



City of Portland
City Council

Appeal - Type III Land Use

LU 20-123610 DZM

NW 23rd & Marshall

July 14, 2021
Staff Presentation

City Council Appeal Hearings Process For Evidentiary/ De Novo Appeals

The order of appearance and time allotments is generally as follows:

- **Staff Report** - 10 minutes
- Appellant - 10 minutes
- Supporters of Appellant - 3 minutes each
- Principal Opponent of the Appeal - 15 minutes
- Other Opponents of the Appeal - 3 minutes each
- Appellant Rebuttal - 5 minutes
- Council Discussion

Northwest Plan District Areas with Special Development Standards

Map 562-7

Map Revised August 12, 2016



- Plan District Boundary
- Main Street
- Streetcar Alignment
- Minimum active floor area

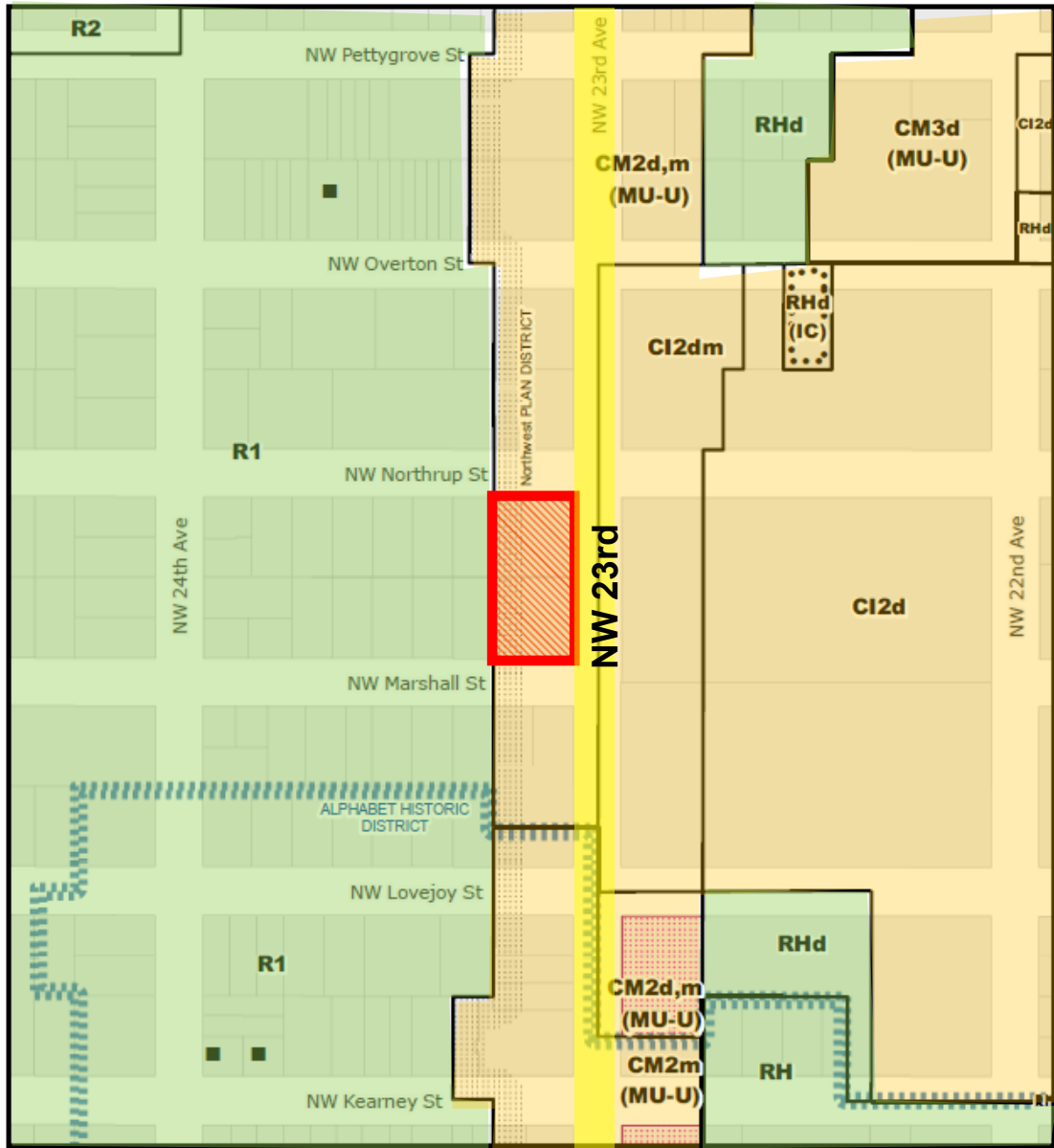


Zoning

Northwest Plan District

Also:

- Main Street, NW 23rd (yellow)
- Streetcar Alignment (hatched).



Zoning Map

Zoning

Base Zone:

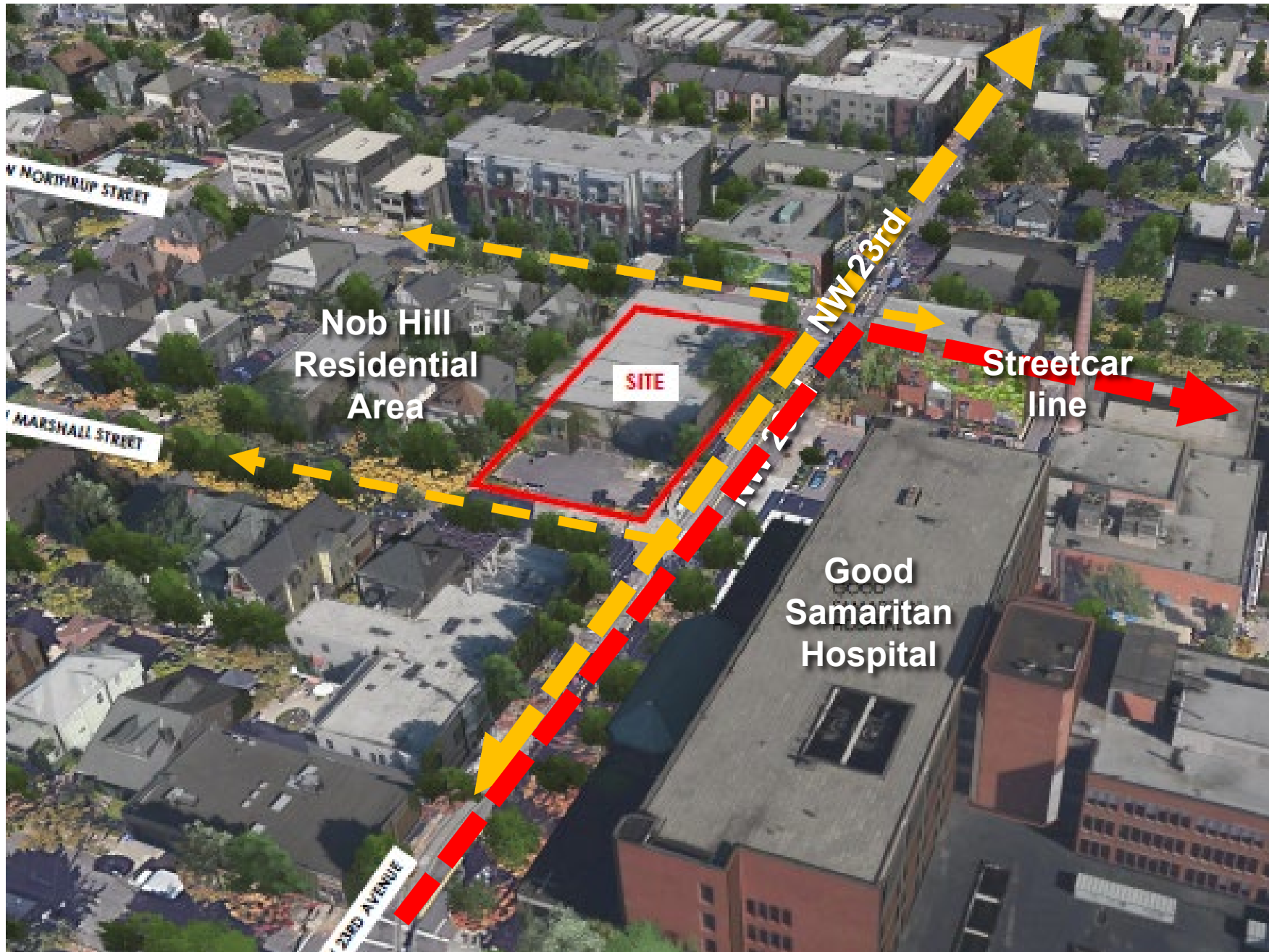
- CM2 - Commercial/ Mixed Use 2

Overlays:

- d - Design
- m - Centers Main Street

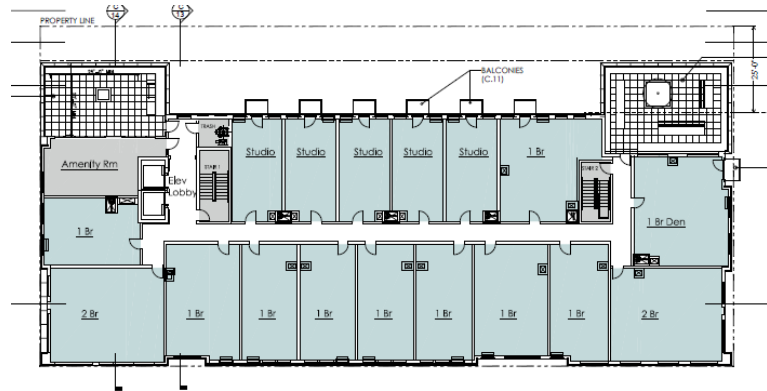
Adjacencies:

- R1 - Residential Multi-Dwelling 1 to west



Context

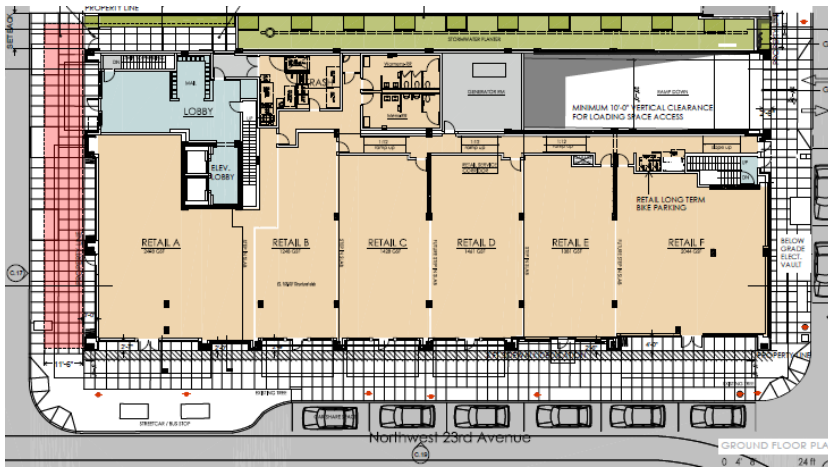
- Site has a full block frontage on NW 23rd, a commercial focus for district
- The streetcar wraps NW 23rd here.
- East across NW 23rd is the 6-story Good Sam
- West is the Nob Hill residential area.



Residential units above



East side facing NW 23rd



Ground Level (retail)



West side facing residential zone

Program Overview

- 5-stories, mixed-use
- 10,000 sf Ground floor retail
- 74 residential units above
- 44 below-grade parking spaces, off Northrup
- Amenities include private and communal terraces

Design Review

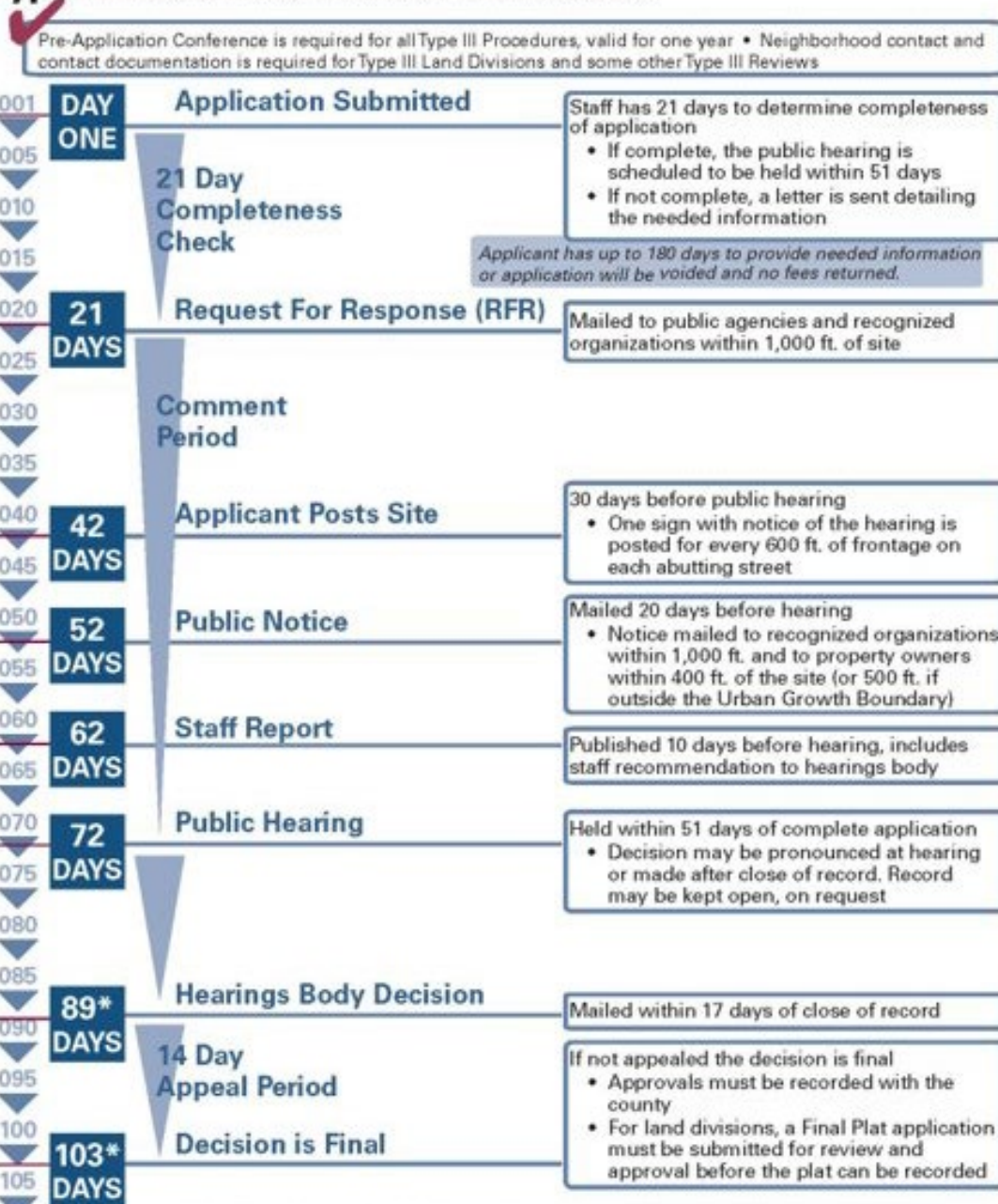
Community Design Guidelines

Modifications

Four (4) Modifications - PZC Section 33.825.040

1. Reduce width of vertically hung bike parking spaces.
2. Locate main residential entrance away from the Transit Street.
3. Alter landscape screening due to substantial grade differences.
4. Reduce depth of two vehicle parking stalls.

Type III Land Use Review Procedure



Review Procedure

LU 20-123610 DZM

- Submitted - February 26, 2020
- Effective Code - December 2019
- Hearing Scheduled - October 15, 2020, postponed by applicant.
- Public Hearing and approval - May 6, 2021
- Appealed by NWDA - June 4, 2021

Design Commission Deliberation

- Context. The design responded well to the different adjacent contexts of streetcar commercial area to the east and residential to the west.
- Public realm. The active ground floor use and storefront designs enhanced the three street frontages.
- Quality and Permanence. The quality materials and thoughtful details complemented the rich textures of the district.

Decision: Design Commission approved Design Review with Modifications.

Public Interest

- 9 written comments plus public testimony at hearing. Primary concerns, related to the approval criteria, focused on a lack of step back at the upper (fifth) story.

Appeal

Appeal

The NWDA appealed the decision. In their appeal statement, they listed their concerns as follows:

*The Staff Report Finding for **Community Design Guideline P1. Plan Area Character, P1.1 Urban Character: District-wide Considerations** does not address the content of the subject guideline regarding step backs at the street facade, and inappropriately refers to a) required step backs on other facades, and b) parapet and cornice detailing, both of which are irrelevant to complying with this guideline.*

- By the NW District Association
- CDG P.1 - Step backs at the street facade

Appeal

- By the NW District Association
- CDG P.1 - Step backs at the street facade



Community Design Guidelines



January 1998
Updated Sept. 2008
Bureau of Planning
Portland, Oregon



How Design Guidelines are Used

Design guidelines are mandatory approval criteria that must be met as part of design review and historic design review. They also are a source of information for both developers and the community as to what issues will be addressed during the design review process.

The design review process is flexible to encourage designs that are innovative, and are appropriate for a specific location. For this reason guidelines are qualitative statements. Unlike objective design standards, there are many acceptable ways to meet each guideline. Each guideline is followed by a list of examples of some ways to meet the guideline. These examples are provided to stimulate the search for a design that meets both the guidelines and the developer's needs; they function as explanations of the guideline, and are not intended to be used as the recommended solution.

While the design guidelines are qualitative, they are still mandatory approval criteria, and must be met. The guidelines provide flexibility to designers, but they are requirements. Applicants are responsible for explaining, in their application, how their design meets each of the guidelines.

During the design review process, the review body must find that the proposal meets each design guideline. Proposals that meet all the guidelines will be approved; proposals that do not meet all of the guidelines will not be approved. If the review body approves the proposed design, they may add conditions to their approval; these conditions require modifications to ensure the proposal's compliance with the guidelines. Generally, the review body would rather that applicants revise their designs to address deficiencies rather than have the City impose a specific solution through conditions.

Waiver of Design Guidelines

In some cases, a design guideline may be waived. If the design guidelines document includes design goals for the area, a guideline may be waived as part of the design review process where the proposed design meets the design goals for the area better than would a project that complied with the guideline. If a waiver is requested, the application for design review must explain how the design goals are met. More information on waivers is available from the Development Services Center.

Applicability of Community Design Guidelines

The chart on page 12 shows which Community Design Guidelines apply to different types of projects. An applicant need only address those guidelines that are identified as applicable on this chart.

Appeal

- By the NW District Association
- CDG P.1 - Step backs at the street facade

From How Design Guidelines are Used

“The design review process is flexible to encourage designs that are innovative and are appropriate for a specific location. For this reason, guidelines are qualitative statements. Unlike objective design standards, there are many acceptable ways to meet each guideline.”

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.”

Appendix J - Excerpt from Northwest District Plan, Amended Design Guidelines – Desired Characteristics and Traditions:

- P1.1 District-wide Considerations (general)
- P1.2 Streetcar Main Streets (area specific)
 - Architecture
 - Urban Pattern
 - Desired Characteristics and Traditions

Urban Character: District-wide Considerations

While the emphasis of the Desired Characteristics and Traditions statements that follow is on highlighting the distinguishing characteristics of each urban character area, development throughout the Northwest District should contribute to maintaining the district’s architectural scale and its fine-grain pattern of development. New buildings and additions that are taller than the two- to four-story building height that is predominant in the district should have upper stories stepped-back in order to contribute to a more consistent streetscape and to maintain neighborhood scale. Also, the street frontage of large projects should be divided into distinct components that reflect the district’s established pattern of partial block massing.

Map 4: Urban Character Areas



Appeal

- By the NW District Association
- CDG P.1 - Step backs at the street facade

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.”

Appendix J - Excerpt from Northwest District Plan, Amended Design Guidelines – Desired Characteristics and Traditions:

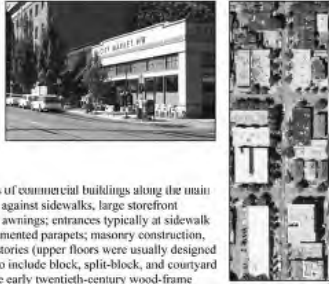
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Appeal

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Urban Character Area: Streetcar Main Streets

The main streets of NW 21st and NW 23rd Avenues, and West Burnside and NW Thurman Streets, located along the original streetcar routes through the area, have historically served as the primary focus for commercial activity in the Northwest District. This status is reflected in the architecture and development pattern along these streets.



Architecture
Characteristic architectural elements of commercial buildings along the main streets include: buildings located up against sidewalks, large storefront windows, often with transom lights; awnings; entrances typically at sidewalk level; flat roofs and cornices or ornamented parapets; masonry construction, and building heights of one to four stories (upper floors were usually designed for residences). The main streets also include block, split-block, and courtyard apartment buildings; as well as some early twentieth-century wood-frame houses, mostly located along northern portions of NW 23rd Avenue and converted to commercial uses. NW Thurman Street includes a predominance of residential structures not typical of the other main streets, including Victorian workers cottages in the Queen Anne style (these are remnants, together with similar houses along nearby streets, of the working-class Shabtown neighborhood) and modern rowhouses with architecture derivative of traditional styles.

Urban Pattern
Commercial buildings typically abut each other, with little or no side setbacks, providing a continuous building frontage that provides a sense of urban enclosure along the main streets. Each main street block is typically lined by several small storefronts or tenant spaces, providing a diversity of activities and visual experiences. These patterns are occasionally interrupted by residential structures and by post-war commercial buildings with front setback parking and other automobile-oriented features (with drive-through facilities especially common along West Burnside Street). NW Thurman Street is characterized by a less continuous storefront commercial frontage than is the case along the other area main streets. Along NW Thurman Street, storefront commercial buildings tend to be clustered at intersections, with mid-block areas occupied by small lot houses, usually with shallow setbacks, and modern rowhouses with front garages and driveways.

Streetcar Main Streets: Desired Characteristics and Traditions
The Streetcar Era structures that define the character of the main streets, portions of which are located within the Alphabet Historic District, should be preserved or adaptively reused. New development should incorporate architectural features that characterize the district’s main streets, such as large storefront windows, awnings and upper-story residences, and should continue the historic pattern of a continuous frontage of buildings and active uses located close to sidewalks. Large retail developments should be integrated into the main streets’ fine-grain urban pattern and mix of uses through strategies such as including spaces suitable for small tenants along street frontages or by including upper-floor residences. Where appropriate, development should include outdoor space for dining and other activities that contribute to a vibrant urban environment. Disruptions to the continuity of the main street pedestrian environment by curb cuts, driveways, garage fronts and surface parking areas should be avoided.

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.”

Appendix J - Excerpt from Northwest District Plan, Amended Design Guidelines – Desired Characteristics and Traditions:

- P1.1 District-wide Considerations (general)
- P1.2 Streetcar Main Streets (area specific)
 - Architecture
 - Urban Pattern
 - Desired Characteristics and Traditions

New buildings and additions that are taller than the two to four-story building height that is predominant in the district should have the upper stories stepped back in order to contribute to a more consistent streetscape and to maintain neighborhood scale.

Urban Character: District-wide Considerations

While the emphasis of the Desired Characteristics and Traditions statements that follow is on highlighting the distinguishing characteristics of each urban character area, development throughout the Northwest District should contribute to maintaining the district's neighborhood scale and its fine-grain pattern of development. New buildings and additions that are taller than the two- to four-story building height that is predominant in the district should have upper stories stepped-back in order to contribute to a more consistent streetscape and to maintain neighborhood scale. Also, the street frontage of large projects should be divided into distinct components that reflect the district's established pattern of partial block massing.

Map 4: Urban Character Areas



Appeal

- By the NW District Association
- CDG P.1 - Step backs at the street facade

Appeal

The Commission found that the proposal met Guideline P1 in numerous ways:

1. The predominately brick clad building has a split-block massing, with storefront windows, canopies to protect pedestrians and outdoor dining opportunities, reflecting the “district’s architectural scale and its fine-grain pattern of development”.
2. A highly active ground floor with upper story residences continues “historic use patterns of the district” and contributes to a “more consistent streetscape”.
3. While the upper fifth-floor is not “stepped back” from NW 23rd, four-story building height datum is addressed to “maintain a consistent streetscape and neighborhood scale”.

On balance, the proposed design contributed to a more consistent streetscape and helped better maintain neighborhood scale for this specific site by locating the massing east toward NW 23rd, facing the commercial area, streetcar line, and the six-story hospital across the street, rather than shifting it closer towards the smaller-scaled residential area to the west.

- By the NW District Association
- CDG P.1 - Step backs at the street facade



City Council Alternatives



1. **Deny the appeal** and uphold the Design Commission's decision of approval with conditions.
2. **Deny the appeal but modify** the Design Commission's decision of approval with conditions and instruct the applicant to revise the design and return to Council at a future date.
3. **Grant the appeal**, thereby overturning the Design Commission's decision to approve with conditions. In this case, the project would be denied.

Questions?

Background References

Appeal

The Commission found that the proposal met guideline P1 in numerous ways:

1. The predominately brick clad building has a split-block massing, with tall storefront windows, canopies to protect pedestrians and generous outdoor dining opportunities, reflecting the “district’s architectural scale and its fine-grain pattern of development”.
2. A highly active ground floor with upper story residences continues “historic use patterns of the district” and contributes to a “more consistent streetscape”.
3. While the upper fifth-floor is not “stepped back” from NW 23rd, the four-story building height datum is addressed to “maintain a consistent streetscape and neighborhood scale”.

On balance, the proposed design also contributed to a more consistent streetscape and helped better maintain neighborhood scale for this specific site by locating the massing east toward NW 23rd, facing the commercial area, streetcar line, and the six-story hospital across the street, rather than shifting it closer towards the smaller-scaled residential area to the west.

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- CDG P.1 - Step backs at the street facade



Appeal

P1.4 Streetcar Main Streets: Desired Characteristics and Traditions

- **The proposal incorporates** “features that characterize the district’s main streets, such as large storefront windows, awnings, and upper story residences”, and continues the “historic pattern of a continuous frontage of buildings and active uses located close to sidewalks”.
- **The proposal integrates** “the main streets’ fine-grain urban pattern and mix of uses through strategies” by “including spaces suitable for small tenants along street frontages” as well as by “including upper-floor residences”.
- **The proposal includes** “outdoor space for dining and other activities that contribute to a vibrant urban environment”.
- **The proposal avoids** “disruptions to the continuity of the main street pedestrian environment by curb cuts, driveways, garage fronts and surface parking areas should be avoided” by locating parking below grade, and access to parking on Northrup away from NW 23rd.

- By the NW District Association
- CDG P.1 - Step backs at the street facade



Appeal

P1.1 District-wide Considerations

- **The proposal maintains** “the district’s architectural scale and its fine-grain pattern of development” by breaking up the massing into three distinct blocks, each with its own brick colors and detailing, window configurations, ground floor storefront and canopy details.
- **The proposal provides** “distinct components that reflect the district’s established pattern of partial block massing” by delineating the ground floor to accommodate a variety of retail tenant sizes.
- **While the proposal is** “taller than the two-to four-story building height that is predominant in the district”, the proposal is within the allowable building height limit. Rather than stepping the upper stories back “in order to contribute to more consistent streetscape and to maintain neighborhood scale” design elements, in addition to those listed above, include parapet details and cornices to address the four-story building height datum.

- By the NW District Association
- CDG P.1 - Step backs at the street facade



Plan Area Character



Background

Plan areas outside of the Central City which have areas with the design overlay include the Albina, Outer Southeast, and Southwest Community Plan areas, the Hollywood and Sandy Plan Area, the Northwest District Plan Area, the Gateway Regional Center, the St. Johns/Lombard Plan Area, the 122nd Avenue Station Area, and the North Interstate Corridor Plan. Each of these areas has distinct historic, cultural, and geographic characteristics that should be taken into consideration when developing in the area. New development blends into established areas by reflecting the architectural features and site design of the surrounding buildings and responding to views, topography, and nearby amenities such as parks, schools, and community centers.

See Appendices for Desired Characteristics and Traditions within the Northwest District Plan Area, the St. Johns/Lombard Plan Area and the 122nd Avenue Station Area.

Guideline P1:

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

This guideline may be accomplished in the Albina Community Plan Area by:

A. Respecting the pattern of small corner churches that exist in Albina. Albina was the home to many turn-of-the-century immigrants who built churches in their neighborhoods.



Appeal

- By the NW District Association
- CDG P.1 - Step backs at the street facade

Community Design Guideline P1. Plan Area Character.

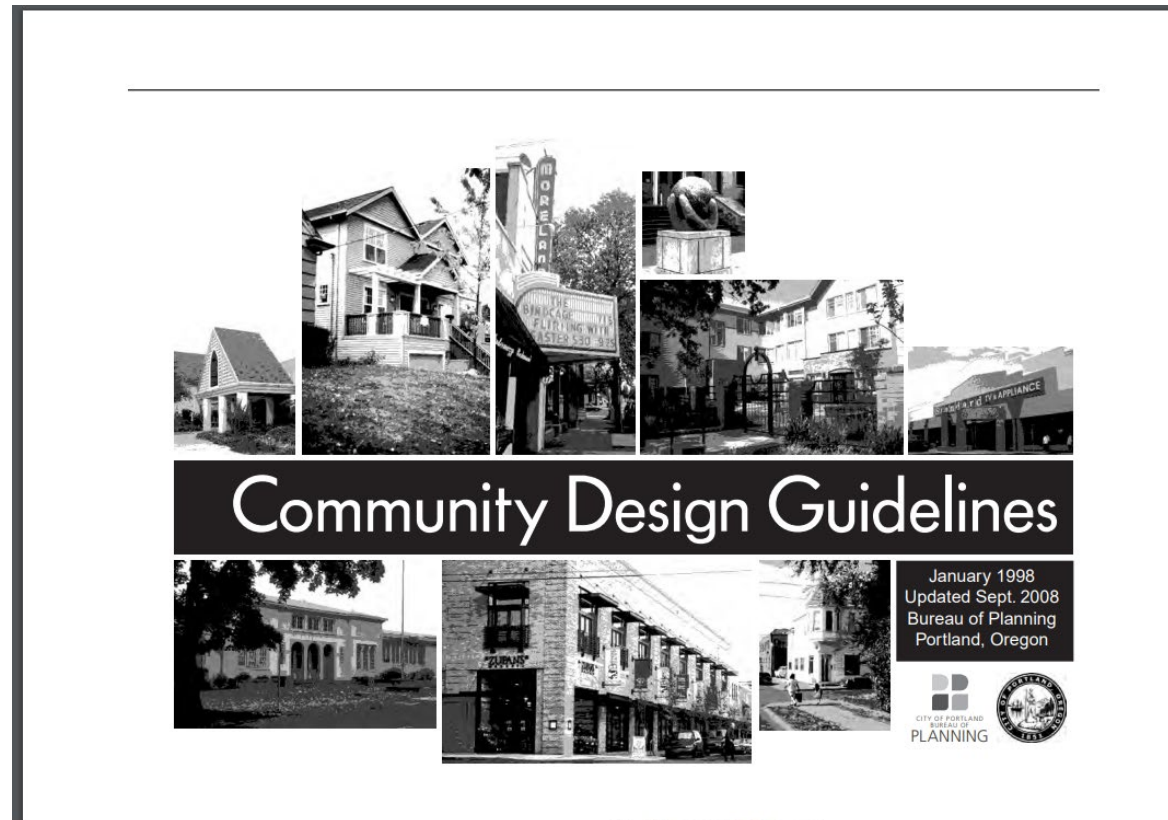
“Enhance the sense of place and identity by incorporating site and building design features that respond to the area’s desired characteristics and traditions.”

Appendix J - Excerpt from Northwest District Plan, Amended Design Guidelines – Desired Characteristics and Traditions:

Guidelines

Approval Criteria

- Design Review
Community Design
Guidelines



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Approval Criteria

- Design Review
Community Design Guidelines

Decision

- Approval

From **How Design Guidelines are Used** (CDG page 7)

“The design review process is flexible to encourage designs that are innovative and are appropriate for a specific location.”

“Each guideline is followed by a list of examples of ... ways to meet the guidelines ... provided to stimulate the search for a design that meets both the guidelines and the developer’s needs; they function as explanations of the guideline and are not intended to be used as the recommended solutions.”

Plan Area Character



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This guideline may be accomplished in the Albina Community Plan Area by:

- A. Respecting the pattern of small corner churches that exist in Albina. Albina was the home to many turn-of-the-century immigrants who built churches in their neighborhoods.



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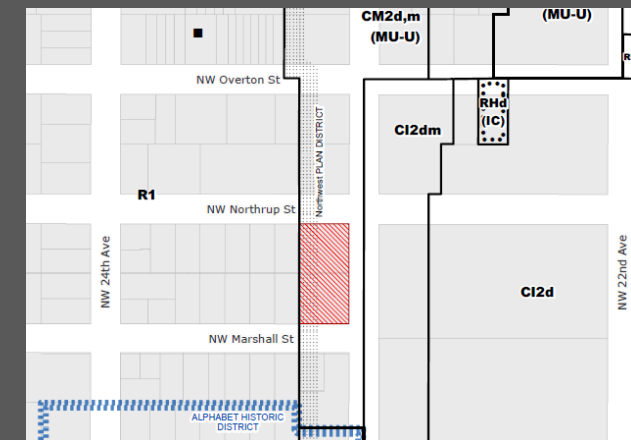
Guideline P1:

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

Under **P1 Plan Area Character** (page 15), Appendix J is listed as a reference for the NWPD, providing “Desired Characteristics and Traditions”. It is important to understand that these are *desired characteristics* rather than *required* design solutions.

Approval Criteria

- Design Review
Community Design Guidelines

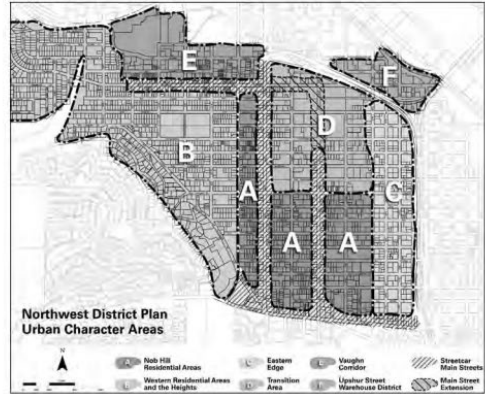


The district-wide considerations, which precede the individual Urban Character Area statements, include general desired characteristics that should be consulted for proposals on all sites in the Northwest District.

Urban Character: District-wide Considerations

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Map 4: Urban Character Areas

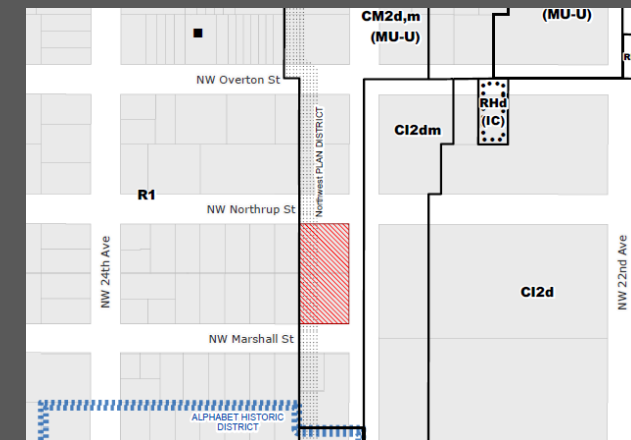


Approval Criteria

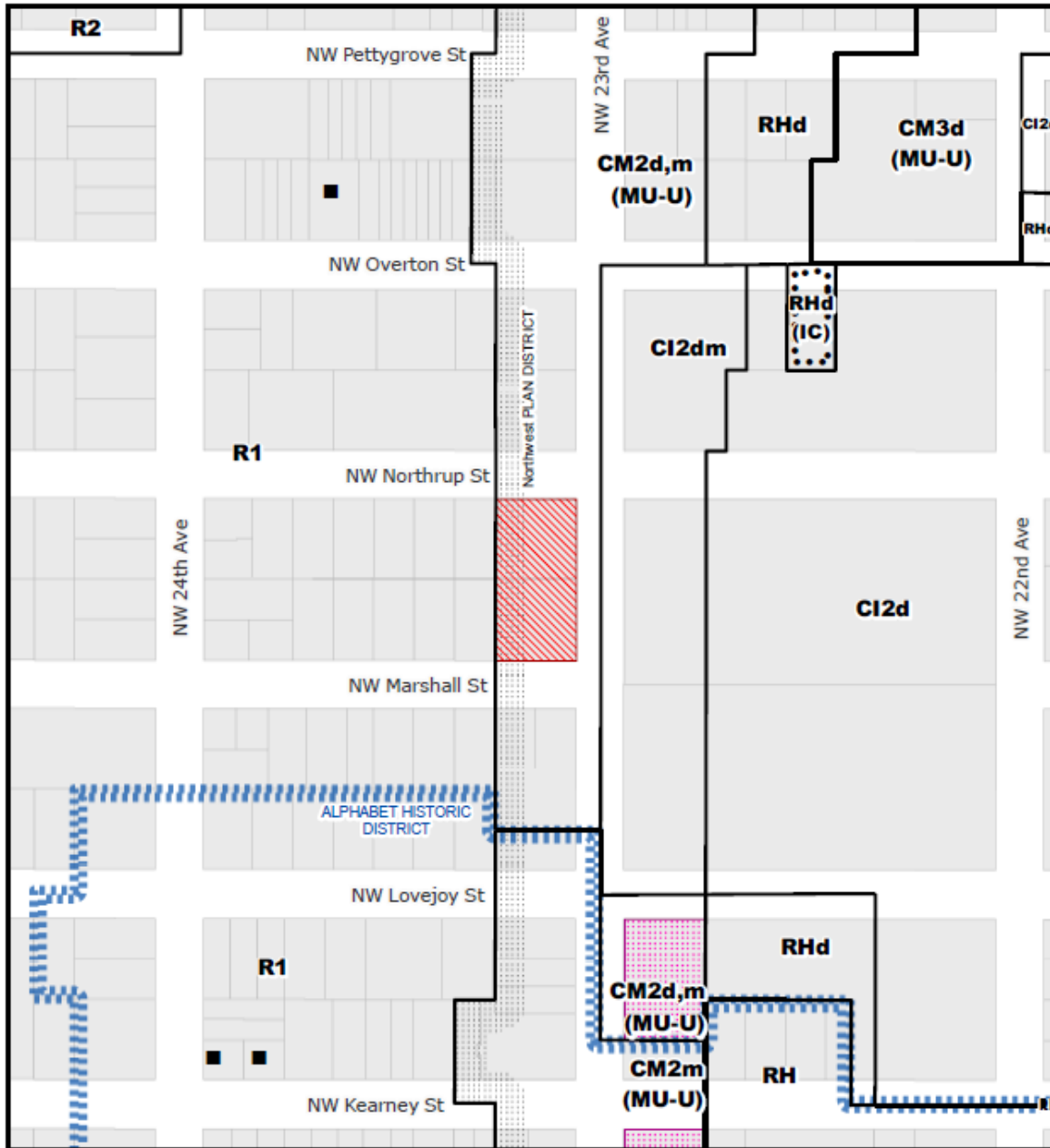
- Design Review
Community Design Guidelines

From **CDG Appendix J: Excerpt from Northwest District Plan, Amended Design Guidelines – Desired Characteristics and Traditions** (CDG page 198),

Under District-wide Considerations, it notes that *“New buildings and additions that are taller than the two-to four-story building height that is predominant in the district should have upper stories stepped-back in order to contribute to a more consistent streetscape and to maintain neighborhood scale.”*



Proposal



Zoning

Floor Area Ratio:

Std: 2.5:1 (4:1 w/ IH bonus)
Prop: 3.8:1

Height:

Std: 45' (55' w/ IH bonus)
Prop: 55'

Adjacencies:

Alphabet HD ½ block to the south
R1 (Residential Multi-Dwelling 1) to the west

Program Overview

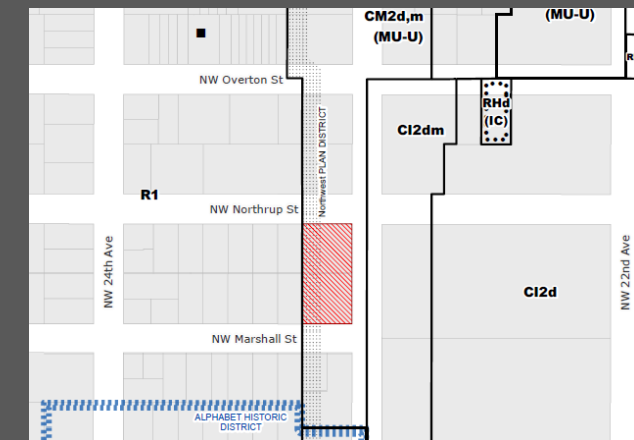
- 5-stories, Mixed-use
- 10,000 sf Ground floor retail
- 74 residential units above
- 44 parking spaces below-grade
- Amenities include private and communal terraces



Views from the NW 23rd side (east)



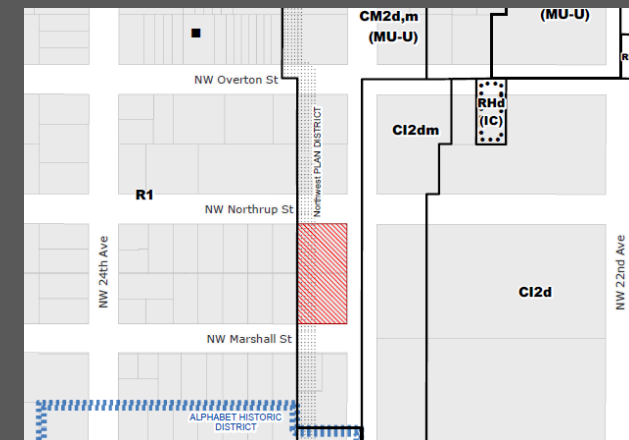
Views from the residential side (west)



Context

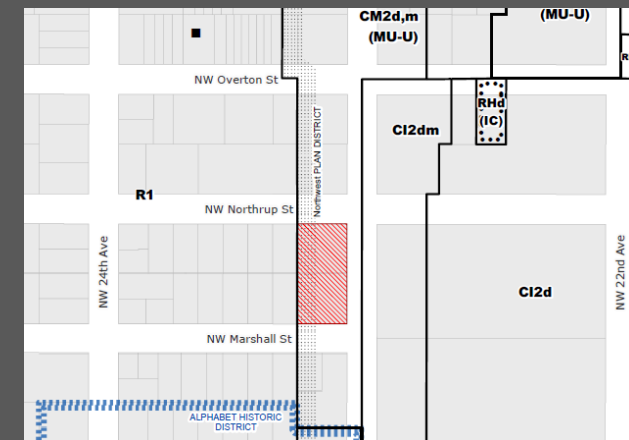
Context

View north on NW 23rd toward the site



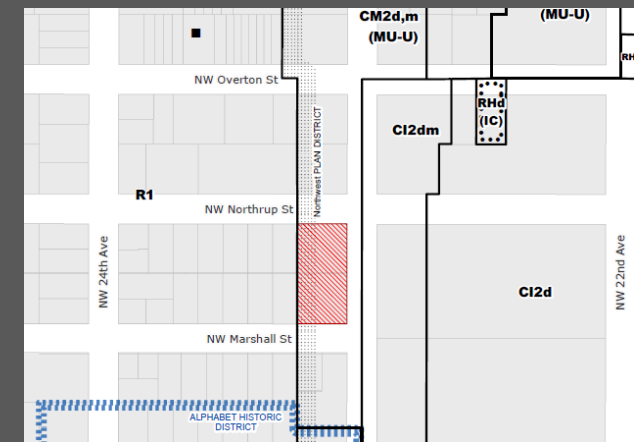
Context

Views east on Marshall



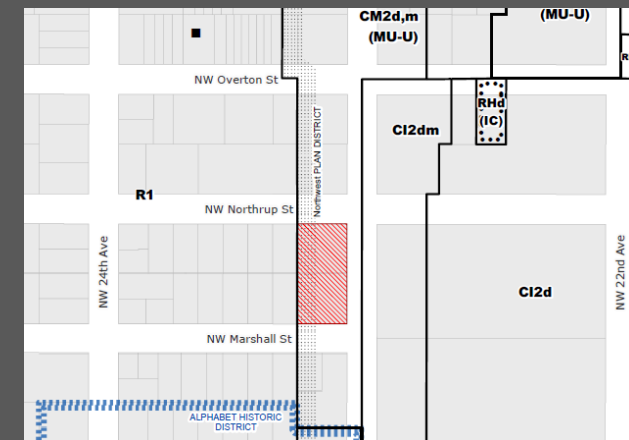
Context

Views east on Northrup



Context

Views west on Northrup

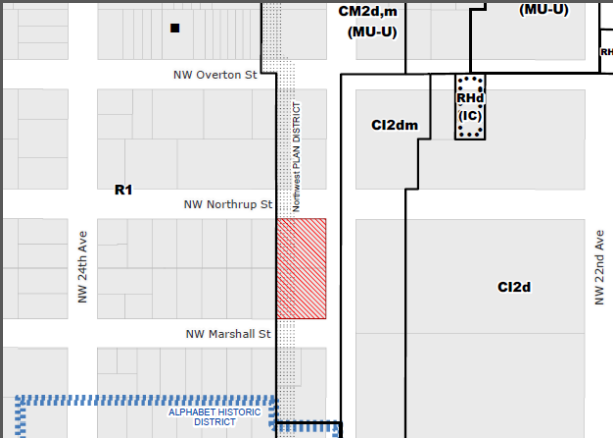




Context

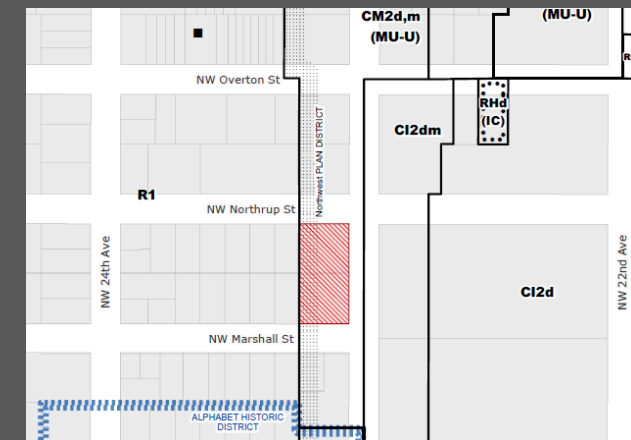
View north on NW 23rd

View south on 23rd

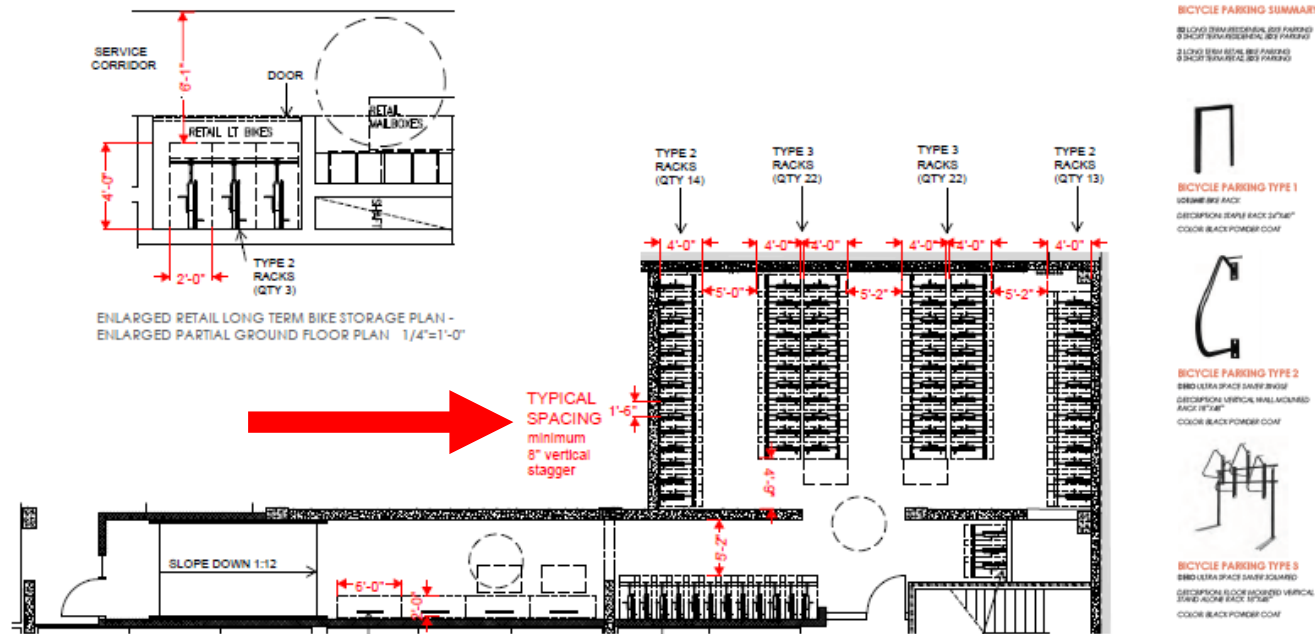


Context

Views west on Marshall



Modifications



BICYCLE PARKING SUMMARY

- BELOW STAIR (RESERVED USE PARKING)
- SHORT TERM (RESERVED USE PARKING)
- BELOW BIKE RETAIL (BIKE PARKING)
- SHORT TERM (RESERVED USE PARKING)



BICYCLE PARKING TYPE 1
 100MM X 60MM RACK
 DESCRIPTION: SQUARE RACK, 100MM X 60MM
 COLOR: BLACK POWDER COAT



BICYCLE PARKING TYPE 2
 80MM X 60MM SPACE SAVING BRACKET
 DESCRIPTION: VERTICAL WALL MOUNTED RACK, 100MM X 60MM
 COLOR: BLACK POWDER COAT



BICYCLE PARKING TYPE 3
 80MM X 60MM SPACE SAVING BRACKET
 DESCRIPTION: FLOOR MOUNTED VERTICAL STAND ALONE RACK, 100MM X 60MM
 COLOR: BLACK POWDER COAT

1. Bike Parking – Stall Widths (33.266.220.C.3.b).

The Purpose: Bicycle parking is required for most use categories to encourage the use of bicycles by providing safe and convenient places to park bicycles.

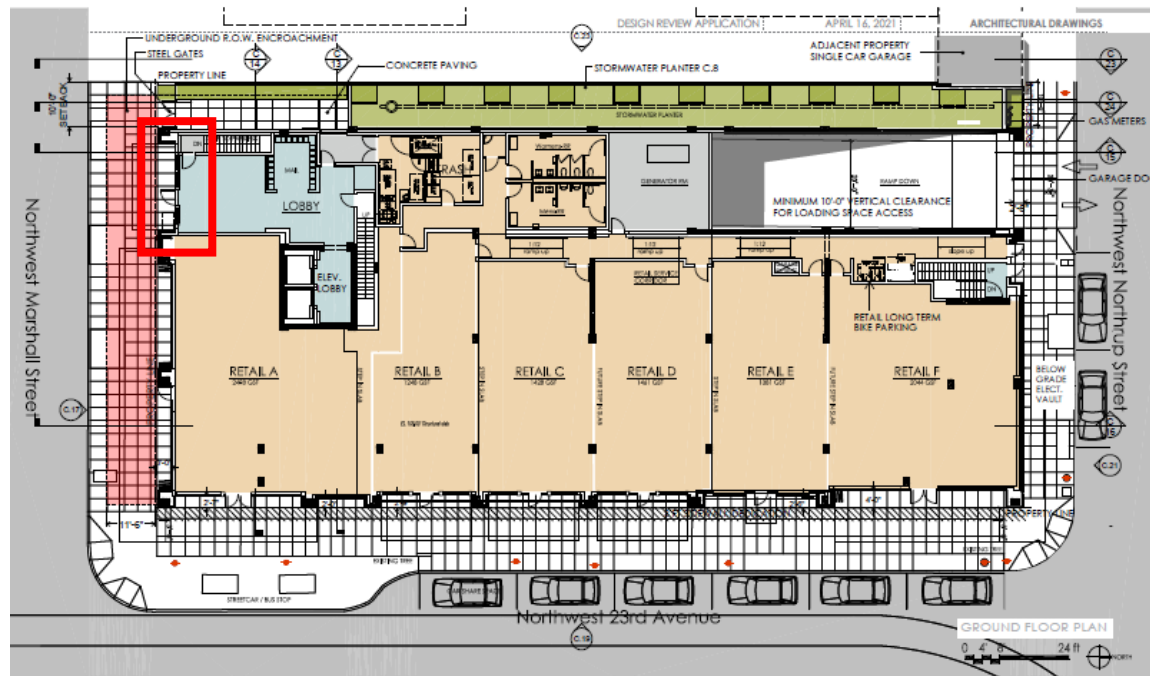
The Standard: The A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components

The Proposal: Request to reduce the width of the vertically hung bike parking spaces from 24” to 18”, with an 8” vertical stagger.

Staff supports

Modification

1. **Bike Parking – Stall Widths** (33.266.220.C.3.b).
2. **Transit Street Main Entrance - Location** (33.130.242.C.3.c)
3. **Setbacks – L3 Landscape** (33.130.215.B.2.b)
4. **Vehicle Parking – Stall Size** (33.130.266.130 Table 266-4)



Modification

1. **Bike Parking** – Stall Widths (33.266.220.C.3.b).
2. **Transit Street Main Entrance - Location** (33.130.242.C.3.c)
3. **Setbacks** – L3 Landscape (33.130.215.B.2.b)
4. **Vehicle Parking** – Stall Size (33.130.266.130 Table 266-4)

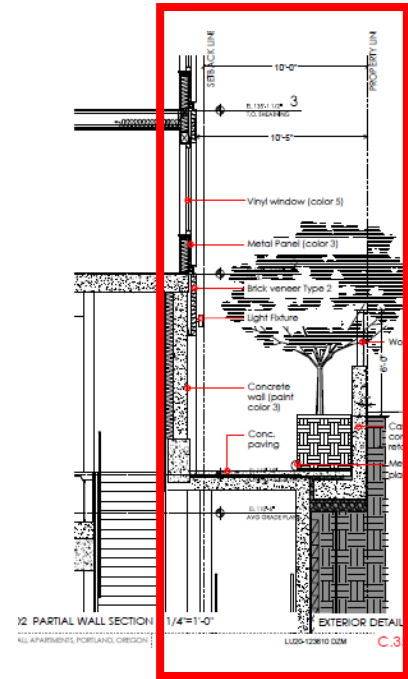
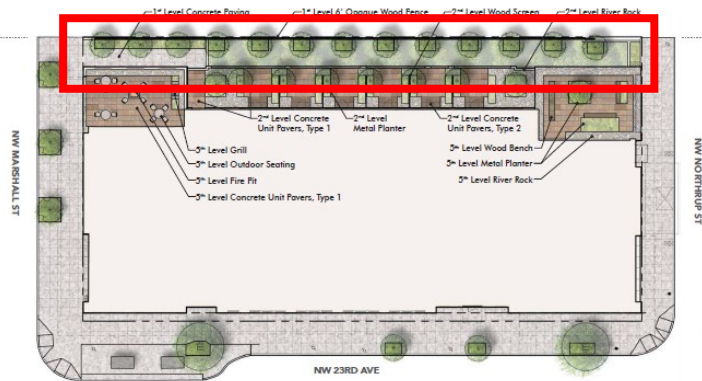
2. Transit Street Main Entrance – Location (33.130.242.C.3.c)

The Purpose: Locating the main entrance to a use on a transit street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.

The Standard: One main entrance to a multi-dwelling structure must be within 25 feet of the transit street; allow pedestrians to both enter and exit the building; and either face the transit street; be at an angle of up to 45 degrees from the transit street; or face a courtyard and be within 60 feet of the transit street.

The Proposal: Request to locate the proposed main entrance to the residential portion of the building on NW Marshall, approximately 70 feet from NW 23rd Avenue (transit street).

Staff supports



Modification

1. **Bike Parking** – Stall Widths (33.266.220.C.3.b).
2. **Transit Street Main Entrance - Location** (33.130.242.C.3.c)
3. **Setbacks** – L3 Landscape (33.130.215.B.2.b)
4. **Vehicle Parking** – Stall Size (33.130.266.130 Table 266-4)

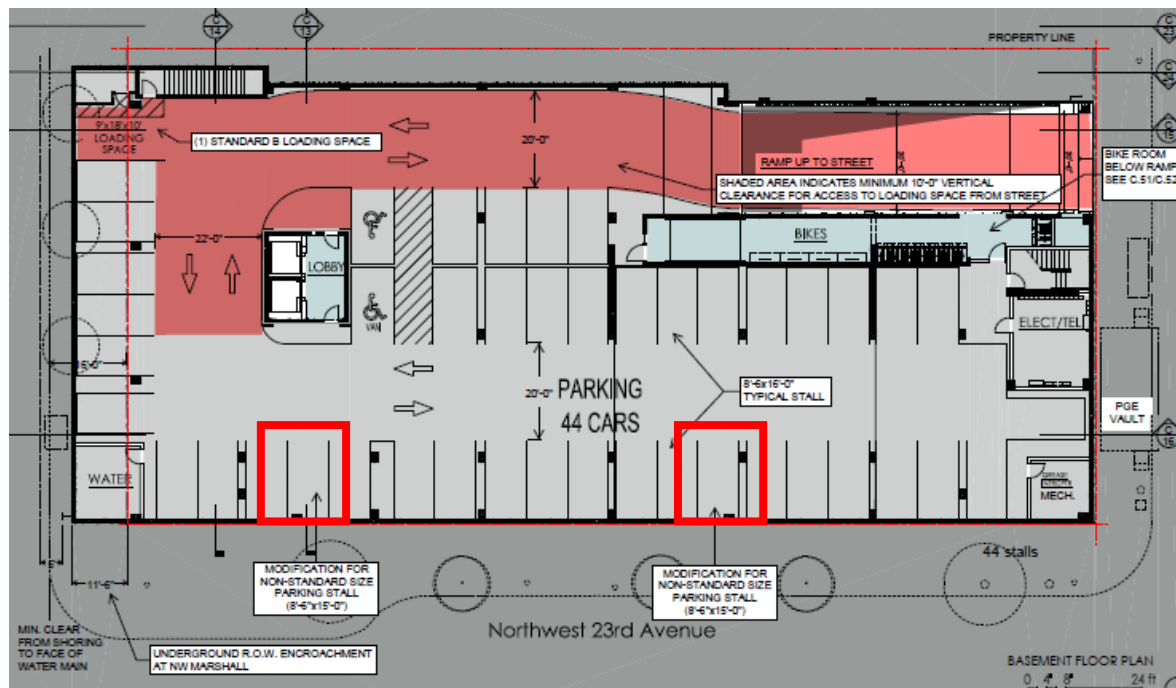
3. Setbacks – L3 Landscape (33.130.215.B.2.b)

The Purpose: The setback requirements for areas that abut residential zones promote commercial/mixed use developments that will maintain light, air, and the potential for privacy for adjacent residential zones.

The Standard: The required setback from a lot line that abuts an R1 zone is 10 feet and must be landscaped to the L3 standard which requires a 6-foot-tall screen (shrubs or masonry wall) and groundcover planting. Paved areas may not extend closer than 5ft to the lot line.

The Proposal: Request to alter the required L3 landscape screening to the west wall due to substantial grade differences.

Staff supports



Modification

1. **Bike Parking** – Stall Widths (33.266.220.C.3.b).
2. **Transit Street Main Entrance - Location** (33.130.242.C.3.c)
3. **Setbacks** – L3 Landscape (33.130.215.B.2.b)
4. **Vehicle Parking** – Stall Size (33.130.266.130 Table 266-4)

4. Vehicle Parking – Stall Size (33.130.266.130 Table 266-4)

The Purpose: The development standards promote vehicle areas that are safe and attractive for motorists and pedestrians.

The Standard: The minimum stall size for 90-degree parking with a 20 ft drive aisle is 8'-6" x 16'-0".

The Proposal: Request to have two stalls be slightly obstructed by structural columns at the front of the stall, effectively reducing the stall depth to 15'-0" instead of the required 16'-0".

Staff supports

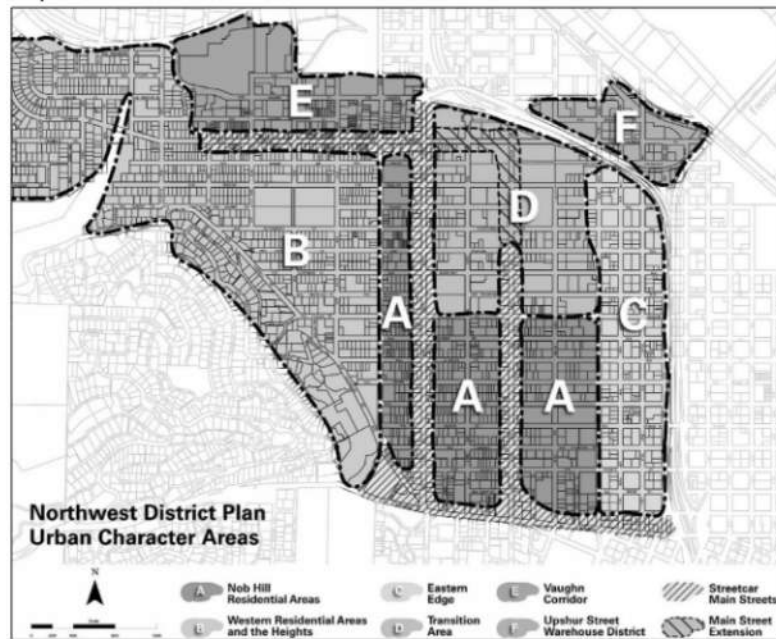
The district-wide considerations, which precede the individual Urban Character Area statements, include general desired characteristics that should be consulted for proposals on all sites in the Northwest District.

Urban Character: District-wide Considerations

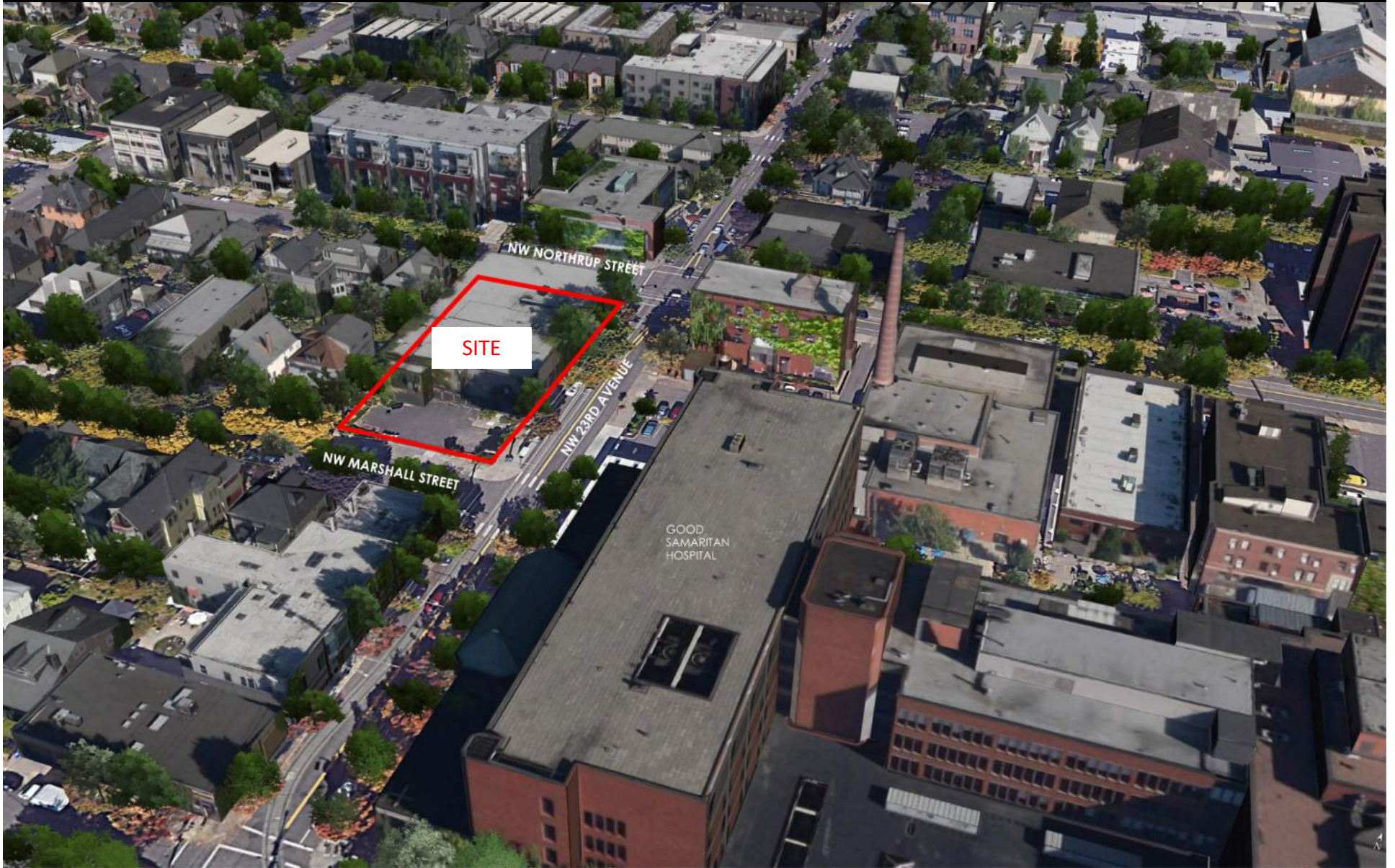
While the emphasis of the Desired Characteristics and Traditions statements that follow is on highlighting the distinguishing characteristics of each urban character area, development throughout the Northwest District should contribute to maintaining the district’s architectural scale and its fine-grain pattern of development. **New buildings** and additions that are taller than the two- to four-story building height that is predominant in the district **should have upper stories stepped-back** in order to contribute to a more consistent streetscape and to maintain neighborhood scale. Also, the street frontage of large projects should be divided into distinct components that reflect the district’s established pattern of partial block massing.

EXTENT OF STEP BACK NOT SPECIFIED

Map 4: Urban Character Areas



Site & Vicinity



Looking East on NW Marshall



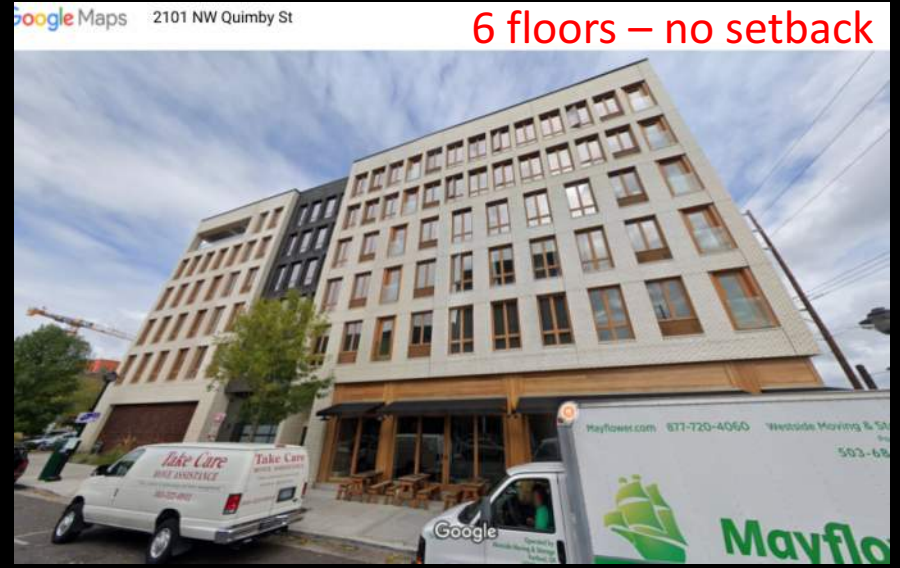
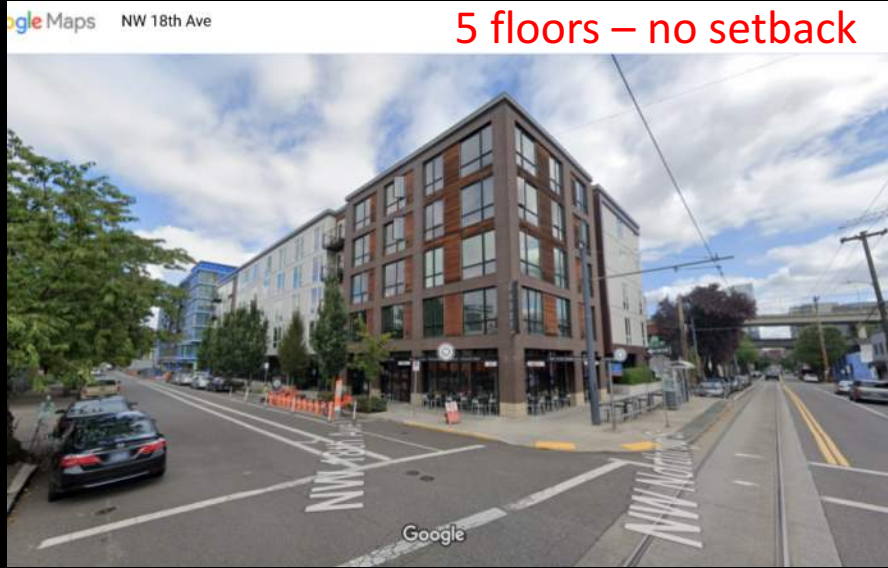
SITE



Northwest 23rd Avenue

NW Marshall Street

Northwest District – Newer Development



Northwest District – Older Development



Northwest 23rd Avenue Streetscape



NW Northrup Streetscape



NW NORTHROP STREET

GBD

West Setback perspective



NW Marshall Streetscape



NW MARSHALL STREET

GBD

NW 23rd Avenue Streetscape





Staff Finding: In this case, the building is over 4 stories but is not stepped back from NW 23rd. Given this building located in the middle of NW 23rd, it faces the streetcar as well as the larger Good Sam across the street, and most of the massing has appropriately been set to the east away from the smaller-scaled residential zoned area to the west, staff considered the 5-story massing facing NW 23rd appropriate for this specific site.

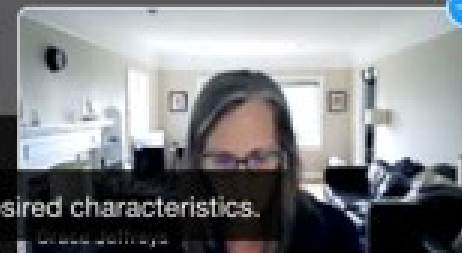
Live Transcription (Closed Captioning) has been enabled

Who can see this transcript?

Approval Criteria

- Design Review
Community Design Guidelines

So, staff found that in this case the building is over the four stories that is part of that district wide desired characteristics.



What is this appeal about?

One thing:

Guideline P1: Community Plan Area Character – Upper Stories Stepbacks Northwest District Plan, p. C-15; *“New buildings and additions that are taller than the two- to four-story building height that is predominant in the district should have upper stories stepped-back in order to contribute to a more consistent streetscape and to maintain neighborhood scale.”*

And whether this Guideline is met

What this appeal is not about?

- **Affordable housing**
- **Step downs at the rear of the building required by the base zone**
- **Allowable height and bonuses**
- **Design quality**
- **Staff opinions**
- **Design Commission preferences**
- **A 6" step back or a "small projecting cornice" detail**

The Staff Report's Finding:

*“While the building is taller than most existing buildings in the area, it is within the allowable building height limit, **and design elements have been incorporated to address the four-story building height datum.** A direct result of the step-down height at the west edge is a that significant portion (almost a third) of the north and south elevations are in fact 4 stories tall. The southwest parapet detail carries thru the south and southeast elevations to delineate this datum. Additionally, the middle portion of the east elevation which makes up approximately 40% of the length has a brick cornice detail at this datum height that is further enhanced with a 6-inch step back to the upper floor.”*

The Staff Report's Finding:

*“While the building is taller than most existing buildings in the area, it is within the allowable building height limit, and design elements have been incorporated to address the four-story building height datum. A direct result of the step-down height at the west edge is **a that significant portion (almost a third) of the north and south elevations are in fact 4 stories tall.** The southwest parapet detail carries thru the south and southeast elevations to delineate this datum. Additionally, the middle portion of the east elevation which makes up approximately 40% of the length has a brick cornice detail at this datum height that is further enhanced with a 6-inch step back to the upper floor.”*

The Staff Report's Finding:

*“While the building is taller than most existing buildings in the area, it is within the allowable building height limit, and design elements have been incorporated to address the four-story building height datum. A direct result of the step-down height at the west edge is a that significant portion (almost a third) of the north and south elevations are in fact 4 stories tall. The southwest parapet detail carries thru the south and southeast elevations to delineate this datum. Additionally, the middle portion of the east elevation which makes up approximately 40% of the length **has a brick cornice detail at this datum height that is further enhanced with a 6-inch step back to the upper floor.**”*

NWDA appeal of the proposal for NW 23rd and Marshall

What the Base Zoning allows:

- **45' Maximum Height**



NWDA appeal of the proposal for NW 23rd and Marshall

With bonus for affordable housing:

- **55' Maximum Height**



in addition the site slopes ~10':

- **65' nominal height**
- **Cornice detail in lieu of step back**



with the stepbacks per Guideline P.1

- **45' apparent height to the adjacent street and sidewalk**



What this appeal is about:

- **What Guideline actually says**
- **Whether the proposed building conforms to the Guideline**
- **Whether the Finding of the Staff Report accurately reflects what the Guideline says and if it is met**
- **What basis the Commission has to approve a proposal with a clearly unmet Guideline, even for an otherwise “good” building**

What this appeal is about:

- **What happens when a “not-so-good” building shows up and asks for the same “shaded” precedent?**
- **Respecting the thousands of citizen hours involved in developing the *Northwest District Plan* and its Guidelines**
- **And whether that *Plan* and its Guidelines have both standing and meaning**

The NWDA requests that Council:

- **Direct BDS staff to interpret Guidelines directly and accurately**
- **Direct the Design Commission to not approve proposals where all Guidelines are not met**
- **And direct both entities to support and enforce the NW District Plan and the other community plans in our City**

NWDA appeal of the proposal for NW 23rd and Marshall

