.

B. Purpose of the standard.

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."

The City Council considered the appellant's argument that this modification will have a negative impact on the public realm and diminish the utility of the square as a gathering place for events and activities. It reviewed Sheets 2.11A, 4.14 and 4.15 regarding retail frontage on the square, and finds those sheets are substantial evidence that the east wall, the west wall, and the south wall of the west wing all have 100% retail fronting on the square, and that including all walls, retail frontage easily exceeds 75% of the total. It finds there is no contrary evidence in the record to explain why a modification to reduce retail frontage on just one wall, when the other building frontages are 100% retail, is less supporting of this purpose than a design which meets the standard for each wall but has less linear feet of retail frontage overall. It finds this design better meets the purpose than a design where each wall of retail frontage was compliant although the overall frontage of retail was less than what is proposed, and the rhythm of continuous retail was interrupted.

The City Council considered the appellant's claim that reduction of the depth of retail spaces is not consistent with the purpose; however, it finds that the primary goal is a spacious and active square, which is not impeded by this modification because the modification is very slight, the retail spaces will be able to use the square for outdoor seating and display thereby expanding beyond their interior square footage, and because the residential lobby and bike station are active uses during periods when the retail is dormant.

The City Council notes that the entire frontage on NW 21st Ave is retail. It further finds there is no evidence in the record to support the proposition that reduced interior depths of these retail spaces will reduce the level of activity and interaction with the public realm at the transit stop in front of the retail spaces. *The modification is consistent with the purpose of the retail depth standard.*

With the condition of approval that the neighborhood bike facility meet the parameters of Standard 5.6.B at the time of Permit, or the use be converted to retail, this Modification warrants approval.

- 3. Con-way Master Plan Standard #8(F)** – 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";

A. Better meets design guidelines.

Findings: The City Council reviewed the Design Commission decision regarding the design guideline relevant to this modification, and agrees that Guideline D8 *Interest, Quality, and Composition* is better met by the proposed design. The City Council notes the building is 77 feet tall at the applicable location, meaning if it were just two feet shorter, this standard would be satisfied. The City Council considered the Design Commission's support of the east façade as designed, noting that stepping back the top floor would disrupt the design concept of brick frames and tubes, which lend to the overall coherency of the design. They also expressed support for the simplicity of the design with the singular articulated frame of green zinc-alloy panels at the east which helps to mark this pedestrian connection from a distance. The Design Commission concluded that this guideline was better met by this coherent design than by an alternate design that broke the façade with a setback.

The City Council considered the appellant's argument that the setback standard is not met, and their suggestion that the modification fails to preserve a human scale to buildings. (See page 2 of the May 18, 2017, NWDA letter.) The City Council understands the appellant to argue that Design Guideline 1 is not satisfied. That guideline states: "[p]rovide human scale to buildings and edges along sidewalks, squares and pedestrian accessways." The City Council reviewed the appellant's written and oral testimony and does not find where the appellant explained how a minor height increase caused by the removal of this setback adversely affects the scale of the building and edges along sidewalks, squares and pedestrian accessways. It interprets this provision to mean that the urban elements in and around the

ground level pedestrian realm are what must be scaled to humans. It finds no substantial evidence in the record that removal of this setback to accommodate the modest height increase adversely impacts the human scale or experience at the pedestrian level.

The City Council also examined the appellant's June 26, 2017 argument that the modification adversely affects solar access, openness to the sky and the perception of height. It notes that this modification only applies to the east and south edges of the east wing, and thereby has minimal impact on solar access and openness to the sky for the public square. It weighed this modification with the voluntary removal of the south portion of the west wing, and finds that removal adds more solar access and openness to the sky than is subtracted by this modification, and therefore concludes it better meets the design guidelines. Regarding perception of apparent height, the City Council agrees with the Design Commission that the proposed single façade design is more simple and coherent and that the effect is to minimize the perception of additional height as compared to a compliant design where the setback would break the façade pattern and draw visual attention to itself, and thereby increase the perceived height. *These guidelines are better met by this design.*

B. Purpose of the standard.

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 modification applies to the southern and eastern frontages of the east wing. It states that "the top floor of all buildings taller than 75 feet shall be setback a minimum of 5 feet." The purpose statement speaks to the pedestrian experience, and the Design Commission focused on the coherence of the overall façade design, which will be viewed by pedestrians from a distance, and park patrons. The City Council agrees with the Design Commission that the continuity of the pedestrian-oriented environment provides a pleasant, rich and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, and helps to maintain a healthy urban district with architectural elements or improvements that provide visual interest and interrelate with the pedestrian environment.

The City Council also considered the appellant's argument that the setback standard is not met. It notes that the argument does not specifically address the relevant criteria of Section 33.825.040, or explain why the small height differential adversely affects the human scale of buildings, and does not account for the benefits of a coherent design.

The City Council also considered the appellant's argument that the modification adversely affects solar access, openness to the sky and the perception of height. It notes that this modification only applies the east and south edges of the east wing, and thereby has minimal impact on solar access and openness to the sky for the public square. It weighed this modification with the voluntary removal of the south portion of the west wing, and finds that removal adds more solar access and openness to the sky than is subtracted by this modification, and therefore concludes it is consistent with this purpose. Regarding perception of apparent height, the City Council agrees with the Design Commission that the proposed single façade design is more simple and coherent and that the effect is to minimize the perception of additional height as compared to a compliant design where the setback would break the façade pattern and draw visual attention to itself, and thereby increase the perceived height, which is again consistent with this purpose.

The modification is consistent with the purpose of the setback standard.

This Modification warrants approval.

- 4. Con-way Master Plan Standard #10(B, C)** – to reduce the dimensions on the square at the southwest corner from 100' to 31'-6"; to reduce the clearance of the ground plane connection between the square and the park from 25' to a minimum clearance of 14'-9";

A. Better meets design guidelines.

The City Council finds that after reviewing alternate designs for connecting the square with the transit stop on NW 21st Ave, the Design Commission decided that shifting the west wing to the north opens expands the square to the southwest corner of the site; that is, directly to the intersection and transit stop. Because the shift to the north is a distance of 31'-6" from the southern property line, the City Council finds this requires a Modification to the 100' dimension at this location only. The City Council finds this shift (and resultant reduction of the 100' dimension) meets the guidelines in that it provides additional area for the square to better activate the intersection and transit stop while also ensuring that significant amounts of retail area will remain along the corridor of NW 21st Ave. Therefore, the Commission also finds that Guidelines E4 *Corners that Build Active Intersections* and D1 *Outdoor Areas* are better met by the proposal in that the outdoor area at this corner is activated by the proposed massing and adjacent use.

The appellants claim that this change is intended to have a standard meet a design, rather than vice versa. The City Council does not agree; the City Council finds that the guidelines encourage opening the square to the intersection and transit stop. It also interprets this standard to require a minimum 10,000 square foot space for the square, with additional area adding up to 16,000sf total, as further described below, and concludes the guidelines are better met by this design than a compliant design that extends the west wing further south to NW Pettygrove St. The applicant has provided documents that indicate that the square equals 16,007 sf in total, at the Design Commission hearing and at the City Council hearing. Dimensions shown on Exhibit C-28 (sheet 2.11) indicate dimensions that result in a calculation of 15,903 square feet; however, inset undulations within the ground floor building wall, beyond the reach of the shown dimensions, provide additional area resulting in 16,007 square feet.

Regarding the reduced vertical clearance between the square and the park, the City Council finds a Modification is required. It finds that the applicable guidelines are E2 Stopping Places which supports providing comfortable places along pedestrian circulation routes where people may stop, visit, meet, and rest; E3 The Sidewalk Level of Buildings which strives for a sense of enclosure and visual interest; and E5 Light, Wind, and Rain, which ensures weather protection.

The City Council finds that the provision of furniture on this pedestrian connection and in the public square provide comfortable places to stop, visit, meet and rest, and better meets the guideline than a full height breezeway which would exceed human scale and thus be a less comfortable place to stop. The City Council finds the mural (or other artwork, as coordinated with RACC) and furnishings provide multiple opportunities for large and small gatherings, lending to the sense of enclosure and visual interest, and better meets this guideline that a full height breezeway because that additional height would detract from the essential sense of enclosure. The City Council finds that weather protection is better provided by the reduced height, because the full height would allow additional wind and rain into what is intended to be a sheltered area between the open public park and the public square.

The City Council reviewed the appellant's argument that this guideline is not satisfied due to the limitation on visibility from the park to the square. It also reviewed Sheet 4.29, the perspective view looking into the breezeway from the north-south accessway, and concludes the Design Commission finding is correct that the breezeway was located between heavily glazed walls on either side and the ground level in general was heavily glazed which expands views and the spatial connection between the square and the outer perimeter of the building on all sides around the breezeway. The City Council finds the ample glazing in these areas

improves visibility and the spatial connection, effectively responding to this concern. In addition, a replicate mural is planned for the east portion of the north breezeway wall, which speaks to the heritage of the Con-way Master Plan area. A condition of approval requires coordination of this mural design with the Regional Arts and Culture Council, to ensure the public art in the new park to the east and the mural are complementary, which the City Council finds will also visually link the park and the square. The City Council affirms the Design Commission decision to support this mural concept whether literal or abstracted. *These guidelines are better met by this design.*

B. Purpose of the standard.

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.”

The City Council notes the square is the primary feature of this site. This modification only applies to the southwest “panhandle” which is the new area added to the square created by the shift of the west wing to the north. The applicant has explained that the panhandle accomplishes several design goals. It increases solar exposure to the square by removing the building area at what used to be the square’s southwest corner. It opens the square directly, whereas access in the prior design of the west wing was via a breezeway within the building. Third, it increases the square’s south frontage on NW Pettygrove St up to 152’5” to mitigate what was previously described as an excessively enclosed square. Simplified views of the change are shown on plan Sheets 1.3 and 1.4 of the May 25, 2017 architectural plans.

The City Council finds that the transit stop on NW 21st Ave is a narrow public open space, and that this design (and resultant reduction of the 100’ dimension) meets the purpose of the standard because it better connects the square to that open space and effectively expands the transit stop and merges it with the public square.

The City Council finds this shift (and resultant reduction of the 100’ dimension) meets the purpose of the standard in that it provides additional area for the square to better activate the intersection and transit stop while also ensuring that significant amounts of retail area will remain along the corridor of NW 21st Ave.

The City Council also considered the various arguments about why the total area of the public square is actually less than 16,000 square feet, including Ms. Karlsson’s letter of July 13, 2017. It finds that the appellant and Ms. Lennard are measuring the area of the square by standards that do not appear in the master plan or the zoning code, such as the maximum height of adjacent buildings should be a certain proportion of the square width, or that partially covered areas, such as the arcade along the east edge, must be excluded from the area calculation. The City Council also weighed the assertion that the area of the square was miscalculated, and concludes that the appellant’s measurements are substantial evidence that the area of the public square meets the 16,000 square foot requirement. The Council also notes that the applicant’s calculation does not include the arcade area, as Shown on Sheet 3.1, notwithstanding that there is no code language that excludes covered spaces from the square area.

Regarding the requested reduction of the vertical clearance between the square and the park, the City Council reviewed the appellant’s argument that this guideline is not satisfied due to the limitation on visibility and spatial connection from the park to the square. It also reviewed the Design Commission findings that the breezeway was located between heavily glazed retail on either side of the entrance from the square and the ground level in general was heavily glazed which expands views between the square and the outer perimeter of the building on all sides around the breezeway. The design features heavily glazed retail on the south side with a similarly visible bike facility and live/work spaces on the north. The City Council finds the

ample glazing in these areas improves visibility and the sense of spatial connection, effectively responding to this concern.

The City Council finds that the purpose statement for this standard speaks to the square and that the breezeway is not part of the square, therefore the purpose statement relates minimally to the breezeway other than the fact that the breezeway serves as the connection between the square and the park. To that end, the breezeway meets the purpose of the standard in that this connection is provided. In addition, Guideline D8 Interest, Quality, and Composition is better met by the proposal in that the architectural design concept is more cohesive by allowing the brick tube concept to extend the length of the east wing rather than jogging upward to accommodate for additional height at the breezeway. Guideline 1 is also better met by providing human scale to this breezeway in that the proposed clearance is generous despite not meeting the standard 25'. The City Council notes the successful arcade at LePigeon in the East Burnside arcaded district is approximately 15' high (as well as 100' long and 10' wide). The proposed breezeway will provide a comfortable passageway between the park and the square and will feature design elements such as the round wood benches, lighting, and artwork to engage pedestrians.

This Modification warrants 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".

A. Better meets design guidelines.

The City Council finds that Design Guideline D4 Parking Areas and Garages is better met by this design because it locates bicycle parking in the basement garage and thereby frees up more space for the public bicycle station on the public square. *The guideline is better met by this design.*

B. Purpose of the standard.

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. The City Council agrees with the Design Commission findings in many other instances that 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.

With the condition of approval that the bike parking is set at 18" on center with a 6" vertical stagger, this Modification warrants approval.

(3) Con-way Master Plan Amendment Approval Criteria

Amendment Process

The master plan provides for an amendment process in Chapter 33.562.300.F 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: 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 Con-Way Master Plan to align with the new boundaries, in order to allow the proposed development to extend 15' to the east into the westernmost portion of the designated Neighborhood Park.

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." In addition: "This Master Plan is intended to serve as a framework for each new development." The City Council interprets these sentences to express the vision and purpose of the master plan, and finds that the amendment process allows the Plan to evolve organically and not to be applied with scientific precision.

Per Section 2, "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.”

Again, with regard to height and massing, Section 2 recognizes that “new development will be strongly influenced by market forces” and states that “specific building heights and dimensional characteristics for each proposed new structure will be described at the time development applications are submitted for each project.” It further states that “Massing is carefully addressed to ensure that new structures are compatible with desired neighborhood characteristics via a series of Design Standards and Guidelines described in Section 5. These criteria attempt to balance desired densities with livability and positive urban qualities, with a strong emphasis on the quality of the pedestrian realm.”

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, no commentary or a justification for establishing this as the intended footprint of future buildings is included; the only indication that this may be a specific desire in the sense that such a footprint is the most logical as one travels across this city. The City Council finds that Slabtown was not platted with standard 200' x 200' city blocks, as shown by the original plat of Couch's Addition in the record, and blocks of that size are still not present in this neighborhood as shown by the current street map in the record. It therefore concludes there is not a standard block pattern to return to, as asserted by project opponents.

The City Council also considered the assertion that the Con-way Master plan intention regarding the block pattern is being disregarded, and interprets the Master Plan differently. It finds that Map 03-2 clearly demonstrates that uses allowed in the EX zone are allowed throughout the Master Plan area, including within the designated open areas, with this statement: “Allowed Uses – The allowed uses for the sites shown in this diagram are to be the same uses allowed for Central Employment (EX) base zone as described in the City of Portland's Title 33, section 33.140.100 Primary Uses.” The City Council reviewed and interpreted the other maps indicating various functions for different blocks within the Master Plan, and finds that regarding allowed uses, Map 03-2 is the controlling document. For example, it considered this statement on Map 04-7 Open Spaces: “Map 04-7 illustrates the locations for various proposed open areas. Refer to Section 5 Design Standards and Design Guidelines for a comprehensive description of the Vision and Guiding Principles related to the formation of these spaces.” It interprets this statement to mean that the Master Plan maps are guidance for future development and that actual development proposals involving open space will be governed by Section 5, including the provisions for Amendments.

The City Council finds that the resulting site is 65% open to the public which is an extraordinary public benefit, and that the incremental floor area that the appellant believes is not supportable will add substantially more of the desired activity to these public spaces.

As noted above, the Master Plan states that desired densities are to be balanced with livability and positive urban qualities, with a strong emphasis on the quality of the pedestrian realm. The proposed 15' move to the east increases the width of the square at the upper levels by 35', from 65' to 100', which provides significantly more solar exposure to the square. As noted above, the Master Plan requires a minimum width public square and minimum width retail spaces which cannot fit on a site that is only 197' wide. With this 15' shift, and small modifications to the depth of the retail spaces, the City Council finds several public benefits are provided, including the covered arcade which allows sheltered outdoor dining and retail displays in addition to the full width square, as well as additional retail and dozens of additional apartments. It weighed the appellant's assertion that no public benefit is provided

against the applicant's testimony on the amount of leasable area that is gained if the amendment is approved and concluded that additional nearby tenants will result in a more activated public square.

In addition, the remaining 45' to the east of the building, and west of the realigned boundary of the park, is a continuation of the future north-south pedestrian accessways to the north, thus providing a linear connection that was not necessarily envisioned in the original master plan, but nonetheless provides a valuable pedestrian connection across the site and between the project and the future park. As is noted elsewhere the previously proposed residential units at the northeast corner have been revised to live/work units primarily to ensure that the encroachment will not exceed 15' and to provide further ground level activation at this edge. The proposed reconfiguration of the neighborhood park in the east portion of Block 290, to allow for the expanded footprint of the proposed development on this block, will better enable the development of a vibrant square, which will be supported by the surrounding mixed-use development. The City Council finds that the proposed encroachment is consistent with the master plan's vision and purpose as described in the summary framework of Section 2.

The City Council considered the appellant's critique that Northwest Portland is deficient in open space, and finds that fully 65% of this site will be open to the public, and in addition, the entire east portion of Block 290 will be as well when the new park is developed. The City Council interprets the Con-Way Master Plan open space requirements to be flexible and weighed the smaller park against the improved square. It concludes the vision and purpose of the Master Plan are followed by the provision of several public benefits including additional housing supply, a square open to the transit stop and intersection, and additional ground floor retail, which outweigh the small difference in area at the west edge of the future public park.

Therefore, this criterion is 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: The City Council finds that purpose statements appear only under Design Standards and Guidelines #5, #6, #7, #8, and #10, and each are reviewed 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: The proposed amendment to extend the building footprint 15' to the east allows for additional ground level building area to be developed for apartments, retail and neighborhood facilities. The applicant proposes a neighborhood facility in the form of a bike repair/pet wash station at the eastern edge of the square; this space is indicated to be 16'-9" deep. In addition, the adjacent arcade at the east edge of the square is 12' deep. These spaces, in addition to the dozens of apartments above them would have to be removed from the proposal in order to reduce the need for the encroachment to the east. However, with the provision of these spaces, specifically the introduction of a neighborhood facility in an otherwise leftover space, the proposed amendment encourages the creation of this facility.

The City Council finds that the success of this public square relies on adjacent retail, and that the success of the city as a whole requires additional apartments in the NW Master Plan area. The application includes a broad square with retail on both sides that will conveniently serve transit and park patrons, and dozens of additional housing units are provided for those who desire to reside here. The City Council concludes the east wing is a facility that serves the commercial and residential needs of those who live, work, and bicycle in Slabtown.

This purpose statement continues to be met.

#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 Ave and on the public square. As noted above, the City Council finds the master plan requires a minimum width public square and minimum width retail spaces. This 15’ shift allows larger retail spaces fronting the public square, and the future park to the east, in addition to dozens of additional housing units. The City Council concludes the retail purposes of this purpose statement are fulfilled by this design. *This purpose statement continues to be 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 City Council finds the proposed amendment will have a de minimis effect on pedestrian environment, because a 45-foot pedestrian accessway will be provided adjacent to the east side of the building, and finds this is of sufficient width to ensure a pleasant, rich, and diverse pedestrian experience. *This purpose statement continues to be 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 increase the area devoted to the retail, public facility and residential uses enclosing the public square while maintaining the needed floor area to activate this public space as well as the two other open areas on the site. The square will be framed by active buildings on three sides and the master plan identified the need for substantial retail spaces to serve Slabtown. The City Council finds that reducing the depth of retail spaces below what is currently designed, and reducing the number of apartments above, will reduce the amount of residential and retail activity and thereby detract from the square.

The City Council also finds that the amendment does not reduce or restrict the connections from the square to nearby open spaces including the future park, the NW Pettygrove St and

NW 21st Ave sidewalks, and especially the transit stop. The City Council concludes that the square, including the furnishings and lighting scheme, is unique and the amendment will help to develop the identity of the square as an iconic urban place in the neighborhood. *This purpose statement continues to be 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: PBOT has confirmed that the new weekday pm peak hour trip generation will remain less than 1,535 trips (see Exhibit H-19). The City Council accepts PBOT's consideration of this information as verification that this criterion is met. *This approval criterion is met.*

DEVELOPMENT STANDARDS

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

The City Council considered the appellant's assertion that development standard 10A, regarding the purpose of the public square, is not met because the public square is not connected to the adjacent Quimby Festival Street, because the arrangement and character of the square is more akin to a private courtyard, and because the southwest portion of the square the intersection of NW 21st Ave and NW Pettygrove St is not framed by active buildings on three sides. It finds that the square is connected to this private street via the breezeway and the north-south pedestrian accessway, and the numerous public features, including a public bike repair station, public access easement and direct openings to the public park and transit stop, establish the public character of the square. It appears as though the appellant reads this purpose statement to be a separate development standard that requires a straight pedestrian path from the square to Quimby. The City Council first interprets the purpose statement to be just that, and not a mandatory development standard. Second, the City Council notes the required direct passage to the east into the future park, and notes there is no similar master plan requirement for direct passage to the north. Therefore, the City Council concludes that the application complies with this purpose statement and that it is not a separate development standard.

The City Council also reviewed appellant's contention that standard 7.D.1 regarding the minimum height of retail spaces is not satisfied, and that the measurement is to be taken from the sidewalk grade on NW 21st Ave. It reviewed Sheet 4.14 and 4.15 of the architectural plans and finds that the interior height of the bottom of the second level floor structure is identified and is sufficiently high. It notes that the standard applies to: "[t]he distance from the finished floor to the bottom of the structure above must be at least 16 feet." The City Council reviewed the appellant's assertion that this minimum height standard also must be measured from the grade of the sidewalk. It interprets the text of the standard to only require measurement from the finished floor of the retail space. The City Council finds the standard is satisfied and that a modification is not required.

Appellant's argue that a modification is required for FAR, because in their view the site is only 200' x 197'. The City Council finds the site area includes all of the private property which is included in the project that will remain in private ownership, which is comprised of Lots 9 through 18 of BLOCK 290, and the western 260 feet of the vacated Quimby, less three feet for a dedication to widen NW 21st Ave, as shown on the ALTA survey in the record. FAR is calculated based on that legal description, which totals 66,820 square feet. The City Council reviewed the assertion that the Con-

way Master Plan standards establish the site area at only 200' x 197' and finds that it is unable to see how those standards determine that only this area serves as the basis for FAR.

The City Council also reviewed the argument that a modification is required by Con-way Master Plan Standards 10.A because the southwest portion of the square is not framed by active buildings on three sides. It first again finds that 10.A is a purpose statement, and not an approval standard. Second, it finds that this purpose statement is satisfied because the square is framed by active buildings on the north, west and east sides. Appellants also argue that 10.A requires a modification because, in its view, the lack of a connection between the square and Quimby means the square is not connected to nearby, open spaces. Once again, the City Council finds that 10.A is a purpose statement, not an approval standard. Second, the Council interprets "connected" means accessible by an uninterrupted public pedestrian path. It finds that Sheet 3.7 Landscape –Site Circulation demonstrates there is an uninterrupted public pedestrian path from Quimby to all other nearby, open spaces, and concludes Quimby is well connected and the purpose is met.

The City Council reviewed the appellant's comments regarding concurrent development on Block 291 and at the Park, and notes 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. Regarding comments about the need to revise the Master Plan prior to review of this development, the City Council reviewed the Master Plan procedures and finds no text to indicate an amendment must occur prior to a development application that requires it. The City Council 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, because the public is able to plainly see the effect of the amendment on a project.

V. CONCLUSIONS

The City Council 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. The City Council reviewed NWDA's letter to the Design Commission of May 19, 2017, and appreciates their willingness to consider modifications to the standards if they better meet the goals of the master plan and represent a public benefit. It agrees with the Design Commission finding that meeting all development standards is mathematically impossible without opening the square completely on the west or east, and finds substantial public benefits to the modifications and amendment because they provide additional retail, residential, and bicycle maintenance opportunities that will increase the activity on the public square above what could be provided by a smaller building, which is the most vital component of its success. The City Council finds that LRS Architects are qualified design professionals and their testimony and evidence are credible. The Council also Design Commission is comprised of architectural and urban planning experts and that their decision on the successful resolution of competing and sometimes conflicting guidelines, standards and criteria in the Master Plan and zoning code is substantial evidence in favor of the application, which City Council found to be persuasive.

The City Council appreciates the interest of NWDA, and finds their claims are well articulated. It analyzed those claims along with the responses from the Design Commission, LRS and the developer, and concludes the Design Commission and the developer's team are more persuasive because they explain how the public benefits of the same features that NWDA criticizes better meet the guidelines, purpose statements, and other criteria. These features open the square to the intersection and transit stop, provide more housing including affordable apartments, create spaces for covered outdoor dining, place a residential lobby and bike repair station where they will activate the square when retail is dormant, and blanket 65% of the site with public access easements. It finds the public square, the north-south public pedestrian accessway, and the Quimby Festival Street will be built, furnished, landscaped and maintained at no cost to the City, a notable public benefit that implements the Con-way Master Plan goals.

The City Council evaluated the appellant's claim that the overall effect of several modifications must be considered as a whole; however, it does not see any criterion in the Con-way Master Plan or zoning code that requires evaluation of cumulative effects. It concludes that the modifications do not restrict the public access, which covers 65% of the site, nor do they restrict the ability to see into the square which is open to the intersection on NW 21st Ave and NW Pettygrove St. It further concludes that solar access is improved over minimum requirements by eliminating the south portion of the west wing and by the transparent design of the rooftop amenity space. Lastly, the City Council considered the assertion that much retail has been removed, and finds ample, multi-sided retail frontage, and that the appellant's concern in this regard is for "an active and engaging square" which will be better supported at all hours by the residential lobby and the bike station which the appellant apparently would remove.

The City Council reviewed the appellant's contrary interpretations of the master plan and zoning code requirements, and its contrary calculation of the square area. It finds the site area is correctly calculated as 16,007 square feet, all of which is privately owned, developed and maintained. It notes that the construction drawings will be scrutinized by BDS staff to ensure compliance with this square footage requirement. The appellant desires restoration of the 200' x 200' block grid; however, that grid never extended to Slabtown which was platted with 460' blocks. Nevertheless, the owner now proposes public access easements over 65% its private land. The City Council also finds the master plan massing diagrams do not establish a separate FAR standard, and that the appellant's interpretations of those diagrams as applied to this site and design are not substantial evidence of an express or implied FAR standard for this block of less than 3:1. Combining these factors, the City Council concludes that the floor area of the building does not require a modification.

Project opponents also insist that the public square must be completely open to the sky, that the height of the buildings must be reduced for the square to satisfy the master plan standards, and that the square is too small as a result; however, they have not presented a specific standard or criteria that requires either openness to the sky or a ratio between the size of the square and the height of adjacent buildings. The City Council reviewed the architectural plans and concludes the square is of sufficient size and shape.

The appellant urges us to prohibit the garage entrance on Quimby; however, the City Council finds that the design affords ample space outside the vehicle travel lanes for booths to support festivals such as a farmer's market and art shows. It analyzed options for vehicle access on other frontages and finds they would violate other city policies and codes, and concludes that denial of all vehicle access would present a liability to the City for elimination of the property's right of vehicle access to a public street.

The numerous criticisms of the project opponents are variations on a single theme: their preference is for a substantially smaller building. The City Council weighed that theme against the competing desire for an active public square, and finds that the proposed design is essential to provide convenient retail for transit and park patrons, and to create more affordable and market rate apartments for the Northwest Plan District. It concludes the additional retail and apartments are substantial public benefits that are critical to support the active public square desired by all participants, and emphasizes the building remains below the maximum FAR.

The proposed design fits with the desired character of the neighborhood, is of good quality, and will provide a substantial public square for individuals and groups to gather for programmed and un-programmed events, consistent with the intent of the Con-way Master Plan. The proposal meets the applicable design guidelines, Modification criteria and Amendment criteria, and therefore warrants approval.

VI. DECISION

It is the decision of the City Council to approve Design Review for a new multi-story residential building with ground floor retail, below-grade parking, and a roof terrace in the Con-way Master Plan Area. 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 square and a portion of the vacated NW Quimby right-of-way.

Approval of the following Modification requests:

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(C, D.1, and D.2) – to reduce the 50' depth requirement for retail fronting on the square to 47'-2" and 49'-4" and 16'-9" at the bike facility; and to reduce the amount of retail/neighborhood facilities fronting on the square from 75% to 38% at the northern square-facing wall;
3. Con-way Master Plan Standard #8(F) – 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(B, C) – to reduce the dimensions on the square at the southwest corner from 100' to 31'-6"; to reduce the clearance of the ground plane connection between the square and the park from 25' to a minimum clearance of 14'-9";
5. 33.266.220.C.3.b – to reduce the width of required long-term bicycle parking spaces from 24" to 18"; and

Approval of the Master Plan Amendment to:

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 extend 15' to the east into the westernmost portion of the designated Neighborhood Park.

Approvals per Exhibits C-1 through C-121, signed, stamped, and dated August 3, 2017, subject to the following conditions:

- A.** As part of the building permit application submittal, the following development-related conditions (B through I) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 16-100496 DZM MS". All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B.** At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C.** No field changes allowed.
- D.** Per Standard 10.D, an easement shall be provided prior to issuance of Permit allowing public access to the entire square, the entire ground plane connection, the north-south connection (for a width of 45') and the western portion of Quimby (for a width of 60').
- E.** The windows and louvers shall not project beyond the exterior face of adjacent cladding material.
- F.** Movable chairs and tables shall be provided, by the property owner, within the square to ensure additional opportunities for seating which are not associated with the adjacent commercial spaces.
- G.** The neighborhood bike facility shall meet the parameters of Standard 5.6.B at the time of Permit, or the use shall be converted to retail.
- H.** The bike parking shall be set at 18" on center with a 6" vertical stagger.
- I.** 1. Per BES request, 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.

- J.** The middle round bench in the middle of the square shall be eliminated. The benches shall be made of Ipé wood.
- K.** Four additional benches shall be added to the north-south pedway (for a total of 8 benches), with some oriented perpendicular to the pedway.
- L.** The design of the breezeway mural and art in the public square shall be coordinated with the Regional Arts and Culture Council to ensure these elements of the design are complementary toward the public art in the new park just east of this site.

VII. APPEAL INFORMATION

Appeals to the Land Use Board of Appeals (LUBA)

This is the City's final decision on this matter. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date of the decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period or this land use review. You may call LUBA at 1 (503) 373-1265 for further information on filing an appeal.

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
 - 10. Sheets from July 6, 2017 packet replaced by C-exhibits
- B. Zoning Map (attached)
- C. Plan & Drawings
 - 1. Cover Sheet
 - 2. Index
 - 3. Vicinity Map/Aerial View (1.1)
 - 4. Site Context Photos (1.2)
 - 5. Site Context Photos (1.3)
 - 6. Site Context Photos (1.4)
 - 7. Site Survey – Existing Conditions (1.5)
 - 8. Zoning Summary (1.6)
 - 9. Development Standards (1.7)
 - 10. Floor Area Ratio Diagrams (1.8)
 - 11. Master Plan Diagram (1.9)
 - 12. Vehicular Paths and Entries (1.10)
 - 13. Pedestrian and Bike Paths (1.11)
 - 14. Proposed Site Partition Plan (1.12)
 - 15. Site Plan/Demolition Plan (1.13)
 - 16. Site Diagram (1.14)
 - 17. Solar Studies (1.15)
 - 18. Narrative (2.1)
 - 19. Narrative (2.2)
 - 20. Narrative (2.3)
 - 21. Narrative (2.4)
 - 22. Narrative (2.5)

23. Narrative (2.6)
24. Narrative (2.7)
25. Narrative (2.8)
26. Narrative (2.9)
27. Modification Request – Sect 05.1 (2.10)
28. Modification Request – Sect 05.7.D.2 (2.11)
29. Modification Request – Sect 05.8.F (2.12)
30. Modification Request – Sect 05.10.C (2.13)
31. Site Plan (3.1) (attached)
32. Site Access Plan (3.2)
33. Civil Grading Plan (3.3)
34. Civil – Utility Plan (3.4)
35. Landscape Plan (1)
36. Landscape – Placemaking Zones
37. Landscape – Site Circulation (3.7)
38. Landscape – Entries and Edges (3.8)
39. Landscape – Sheltered/Open Spaces/Access Points (3.9)
40. Landscape – NW Pettygrove Looking North (3.10)
41. Landscape – Square Looking North (3.11)
42. Square Design (2)
43. Seating Pods (3)
44. Seating Pod Plan (4)
45. Seating Pod Section (5)
46. Seating Pod Detail (6)
47. Landscape – Large Seating Island (3.14)
48. Landscape – Medium Seating Island (3.15)
49. Landscape – Small Seating Island (3.16)
50. Landscape – Square Inground Light Pattern (3.17)
51. Landscape – Square Circulation (3.18)
52. Landscape – Square During Daily Activity (3.19)
53. Landscape – Square During Movie Night (3.20)
54. Landscape – Square During Events (3.21)
55. Landscape – Square Precedents (3.22)
56. Landscape – NW Quimby Street (3.23)
57. Landscape – NW Quimby Looking East (3.24)
58. Pedestrian Accessway Plan (7)
59. Pedestrian Accessway Bench (8)
60. Landscape – Pedestrian Accessway Looking North (3.26)
61. Landscape – Pedestrian Accessway Precedents
62. Floor Plans (4.1)
63. Floor Plans (4.2)
64. Floor Plans (4.3)
65. Roof Plan (4.4)
66. Exterior Canopy and Soffit Plan (4.5)
67. Exterior Elevations – North (Option B) (4.6B)
68. Exterior Elevation – East (Park/Pedestrian Way) (4.7)
69. Exterior Elevations – South (NW Pettygrove) (4.8)
70. Exterior Elevations – West (NW 21st Ave) (4.9)
71. Square Elevations – Looking West (4.10)
72. Square Elevations – Looking North (4.11)
73. Square Elevations – Looking East (4.12)
74. Square Elevations – Looking South (4.13)
75. Glazing Elevation Diagram – Street Facing (4.14)
76. Glazing Elevation Diagram – Square Facing (4.15)
77. Glazing Above Ground Floor – North Elevation (4.16)
78. Glazing Above Ground Floor – East Elevation (4.17)
79. Glazing Above Ground Floor – South Elevation (4.18)

80. Glazing Above Ground Floor – West Elevation (4.19)
81. Building Section – Garage Ramp and Breezeway (4.20)
82. Building Section – Retail and Roof Deck (4.21)
83. Building Section – The Square (4.22)
84. Aerial View – SW Corner (4.23)
85. Aerial View – NE Corner (4.24)
86. Perspective – SE Corner Across NW Pettygrove (4.25)
87. Perspective – NW Corner Across NW 21st (4.26)
88. Perspective – NW Corner Along SW Quimby (4.27)
89. Perspective – NE Corner Along Pedestrian Way (4.28)
90. Perspective – Pedestrian Way at Breezeway (4.29)
91. Perspective – SE Corner Along Pedestrian Way (4.30)
92. Perspective – SE Corner Along SW Pettygrove (4.31)
93. Perspective – The Square During the Day (4.32)
94. Perspective – the Square During the Evening (4.33)
95. Perspective – SW Corner Along SW 21st (4.34)
96. Building Elements – Materials (5.1)
97. Building Elements – Materials (5.2)
98. Building Elements – Lobby Entry (5.3)
99. Building Elements – Garage Entry (5.4)
100. Building Elements – Live/Work Units (5.5)
101. Building Elements – Balcony Units (5.6)
102. Building Elements – Breezeway to Park (5.7)
103. Building Elements – Mural @ Breezeway (5.8)
104. Building Elements – Corridor Slot (5.9)
105. Building Elements – Retail in the Square (5.10)
106. Building Elements – Roof Deck (5.11)
107. Building Elements – Roof Deck (5.12)
108. Storefront Details (6.1)
109. Vinyl Windows and Sliding Door Cutsheets (6.2)
110. Vinyl Window Heads (6.3)
111. Window Jamb Details (6.4)
112. Window Sill Details (6.5)
113. VTAC Louver Details (6.6)
114. VTAC Louver Details and Cutsheets (6.7)
115. Mechanical Louver Details and Cutsheets (6.8)
116. Typical Exterior Finish Details (6.9)
117. Typical Exterior Finish Details (6.10)
118. Typical Canopy Details (6.11)
119. Garage Door Details and Cutsheet (6.12)
120. Light Fixture Cutsheets (6.13)
121. Light Fixture Cutsheets (6.14)
122. Bench Cutsheets (Exhibit H-29)

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.
14. Suzanne Lennard, on April 17, 2017, wrote in opposition.
15. Ms. Michael James, on April 18, 2017, wrote in opposition.
16. Ron Walters, on April 19, 2017, wrote in opposition.
17. Ron Walters, on April 19, 2017, provided survey results from 77 respondents, indicating opposition to the proposal.
18. Michael W. Mehaffy, President of the Goose Hollow Foothills League, on April 21, 2016, wrote in opposition.
19. Michelle Wyffels, Tri-Met, wrote on April 27, 2017, noting Tri-Met's desire to maintain that the bus stop and bus zone at NW 21st and Pettygrove.

20. Greg Theisen, NWDA Co-Chair Planning Committee, wrote on May 2, 2017 contesting the applicant's extension of the timeline.
21. Mike Abbate, Director of Portland Parks & Recreation, wrote on May 3, 2017 (dated April 21, 2017) in support of the proposal.
22. Kurt Creager, Director of Portland Housing Bureau, wrote in support of the proposal, noting the applicant's participation in the Multiple-Unit Limited Tax Exemption (MULTE) Program as part of this project.
23. Ron Walters, on May 12, 2017 and on May 18, 2017, wrote in opposition, citing standards not met, outstanding issues, and offering potential solutions.
24. Greg Theisen, Co-Chair NWDA Planning Committee, on May 19, 2017, wrote in opposition, citing Con-way Master Plan standards not met
25. Greg Theisen, Co-Chair NWDA Planning Committee, on June 6, 2017, wrote in opposition suggesting alternative massing arrangements per the standards of the Con-way Master Plan.
26. Greg Theisen, Co-Chair NWDA Planning Committee, on June 26, 2017, wrote in opposition, addressing requested Modification and the requested Amendment, as well as other issue including maximum and minimum floor area ratio and uses, enclosure of the square, connection to Quimby, and use of Quimby.
27. Suzanne Lennard, on June 26, 2017, wrote in opposition suggesting that the applicant should transfer FAR off of Block 290 or purchase an additional site to which to transfer the FAR.
28. Ron Walters, on June 29, 2017, wrote in opposition, objecting to the Commission's consideration of the proposal on June 8, 2017 and encouraging denial.
29. Ms. Michael James, on July 5, 2017, wrote in opposition.
30. Greg Theisen, Co-Chair NWDA Planning Committee, on July 5, 2017, wrote requesting that the hearing be rescheduled to a later date in order to provide additional time to review the revised proposal and staff report.
31. Virginia Stevens, on July 5, 2017, wrote the suggestions on how to improve the square.
32. Norma Reich, on July 5, 2017, wrote in opposition.
33. Nona Gamel, on July 5, 2017, wrote in opposition.
34. Sacha Reich, on July 5, 2017, wrote in opposition.
35. Mary Beth Henry, on July 5, 2017, wrote in opposition.
36. Mark Lakeman, on July 5, 2017, wrote in opposition.
37. Wendy Rahm, on July 5, 2017, wrote in opposition

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

H. Hearing

1. Staff Memo for May 4, 2017 hearing
2. Revised Staff Report for May 4, 2017 hearing
3. Drawing Set for May 4, 2017
4. Staff Presentation for May 4, 2017 hearing
5. Applicant Presentation for May 4, 2017
6. Supplement sheets provided by applicant on May 4, 2017
7. Testifier Sheet for May 4, 2017 hearing
8. Written testimony by Suzanne Lennard, received at the hearing on May 4, 2017, in opposition
9. Proposals considered at May 12, 2017 work session
10. Staff Memo for June 8, 2017 hearing
11. Drawing Set for June 8, 2017
12. Staff Presentation for June 8, 2017 hearing
13. Applicant Presentation for June 8, 2017
14. Supplement sheets provided by applicant on June 8, 2017

15. Testifier Sheet for June 8, 2017 hearing
 16. Written testimony by Suzanne Lennard, received at the hearing on June 8, 2017, in opposition
 17. 2nd Revised Staff Report for July 6, 2017
 18. Supplemental Staff Memo for July 6, 2017 hearing
 19. Revised PBOT letter, dated July 6, 2017
 20. Staff Presentation, dated July 6, 2017
 21. Applicant Presentation, dated July 6, 2017
 22. Applicant Supplemental Sheet
 23. Testifier sign-In Sheet, July 6, 2017
 24. Written testimony by Suzanne Lennard, received at July 6, 2017 hearing
 25. Written testimony by Jeanne Harrison, received at July 6, 2017 hearing
 26. Burton Francis, on July 6, 2017 wrote in opposition to the design of the square.
 27. Greg Mitchell, on July 13, 2017, provided revised drawings.
 28. Greg Mitchell, on July 13, 2017, provided revised drawings.
 29. Greg Mitchell, on July 13, 2017, provided new bench cutsheets
 30. Karen Karlsson, on July 13, 2017, wrote, contesting the size of the square.
 31. Greg Theisen, Co-Chair NWDA Planning Committee, on July 13, 2017, wrote in opposition to the proposal, noting that the standards and guidelines have not been met and objecting to the process.
 32. 3rd Revised Staff Report for August 3, 2017
- I. Appeal
1. Appeal Submittal
 2. Appealed Decision
 3. Notice of Appeal
 4. NOA Mailing list
 5. Commissioner Assistant's Briefing Memo
 6. City Council Memo
 7. Staff Presentation to City Council
 8. Testifier Sign-In Sheet
 9. Appellant Presentation to City Council
 10. Testimony in Support of the Appellant
 11. Applicant Presentation
 12. Applicant Handout
 13. Additional Testimony Submitted by the Applicant
 14. Testimony in Support of the Applicant