



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

Dan Ryan, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portland.gov/bds

STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION

CASE FILE: LU 21-079366 DZM
PC # 20-219920
Con-way Block 261 & 262 – Slabtown Savier
REVIEW BY: Design Commission
WHEN: Thursday, December 16, 2021, 1:30 PM
WHERE: Design Commission Agenda:
<https://www.portland.gov/bds/design-commission>

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 503-865-6518 /
Tanya.Paglia@portlandoregon.gov

GENERAL INFORMATION

Applicants: Kurt Schultz | Sera Design and Architecture
338 NW 5th Ave | Portland, OR 97209
Tel: 503.445.7312

Doug Burges | Greystar
1125 NW Couch St. #450 | Portland, OR 97206

Interested Party: XPO Properties Inc
PO Box 4138 | Portland, OR 97208-4138

Site Address: **NW 19TH AVE**

Legal Description: BLOCK 261 LOT 5&8&9&11-18 TL 3500, COUCHS ADD; BLOCK 262 INC PT VAC ST LOT 7&10&11&14 INC PT VAC ST LOT 15 EXC PT IN ST, LOT 16-18 EXC PT IN ST, COUCHS ADD

Tax Account No.: R180223140, R180223300
State ID No.: 1N1E28DC 03500, 1N1E28DC 03900
Quarter Section: 2827 & 2828

Neighborhood: Northwest District, contact Greg Theisen at 503-227-5430.
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

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 proposal to develop blocks 261 and 262, two adjacent blocks located in the far east end of the Con-way master plan area which is within the Northwest Plan District and within the NW Pedestrian District. The proposed development will have 363 market rate apartments across the two parcels. The site configuration consists of two “L” shaped buildings. Block 261 will be a 5-story building with 149 residential units and tuck under parking accessed from NW 20th Ave on the west side of the site, and a private dog park at the eastern end of the site. Block 262 will be a 6- and 7-story building (that steps down to 4- and 5-stories) with 214 units and basement parking accessed from NW Raleigh St on the south side of the site.

St. Patrick's Roman Catholic Church, an individually listed National Register historic landmark built in 1891, sits to the east and will be buffered by a public pocket park located at the eastern end of Block 262. Both buildings have their main residential lobbies at the intersection of NW Savier St and NW 20th Ave. There is a combination of four live/work units along NW 20th Ave, two at the northwest corner of Block 261 and two at the southwest corner of Block 262. Block 262 also features a fitness room at the pocket park. Both buildings will also include ground floor residential uses.

The project proposes exterior façades of face brick as primary cladding with several brick colors: Block 261 is a combination of classic red brick and dark iron spot brick; and Block 262 is light ivory colored brick (color 2, App. 13) with an alternate darker beige colored brick (color 5, App. 13) presented in the proposal. Accent material is fiber cement panels. Storefronts are aluminum with steel canopies.

Modification requests [PZC 33.825.040]:

1. **Con-way Master Plan Development Standard 1 – Height:** to allow an increase in the height limit of Block 262 by 16’ from the allowed 67’ to a building height of 83’.
2. **Con-way Master Plan Development Standard 8.F – Top floor of buildings:** to reduce the required setback of the top floor of Block 262 (required for a building over 75’) from 5’ to 0’.
3. **Con-way Master Plan Development Standard 8.D – Ground Floor Active Use Standard,** to reduce the required distance from the finished floor to the bottom of the structure above by 1’ from 16’ to 15’.
4. **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.
5. **Parking Stall Standard (33.266.130.F ; Table 266-4):** to allow the reduction in width of some parking stalls by 8” due to structural column encroachment. Required: 8’-6” width. Proposed: 7’-10” 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. The relevant approval criteria are:

- Section 5 of the Con-way Master Plan (LU 12-135162 MS)
- 33.420, Design Overlay
- 33.825, Design Review
- Community Design Guidelines
- 33.825.040, Modifications That Will Better Meet Design Review Requirements

ANALYSIS

Site and Vicinity: The project is sited on Blocks 261 and 262 within the Con-way Master Plan area in the northern part of the Northwest Plan District and within the NW Pedestrian District. The Con-way Block 261 site sits within a larger block that is bounded by NW Thurman as well as the Highway 30 viaduct (north), NW 20th Ave (west), NW Savier (south), and NW 19th Ave (east), while the Block 261 site sits within a larger block that is bounded by NW Savier (north), NW 20th Ave (west), NW Raleigh (south), and NW 19th Ave (east).

St. Patrick's Roman Catholic Church and Rectory was built in 1891, is the oldest site in the neighborhood, and is an individually listed National Register historic landmark. The church directly abuts the site to the east. St. Patrick's Church is one of only a few historic buildings in the area and is a major landmark of the Slabtown neighborhood. The Renaissance Revival / Beaux Arts structure was designed by architect Otto Kleeman and constructed of rough basalt masonry, quarried in Clackamas County. Per the National Register Nomination, it is "the second oldest surviving church building of any denomination in the city of Portland still used for religious purposes."

Conway NW Master Plan *Design Guideline 7.F* requires that Block 262 provides land for a small pocket park west of St. Patrick's church and includes the following direction:

7.F.1 Design the space to give the historic church some "breathing room" and to provide opportunities for informally programmed activities organized primarily by adjacent development, the church or neighborhood.

7.F.2 Design of this pocket park shall be in collaboration with St. Patrick's Church.

To the west of Block 262, across NW 20th Ave is an undeveloped site, Block 292E. Diagonal from Block 262 to the southwest, across NW 20th Ave is Block 291 E, a site to be developed with a mixed-use development that was approved by the Design Commission in October 2018 and should be breaking ground within the next year. A future City park is planned to be built to the south of Block 291E, across Quimby at Block 290E. To the west of the park will be a 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 segment of Quimby St running between NW 20th Ave and NW 21st Ave is a designated Festival Street.

To the west of Block 262, across NW 20th Ave is Block 293, the XPO Logistics site with an existing 5-story office building set behind a double-loaded surface parking lot and oriented south on NW Savier Street. The brick building was built in 2000 and predates the Con-way Master Plan. An existing ODOT surface parking lot sits to the east of the site, and the US Highway 30 viaduct sits north of the block, passing over part of the ODOT lot.

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 rights-of-way, 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 99-016878 AD. Waive forward motion requirement for loading docks for proposed CNF AdTech headquarters building.
- LU 12-135162 MS. Approved Northwest Master Plan.
- LU 15-142459 MS. Master Plan Amendment removing vehicular access restriction from NW Thurman Street, amending Map 06-1 of the Con-way Master Plan.

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed November 19, 2021. The following seven Bureaus, Divisions and/or Sections responded with no objections and six of these included comments found in Exhibits E.1-E.6:

- Life Safety Division of the Bureau of Development Services (Exhibit E.1)
- Site Development Review Section of Bureau of Development Services (Exhibit E.2)
- Fire Bureau (Exhibit E.3)
- Bureau of Environmental Services (Exhibit E.4)
- The Bureau of Parks-Forestry Division (Exhibit E.5)
- The Bureau of Transportation Engineering (Exhibit E.6)
- Water Bureau

The Bureau of Environmental Services responded with the following Condition of Approval (please see Exhibit E-4 for additional details):

In order to satisfy PCC 17.38.041.A.7, permits to modify and/or replace the existing stormwater management system serving 2055 NW Savier Street, Block 261, and the ODOT-owned parking area to the east must be:

- a. Submitted and under review by BES prior to issuance of site or building permits; and
- b. Approved by BES and finalized before Certificate of Occupancy is issued for the proposed building on Block 261.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 19, 2021. 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 December 6, 2021 (Exhibit F.1) citing the following concerns:

General

1. Appendix A of the Con-way Master Plan envisioned Block 261 to be high-rise office use. The allocation of developable floor area in the CMP area has been in question for over three years. As it stands, Block 261, the development site on eastern portion of Block 293, and Block 16 have all been stripped of all developable floor area per the CMP except for what is being currently proposed on Block 261. The Block 261 site has a 150' height allowance, and needs to have the floor area available to it to develop to that density;
2. The CMP indicated office use on Block 261 due to its direct adjacency to the Hwy 30 viaduct, and the site being unsuitable for residential uses due to the acute distribution of particulate pollution from the viaduct. Residential uses are completely inappropriate at Block 261;
3. The 20th Ave LID did not provide frontage improvements along NW Thurman St. They need to be provided to reconnect the street's sidewalks as intended. The suggestion that the Hwy 30 pier locations would not allow a sidewalk is not accurate;

Massing and Access

1. There is a general concern regarding the orientation of many units on Block 262 toward an interior property line, and subsequent redevelopment of the adjacent property resulting in courtyards without meaningful sunlight and view access;
2. How are the proposed frontage improvements on NW Savier being coordinated with the design of the Greenway improvements identified in NW in Motion?

Facade and Frontage Design

1. The ground level residential units' relationship to the sidewalk and street are critical. ALL street level residential units, except those proposed as live-work units, need to be minimum 3' above sidewalk per CMP guidelines, whether they have stoops or not. The CMP area now has abundant examples of the awkward and unsafe condition of residential units being at grade with, or below, adjacent public spaces, allowing passers-by to look directly into the units, precluding the desired "eyes on the street" relationship the CMP established;

Pocket Park at St Patrick's

1. The proposed design does not appear to be consistent with CMP Guideline 7.F. The concept of the pocket park in the CMP was to provide a significant setback from the east property line of Block 262 that could be combined with the sideyard of the church to create a respectful courtyard. The proposed design appears to create a visual separation from the church rather than combining with it. The design places planters and benches and other impediments to creating a continuous ground plane, as is necessary for the space to have the functional flexibility described in the CMP;
2. The mid-block crossing on NW Savier St has been located adjacent to the pocket park, but does not seem to relate to it, or create an extension of it;

Staff Response: The findings below address many of the concerns expressed or otherwise discuss how the proposal meets the applicable Design Review approval criteria. In addition, the following bullet points address concerns noted:

- FAR limits in the Con-way Master Plan: A Tier 3 Complex Zoning Analysis (PR 21-009435 CZA) was requested for verification of the maximum floor area allowed under the Con-way Master Plan and was finalized in September 2021 (See Exhibit G-7).

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 square footage 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 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.

This project proposes 305,106 SF. Attachment A of the Tier 3 Complex Zoning Analysis is a Conway Master Plan Floor Area Usage Spreadsheet, dated September 13, 2021. Per this spreadsheet, the allowed 3:1 FAR for Con-way amounts to 2,441,403 SF, of which there is 1,352,988 SF of existing and permitted development, while there is 368,090 SF of development with permits pending. The combined amount of existing, permitted and permits-pending development is thus 1,721,078 SF. The remaining available FAR is thus 720,325 SF. This is enough for this proposal and the future development of Block 292E.

Square Footage Summary:

- Proposed square footage for Blocks 261 & 262: 305,106 SF
- Total allowed at 3:1 FAR for Con-way: 2,441,403 SF
- Existing, permitted and permits-pending: 1,721,078 SF
- Remaining available FAR: 720,325 SF

Regarding the Tier 3 Complex Zoning Analysis (PR 21-009435 CZA) Attachment A, *Conway Master Plan Floor Area Usage Spreadsheet*, the following is noted:

BDS has prepared a spreadsheet that represents the City's understanding of the current floor area usage within the Master Plan area. This information is based on the FAR regulations of the Master Plan and Portland Zoning Code, available property data, building permit records and land use history and includes information regarding existing, permitted and proposed development within the Master Plan area. BDS acknowledges that the information therein could change based on future development, more accurate data or differences between assumed and actual floor area usage for development proposals that have not yet received City approval. This spreadsheet is incorporated herein as Attachment A.

- Requiring Office Use on Block 261: The Con-way Master Plan has FAR maximums on certain use types, but does not have minimums for uses. The text on page 25 of the Master Plan states:

Anticipated program areas are summarized below on Table 03-1, and are described in detail in Appendix A.

The floor areas referenced in Table 03-1 are approximate in nature and for informational purposes only. Exact floor areas will ultimately be determined by future development applications. However, this floor area summary does serve as the maximum amount of development allowed throughout the Con-way Master Plan.

and also states:

Map 03-1 describes the locations for current uses within the plan boundary. Map 03-2 describes anticipated locations for proposed uses within the plan boundary. These locations are intended to be flexible in nature rather than prescribed—the exception being the requirement for retail along NW 21st Avenue. Office uses are anticipated to occupy the northernmost blocks, where they can adjoin existing office uses and serve to buffer the visual and acoustic impact of the Fremont Bridge approach.

In addition, Con-way Standard 2 directly addresses floor area limits.

- 2.A notes the overall 3:1 limit for the MP area
- 2.B notes FAR transfer is allowed within MP area
- 2.C notes the min FAR on each block of 1.5:1
- 2.D specifies total new retail use shall not exceed 150,000 SF
- 2.E specifies total new office use shall not exceed 450,000 SF

Therefore maximum limits on retail and office are in the development standards of Section 5 of the Master Plan, but no minimum use-related requirements (beyond 21st Ave requirements) and there is not a hard FAR limit on residential use.

- Portland Bureau of Transportation Related Concerns. The applicants applied for a Public Works Alternative Review (21-090400 PW, Exhibit G.8) with a request to waive the requirement for a sidewalk along the site's NW Thurman frontage. This proposal was approved by the Public Works Alternative Review Committee on was approved on 10/28/2021. PBOT's response to the RFR (Exhibit E.6) notes the following regarding this Public Works Alternative Review approval:

"As part of the constructed Local Improvement Project, a sidewalk was constructed on the north side of Thurman that provides a full connection between NW 20th and NW 19th. If a sidewalk was constructed along the sites' NW Thurman frontage, a retaining wall would be needed as well as providing separation from the bridge column supports. A sidewalk along this frontage would dead end approximately 200-ft from NW 19th creating an unsafe condition for pedestrians. In addition, the design of the building has no active uses except for the corner of 20th and Thurman. There will be at grade and tuck under parking along most of this frontage."

A representative from PBOT will be present at the Design Commission hearing on December 16, 2021 and can speak to any other transportation related concerns raised.

- Pocket Park Relationship to Church Side Yard. During the course of the site's two Design Advice Requests representatives of St. Patrick's noted that their preference was for the pocket park to be separate from the church's side yard for security reasons. They also wanted a wider pocket park, and the pocket park was widened from 30' to 40' between the two DARs.

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.

The Commission 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

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.

Findings for CDGs P1, P3, D7, D8; and Con-way MP DGs 4, 6: The two proposed buildings are located in the eastern end of the Conway Master Plan area where they will contribute to the emerging character of the new neighborhood. The master plan was created in 2012 and over the subsequent years, uses in the master plan area have transitioned from primarily office, industrial, warehousing and surface parking to a larger presence of high-density residential and commercial uses. Only a couple of the master plan area parcels are not yet redeveloped or without plans for redevelopment under entitlements.

In close proximity to the site will be three unique new open spaces: a new public plaza, a new city park, and a new festival street. These will build on the open space created by a network of pedestrian accessways – some built and some soon to be built – that run north-south throughout the master plan area. The site's context also includes a landmark church which is directly adjacent to the Block 262 site to be buffered by a required pocket park which will be part of this project. The context of this location calls for buildings that will build on the existing neighborhood character while creating their own unique sense of place, and that will not detract from the historic integrity of the landmark.

The proposed project consists of a 5-story building on Block 261 with 149 residential units and a 4-to-7-story building on Block 262 with 214 residential units. These buildings will add to the fabric of the new neighborhood with materials and design features that reflect the character of the area including adhering to the partial block scale of development called for in the design guidelines, utilizing brick as a primary building cladding as do many other Con-way buildings, adding unique open spaces to the eastern end of the two sites, and significantly stepping down height and eroding massing towards the adjacent landmark.

St. Patrick's Roman Catholic Church, an individually listed National Register historic landmark built in 1891, is to the east of the proposed building on Block 262. The relationship between the new building on Block 262 and the 130-year-old landmark is a key aspect of this project. It is one of only a few historic buildings in the area and is a major landmark of the Slabtown neighborhood. The Renaissance Revival / Beaux Arts structure was designed by architect Otto Kleeman and constructed of rough basalt masonry, quarried in Clackamas County. Per the National Register Nomination, it is *“the second oldest surviving church building of any denomination in the city of Portland still used for religious purposes.”*

The proposed building responds to the church by eroding its height and massing away from the landmark, stepping down from 7-stories along NW 20th Ave to a 6-story volume along NW Xavier that then steps down to a 5-story massing with a roof terrace and setback 6th story penthouse, and finally to a 4-story sidecar with a roof terrace at the pocket park. This stepped massing gives significant character and sculptural interest to block 262 while respecting St Patrick's church prominence. The roof of the 4-story volume strikes a datum with the upper roof of the church, strengthening their relationship. Block 262 also includes a 40' wide and 100' deep pocket park that allows significant breathing room between the new building and the landmark. The massing manipulations with cascading step downs from NW 20th Ave to the church combined with the pocket park

The design guidelines call for breaking up the continuity of long frontages in a variety of ways to achieve façades that are less monumental. Per the Community Design Guidelines, *Guideline P1*, Appendix J which draws from the Adopted Northwest District Plan, new development should contribute 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. Con-way NW Master Plan *Design Guideline 1* also emphasizes human scale noting, *“buildings and edges have a responsibility to contribute to pedestrian comfort and enjoyment. Buildings and edges adjacent to walkways should provide human scale and relationships which support pedestrian needs and interests.”* Con-way NW Master Plan *Design Guideline 4* also stresses the character of Northwest Portland as groupings of buildings that form *“a diverse patchwork of buildings at various heights and densities”* rather than monolithic structures.

Both Block 261 and 262 have long frontages along their two primary streets, NW Savier and NW 20th Ave. Their NW Savier St frontages are particularly long (approximately 340' and 310' respectively) which exceed the traditional 200' block length found throughout much of inner Portland. The proposal addresses the guidelines by breaking down the massing of the two buildings by shifting wall planes, shifting materials, shifting color, roofline variation, and combinations of these things. The proposed buildings capitalize on their long Savier St frontages by creating an "urban room" between the two buildings across Savier with projecting stoops and mirrored architectural elements (similar board formed concrete stoops and fiber cement panel cladding above). The room concept occurs at the central portion of the Savier frontages, breaking up each building's long façade and creating a unique sense of place along the streetscape.

The building designs include a significant amount of both inset and projecting balconies which add human scale to the buildings and contribute to further breaking down the long facades, including the very visible rear façade of Block 262 (south façade). As mostly residential buildings, with some work/live spaces, balconies can help create more lively and active façades by increasing activity and life on the building's exterior and providing outdoor areas where active uses can take place and signs of occupancy can take root, enriching the pedestrian experience for people passing by. Per Con-way NW Master Plan Design Guideline 1, "Porches and balconies are particularly encouraged. These elements provide human scale, allow for interaction between residents and passers-by, and allow for informal surveillance of the street."

All exterior materials are durable and of high quality with brick as the primary cladding and fiber cement panels with integral color as the accent material. Each building will employ a different field brick and accent brick color to further erode the full block's massing: Block 261 is a combination of classic red brick and dark iron spot brick; and Block 262 is light ivory colored brick. The Conway context has been set with primarily brick buildings, and these building build on that context with brick that will be detailed in a thoughtful manner to promote visual interest and add depth and character to the facades via protrusions, reveals and unique coursing. Fiber cement panels highlight the setback at level 7 on block 262 and distinguish the building top as a penthouse level. At the ground floor and residential lobby frontages, aluminum framed storefront system and wood cladding accents with steel canopies will be utilized to create a ground floor vernacular.

Two alternate color options are presented for Block 262's brick cladding. The default is light ivory colored brick (*color 2, App. 13*) and the alternate is a lightly darker beige/cream colored brick (*color 5, App. 13*). *Staff notes that the default color will create a stark contrast with St. Patrick's church which will be more jarring and the lighter color will not hold up as well to air pollution from the adjacent freeway. Staff finds the alternate color to cause less distraction from the landmark and believes it will better avoid discoloration over time.*

With a Condition of Approval that the alternate cream color brick (color 5, App. 13) shall replace the white brick color (color 2, App. 13) on all the building volumes shown in color 2 on Block 262, 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.

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;

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

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

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 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.

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

Findings for CDGs E1, E2, E3, E4, E5, D1, D2, D3, D4, D5; and Con-way MP DGs 1, 2, 3, 5, 7A, 7F: 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 two blocks. Materials at the base of both buildings in the touch zone are durable and visually appealing, defined by extensive glazing, aluminum storefronts, accent wood cladding, steel canopies, exterior lighting, and masonry detailing. Balconies and terraces help provide activation to the pedestrian realm by providing eyes on the street and visual interest to passers-by. Extensive canopy coverage is found on both building including a canopy over the garage entry of Block 261. Canopies as well as insets to the building wall will allow people to stop, visit, and meet under cover. The proposed project enhances safety in the area with all building entrances being well lighted and having clear sight lines in all directions; the residential and parking entrances being secured by a key-card system; and active facades providing 'eyes on the street.

The development's street frontages will be active, with work/live, residential lobby, amenity spaces, and ground floor residential. Corners along the primary street frontages are programmed with active uses to contribute to a vibrant and pedestrian-oriented streetscape: the southeast corner at NW Raleigh and NW 20th is live/work, as is the northeast corner at NW Thurman and NW 20th. The intersection of NW Savier and NW 20th Ave is anchored and activated by the lobbies of both block 261 and blocks 262. The eastern ends of both buildings are activated by programmed outdoor spaces. A dog exercise area for building residents provides activation and green space at the eastern end of Block 261, while the pocket park between Block 262 and the church offers a welcoming environment to the general public with an adjacent active fitness use in the building which contributes to safety.

Active ground floor uses along street facing frontages are encouraged throughout the Master Plan area. Given the two blocks' location at the northeastern reaches of Con-way with no frontage on 21st Ave or a pedestrian accessway, the large amount of ground floor residential is appropriate here if designed appropriately. It has been designed to successfully transition from the private to the public realm with entrances elevated and set back from the sidewalk and raised stoops which allow privacy and "defensible space" which is more likely be utilized and contribute to a sense of an active frontage.

Both blocks have ground floor residential uses along NW Savier street which is designed to be a quiet residential oriented multi-modal street. Buildings are set back from the property line on NW Savier Street to provide projecting stoops for residential units, and an "outdoor room" is created by the two buildings' shared ground floor residential expression across NW Savier.

The pocket park west of St. Patrick's church required by Conway Design Guideline 7.F will be 40' wide and 100' deep and will be activated by a large amenity fitness space along the eastern edge of the building that has access to the park. The building will provide human scale along the edge of the new open space with door, window and wall treatments relating and contributing to pedestrian enjoyment. The pocket park will be a unique public space providing a cozy open space along the streetscape. Its design is welcoming and provides places to sit and gather with a wide central through-zone balanced with a great deal of custom wood benches and landscape planters that provide enclosure. *Con-way Master Plan Design Guideline 7.F notes that the pocket park must "provide opportunities for informally programmed activities organized primarily by adjacent development, the church or neighborhood." While the space is designed in such a way to facilitate such programming, public access must be ensured via an easement and this must include a certainty that it will be open and accessible during all daylight hours.*

With a Condition of Approval that an easement shall be provided prior to issuance of building permit allowing public access to the pocket park with gates unlocked and fully open with no barrier from dawn until dusk (at a minimum) and that allows informally programmed activities organized by adjacent development, the church or neighborhood, per Con-way Master Plan Design Guideline 7.F, these guidelines are met.

(1) MODIFICATION REQUESTS (33.825)

33.825.040 Modifications That Will Better Meet Design Review Requirements:

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

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

1. **Con-way Master Plan Development Standard 1, Height**, to allow an increase in the height limit by 16' from the allowed 67' to a building height of 83'.

Purpose Statement: 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.

Standard: Maximum height for Block 262 is 67' (Map 05-1).

Findings: A height Modification will allow Block 262's FAR to be reshaped away from *St Patrick's Roman Catholic Church*, a historic landmark, and it will allow the adjacent pocket park to be widened from 30' to 40' with the building's FAR retained elsewhere on the site. The proposed building has a 7-story mass to the west that then steps down in height to the east to 6 stories, 5 stories, and finally 4 stories as it gets closer to the pocket park and church. With the building stepping down to 4-stories at the park, FAR is shifted towards 20th Ave, making the western bar of the building 7-stories, reaching a height above the allowed 67'.

The added height along NW 20th Ave requires Modifications to both Con-way Master Plan Development *Standard 1 – Height*: increasing from the 67' allowed to 83'; and Con-way Master Plan Development *Standard 8.F – Top floor of buildings*: to reduce the required setback of the top floor of Block 262 (required for a building over 75') from 5' to 0'. The project as currently proposed, featuring stepped height, provides more open space at the ground level and greater variation in building massing and rooflines than would a building with a consistent 5 or 6 stories that conformed to the height standard. This stepped massing gives significant character and sculptural interest to block 262 while respecting *St Patrick's* prominence.

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, improving the quality of the pedestrian realm, and therefore meets the purpose of the standard.

The proposed massing allows the development to feature more open space with a wider pocket park and allows the building to step down towards the landmark church by adding enough additional height to the building along 20th Ave to maintain the desired FAR, thus the design with Modification better meets the following guidelines: *Community Design Guidelines P1 – Plan Area Character, E2 – Stopping Places, D1 – Outdoor Areas, D7 – Blending into the Neighborhood, and Con-way Master Plan Design Guidelines 1. Provide human scale to buildings and*

edges along sidewalks, squares and pedestrian accessways, 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, 7.F. Pocket park. Provide land for a small pocket park west of St. Patrick's Church.

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'.

Purpose Statement: 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.

Standard: The top floor of all buildings taller than 75 feet shall be setback a minimum of 5 feet.

Findings: Con-way standard 8.F applies to Block 262 which will be over 75' tall. Most of the 7th story will have the 5' setback. Only the NW corner of block 262 does not. Here the brick cladding is carried up from the lower floors to the top floor, accenting this corner of the site at the intersection of NW 20th Ave and NW Savier St. The setback modification allows the building to have varied height along NW 20th Ave to create more visual interest for the development through diversity of volume and form. As noted in the height Modification above, Block 262 includes a 40' wide and 100' deep pocket park on the eastern side of NW Savier adjacent to the historic St Patrick's Roman Catholic Church and the building's height steps down to the church from 7-stories down to 4-stories to allow breathing room. The purpose statement primarily speaks to the pedestrian experience. The roofline variety, increased open space, and stepped massing that this Modification will allow provides visual interest to pedestrians, meeting the purpose of the standard.

In not meeting the "Top Floor of Buildings" standard on this part of the building, a stronger differentiation of the corner volume from the rest of the 7-story bar along NW 20th Ave is achieved. The larger volume along NW 20th features its seventh floor styled as a set-back penthouse and the smaller corner volume will read as a solid seven story building without a penthouse. The Modification allows roofline and massing variation, elements called out in "Desired Characteristics and Traditions" for the Transition Area (where this block is located). The project will thus better meet the following guidelines: Community Design Guideline 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.*

Therefore this Modification merits approval.

3. Con-way Master Plan Development Standard 8.D, Ground Floor Active Use Standard, to reduce the required distance from the finished floor to the bottom of the structure above by 1' from 16' to 15'.

Purpose Statement: 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.

Standard: In order to accommodate active uses the ground floor of buildings must be designed and constructed to meet the following list of requirements along at least 50 percent of the ground floor of walls in designated sites, per Map 05-6:

- 8.D.1. The distance from the finished floor to the bottom of the structure above must be at least 16 feet. The bottom of the structure above includes supporting beams;
- 8.D.2. The area must be at least 25 feet deep, measured from the façade; and
- 8.D.3. At least 35 percent of the ground floor wall area must be windows and doors.

Findings: Con-way standard 8.D applies to Block 261 along its south frontage on NW Savier St and applies to Block 262 along its north frontage on NW Savier St, along its west frontage on NW 20th St, and along its south frontage on NW Raleigh St. Thus it applies to a total of four frontages across the two blocks and the standard is met on two of four frontages. While the standard must be met along 50% of each frontage, 100% of Block 261's Savier frontage and 100% of Block 262's Savier frontage meet the standard. Additionally, the ceiling height exceeds the required 16' and is 17' to 18' all along Savier street due to the grade dropping from Raleigh to Savier. On Block 262's 20th frontage the standard is met for approximately 39% of the 200' frontage, and on NW Raleigh, for 0% of the 70' frontage.

The Modification allows the building to not meet the standard by 1' or less on small portions of the overall frontages subject to the standard. On NW 20th Ave, 100' is required (50% of 200') and 77'-4" is provided so the missing segment is 22'-8" long. On NW Raleigh St 35' is required (50% of 70') and 0' is provided so the missing segment is 35' long. In total, a combined stretch of 57'-8" linear feet of frontage that is required to meet the standard is not meeting the standard by 1' of ceiling height or less. This is balanced by the standard being exceeded on both buildings' extra-long frontages along Savier St. On Block 261, 300' meets the standard rather than the required 150', an excess of 150'. On Block 262, 262' of frontage meets the standard rather than the required 131', an excess of 131'. Between the two blocks, the standard is exceeded on those two frontages by 281' linear feet which is far more than the amount it is missed on the other two frontages, which is 57'-8" linear feet. The series of Con-way #8 standards focus on urban characteristics for ground floor development that are active, interesting and pedestrian scaled, and the purpose statement primarily speaks to the pedestrian experience. The additional linear footage of frontage meeting the standard, combined with the small height shortfall of 1' or less, on balance, helps the proposed project meet the purpose of the standard as the pedestrian experience is improved along a greater stretch of frontage than were the proposal

to meet the letter- rather than spirit- of the standard. The large amount of frontage exceeding the standard, 281' compared to the amount of frontage not meeting the standard, 57'-8" better meets the following guidelines: Community Design Guidelines *P1 – Plan Area Character, E3 – The Sidewalk Level of Buildings, D7 – Blending into the Neighborhood, 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, 5 – Provide transitions between the public and private realms when residential structures abut streets, parks and pedestrian accessways.*

Therefore this Modification merits approval.

4. 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.

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.

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 lobby space and amenity spaces thereby better meeting *Design Guidelines E2 – Stopping Places, D1 – Outdoor Areas, and E3 – Sidewalk Level of Buildings.*

Therefore this Modification merits approval.

5. Modification to the Parking Stall Standard (33.266.130.F ; Table 266-4), to allow the reduction in width of some parking stalls by 8" due to structural column encroachment. Required: 8'-6" width. Proposed: 7'-10" 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: the applicant is proposing approximately 173 parking spaces to serve 363 residential units, most underground. Some of these 8.5" wide underground spaces will be impinged upon by up to 8", for a total "clear width" of 7'-10" remaining due to the presence of 16" wide x 24" long structural columns located between some parking stalls that partially encroach (8") into the spaces. The parking garage is a private residential garage and not open to the public. All parking spaces will be assigned to individual tenants. The assigned space allows each tenant to be familiar with their own parking stall and maneuver accordingly thus making it a safe condition. By allowing a reduced width, the applicant is able to accommodate more vehicles below-grade. On street parking demands are thus reduced as well as at-grade parking areas which would reduce ground floor activation. The purpose of the standard is met.

This modification allows the project to better meet *Community Design Guidelines E1 – The Pedestrian Network, E2 – Stopping Places, D1 – Outdoor Areas, E3 – Sidewalk Level of Buildings* by allowing a greater number of parking spaces to be provided at the basement level, reducing the pressure for parking located on the street or at the ground level of the building and allowing its parking demand to be met without utilizing a ground level parking garage that would impact the pedestrian environment.

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: A Tier 3 Complex Zoning Analysis (PR 21-009435 CZA) was requested for verification of the maximum floor area allowed under the Con-way Master Plan and was finalized in September 2021 (See Exhibit G-7).

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 square footage 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 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.

This project proposes 305,106 SF. Attachment A of the Tier 3 Complex Zoning Analysis is a Conway Master Plan Floor Area Usage Spreadsheet, dated September 13, 2021. Per this spreadsheet, the allowed 3:1 FAR for Con-way amounts to 2,441,403 SF, of which there is 1,352,988 SF of existing and permitted development, while there is 368,090 SF of development with permits pending. The combined amount of existing, permitted and permits-pending development is thus 1,721,078 SF. The remaining available FAR is thus 720,325 SF. This is enough for this proposal and the future development of Block 292E.

Square Footage Summary:

- Proposed square footage for Blocks 261 & 262: 305,106 SF
- Total allowed at 3:1 FAR for Con-way: 2,441,403 SF
- Existing, permitted and permits-pending: 1,721,078 SF
- Remaining available FAR: 720,325 SF.

Regarding the Tier 3 Complex Zoning Analysis (PR 21-009435 CZA) Attachment A, *Conway Master Plan Floor Area Usage Spreadsheet*, the following is noted:

BDS has prepared a spreadsheet that represents the City's understanding of the current floor area usage within the Master Plan area. This information is based on the FAR regulations of the Master Plan and Portland Zoning Code, available property data, building permit records and land use history and includes information regarding existing, permitted and proposed development within the Master Plan area. BDS acknowledges that the information therein could change based on future development, more accurate data or differences between assumed and actual floor area usage for development proposals that have not yet received City approval. This spreadsheet is incorporated herein as Attachment A.

CONCLUSIONS

The proposed development on Blocks 261 and 262 will be well integrated with the neighborhood with materials and design features that reflect the character of the area including adhering to the partial block scale of development called for in the design guidelines, utilizing brick as a primary building cladding as do many other Con-way buildings, incorporating design details, adding unique open spaces to the eastern end of the two sites, and significantly stepping down height and eroding massing towards the adjacent landmark. A large number of balconies, porches, patios, and upper-level terraces will activate the public realm and will provide human scale, allow interaction between residents and passers-by, and allow for informal surveillance of the street. The ground floor exterior is defined by extensive glazing, aluminum storefronts, accent wood cladding, steel canopies, exterior lighting, and fine masonry detailing.

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 5-story building on Block 261 and 6- and 7-story building (with step-down to 4- and 5-stories) on Block 262 within the Con-way Master Plan area which is within the Northwest Plan District and recommends approval of the following Modification requests:

Approval for the following Modification requests:

1. Con-way Master Plan Development Standard 1 – Height: to allow an increase in the height limit of Block 262 by 16' from the allowed 67' to a building height of 83'.
 2. Con-way Master Plan Development Standard 8.F – Top floor of buildings: to reduce the required setback of the top floor of Block 262 (required for a building over 75') from 5' to 0'.
 3. Con-way Master Plan Development Standard 8.D – Ground Floor Active Use Standard, to reduce the required distance from the finished floor to the bottom of the structure above by 1' from 16' to 15'.
 4. 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.
 5. Parking Stall Standard (33.266.130.F ; Table 266-4): to allow the reduction in width of some parking stalls by 8" due to structural column encroachment. Required: 8'-6" width. Proposed: 7'-10" width for some stalls.
- 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 21-079366 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. In order to satisfy PCC 17.38.041.A.7, permits to modify and/or replace the existing stormwater management system serving 2055 NW Savier Street, Block 261, and the ODOT-owned parking area to the east must be:
 - a. Submitted and under review by BES prior to issuance of site or building permits; and
 - b. Approved by BES and finalized before Certificate of Occupancy is issued for the proposed building on Block 261.
- D. The alternate cream color brick (color 5, App. 13) shall replace the white brick color (color 2, App. 13) on all the building volumes shown in color 2 on Block 262.
- E. An easement shall be provided prior to issuance of Permit allowing public access to the pocket park with gates unlocked and fully open with no barrier from dawn until dusk at a minimum and that allows informally programmed activities organized by adjacent development, the church or neighborhood, per Con-way Master Plan Design Guideline 7.F.
- F. No field changes allowed.

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Procedural Information. The application for this land use review was submitted on August 19, 2021, and was determined to be complete on 10/21/2021.

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 August 19, 2021.

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. This Staff Report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

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 \$5,513.00 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 website: <https://www.portlandoregon.gov/bds/article/411635>. 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
12/10/2021

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
1. Original plan set – NOT APPROVED/reference only 8/19/2021
 2. Request for Evidentiary Hearing and Waiver of Right to Decision within 120 Days, 8/23/2021
 3. Applicant's incomplete letter response, 10/15/2021
 4. Applicant's project narrative, zoning summary, and response to approval criteria, 10/15/2021
 5. Updated plan set – NOT APPROVED/reference only 10/15/2021
 6. Updated plan set – NOT APPROVED/reference only 10/19/2021
 7. Updated plan set – NOT APPROVED/reference only 11/16/2021
 8. Updated plan set – NOT APPROVED/reference only 11/19/2021
 9. Stormwater Report, 11/30/2021
 10. Appendix
 - Plan set cover sheet C1)
 - Table of contents C2)
 - CIVIL - UTILITY PLAN OVERALL (C43)
 - CIVIL - UTILITY PLAN NORTH (C44)
 - CIVIL - UTILITY PLAN SOUTH (C45)

- CIVIL - UTILITY DETAILS (C46)
 - CIVIL - UTILITY DETAILS (C47)
 - Rendering: NIGHT RENDERING - LOOKING EAST ON SAVIER ST (APP.1)
 - Rendering: AERIAL VIEW FROM SW (APP.2)
 - Rendering: VIEW FROM SW BLOCK 261 (APP.3)
 - Rendering: VIEW FROM NW BLOCK 262 (APP.4)
 - Rendering: VIEW FROM SW BLOCK 262 (APP.5)
 - Rendering: POCKET PARK ON SAVIER ST (APP.6)
 - Rendering: POCKET PARK LOOKING SOUTH (APP.7)
 - Rendering: LOOKING WEST ON SAVIER ST (APP.8)
 - Rendering: COLOR ALTERNATE POCKET PARK ON SAVIER ST (APP.9)
 - Rendering: COLOR ALTERNATE LOOKING WEST ON SAVIER ST (APP.10)
 - Rendering: RESIDENTIAL STOOPS ON NW SAVIER (APP.11)
 - Rendering: RESIDENTIAL STOOPS ON NW 20TH AVE (APP.12)
 - CON-WAY MASTER PLAN (APP.14)
 - SITE AERIAL VIEW (APP.15)
 - SITE IMAGES (APP.16)
 - CON-WAY CONTEXT (APP.17)
 - ADJACENT CONTEXT (APP.18)
 - MASTER PLAN OPEN SPACE (APP.19)
 - MASTER PLAN HEIGHT (APP.20)
 - URBAN DESIGN DIAGRAMS (APP.21)
 - DAR REVISIONS (APP.22)
 - MASSING MODEL (APP.23)
- B. Zoning Map (attached)
- C. Plan & Drawings
1. Site Plan (C3) (attached)
 2. FLOOR PLAN – BASEMENT (C4)
 3. Floor Plan - Level 1 (C5) (attached)
 4. FLOOR PLAN - LEVEL 2-4 (C6)
 5. FLOOR PLAN - LEVEL 5 (C7)
 6. FLOOR PLAN - LEVEL 6 (C8)
 7. FLOOR PLAN - LEVEL 7 (C9)
 8. ROOF PLAN (C10)
 9. West Elevations on NW 20th (C11) (attached)
 10. Block 262 – North Elevation on NW Savier (C12.A) (attached)
 11. BLOCK 262 - NORTH ELEVATION ON NW SAVIER - COLOR ALTERNATE (C12.B)
 12. BLOCK 262 - SOUTH ELEVATION ON NW RALEIGH (C13.A)
 13. BLOCK 262 - SOUTH ELEVATION ON NW RALEIGH - COLOR ALTERNATE (C13.B)
 14. East Elevations (C14.A) (attached)
 15. B EAST ELEVATION - COLOR ALTERNATE (C14.)
 16. BLOCK 261 - NORTH ELEVATION (C15)
 17. BLOCK 261 - SOUTH ELEVATION ON NW SAVIER (C16)
 18. WEST ELEVATION ON NW 20TH (B/W) (C17)
 19. BLOCK 262 - NORTH ELEVATION ON NW SAVIER (B/W) (C18)
 20. BLOCK 262 - SOUTH ELEVATION ON NW RALEIGH (B/W) (C19)
 21. EAST ELEVATION (B/W) (C20)
 22. BLOCK 261 - NORTH ELEVATION (B/W) (C21)
 23. BLOCK 261 - SOUTH ELEVATION ON NW SAVIER (B/W) (C22)
 24. BLOCK 262 E/W SECTION A (C23)
 25. N/S SECTION B (C24)

26. BLOCK 261 ENLARGED ELEVATION (C25)
27. BLOCK 262 ENLARGED ELEVATION (C26)
28. EXTERIOR DETAILS (C27)
29. EXTERIOR DETAILS (VINYL WINDOWS) (C28)
30. EXTERIOR DETAILS (MISC) (C29)
31. EXTERIOR DETAILS (CANOPY) (C30)
32. EXTERIOR DETAILS (BALCONY) (C31)
33. EXTERIOR DETAILS (PARAPET) (C32)
34. LANDSCAPE - GROUND LEVEL - CONTEXT (C33)
35. LANDSCAPE - BLOCK 261 - GROUND LEVEL - MATERIALS (C34)
36. LANDSCAPE - BLOCK 262 - GROUND LEVEL - MATERIALS (C35)
37. LANDSCAPE - BLOCK 262 - POCKET PARK - MATERIALS (C36)
38. LANDSCAPE - GROUND LEVEL - MATERIALS (C37)
39. LANDSCAPE - BLOCK 262 - ROOF TERRACE - MATERIALS (C38)
40. LANDSCAPE - GROUND LEVEL CONCEPT - PLANTING (C39)
41. LANDSCAPE - ROOF TERRACE CONCEPT - PLANTING (C40)
42. LANDSCAPE - SITE PLANTING (C41)
43. LANDSCAPE - GROUND LEVEL CONCEPT - LIGHTING (C42)
44. EXTERIOR MATERIALS (APP.13)
45. FAR DIAGRAM (APP.24)
46. BIKE STORAGE DIAGRAM (APP.25)
47. GROUND FLOOR ACTIVE USE (APP.26)

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:

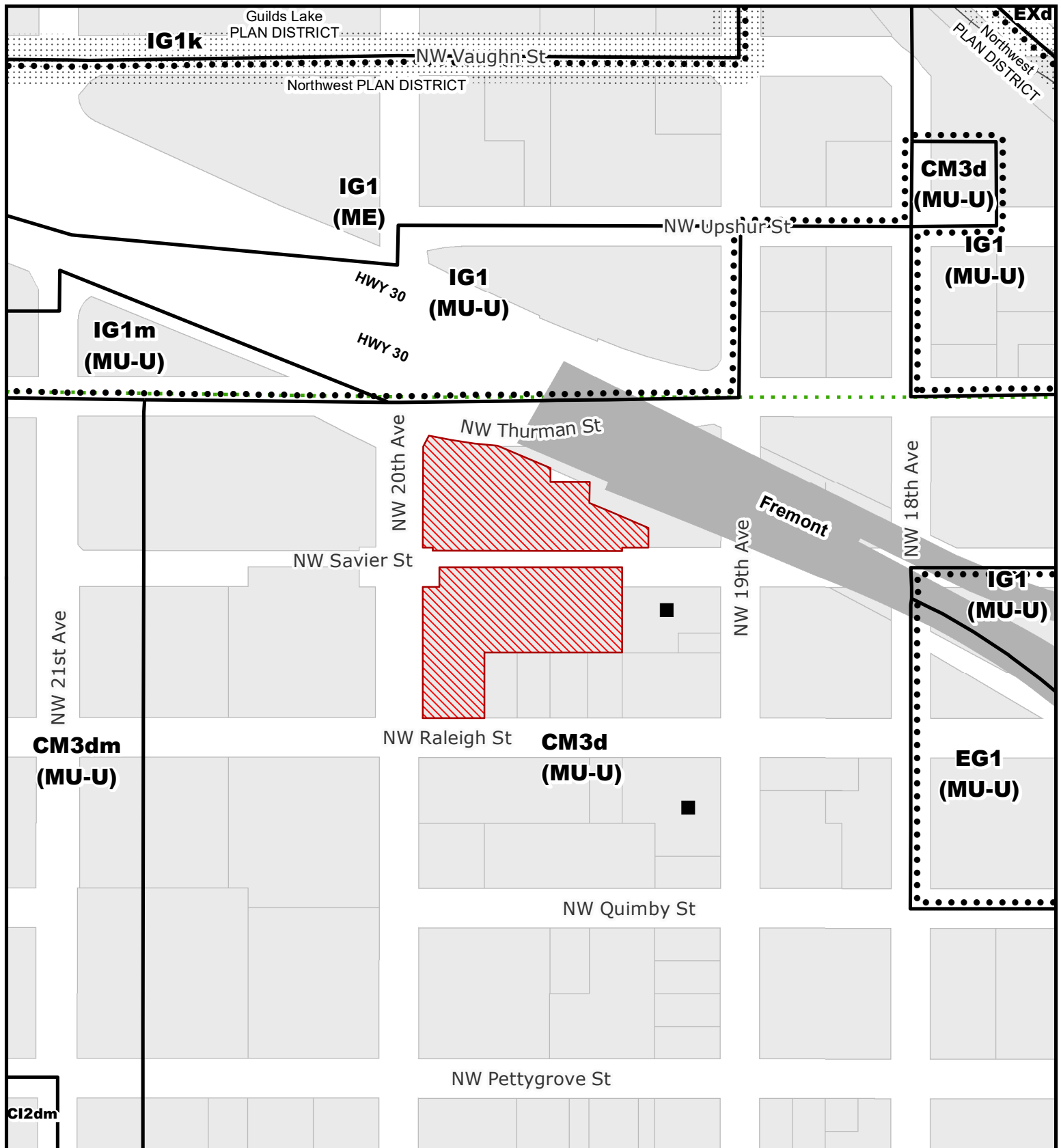
1. Life Safety Division of the Bureau of Development Services
2. Site Development Review Section of Bureau of Development Services
3. Fire Bureau
4. Bureau of Environmental Services
5. The Bureau of Parks-Forestry Division
6. The Bureau of Transportation Engineering

F. Letters

1. Steve Pinger, NWDA Planning Committee, writing on December 6, 2021 noting a number of NWDA concerns, steve@sspdev.com

G. Other

1. Original LUR Application
2. Pre-Application Conference notes, EA 20-219920 PC, held 12/29/2020
3. DAR Summary Memo, EA 21-049127 DA, held 7/1/2021
4. Request for Completeness with BES response, 9/2/2021
5. Incomplete letter, 9/16/2021
6. DAR Summary Memo, EA 20-219923 DA, held 2/4/2021 (different developer but similar proposal to current project)
7. Tier 3 Complex Zoning Analysis (PR 21-009435 CZA), September 2021
8. Public Works Alternative Review Decision (21-090400 PW)



ZONING



For Zoning Code in effect Post August 1, 2021

NORTHWEST PLAN DISTRICT



Site



Historic Landmark



Recreational Trails

File No.	LU 21 - 079366 DZM
1/4 Section	2827,2828
Scale	1 inch = 200 feet
State ID	1N1E28DC 3900
Exhibit	B Aug 20, 2021

