



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

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STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION

CASE FILE: LU 19-251124 DZM
PC # 19-235790
Con-way Block 291 East
REVIEW BY: Design Commission
WHEN: Thursday, July 2, 2020
REMOTE Design Commission Agenda
ACCESS: <https://www.portlandoregon.gov/bds/42441>

Due to the City's Emergency Response to COVID19, this land use hearing will be limited to remote participation via Zoom. Please refer to the instructions included with this notice to observe and participate remotely and utilize the webinar registration link on the Design Commission Agenda to attend via Zoom.

Bureau of Development Services Staff: Tanya Paglia | Tanya.Paglia@portlandoregon.gov

GENERAL INFORMATION

Applicants: Kurt Schultz | Sera Design and Architecture
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Tel: 503.445.7312

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2121 NW Savier St, Ste 701 | Portland, OR 97210

Interested Party: Jonathan Stone | Preg NW Portland Llc
1900 South Norfolk St, Ste 150 | San Mateo, CA 94403-1161

Site Address: NW Raleigh & NW 20th (Block 291 E)

Tax Account No.: R649910830
State ID No.: 1N1E33BA 00105
Quarter Section: 2827, 2927

Neighborhood: Northwest District, contact John Bradley at 503-313-7574.
Business District: Nob Hill, contact Nob Hill at nobhillportland@gmail.com.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Northwest Plan District
Other Designations: Con-way Master Plan Area

Zoning: EXd, Central Employment with a Design Overlay

Case Type: DZM, Design Review with Modifications

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

Proposal:

Type III Design Review for a proposed seven-story market-rate apartment building with 192 residential units, ground floor commercial, and below-grade parking. The full-block site (Block 291 E) is located on the eastern half of the block 291 superblock within the Con-way Master Plan area which is within the Northwest Plan District and within the NW Pedestrian District. The site is bounded by NW Raleigh St (north), NW 20th Ave (east), NW Quimby St, a designated Festival Street (south), and a pedestrian accessway (west) adjacent to Saltwood South on Block 291W that is currently under construction. The project includes development of half the width of the pedestrian accessway to the west. A future City park is planned to be built across Quimby at Block 290E.

The main residential entry, lobby, commercial space, parking and loading are proposed along SW Raleigh St. The proposed ground floor will also include a bike lounge, leasing office, ground floor residential, and work/live uses. The site configuration consists of a 7-story “L” shaped building with the primary legs of the “L” on NW Raleigh and NW 20th Ave. A low 2-story mass timber framed pavilion is located in the southwest corner of the site adjacent to the Festival Street (NW Quimby) and the pedestrian accessway with a large central courtyard facing the future city park to the south.

The resulting block massing is divided into three building masses:

1. A 7-story quarterback scale building in the NW corner. With a glassy enclosed bridge link, it connects to the eastern wing
2. A 7-story east wing that provides a street wall along the full extent of the NW 20th Ave frontage with setbacks on the top floor
3. A 2-story mass timber framed amenity pavilion in the SW corner with a second level roof terrace overlooking the park and an eco-roof

Modification to the following Portland Zoning Code and Con-way Master Plan standards are requested:

1. **Con-way Master Plan Development Standard 1, Height**, to allow an increase in the height limit by 13’ from the allowed 67’ to a building height of 80’.
2. **Con-way Master Plan Development Standard 8.F, Top Floor of Buildings**, to reduce the required setback of the top floor (required for a building over 75’) from 5’ to 0’.
3. **Bicycle Parking Standard (33.266.220.C3)**, to allow a reduction in the spacing of bicycle racks from the required: 24” spacing to a proposed 18” spacing.
4. **Modification to the Parking Stall Standard (33.266.130.F ; Table 266-4)**, to allow the reduction in width of some parking stalls due to structural column encroachment. Required: 8.5’ width. Proposed: 8’ width for some stalls.

Design Review is necessary because the proposal is for exterior alterations in a Design Overlay Zone.

Relevant Approval Criteria:

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

- Section 5 of the Con-way Master
- Community Design Guidelines

Plan (LU 12-135162 MS)

- 33.825.040, Modifications That Will Better Meet Design Review Requirements

ANALYSIS

Site and Vicinity: The project is sited on the eastern half of the Block 291 superblock located within the Con-way Master Plan area in the northern part of the Northwest Plan District and within the NW Pedestrian District. It is currently developed with surface parking. Block 291E is bounded by NW Raleigh St to the north, NW 20th Ave to the east, NW Quimby St (a designated Festival Street) to the south, and a pedestrian accessway to the west. The project site is approximately the same size as a Portland City block and shares a superblock with Block 291W located on the other side of the pedestrian accessway. Block 291W, now named Saltwood South, is a new 6-story mixed-use, market-rate apartment buildings with ground level retail that was approved by the Design Commission in October 2018 and is under construction.

The southern frontage for the Block 291E project is the NW Quimby Festival Street and across Quimby will be a new city park located on Block 290E. Just southwest will be the new public plaza to be located on Block 290W. Block 291E's western frontage is a pedestrian accessway that will be one of the primary routes to the new park and public plaza.

The park will be developed by Portland Parks and Recreation and the Plaza by the developer of Block 290W. Per Portland Parks and Recreation staff, it is projected that the park will be designed, built and open for public use in approximately three years barring any unforeseen impediments. PP&R has a parks project manager assigned and \$5 million in funding for the roughly 1-acre park and is ready to get started on selection of a design team, and shortly thereafter, start the public design process with the neighborhood.

Con-way Inc. traces its history to Leland James, who, in 1929, founded a small regional trucking company in Portland, named Consolidated Truck Lines. The company enjoyed great success through expansion and acquisition and was later renamed Consolidated Freightways (CF). Today, Con-way delivers services through its primary operating companies of Con-way Freight, Con-way Truckload, and Menlo Worldwide Logistics. These operating units provide regional, inter-regional and national less-than-truckload (LTL); logistics, warehousing and supply chain management services; as well as full truckload freight transportation to companies across North America and around the globe. Con-way and its subsidiaries operate from more than 500 locations across North America and in 20 countries across five continents. Although Con-way's headquarters are now located in Ann Arbor, Michigan, they still control 25 acres in Northwest Portland, and will continue to maintain a presence in two large office buildings they currently occupy.

Con-way's property is located within the boundaries of the Northwest Plan District. The aggregate site area contained within the proposed Master Plan limits, excluding current right-of-ways, is 762,168 sq. feet, or 17.49 acres. Present uses of the Con-way property include office, industrial, warehousing and surface parking. The property originally accommodated a trucking depot and truck maintenance facilities; it evolved over time to include headquarters office facilities that supported the trucking operations. Trucking operations have moved to off-site locales.

Today, Con-way owns and occupies office buildings on Blocks 293 and 294. Blocks 292W and 291W (aka Saltwood North and Saltwood South) are under construction and will be mixed-use apartment buildings, with Saltwood South sharing a super block with the subject site. Block 295W, is a recently constructed mixed use building. Block 296W

was recently renovated for use as a grocery store and other small commercial uses and Block 296E is currently under construction and nearing occupancy for a 6-story mixed use building. Con-way also owns a vacant truck maintenance building on Block 290, and a small, leased industrial building on Block 16. The balance of Con-way's site area includes paved lots which are used as parking.

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

The northernmost boundary of the Master Plan area is I-405, the southernmost boundary is NW Pettygrove Street, the westernmost boundary is NW 21st 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. Both 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 project site lies within the Con-way Master Plan area. The Master Plan was approved by the Hearings Officer under LU 12-135162 MS and includes 10 Development Standards and 7 Design Guidelines unique to sites in Conway (found in Section 5 of the Master Plan) which supersede any other zoning code applicable to the site. During the term of the Master Plan (October 2, 2012 to October 2, 2022), the uses that are allowed, applicable development standards, and sections of the Zoning Code that apply to development within the Master Plan are only those Zoning Code provisions, as modified by the Master Plan, that were effective on the date the Master Plan application was filed (April 24, 2012). Portland Zoning Code (PZC) 33.700.090.A states "applications for building permits for development approved by a land use decision that has not expired are subject only to the regulations in effect on the date a land use application was filed with the City, as specified in 33.700.080.A.1". PZC 33.562.300.D.5 requires a Northwest Master Plan to identify, "how specific development and use proposals will be reviewed, and the standards, guidelines, and approval criteria used to evaluate each proposal." As used here, "development" includes discretionary land use reviews, such as design review, and building permits. Amendments to the Zoning Code that became effective subsequent to April 24, 2012 such as those related to Inclusionary Housing Zoning Code Project or the Commercial Mixed-Use Zone Project, do not apply to development within the Master Plan during its term.

Therefore, the proposal will be reviewed under the zoning in effect the date the Master Plan application was filed (April 24, 2012) – **Central Employment (EX) base zone**, d overlay zone and the Northwest plan district. It is also within the Northwest Master Plan boundary (33.562.300). 33.562.300 requires a Master Plan to be in place prior to development; a Master Plan was approved by the Hearings Officer under LU 12-135162 MS.

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 development standards are intended to allow new development which is similar in character to existing development.

The “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. 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:

- LU 12-135162 MS. Approved Northwest Master Plan for this site.

FAR limits in the Con-way Master Plan: For the current proposal to be in conformance with the Master Plan’s FAR limits, there must be enough FAR for this project’s proposed 193,616 SF and for the remaining unbuilt sites within the Master Plan boundary to also meet their minimum required 1.5:1 FAR (except the park parcel which does not have to retain 1.5:1). The Master Plan also includes limits on retail sales and services uses and commercial office uses.

The Master Plan sets a total allowed floor area limit within the Con-way Master Plan area of 3:1 in Section 5, Development Standard 2.A (per their model, this would amount to approximately 12,280,850 SF). Floor area may be transferred within the Master Plan area as long as this cap is not exceeded, and minimum FAR requirements are met. Development Standard 2.D sets a limit on new retail sales and service uses within the NW Master Plan of 150,000 square feet of net building area, and Development Standard 2.E sets a limit on new commercial office uses within the NW Master Plan of 450,000 square feet of net building area.

At the time of this Staff Report writing, compliance with the following FAR limitations has not been demonstrated and must be demonstrated by the time of permit:

- Availability of enough remaining FAR in the Master Plan area to build this project as well as leave enough residual FAR to fulfill the required minimum 1.5:1 FAR on all other unbuilt Con-way Master Plan blocks (except the park block).
- Availability of enough retail sales and service use square footage to build this project.

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed May 26, 2020. The following six Bureaus, Divisions and/or Sections responded with no objections and four of these included comments found in Exhibits E.1-E.4:

- Life Safety Division of the Bureau of Development Services (Exhibit E.1)
- Bureau of Environmental Services (Exhibit E.2)

- The Bureau of Parks-Forestry Division (Exhibit E.3)
- The Bureau of Transportation Engineering (Exhibit E.4)
- Site Development Review Section of Bureau of Development Services
- Water Bureau

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on May 26, 2020. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Steve Pinger, NWDA Planning Committee. Letter dated June 18, 2020 (Exhibit F.1) citing unanimous support for the proposal with the following specific comments:
 - **Relationship of Ground Floor Uses to Each Adj. Street Environment.** (a) The stoops along NW 20th have been greatly improved, however the issues of privacy and interface with adjacent public spaces remain unresolved. The grade separation remains too low to provide privacy such that blinds can be left open, assuring “eyes on the street” at the southern end, and may be too high at the northern end, resulting in “stoops” that are entirely given over to stairs. (b) Tree plantings on NW Raleigh and NW 20th should be of large caliber and maximized in number.
 - **Relationship to the Public Neighborhood Park.** The proposed height modification and pavilion building presents a better massing arrangement to the neighborhood park to the south. We encourage the creation of an enhanced level of public use of and access to the pavilion building and this part of the site.
 - **Relationship to, and Design of, the Quimby Festival Street.** This proposal does not recognize or respond to the intended unique character of the Festival Street, and in that neither Saltwood South or Block 290W do either, it provides the opportunity to begin to establish that character. The proposed pavilion building is a good start, but it needs to be a portion, and a key portion, of the Festival Street environment, being able to accommodate “market day” activities, etc. Live/work spaces along the rest of the frontage would be entirely appropriate, as they would be along the eastern frontage of Saltwood South. There is support for opening up the central courtyard to the public as a way to assure a robust use of the pavilion building. This would involve keeping the courtyard fenced, but able to be accessed on all four sides by the public at most times.
 - **Relationship at the Pedestrian Accessway to Adjacent Ground Level Residential Uses.** Provide an appropriate 3’ +/- vertical separation to ground level residential units. Units at grade or sunken do not provide necessary visual connection between units and adjacent public spaces per CMP Figure 06-08. The accessways are the specific location where stoops were intended.
 - **Design of the Pedestrian Accessway.** (a) The pedestrian way landscaping should be refined with an eye toward providing a high level of greenery but of a height that provides light and air at ground level. An allee concept with a high tree canopy is appropriate to the location. To achieve this, the tree layout would need to be coordinated and geometrically aligned with the layout of trees at the Saltwood South project. (b) The pedestrian accessway on the west side of the project presents design and landscape challenges and opportunities. The two ground level residential units are likely to suffer from privacy issues resulting in less “eyes on the street” because of their awkward

at grade relationship to the public space. (c) The NWDA has been persistent, and consistent, about the desired relationship between ground floor residential units and adjacent public spaces, particularly at the pedestrian accessways. The relationship is quite specific and is as defined in the Conway Master Plan Figure 06-08. This relationship allows for the eye level of a seated individual inside to be above the top of the head of an individual outside, and precludes direct views into the residence. This project's schematic arrangement of its ground floor needs to start from this understanding, and provide public to private ground floor relationships that actually work, rather than providing more landscaped screening, that only benefits the private residences, in areas intended for public use.

- **Connection to Block 290 at Parking Level.** The CMP envisioned a connected system of subgrade parking. This intent was not pursued on Blocks 291W and 292W. It was repeatedly discussed during the Block 290 design review process as a potential solution to the unresolved site access issues, and in particular the compromising of the western portion of the Festival Street by incompatible parking access to the proposed building.
- **FAR Allocation in Con-way MP Area.** Have the significant inconsistencies in the tabulation and allocation of the allowable floor area for the CMP area been addressed and resolved?
- **Utility Vaults in Sidewalk and Street Trees.** The NWDA opposes the loss of street tree locations due to locating utility vaults in sidewalks.

Staff Response: The findings below and the Conditions of Approval address many of the concerns expressed or otherwise discuss how the proposal meets the applicable approval criteria. The Portland Bureau of Transportation requires the vault to be located on the site, not in a public Right-of-Way, and have encouraged the location to be on the Quimby parcel. Design of Quimby, including tree placement, is fully subject to Design Review.

ZONING CODE APPROVAL CRITERIA

(1) Design Review (33.825)

33.825.010 Purpose

Design Review ensures:

- That development conserves and enhances the recognized special design values of a site or area;
- The conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district;
- That certain types of infill development will be compatible with the neighborhood and enhance the area; and
- High design quality of public and private projects.

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.

It is important to emphasize that design review goes beyond minimal design standards and is viewed as an opportunity for applicants to propose new and innovative designs. The design guidelines are not intended to be inflexible requirements. Their mission is to aid project designers in understanding the principal expectations of the city concerning urban design.

The review body conducting design review may waive individual guidelines for specific projects should they find that one or more fundamental design guidelines is not applicable to the circumstances of the particular project being reviewed.

The review body may also address aspects of a project design which are not covered in the guidelines where the review body finds that such action is necessary to better achieve the goals and objectives of design review in the Central City.

Findings: The site is designated with design overlay zoning (d). Therefore the proposal requires Design Review approval. Because the site is within the Northwest Plan District and the Con-way Master Plan area, the applicable approval criteria are the Community Design Guidelines and the Con-way Design Guidelines.

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.

Con-way Master Plan Design Guidelines

Introduction

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

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

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

During the design review process, the review body must find that the proposal meets each of the applicable design guidelines. Proposals that meet all applicable guidelines will be approved; proposals that do not meet all of the applicable guidelines will not be approved.

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

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

Goals of design review:

1. Encourage urban design excellence;
2. Integrate urban design and preservation of our heritage into the development process;
3. Promote the development of diversity and areas of special character within the district;
4. Establish an urban design relationship between the district and the Northwest District as a whole;
5. Provide for a pleasant, rich and diverse experience for pedestrians;
6. Assist in creating an 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.

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

Community Design Guidelines

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.

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

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

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

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.

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.

Con-way Master Plan Design Guidelines

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.

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

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 for CDGs P1, P3, D1, D3, D7, D8; and Con-way MP DGs 4, 6, 7A: The proposed seven-story mixed-use building is located in a unique place where a number of new public open spaces converge. These include a new city park, public plaza, festival street, and pedestrian accessway. The context of this location calls for a development that will build on the existing neighborhood character while creating a unique sense of place to energize the convergence of many new public open spaces. The proposal responds to this high bar in various ways including the site's unique massing and open space configuration as well as a building design that features high quality materials, extensive quality detailing, a tall, highly glazed ground floor, and extensive outdoor areas including ample balconies and terraces.

The site configuration of a seven-story “L” shaped building with the primary legs of the “L” on NW Raleigh and NW 20th Ave and a two-story mass timber framed pavilion in the SW corner is a welcome departure from blockier massing common in the district. The built elements frame an outdoor courtyard facing the future city park to the south. The large central courtyard focal point, the “L” shape of the primary building, and a small pavilion with different architecture and materiality, give the block a sense of place and identity and together create a gateway element.

The step-down to the two-story pavilion acknowledges the site's unique position near the park, plaza, festival street and pedestrian accessway by creating a focal point in the SW corner where all these open spaces converge. The site's Quimby frontage has many other successful elements that will complement the open spaces, including many balconies, a large landscaped courtyard, and the Pavilion's upper level veranda overlooking the festival street. The project's 7-story “L” massing provides more open space at the ground level and variation in building massing than would a 6-story U-shaped building. This variation brings welcome visual permeability and diversity to the neighborhood.

While located on an approximately 200'x 200' site, the project avoids monolithic 200' facades by breaking down the scale of the frontages in a variety of ways. In accordance with Community Design Guidelines, Guideline P1, Appendix J which draws from the Northwest District Plan, the project contributes to integrating the Transition Area into the more typical urban fabric of the Northwest District by adopting its finer-grained scale and pedestrian oriented form. The project achieves the partial block scale of development called for in the appendix by dividing the massing into 3 volumes: a 7-story quarter block scale building in the NW corner; a 7-story east wing that provides a street wall along NW 20th Ave; and a 2-story mass timber framed pavilion in the SW corner.

Each individual volume is broken down further into increments of 100' in major masses, and in increments of 50' in minor masses to match the desired urban character of the Transition Area. The two volumes of the “L” are differentiated in a variety of ways including brick color and window patterning. The larger volume has a stepped-back roof form at the seventh floor, while the smaller carries the brick facade of the lower six floor all the way to the roofline. The balcony design also differentiates the volumes with metal extruding balconies on the smaller leg and inset balconies on the larger leg.

All exterior materials are durable and of high quality. The primary cladding for the project is light colored brick which is compatible with the warehouse buildings prevalent in historic Slabtown as well as the area's contemporary development. Decorative masonry detailing enriches all facades of the “L” building. Recessed brick coursing distinguishing the base of the building and projecting brick frames around upper story openings as well as at the base add to the quality and texture of the pedestrian realm. Aluminum storefront windows with wood cladding

accents and steel canopies with wood soffits occur at the ground level. Metal wall panels highlight the setback at level seven and distinguish the building top as a penthouse level. The 2-story pavilion building is a shift in materiality to a heavy timber building with cedar siding and glass railings at the terrace. Like the larger building, the pavilion features highly glazed aluminum storefront systems and steel canopies.

With a Condition of Approval that before issuance of any permits for this project the applicant must demonstrate that the project meets FAR requirements for the Con-way Master Plan noted in the Land Use History section of this report, these guidelines are met.

Community Design Guidelines

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.

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

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.

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.

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.

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

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.

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.

Con-way Master Plan Design Guidelines

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

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.

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

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 for CDGs E1, E2, E3, E4, E5, D2, D4, D5; and Con-way MP DGs 1, 2, 3, 5, 7D: The proposed project will be a positive addition to the pedestrian realm providing human scale, visual connection and interest, weather protection, and stopping and resting places across its four frontages. Materials at the base of Block 291E in the touch zone are durable and visually appealing, defined by extensive glazing, aluminum storefronts, accent wood cladding, steel canopies, exterior lighting, and fine masonry detailing. Balconies and terraces help provide activation to the pedestrian realm by providing eyes on the street and visual interest to passers-by and are distributed on all four sides of the site. Extensive canopy coverage including canopy over the garage entry is also found on all street frontages as well as insets to the building wall for people to stop, visit, and meet under cover.

The proposal follows the principles of crime prevention through environmental design in the following ways: all building entrances are well lighted; entrances have clear sight lines in all directions; the residential and parking entrances are secured by a key-card system; parking areas are secured; active facades provide ‘eyes on the street.’”

The development’s street and pedestrian accessway frontages have a mixture of uses, including commercial, work/live, residential lobby, amenity spaces, and ground floor residential. The site has only three street frontages, but because of the mid-block accessway, the site has four corners. While not all four are programmed to maximize ground level activation, three of the four corners exclude residential use (the southeast corner is live/work), and all corners bring some level of activity to the public realm. The northwest corner features a commercial space with an outdoor patio bringing an active use to the key intersection of Raleigh and the pedestrian accessway. The southwest corner features the distinctive 2-story pavilion that, while a place-making object in the urban fabric, is programed as private amenity space for residents. This will bring some activity to this corner of the site, but less than a use with a publicly accessible element. The northeast corner is a bike lounge, and the southeast corner is programed as live/work, which could be entirely residential.

NW Raleigh St (North): The NW Raleigh frontage includes largely active uses and features tall, highly transparent storefront systems and significant canopy coverage that together help activate and contribute to a pedestrian oriented environment creating a main street experience. The main residential entrance is highlighted by its location in the recessed glassy link that separates the NW quarter block wing of the “L” from the larger east wing. The entry courtyard contributes to the main entrance experience with seating, plantings and a glass canopy, differentiated from the steel canopies along the rest of the frontage. The transparency wrapping most of the Raleigh base will differentiate it from the upper levels as well as enable views into the interior from the sidewalk resulting in a more visually permeable and interesting pedestrian experience. This glassy recess allows views south through the central courtyard and all the way to the future park.

Because NW 20th Ave is designated as a *Major City Bikeway* with substantial bicycle facilities along it and NW Quimby is a future festival street, vehicle access had to be located along the NW Raleigh frontage. While this location along the same façade as the main residential entrance is somewhat inopportune, the vehicle area is well mitigated and blends in with the frontage, not calling attention to itself. The vehicle access is limited to a single point for both parking and loading and utilizes sympathetic materials to integrate with the rest of the pedestrian realm along Raleigh. The vehicle access point has canopy coverage to provide

weather protection and to further blend into the rest of the ground level treatment. All parking and loading are located in the basement.

NW 20th Ave (East): Along NW 20th Ave, ground floor residential units feature inset board formed concrete stoops which are raised above the sidewalk grade. The elevated and inset treatment allows privacy and successfully delineates the public realm from the private realm while also being open enough to create visual interest and engage with the streetscape. The inset stoop walls are clad in cedar siding creating a warm and inviting space. In addition to the stoop frontages, large inset window areas also feature cedar siding accents resulting in a warm, unified base. Steel canopies with wood soffits extend over the streetscape providing weather protection. Corten steel planters with landscape sit at the base of windows in the non-stoop residential frontage zones. These soften and add texture along the street edge.

Pedestrian Accessway (West): As one of the primary routes to the new neighborhood park and plaza, the pedestrian accessway at the center of the superblock is a key open space in the neighborhood. The proposal creates a welcoming space that includes places to stop, meet and rest with pedestrian amenities including landscaping that includes numerous trees and large, distinctive benches. A row of trees down the center of the accessway will provide shade and protect the corridor from a wind-tunnel effect. The NW corner intersection of the pedestrian way with NW Raleigh is activated by a commercial space that has an outdoor patio on the accessway. The pedestrian accessway is connected to the building's interior courtyard by a landscaped path and is overlooked by numerous balconies and visible from several upper level terraces. In the SW corner, the pavilion building is fully glazed on both levels lending views into and out of the structure from the pedestrian accessway.

Only two ground level residences occur along the pedestrian accessway. These are mid-block and buffered from the public realm by patios and densely vegetated planted areas that include trees for vertical screening. They are also highly glazed ground floor units which have the potential to be convertible to active uses in the future.

NW Quimby St (South): The south frontage along the NW Quimby Festival Street and across from the new park features two live/work units at the ground level of the "L" building and a two-story pavilion programmed as amenity space. The live/work units create a highly glazed, at-grade base that offers convertible space for future commercial uses; however, there is no guarantee that they will not always be entirely residential. They are articulated with recessed brick coursing, steel canopies with metal soffits and storefront systems featuring inset cedar siding. In the SW corner adjacent to the pedestrian way and future park there is a low 2-story mass timber framed pavilion for building amenities. It is a place-making element that creates a shift in massing that is a welcome variation in the neighborhood. The pavilion is clad in cedar siding, with exposed wood structure and features large windows and a second level terrace overlooking the festival street contributing warmth, visual interest and eyes on the street to the pedestrian realm. While the current program of the ground floor of the two-story pavilion building is amenity space for the exclusive use of residents of the building, the street facing facades feature fully glazed storefronts that could be converted to commercial use in the future. There is a public courtyard adjacent to the pavilion that will act as an outdoor room along the sidewalk. For truly unique sites such as the subject site, given its adjacency to a ped/bike festival street, a public accessway and a city park, we have a responsibility to ensure it will enliven the public spaces and ensure their success.

To meet guidelines, the ground floor program along Quimby, including the pavilion, must be programed with commercial uses to engage the public realm and create active, successful public spaces. As a resident amenity space the pavilion would add some active use to the southern frontage, however its key location along the festival street, across from the park and plaza, and along the pedestrian accessway calls for a commercial space occupying at least part of its ground floor, ideally with an indoor-outdoor spill out.

With a Condition of Approval that the ground floor of the two work/live units and at least one third of the ground floor of the pavilion building are programmed with commercial use these guidelines are met.

Con-way Master Plan Design Guidelines

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 for Guideline 2: The differentiation into three primary building volumes created by the 7-story “L” building’s two wings and the 2-story detached heavy timber pavilion breaks down the building frontages and provides human scale adjacent to the sidewalks, festival street and pedestrian accessway to support pedestrian comfort and enjoyment. In the SW corner adjacent to the pedestrian way, festival street and future park the stepping down of the site’s massing to a low 2-story mass timber framed pavilion maintains a comfortable scale in the key public areas of the site and creates visual permeability through the center of the block.

The ground floor programs of the “L” and pavilion buildings play a critical role in multiple key open spaces in the Con-way Master Plan area including: the pedestrian accessway, the future park, the Quimby Festival Street, and the future Plaza. Con-way Design Guideline 2 specifically calls for ground floor programs adjacent to public open space to, “activate and expand the public realm”. The ground floor spaces along the southern frontage are especially key to creating synergy with these high profile adjacent open spaces.

The proposed development’s south frontage facing onto the festival street has many successful elements including a large landscaped central courtyard, numerous balconies, and the pavilion building with its extensive upper level veranda overlooking the festival street. *However, the frontage lacks any purely public/commercial uses. There should be at least some commercial use focused along the building’s south edge to support the festival street and public park. While the pavilion adds some active use to the southern frontage as an amenity space, a use open to the public would have better synergy with the public park and festival street.*

To meet guidelines, the ground floor program along Quimby, including the pavilion, must be programed with commercial uses to engage the public realm and create active, successful public spaces. As a resident amenity space the pavilion would add some active use to the southern frontage, however its key location along the festival street, across from the park and plaza, and along the pedestrian accessway calls for a commercial space occupying at least part of its ground floor, ideally with an indoor-outdoor spill out.

With a Condition of Approval that the ground floor of the two work/live units and at least one third of the ground floor of the pavilion building are programmed with commercial use these guidelines are 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.

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

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

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

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

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

7.C.5 – Provide public access easements.

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

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

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

Findings for 7A and 7C: The segment of Quimby abutting Block 291E is designated as a festival street and is the frontage for the Con-way master Plan area's new public park. Quimby St will be an important bicycle and pedestrian connection in the district as well as the fabric connecting the new park to the Con-way neighborhood. Quimby Street will remain private, open to the public through a public access easement and thus has a unique opportunity to be different from other city streets that typically prioritize cars over all other modes. The current proposal to replicate the design treatment on Quimby from the block to the west is not appropriate as limitations for vehicle access that do not exist on the subject block drove that design. This block of the festival street is also different in that it is adjacent to a city park and should be treated as an extension of the park environment where pedestrians and other non-vehicular transportation modes feel safe.

Con-way NW Master Plan Design Guideline 7.C notes that the NW Quimby Festival Street should be “a multi-use street and open space that links the neighborhood park and square to the south and development to the north, and serve primarily as a pedestrian and bicycle connection.” Con-way NW Master Plan Design Guideline 7.A also discusses the festival street, noting that, “the majority would be likely paved with flexible hardscape that supports or extends the park and square activities. Ideas for this space will be included in the programming and design efforts for the public park.” *The street can better meet these guidelines than the current auto-centric design with a revised design that serves primarily as a pedestrian and bicycle connection that extends the park experience.*

With a Condition of Approval that by the day of the hearing the applicant submit a design for the Quimby Festival Street that meets Guidelines 7.A and 7.C by serving primarily as a pedestrian and bicycle connection these guidelines are met.

(2) Modification Requests (33.825)

33.825.040 Modifications That Will Better Meet Design Review Requirements:

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process, as provided for in Chapter 33.825.040- Modifications That Will Better Meet Design Review Requirements. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

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

If the location or configuration of existing buildings make compliance with these standards and guidelines difficult or not possible, the specific standard may be modified or guideline may be waived through Design Review if the review body finds that the applicant has shown that the following approval criteria are met:

- A. Existing Building Constraints.** The existing building to be redeveloped is constrained in such a manner that meeting the standards and guidelines will not be practicable; and
- B. Purpose of the standard.** On balance, the redevelopment proposal will be consistent with the purpose of the standard or guidelines for which a waiver is requested

- 1. Con-way Master Plan Development Standard 1, Height,** to allow an increase in the height limit by 13' from the allowed 67' to a building height of 80'.

Findings: Because there is no specific purpose statement for maximum height in Section 5, we look to the next (higher) level statement found in the Con-way Master Plan to serve as a purpose statement. This can be found in Section 2 “Overall Scheme”, which summarizes the overarching framework of the Con-way Master Plan area. On page 15 the “overall scheme” for Height and Massing (Densities) is stated as follows:

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.

As is noted, specific building heights and dimensional characteristics will be described at the time each application is submitted; the maximum allowance for height indicates that heights above those defined in the plan can be modified, as additional height is not explicitly prohibited.

While a “U” shaped massing was initially considered, the applicant studied an option for “L” shaped massing at the behest of the neighborhood association. The applicant was able to achieve the program desired while also providing the “L” shaped massing and detached pavilion preferred by the neighborhood association by adding enough additional height to the primary building to gain an extra floor.

The proposed massing allows the development to feature more open space and open up more to the future park. It also provides more massing and roofline variation in the neighborhood. The two-story pavilion in the SW corner of the block along Quimby and the pedestrian accessway allows more light into the southern side of the project, allows more views into the park, and presents a softer scale to the edge of the park than would a 6-story “U” shaped building. The Modification will also allow for a very tall ground floor which helps the building’s compatibility with the adjacent building that shares the block (291 West, aka Saltwood South) which has a tall ground floor.

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.* Therefore, the increased height balances the desired density with the creation of positive urban space, specifically intended to improve the quality of the pedestrian realm adjacent to the new park, Quimby, and the pedestrian accessway, and therefore meets the purpose of the standard. The “L” massing allowed by the extra height better meets Guidelines Community Design Guidelines P1 – Plan Area Character, E3 – The Sidewalk Level of Buildings, D1 – Outdoor Areas, and Con-way Master Plan Design Guidelines 2. *Develop urban edge variety adjacent to parks, pedestrian accessways and greenstreets, 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, 5. Provide transitions between the public and private realms when residential structures abut streets, parks and pedestrian accessways, 7.A Open space standards. 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.

Therefore this Modification merits approval.

2. Con-way Master Plan Development Standard 8.F, Top Floor of Buildings, to reduce the required setback of the top floor (required for a building over 75') from 5' to 0'.

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

This standard applies to the "L" building. It states that "the top floor of all buildings taller than 75 feet shall be setback a minimum of 5 feet." It is not entirely clear how this standard relates to the purpose statement which primarily speaks to the pedestrian experience, other than providing interest. The top floor (7th floor) of "L" building's larger volume steps back the required 5' so the majority of the building meets this standard and the standard is also met by the pavilion building as it is only 2-stories. Only on the smaller volume of the "L" is the standard not met. Here the brick cladding is carried up from the lower floors to the top floor.

In not meeting the "Top Floor of Buildings" standard on this part of the "L" building, the stronger differentiation of the two volumes is achieved with the seventh floor styled as a set-back penthouse on the larger wing and the smaller wing reading as a seven story building without a penthouse.

The Modification also allows roofline variation, an element called out in "Desired Characteristics and Traditions" for the Transition Area (where this block is located). CDG Guidelines *P1 – Plan Area Character, D8 – Interest, Quality, and Composition* and Con-way Master Plan Design Guidelines 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* are better met by the proposed design.

Therefore this Modification merits approval.

3. Bicycle Parking Standard (33.266.220.C3), to allow vertical bike rack storage at 18" on center instead of the required 24".

Purpose Statement: 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.

Standard: A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components. The project proposes the bike rack spacing be 18” on center.

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines; and*

Findings: The bicycle parking system is safe and secure, located in a convenient area, and designed to avoid any intentional or accidental damage to bicycles; as such, the proposal is consistent with the purpose statement of the bicycle parking standards (see B. following). The proposed functional and space efficient system eases floor plan demands and results in additional opportunities for active uses at the street, such as office lobby space and retail tenant spaces thereby better meeting *Design Guidelines E2 – Stopping Places, D1 – Outdoor Areas, and E3 – Sidewalk Level of Buildings.*

B. Purpose of the standard. *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Findings: The primary purpose of the standard is to ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and damage. The proposed bike rack system is a wall mounted system that stores bicycles 18” apart in an alternating high and low relationship, with the lowest rack allowing bikes to rest on the floor. The proposed racks will provide the same level of service that would be provided by a standard 24” on center spacing within an 18” space. A 5’ minimum aisle is still provided behind each bicycle rack.

Therefore this Modification merits approval.

- 4. Modification to the Parking Stall Standard (33.266.130.F ; Table 266-4),** to allow the reduction in width of some parking stalls due to structural column encroachment. Required: 8’-6” width. Proposed: 8’-0” width for some stalls.

Purpose Statement for 33.266.130: “The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones. Together with the transit street building setback standards in the base zone chapters, the vehicle area restrictions for sites on transit streets and in Pedestrian Districts:

- Provide a pedestrian access that is protected from auto traffic; and
- Create an environment that is inviting to pedestrians and transit users.
- The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles.

The setback and landscaping standards:

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;

- Provide flexibility to reduce the visual impacts of small residential parking lots;
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution.

Standard: 33.130.210.F.2 Parking space and aisle dimensions. Parking spaces and aisles must meet the minimum dimensions contained in Table 266-4. Table 266-4 states that parking spaces oriented at 90° to the drive aisle should have minimum dimensions of 8'-6" x 16'-0".

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines; and*

Findings: Reduction of the width of some parking spaces allows a greater number of parking spaces to be provided below grade, reducing the pressure for parking located on the street or at the ground level of the building better meeting Guidelines C1-1 *Integrate Parking* and C7-1 *Reduce the Impact of Residential Unit Garages on Pedestrians*.

B. Purpose of the standard. *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Findings: The applicant is proposing approximately 120 below-grade parking spaces to serve 192 residential units. Some of these spaces will be reduced up to 6 inches in width, for a total width of 8'-0" due to the presence of structural columns partially encroaching into the spaces. By allowing a reduced width, the applicant is able to accommodate more vehicles below-grade, which reduces the number of potential vehicles parked on the street or possibly in an at-grade parking area, thus reducing ground floor activation. The purpose of the design standard is met.

Therefore this Modification merits approval.

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.

FAR limits in the Con-way Master Plan: For the current proposal to be in conformance with the Master Plan's FAR limits, there must be enough FAR for this project's proposed 193,616 SF and for the remaining unbuilt sites within the Master Plan boundary to also meet their minimum required 1.5:1 FAR (except the park parcel which does not have to retain 1.5:1). The Master Plan also includes limits on retail sales and services uses and commercial office uses.

The Master Plan sets a total allowed floor area limit within the Con-way Master Plan area of 3:1 in Section 5, Development Standard 2.A (per their model, this would amount to approximately 12,280,850 SF). Floor area may be transferred within the Master Plan

area as long as this cap is not exceeded, and minimum FAR requirements are met. Development Standard 2.D sets a limit on new retail sales and service uses within the NW Master Plan of 150,000 square feet of net building area, and Development Standard 2.E sets a limit on new commercial office uses within the NW Master Plan of 450,000 square feet of net building area.

At the time of this Staff Report writing, compliance with the following FAR limitations has not been demonstrated and must be demonstrated by the time of permit:

- Availability of enough remaining FAR in the Master Plan area to build this project as well as leave enough residual FAR to fulfill the required minimum 1.5:1 FAR on all other unbuilt Con-way Master Plan blocks (except the park block).
- Availability of enough retail sales and service use square footage to build this project.

CONCLUSIONS

The proposed development will be well integrated with the neighborhood through its scale, varied massing, high quality materials, tall ground floor, design details, and the significant amount of outdoor area provided. The location of the site gives it an important role in the vibrancy of Con-way's key public open spaces: city park, public plaza, pedestrian accessway and festival street. The massing of the buildings makes the south facing courtyard and the unique heavy timber pavilion focal points that make the site unique. With Condition of Approval "E", the ground floor program will present active frontages to synergize with these public realm focal points. A large number of balconies, porches, patios, and upper level terraces will also activate the public space frontages and will provide human scale, allow interaction between residents and passers-by, and allow for informal surveillance of the street. The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. As conditioned herein, the proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

TENTATIVE STAFF RECOMMENDATION

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

Staff recommends approval of the proposed seven-story market-rate apartment building with 192 residential units, ground floor commercial, and below-grade parking located on Block 291 E on the eastern half of the block 291 superblock within the Con-way Master Plan area which is within the Northwest Plan District and recommends approval of the following Modification requests:

1. Con-way Master Plan Development Standard 1, Height, to allow an increase in the height limit by 13' from the allowed 67' to a building height of 80'.
2. Con-way Master Plan Development Standard 8.F, Top Floor of Buildings, to reduce the required setback of the top floor (required for a building over 75') from 5' to 0'.
3. Bicycle Parking Standard (33.266.220.C3), to allow a reduction in the spacing of bicycle racks from the required: 24" spacing to a proposed 18" spacing.
4. Modification to the Parking Stall Standard (33.266.130.F ; Table 266-4), to allow the reduction in width of some parking stalls due to structural column encroachment. Required: 8.5' width. Proposed: 8' width for some stalls.

Recommendation of approval is per Exhibits C.1-C.51, and subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through F) 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 19-251124 DZM". 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. Before issuance of any permits for this project, the applicant shall demonstrate that the project meets FAR requirements for the Con-way Master Plan noted in the Land Use History section of this report.
- E. The ground floor of the two work/live units and at least one third of the ground floor of the pavilion building shall be programmed with commercial uses.
- F. By the day of the hearing the applicant shall submit a design for the Quimby Festival Street that meets Guidelines 7.A and 7.C by serving primarily as a pedestrian and bicycle connection.

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Procedural Information. The application for this land use review was submitted on November 8, 2019, and was determined to be complete on May 1, 2020.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on November 8, 2019.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period, as stated with Exhibit A-2.

Some of the information contained in this report was provided by the applicant.

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

This report is not a decision. The review body for this proposal is the Design Commission who will make the decision on this case. This report is a recommendation to the Design Commission by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Design

Commission will make a decision about this proposal at the hearing or will grant a continuance. Any new written testimony should be emailed to **Tanya Paglia** at Tanya.Paglia@portlandoregon.gov. If you cannot email comments and must mail comments via USPS mail, your comments to the Design Commission can be mailed c/o the Design Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

Please note regarding USPS mail: If you choose to mail written testimony via USPS, due to the Covid-19 Emergency, USPS mail is only received a couple times a week, and testimony must be received before the close of the record. Therefore, please mail testimony well in advance of the hearing date.

If you are interested in viewing information in the file, please contact the planner listed on this decision. The planner can provide information over the phone or via email. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. A digital copy of the Portland Zoning Code is available on the internet at <http://www.portlandoregon.gov/zoningcode>.

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

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

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

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

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

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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

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

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

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

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

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

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

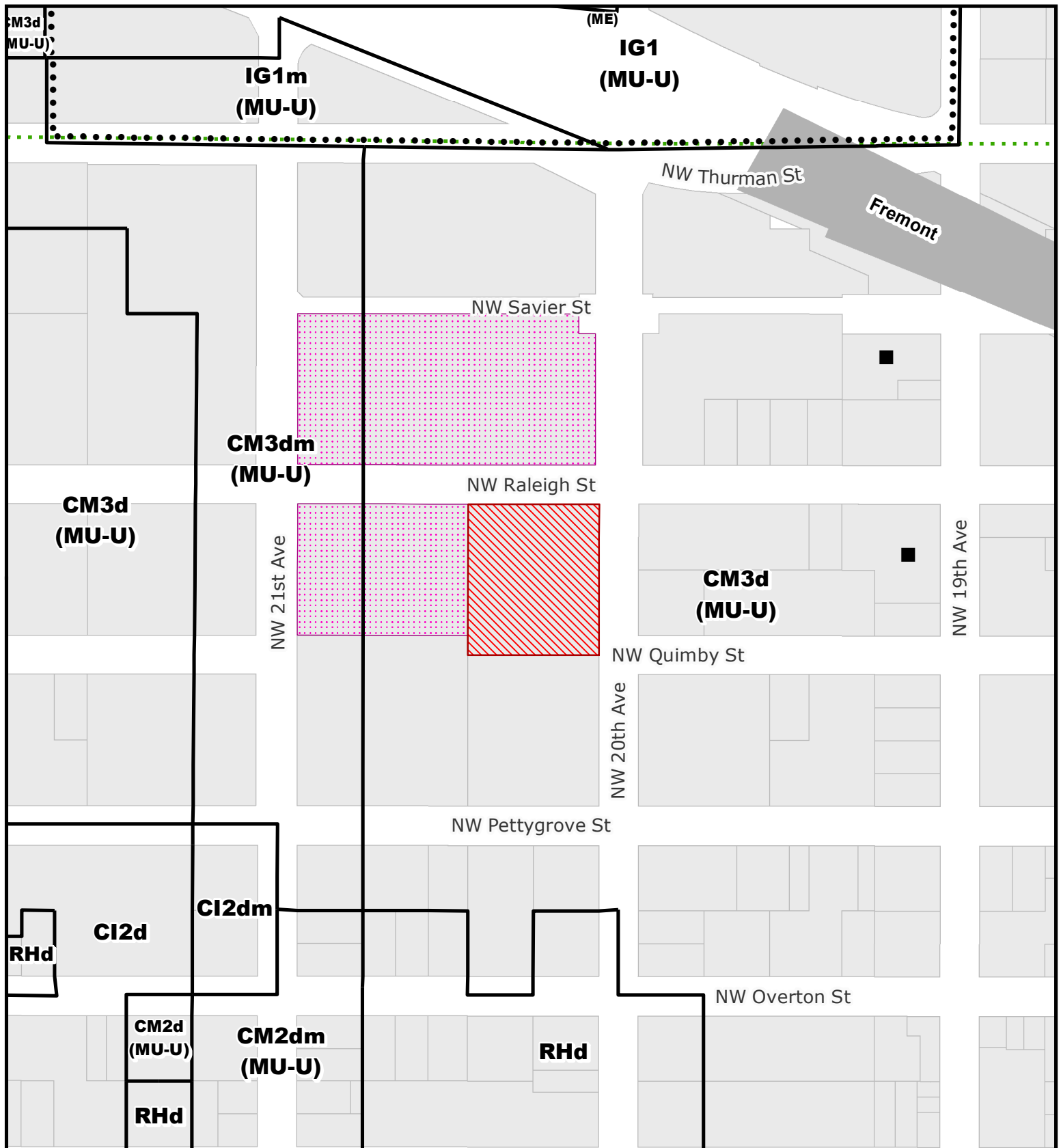
Tanya Paglia
June 22, 2020

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
1. Applicant's original project narrative, zoning summary, and response to approval criteria, 11/11/2019
 2. Request for Evidentiary Hearing and Waiver of Right to Decision within 120 Days, 11/8/2019
 3. Original plan set – NOT APPROVED/reference only 11/11/2019
 4. Applicant's revised project narrative, zoning summary, and response to approval criteria, 5/6/2020
 5. Second revised plan set – NOT APPROVED/reference only 5/6/2019
 6. Applicant's revised project narrative, zoning summary, and response to approval criteria, 6/5/2020
 7. Revised plan set – NOT APPROVED/reference only 6/5/2019
 8. Stormwater Report, 5/6/2020
 9. Manufacturer's Cut Sheets
 10. Appendix
 - Plan set cover sheet C.1)
 - Table of contents C.2)
 - CIVIL (UTILITY PLAN) (C.42)
 - Rendering: VIEW FROM SOUTH (APP.1)
 - Rendering: VIEW FROM WEST (APP.2)
 - Rendering: VIEW FROM NORTH (APP.3)
 - Rendering: VIEW FROM EAST (APP.4)

- Rendering: VIEW FROM PED WAY LOOKING SOUTH (APP.5)
 - Rendering: RESIDENTIAL STOOP VIEW (APP.6)
 - Rendering: QUIMBY STREET LOOKING WEST (APP.7)
 - Rendering: VIEW FROM SW (APP.8)
 - CONTEXT PHOTOS (APP.10)
 - REQUIRED GROUND FLOOR RETAIL (APP.12)
 - Context Rendering: AERIAL VIEW FACING NORTHEAST (APP.13)
 - Context Rendering: CONTEXT BLOCK 296 (APP.14)
 - Context Rendering: CONTEXT BLOCK 295 (APP.15)
 - Context Rendering: SALTWOOD NORTH (APP.16)
 - Context Rendering: SALTWOOD NORTH (APP.17)
 - Context Rendering: SALTWOOD SOUTH (APP.18)
 - Context Rendering: SALTWOOD SOUTH (APP.19)
 - Context Rendering: SALTWOOD SOUTH PED-WAY (APP.20)
 - MASTER PLAN HEIGHT (APP.22)
 - SELECTED BLOCK MASSING (APP.23)
 - MASSING ALTERNATES (APP.24)
- B. Zoning Map (attached)
- C. Plan & Drawings
1. Site Plan (C.3) (attached)
 2. FLOOR PLAN - LEVEL P1 (C.4)
 3. FLOOR PLAN - LEVEL 1 (C.5) (attached)
 4. FLOOR PLAN - LEVEL 2 (C.6)
 5. FLOOR PLAN - LEVEL 3-6 (C.7)
 6. FLOOR PLAN - LEVEL 7 (C.8)
 7. FLOOR PLAN - ROOF (C.9)
 8. CONTEXT ELEVATIONS (C.10)
 9. NORTH ELEVATION (C.11) (attached)
 10. EAST ELEVATION (C.12) (attached)
 11. SOUTH ELEVATION (C.13) (attached)
 12. WEST ELEVATION (C.14) (attached)
 13. COURTYARD ELEVATIONS (C.15)
 14. COURTYARD ELEVATIONS (C.16)
 15. NORTH ELEVATION (BW) (C.17)
 16. EAST ELEVATION (BW) (C.18)
 17. SOUTH ELEVATION (BW) (C.19)
 18. WEST ELEVATION (BW) (C.20)
 19. N/S BUILDING SECTION (C.21)
 20. E/W BUILDING SECTION (C.22)
 21. ENLARGED ELEVATIONS (C.24)
 22. ENLARGED ELEVATIONS (C.23)
 23. ENLARGED ELEVATIONS (C.26)
 24. EXTERIOR DETAILS (STOREFRONT) (C.25)
 25. EXTERIOR DETAILS (VINYL WINDOWS) (C.27)
 26. EXTERIOR DETAILS (MISC) (C.28)
 27. EXTERIOR DETAILS (CANOPY) (C.29)
 28. EXTERIOR DETAILS (BALCONY) (C.30)
 29. EXTERIOR DETAILS (PARAPET) (C.31)
 30. LANDSCAPE (COURTYARD CONCEPT) (C.32)
 31. LANDSCAPE (PAVILION) (C.33)
 32. LANDSCAPE (ROOFS) (C.34)
 33. LANDSCAPE (PLANTING) (C.35)
 34. LANDSCAPE (PLANTING) (C.36)
 35. LANDSCAPE (TREE LIST) (C.37)

36. LANDSCAPE (PLANT LIST) (C.38)
 37. LANDSCAPE (QUIMBY STREET) (C.39)
 38. CIVIL (EXISTING CONDITIONS) (C.40)
 39. CIVIL (GRADING PLAN) (C.41)
 40. LANDSCAPE (SITE LIGHTING) (C.43)
 41. CONTEXT MAP (APP.9)
 42. GROUND FLOOR PROGRAM (APP.11)
 43. OPEN SPACE DIAGRAM (APP.21)
 44. OVERALL FAR DIAGRAM (APP.25)
 45. BIKE STORAGE DIAGRAM (APP.26)
 46. EXTERIOR BUILDING MATERIALS (APP.27)
 47. PEDWAY SECTION LOOKING SOUTH (APP.28)
 48. BLOCK 290 QUIMBY STREET DESIGN (APP.29)
 49. BLOCK 290 QUIMBY STREET DESIGN (APP.30)
 50. BLOCK 290 QUIMBY STREET DESIGN (APP.31)
 51. BLOCK 290 QUIMBY STREET DESIGN (APP.32)
- 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
- E. Agency Responses:
1. Life Safety Division of the Bureau of Development Services
 2. Bureau of Environmental Services
 3. Bureau of Parks, Forestry Division
 4. Bureau of Transportation Engineering and Development Review
- F. Letters
1. Steve Pinger, NWDA Planning Committee, writing on June 18, 2020 citing unanimous support for the proposal with comments.
- G. Other
1. Original LUR Application
 2. Pre-Application Conference notes, EA 19-235790 PC, 11/27/2019
 3. DAR Summary Memo, DAR #1, EA 20-122617 DA, 5/11/2020
 4. Request for Completeness with BES and PBOT responses, 11/21/2019
 5. Incomplete letter, 11/27/2019



ZONING

NORTHWEST PLAN DISTRICT



-  Site
-  Also Owned Parcels
-  Historic Landmark
-  Bridge
-  Recreational Trails

File No.	<u>LU 19 - 251124 DZM</u>
1/4 Section	<u>2927,2827</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1N1E33BA 105</u>
Exhibit	<u>B</u> <u>Nov 13, 2019</u>



FLOOR PLAN - LEVEL 1







