

MOTIONS

- 1129** Appeal of Northwest District Association against Design Commission's decision of approval for Design Review with Modifications and Master Plan Amendment for a new multi-story, residential building with ground floor retail and a public square at 1417 NW 20th Ave in the Con-way Master Plan area of the Northwest Plan District (Hearing introduced by Commissioner Eudaly; LU 16-100496 DZM MS)

Motions 10/12/2017

- 1. Motion to close the record:** Moved by Fish and seconded by Saltzman.

COMMISSIONERS VOTED AS FOLLOWS:

YEAS: Fritz, Fish, Saltzman, Eudaly, Wheeler

- 2. Motion to tentatively deny the appeal and uphold the Design Commission's decision of approval with conditions with the added condition that the applicant will consult with the Regional Arts and Culture Council in the development of the public art at both the private development and at the park:**

Moved by Saltzman and seconded by Fish.

COMMISSIONERS VOTED AS FOLLOWS:

YEAS: Fish, Saltzman, Eudaly, Wheeler

NAYS: Fritz

Disposition:

TENTATIVELY DENY THE APPEAL AND UPHOLD DESIGN COMMISSION'S
DECISION WITH CONDITIONS;

PREPARE FINDINGS FOR NOVEMBER 1, 2017 AT 11:00 A.M. TIME CERTAIN

Nov 1, 2017 continued to Nov 8, 2017 at 11:00 a.m. Time Certain

1179 – Motion 11/1/2017

Motion to continue the hearing to November 8, 2017 at 11:00 a.m. Time Certain:

Moved by Wheeler and seconded by Fritz.

COMMISSIONERS VOTED AS FOLLOWS:

YEAS: Eudaly, Fritz, Fish, Saltzman, Wheeler

Disposition: CONTINUED TO NOVEMBER 8, 2017 at 11:00 AM TIME CERTAIN

1206 – Motions 11/8/2017

- 1. Motion to accept the substitute findings to clarify that the architects are qualified professionals and Council found their evidence and testimony credible:** Moved by Wheeler and seconded by Fritz.

COMMISSIONERS VOTED AS FOLLOWS:

YEAS: Fritz, Saltzman, Wheeler

ABSENT: Eudaly, Fish

2. Motion to deny the appeal, uphold the decision of the Design Commission's decision of approval, including conditions of approval, and adopt the findings with the added condition that the applicant will consult with the Regional Arts and Culture Council in the development of the public art at both the private development and at the park: Moved by Wheeler and seconded by Saltzman.

COMMISSIONERS VOTED AS FOLLOWS:

YEAS: Fish, Saltzman, Eudaly, Wheeler

NAYS: Fritz

Disposition: FINDINGS ADOPTED



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Chloe Eudaly, Commissioner
Rebecca Esau, Interim Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

MEMORANDUM

October 2, 2017

To: Mayor Ted Wheeler
Commissioner Chloe Eudaly
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Dan Saltzman

From: Rebecca Esau, Interim Director
Bureau of Development Services

Subject: City Council hearing on LU 16-100496 DZM MS, Block 290 - Appeal

The purpose of this memorandum is to provide a summary and brief description of the land use review decision that has been appealed and will be presented to you in a public hearing on October 12, 2017 at 2 PM, time certain.

Site Address: 1417 NW 20th Avenue

BDS Representative: Hillary Adam, Senior City Planner
503-823-3581, hillary.adam@portlandoregon.gov

1. Land Use Reviews Requested: Type III Design Review (DZ) with Modifications (M) and a Master Plan Amendment (MS).

2. Key Elements of Proposal:

Applicant: Greg Mitchell, LRS Architects
Owner: Tom Brenneke, Guardian Real Estate
Site Location: 1417 NW 20th Avenue
Site Size: 66,826 SF
Proposal: The Design Review proposal is 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. The applicant also requested Modifications to development standards and a Master Plan Amendment to amend the Con-way Master Plan.

- **Modifications Requested.** Five (5) Modifications to Con-way Master Plan Standards and Portland Zoning Code standards (Title 33) 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;
 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
- **Master Plan Amendment Requested.** One (1) Amendment to the Con-way Master Plan is requested:
 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.

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. In addition, per Section 8 of the Con-way Master Plan, approval of a Master Plan Amendment must be processed through a Type III procedure before the Design Commission.

3. **Final Decision:** The Design Commission found that, with conditions of approval, all applicable approval criteria were met; therefore, the proposal was approved with conditions.

4. **Alternatives Facing Council:**

A. **Deny the appeal** and uphold the Design Commission's decision of approval with conditions.

B. **Uphold appeal** and request revisions to the design, thereby modifying the Design Commission's decision of approval with conditions.

C. **Uphold appeal** and overturn the Design Commission's decision of approval with conditions, thereby denying the proposal.

IMPACT STATEMENT

Proposal: The request is not for a legislative action, but instead is an appeal of Type III Land Use Review decision (quasi-judicial action).

Contact name: Hillary Adam, Senior City Planner, BDS, Land Use Services

Contact phone: 503-823-3581

Presenter name: Hillary Adam

Purpose of proposal and background information:

This is a quasi-judicial action. The applicant is requesting appeal of Type III Land Use Review decision (quasi-judicial action). Title 33, Zoning Code Section 33.730.030.F provides that Type III Land Use Review decisions may be appealed to City Council.

Financial and budgetary impacts:

This is not a legislative action, but rather an appeal of a Type III quasi-judicial land use review. The decision will not solely or substantially impact City revenues.

Generally, Land Use Reviews are fee supported. However, no appeal fees are charged to Recognized Organizations per Portland Zoning Code Chapter 33.910. In this case, because the Northwest District Association is such an organization, no appeal fee was charged. Therefore, this appeal is supported by BDS funds.

Community impacts and community involvement:

The notification procedures for this Type III land use application followed the public involvement requirements contained within the Portland Zoning Code, as reviewed and adopted by the Portland City Council.

For Type III Land Use Reviews, the Zoning Code requires public notice be mailed to recognized neighborhood and business associations that are within 1,000 feet of the site. For this site, the Northwest District Association received notice. In addition, all property owners within the 400 feet of the site are also mailed notice of the public hearing and the site is posted with notice boards. City Bureaus, Tri-Met, and the AIA Urban Design Committee are also mailed notice. Interested persons were encouraged to write and/or testify at the public hearing conducted before the Design Commission.

A written Notice of Proposal was sent to the above-referenced entities notifying them of the proposal and seeking their comments. Comments from the public were received by city staff and the Design Commission during the review process.

The outcome of the appeal will not be known until the City Council makes its final decision. Once the City Council has made its decision on this land use appeal, there is no more opportunity for public involvement at the City level, per Zoning Code Section 33.730.030.H.9. However, the City Council's decision on this quasi-judicial land use review may be appealed to the Oregon Land Use Board of Appeals (LUBA).

100% Renewable Goal:

The proposal is for private development; therefore, this goal is not applicable.

Budgetary Impact Worksheet

Does this action change appropriations?

☐ **YES:** Please complete the information below.

☒ **NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount