

CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

1900 SW 4th Avenue, Room 3100

Portland, OR 97201

phone: (503) 823-7307 - fax: (503) 823-4347

web: www.portlandoregon.gov/auditor/hearings



DECISION OF THE HEARINGS OFFICER

File No.: LU 12-135162 MS (HO 4120012)

Applicant: Con-way Properties Inc.
PO Box 4138
Portland, OR 97208-4138

Craig Boretz
Con-way Properties Inc.
1717 NW 21st Avenue
Portland, OR 97209

**Applicant's
Representatives:** John Spencer
Spencer Consultants
1950 NW Overton Street
Portland, OR 97209

Phil Beyl
GBD Architects, Inc.
1120 NW Couch Street, Suite 300
Portland, OR 97209

Hearings Officer: Kenneth D. Helm

Bureau of Development Services (BDS) Staff Representative: Kara Fioravanti

Site Address: The site is 17.49 acres. It is roughly defined by: NW 22nd and 19th Avenues, and NW Upshur and Pettygrove Streets (1417 NW 20th Avenue).

Legal Description: BLOCK 16 TL 1600, BLACKISTONES ADD; BLOCK 261 LOT 5&8&9&11-18 TL 3500, COUCHS ADD; INC PT VAC ST LOT 7&10&11 BLOCK 262 INC PT VAC ST LOT 14 BLOCK 262 INC PT VAC STS LOT 15 BLOCK 262 INC PT VAC ST LOT 16-18 BLOCK 262, COUCHS ADD; BLOCK 290&291 TL 100, COUCHS ADD; INC PT VAC STS BLOCK 292, COUCHS ADD; BLOCK 293 TL 2300 LAND & IMPS

ALSO SEE SUB ACCT R529517 (180230571), COUCHS ADD; LOT 1-3
BLOCK 294 INC PT VAC ST LOT 4&5&8 BLOCK 294 LOT 6&7&10
BLOCK 294 LOT 11&14 BLOCK 294, COUCHS ADD; BLOCK 294 INC
PT VAC ST LOT 9&12 INC PT VAC ST LOT 13&18 LOT 15-17,
COUCHS ADD; BLOCK 296 LOT 1-10, COUCHS ADD; BLOCK 296
LOT 11-18, COUCHS ADD; BLOCK 295 LOT 1-18 TL 2700, COUCHS
ADD

Tax Account No.: R080301300, R180223140, R180223300, R180230010, R180230390,
R180230570, R180230750, R180230870, R180231250, R180231350,
R180231070

State ID No.: 1N1E28CD 01600, 1N1E28DC 03500, 1N1E28DC 03900, 1N1E33BA
00100, 1N1E28CD 02400, 1N1E28CD 02300, 1N1E28CD 02800,
1N1E28CD 02900, 1N1E28CD 02500, 1N1E28CD 02600, 1N1E28CD
02700

Quarter Section: 2827

Neighborhood: Northwest District (NWDA)

Business District: Nob Hill

District Neighborhood Coalition: Neighbors West/Northwest

Plan District: Northwest Plan District

Zoning: EXd, Central Employment with design overlay and IG1, General Industrial 1

Land Use Review: Type III. MS, Northwest Master Plan

BDS Staff Recommendation to Hearings Officer: Approval with conditions

Public Hearing: The hearing was opened at 8:30 a.m. on August 27, 2012, in Room 2500A, 1900
SW 4th Avenue, Portland, Oregon, and was closed at 9:45 a.m. The record closed August 27, 2012.
The applicant's final comment period expired on September 4, 2012.

Testified at the Hearing:

Kara Fioravanti, BDS Staff Representative

Guenevere Millius, 1422 SE 32nd Place, Portland, OR

David Wark, 921 SW Washington Street, Suite 250, Portland, OR

Jill Long, Lane Powell, 601 SW 2nd Avenue, Suite 2100, Portland, OR

Chris Brehmer, Kittleson & Associates, 610 SW Alder, Suite 700, Portland, OR 97205

Ron Walters, 2057 NW Overton Street, Portland, OR, on behalf of NWDA
Kurt Krueger, PBOT

Proposal: Con-way owns the above described land parcels, which include and adjoin their office buildings in NW Portland. The applicant seeks approval on the proposed NW Master Plan for the Con-way site in Northwest Portland. Section 33.562.300 C of the Portland Zoning Code requires a NW Master Plan for future development. Con-way does not intend to participate as a developer on any of the land parcels it may sell at this time. Rather, Con-way intends to have an approved NW Master Plan in advance of potential land sale agreements with various developer/investor prospects.

Relevant Approval Criteria:

Portland Zoning Code 33.562.300 G. 1-4.

Hearings Officer's Comments:

At the August 27, 2012, public hearing, BDS Staff provided an overview of the staff report and recommended approval with conditions. Two members of the City of Portland Design Commission, Guenevere Millius and David Wark, testified and recommended approval. They noted the multiple design review consultations and constructive work between the applicant, the Northwest District Association ("NWDA") and staff.

The applicant's attorney, Jill Long, made a brief presentation. She explained some minor modifications to the master plan which were made to accommodate requests from the NWDA and other interested parties. The minor modifications were set forth in an August 27, 2012, letter submitted at the hearing. Exhibit H-3. BDS Staff agreed to the recommended revisions. She also explained a request for amendments to recommended Condition of Approval 1. Exhibit H-3. The proposed modification to the condition simply clarified that the condition could be satisfied by either construction of, or the secured financing for, the improvements planned for the intersection of NW 23rd Avenue and NW Vaugh Avenue. BDS Staff and representatives from the Portland Bureau of Transportation ("PBOT") had no objection to the modified language. The amended condition is set forth at the end of this decision. Ms. Long then stepped through the approval criteria and explained for those in attendance how the criteria were met.

Ron Walters, president of the NWDA, provided testimony in support of the application. He stated that although the NWDA continued to be concerned with overall parking needs in the area, the parking plan as set forth in the master plan appeared to be adequate to deal with parking needs generated from the development. He encouraged the enforcement of traffic demand management measures as set forth in the master plan. He agreed with the applicant that the master plan should not dictate or attempt to select a specific alignment for future streetcar service. As a final matter, he stated that the NWDA continued to urge the applicant to utilize clean diesel trucks and vehicles in the construction and operations as the project moves forward.

There was no opposition testimony at the hearing.

At the end of the hearing, the applicant requested that the written record be left open for the limited purpose of making the minor revisions to the master plan identified in Exhibit H-3. The Hearings Officer agreed, but because no party appeared to oppose the application or to contest the modifications proposed in Exhibit H-3, allowed the applicant to submit the revised master plan as part of the applicant's final comment due no later than September 4, 2012. The Hearings Officer thereafter closed the record and the hearing. On August 30, 2012, as part of the applicant's final comment, Ms. Long submitted a revised master plan (Exhibit H-8a) and letter (Exhibit H-8) stating that the master plan contained the revisions proposed at the August 27, 2012, hearing. The letter indicated that the applicant would not be submitting further comment on the application.

On August 31, 2012, the Hearings Office received a letter dated August 28, 2012, from Thomas Nelson of Urban Farming. The Hearings Officer did not consider this letter because it was not received before the evidentiary record closed.

ORS 197.763(6)(e) allows the applicant to submit a final comment after the record is closed. One limitation on the applicant's final comment is that it contain no new evidence. The final comment is considered part of the record even though the record is closed to all other parties. The applicant's final comment period allowed under ORS 197.763(6)(e) differs from an open record period which under ORS 197.763(6)(a & c) allows any participant to submit evidence and argument into the record during the open record period.

In this instance, the applicant utilized the final comment period under ORS 197.763(6)(e) to do no more than submit a final version of the master plan to include the proposed revisions submitted and discussed at the August 27, 2012, hearing. As such, those revisions to the master plan, which resulted in the final version of the master plan dated August 30, 2012 (Exhibit H-8a), do not constitute new evidence. Since the evidentiary record was not left open for all participants under ORS 197.763(6)(a & c), the evidentiary record was properly closed on August 27, 2012. The August 28, 2012, letter from Thomas Nelson containing new evidence arrived after the evidentiary record was closed, and therefore, could not be considered by the Hearings Officer.

The applicant, Portland Design Commission, BDS Staff, PBOT and the parties who participated in the review process and August 27, 2012, hearing were all in substantial agreement that the BDS Staff report was adequate to demonstrate full compliance with PCC 33.562.300 G. 1-4. For that reason, the Hearings Officer adopts the BDS Staff report and conclusions as the final decision in this matter.

For the sole purpose of calculating when the Hearings Officer's decision is due in this case the Hearings Officer selected September 4, 2012; the September 4, 2012, date takes into consideration the evidentiary record closed on August 27, 2012, and the applicant's rebuttal period formally closed on September 4, 2012.

Hearings Officer Decision: It is the decision of the Hearings Officer to adopt and incorporate into this decision the facts, findings, and conclusions of the Bureau of Development Services in its Staff

Report and Recommendation to the Hearings Officer dated August 17, 2012, and to issue the following approval:

Approval of the proposed Northwest Master Plan (August 30, 2012 – Exhibit H-8a) subject to the following conditions:

As part of the building permit application submittal, the following development-related conditions (1 through 9) must be noted on each of the four 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 12-135162 MS." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

1. Prior to completion of, or secured and dedicated financing for, the NW 23rd/NW Vaughn traffic mitigation measures, development within the Con-way Master Plan boundary shall be limited to development that generates no more than a net 506 additional p.m. peak hour trips. Development is limited to land use and trip rate allocations per Table 1 below. The applicant shall be responsible for providing an accounting of all square footages for each proposed use, existing uses (if any) being subtracted and the conversion to net trips for each building permit application, as noted in Condition 2.

Table 1 - Land Use and Trip Rate Allocations ¹		
Maximum 506 trips		
Land Use ²	Building Square Footage (GLA) / Other	Trip Rate ³
Office	1000 square feet	1.49 trips
Retail Sales and Service	1000 square feet	3.73 trips
Household Living	1 dwelling unit	0.58 trips
Vehicle Repair	1000 square feet	2.94 trips
Industrial Categories	1000 square feet	0.73 trips
Community Service	1000 square feet	1.06 trips
Day Care	1000 square feet	13.91 trips

¹The building square footage or dwelling units shall be converted to trips and compared to the maximum established. The established trip rates for these land use categories shall not be altered.

²Per Zoning Code chapter 33.920, Description of Use Categories

³All trip rates in this table are based on the highest ITE Trip Generation, 8th Edition rates for uses in each category.

2. In addition to documenting compliance with applicable Zoning Code requirements, all building permit applications submitted for new development/redevelopment shall include:
 - A description of the proposed development, with floor area or dwelling unit calculations by land use category;
 - The resulting new trips generated by the proposed development, using Table 1 - Land Use and Trip Rate Allocations from Condition 1;

- The calculated number of trips generated by any existing development, using Table 1 - Land Use and Trip Rate Allocations from Condition 1;
 - Confirmation that the proposed use trips fall within the trip thresholds in Table 1 - Land Use and Trip Rate Allocations from Condition 1.
3. The applicant shall submit a separate TDM document to PBOT prior to approval of the first building permit for new development within the Master Plan boundaries. The TDM Plan shall contain all the related elements and goals identified in the Con-way Master Plan Document and the Kittleson TIS, including parking management measures and formation of the CRA.
 4. The applicant shall install a traffic signal at NW 23rd/NW Raleigh as a condition of building permit approval for development of Block 296 (potential supermarket site).
 5. The applicant shall be responsible for contributing at a minimum a proportional share of the cost of the mitigation measures for the NW 23rd/NW Vaughn intersection. That minimum share has been determined to be 15.4 percent based on the Kittleson TIS.
 6. Street frontage improvements shall adhere to the design standards proposed in the August 30, 2012 Con-way Master Plan (Exhibit H-8a) under DESIGN PRINCIPLES FOR PUBLIC STREETS. The Con-way Master Plan street standards shall be finalized as part of the design approval for the first major development.
 7. Use regulations in the Master Plan are in Sections 3 and 5 of the August 30, 2012, Master Plan document (Exhibit H-8a).
 8. Implementation of the Master Plan is subject to the process, standards and guidelines in Section 5 of the August 30, 2012, Master Plan document (Exhibit H-8a), including:
 - Existing Zoning Code standards that apply;
 - Existing Zoning Code standards that do not apply;
 - Design Review process;
 - Design Review Modifications;
 - New Development Standards 1–10. (Height, FAR, Retail Sales and Service Uses on Block 296 including square footage limitations, FAR transfers, Neighborhood Facilities, Required Building Lines, Ground Floor Standards on NW 21st Avenue and the Square, Standards on Streets and Open Spaces, Parking, and Square Standards);
 - New Design Guidelines 1–7; and
 - Design Principles for Parks and Open Spaces.
 9. Amendments to the Master Plan are subject to the regulations in Section 8 of the August 30, 2012, Master Plan document (Exhibit H-8a), which includes process and approval criteria.

Basis for the Decision: BDS Staff Report in LU 12-135162 MS, Exhibits A.1 through H.8a, and the hearing testimony from those listed above.

Kenneth D. Helm

Kenneth D. Helm, Hearings Officer

9-14-2012

Date

Application Determined Complete:	May 17, 2012
Report to Hearings Officer:	August 17, 2012
Decision Mailed:	September 17, 2012
Last Date to Appeal:	4:30 p.m., October 1, 2012
Effective Date (if no appeal):	October 2, 2012 Decision may be recorded on this date.

Conditions of Approval. This project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appeal of the decision. ANY APPEAL OF THE HEARINGS OFFICER'S DECISION MUST BE FILED AT 1900 SW 4TH AVENUE, PORTLAND, OR 97201 (503-823-7526). Until 3:00 p.m., Tuesday through Friday, file the appeal at the Development Services Center on the first floor. Between 3:00 p.m. and 4:30 p.m., and on Mondays, the appeal must be submitted at the Reception Desk on the 5th Floor. **An appeal fee of \$5,000 will be charged (one-half of the application fee for this case, up to a maximum of \$5,000).** Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

Who can appeal: You may appeal the decision only if you wrote a letter which is received before the close of the record on hearing or if you testified at the hearing, or if you are the property owner or applicant. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

Appeal Fee Waivers: 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 Chairperson 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 must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
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. A Northwest Master Plans remains in effect for 10 years, unless the plan is amended or updated. When the Northwest Master Plan is amended or updated, the application for amendment or revision must include a discussion of when the next update will be required. (33.562.300 H.)

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

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

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 - 1. 120-day waiver
 - 2. Original Master Plan, April 24, 2012 (including Appendix E)
 - 3. Revised Master Plan, June 29, 2012
 - 4. Master Plan submitted for July 19, 2012 Design Commission
 - 5. Revisions to Master Plan sections submitted at July 19, 2012 Design Commission
 - 6. Master Plan sections submitted for August 2, 2012 Design Commission
 - 7. Revisions to Master Plan sections submitted at August 2, 2012 Design Commission
 - 8. Kittleson memo with Attachment A, August 8, 2012
 - 9. Final Revised Master Plan, August 15, 2012
- B. Zoning Map
- C. Plans and Drawings – all plans and drawings recommended for approval are included within the Master Plan document that is recommended for approval (Exhibit A.9)
 - 1. Site Plan
- D. Notification information
 - 1. Request For Response, May 29, 2012
 - 2. Posting letter sent to applicant for July 19, 2012 Design Commission
 - 3. Notice to be posted for July 19, 2012 Design Commission
 - 4. Applicant's statement certifying posting for July 19, 2012 Design Commission
 - 5. Mailing list for July 19, 2012 Design Commission
 - 6. Mailed notice for July 19, 2012 Design Commission
 - 7. Posting letter sent to applicant for August 27, 2012 Hearings Officer and August 2, 2012 Design Commission
 - 8. Notice to be posted for 27, 2012 Hearings Officer and August 2, 2012 Design Commission
 - 9. Applicant's statement certifying posting for August 27, 2012 Hearings Officer and August 2, 2012 Design Commission
 - 10. Mailing list for August 27, 2012 Hearings Officer
 - 11. Mailed notice for August 27, 2012 Hearings Officer
- E. Agency Responses
 - 1. Bureau of Environmental Services, July 19, 2012
 - 2. Portland Parks and Recreation, July 19, 2012
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Oregon Department of Environmental Quality, July 10, 2012
 - 6. Oregon Department of Environmental Quality, August 13, 2012
 - 7. Bureau of Parks, Forestry Division, July 26, 2012
 - 8. Bureau of Transportation Engineering and Development Review
- F. Letters
 - 1. Steve Pinger, July 19, 2012, comments on Open Space
 - 2. Don Genasci, July 19, 2012, comments on Open Space
 - 3. NWDA Phil Selinger, July 24, 2012 interim comments for PBOT consideration

4. Don Genasci, August 2, 2012, comments on Open Space
5. Suzanne Lennard, August 2, 2012, comments on Open Space
6. Steve Pinger, August 2, 2012, comments on Open Space
7. NWDA Ron Walters, August 2, 2012, comments on Open Space
8. Suzanne Lennard, August 14, 2012, proposed Master Plan standards

G. Other

1. BES staff notes, June 1, 2012
2. Staff Report for July 19, 2012 Design Commission
3. Reference material – existing standards & guidelines that provided inspiration to the proposed standards & guidelines
4. Staff presentation, July 19, 2012 Design Commission
5. Staff notes, July 19, 2012 Design Commission
6. Staff summary, July 19, 2012 Design Commission
7. Staff presentation, August 2, 2012
8. Staff notes, August 2, 2012 Design Commission
9. Staff summary, August 2, 2012 Design Commission
10. Original LUR Application
11. Site History Research

H. Received in the Hearings Office

1. Staff Report - Fioravanti, Kara (**attached**)
2. 8/22/12 Fax - Crowhurst Lennard, Suzanne H.
3. 8/27/12 letter (with duplicates) - Long, Jill
4. 8/27/12 letter from NW District Association - Walters, Ron
5. 8/24/12 letter from Marah Danielson with ODOT - Krueger, Kurt
6. Testimony Sign-Up Sheets - Hearings Office
7. Record Closing Information Sheet - Hearings Office
8. 8/30/12 Letter with attachment - Long, Jill
 - a. Master Plan Document - Long, Jill



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

CASE FILE: LU 12-135162 MS (PC # 11-160116)
Northwest Master Plan for Con-way site

REVIEW BY: Hearings Officer

WHEN: August 27, 2012 at 8:30 AM

WHERE: 1900 SW Fourth Avenue, Suite 2500A
Portland, OR 97201

It is important to submit all evidence to the Hearings Officer. City Council will not accept additional evidence if there is an appeal of this proposal.

BUREAU OF DEVELOPMENT SERVICES STAFF: KARA FIORAVANTI /
KARA.FIORAVANTI@PORTLANDOREGON.GOV

RECEIVED

GENERAL INFORMATION

AUG 17 2012

Applicant: Con-Way Properties Inc.
PO Box 4138 / Portland, OR 97208-4138

HEARINGS OFFICE

Craig Boretz, Con-Way Properties Inc.
1717 NW 21st Avenue / Portland, OR 97209

Representatives: John Spencer, Spencer Consultants
1950 NW Overton Street / Portland OR 97209

Phil Beyl, GBD Architects, Inc.
1120 NW Couch Street, Suite 300 / Portland, OR 97209

Site Address: The site is 17.49 acres. It is roughly defined by: NW 22nd & 19th Avenues,
and NW Upshur & Pettygrove Streets (1417 NW 20th AVENUE)

Legal Description: BLOCK 16 TL 1600, BLACKISTONES ADD; BLOCK 261 LOT 5&8&9&11-18 TL 3500, COUCHS ADD; INC PT VAC ST LOT 7&10&11 BLOCK 262 INC PT VAC ST LOT 14 BLOCK 262 INC PT VAC STS LOT 15 BLOCK 262 INC PT VAC ST LOT 16-18 BLOCK 262, COUCHS ADD; BLOCK 290&291 TL 100, COUCHS ADD; INC PT VAC STS BLOCK 292, COUCHS ADD; BLOCK 293 TL 2300 LAND & IMPS ALSO SEE SUB ACCT R529517 (180230571), COUCHS ADD; LOT 1-3 BLOCK 294 INC PT VAC ST LOT 4&5&8 BLOCK 294 LOT 6&7&10 BLOCK 294 LOT 11&14 BLOCK 294, COUCHS ADD; BLOCK 294 INC PT VAC ST LOT 9&12 INC PT VAC ST LOT 13&18 LOT 15-17, COUCHS ADD; BLOCK 296 LOT 1-10, COUCHS ADD; BLOCK 296 LOT 11-18, COUCHS ADD; BLOCK 295 LOT 1-18 TL 2700, COUCHS ADD

Tax Account No.: R080301300, R180223140, R180223300, R180230010, R180230390, R180230570, R180230750, R180230870, R180231250, R180231350, R180231070

1900 SW 4th Avenue, Suite # 5000, Portland, OR 97201

CITY OF PORTLAND
HEARINGS OFFICE
Exhibit #H-1
Case # 4120012
Bureau Case # 12-135162 MS

State ID No.: 1N1E28CD 01600, 1N1E28DC 03500, 1N1E28DC 03900, 1N1E33BA 00100, 1N1E28CD 02400, 1N1E28CD 02300, 1N1E28CD 02800, 1N1E28CD 02900, 1N1E28CD 02500, 1N1E28CD 02600, 1N1E28CD 02700

Quarter Section: 2827

Neighborhood: Northwest District, contact John Bradley at 503-313-7574.
Business District: Nob Hill, contact Patricia Fielder at 503-407-6163.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Northwest Plan District
Zoning: **EXd**, Central Employment w/ design overlay & **IG1**, General Industrial 1
Case Type: MS, Northwest Master Plan
Procedure: Type III. (A Northwest Master Plan is processed through a Type III procedure, reviewed by the Land Use Hearings Officer. The Design Commission also reviews Northwest Master Plans, and makes a recommendation to the Hearings Officer on the approval criteria in 33.562.300 G.2. The decision of the Hearings Officer can be appealed to City Council.)

Proposal:

Con-way owns the above described land parcels, which include and adjoin their office buildings in NW Portland. The applicant seeks approval on the proposed NW Master Plan for the Con-way site in Northwest Portland. Section 33.562.300 C. of the Portland Zoning Code requires a NW Master Plan for future development. Con-way does not intend to participate as a developer on any of the land parcels it may sell at this time. Rather, Con-way intends to have an approved NW Master Plan in advance of potential land sale agreements with various developer/investor prospects.

Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are 33.562.300 G. 1.-4.

Public Hearings Process:

All approval criteria are reviewed and evaluated by the Land Use Hearings Officer.

- The Design Commission makes a recommendation to the Hearings Officer on the approval criteria in 33.562.300 G.2. At a public hearing on August 2nd the Design Commission voted 4-0 in favor of forwarding a recommendation of approval on criteria 33.562.300 G.2.
- The Hearings Officer (on August 27th) may approve, deny, or apply conditions of approval to the Northwest Master Plan.

ANALYSIS

Site and Vicinity: The entire site for consideration under this Master Plan process is owned by Con-way. 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 industry-leading services through its primary operating companies of Con-way Freight, Con-way Truckload, and Menlo Worldwide Logistics. These operating units provide industry-leading regional, inter-regional and national less-than-truckload (LTL); logistics, warehousing and supply chain management services; as well as full truckload freight transportation to the best 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 hopes to create a Master Plan development framework and then sell the parcels to private developers for redevelopment. Con-way does not plan to act as a developer of the parcels.

Con-way's property is located within the boundaries of the Northwest Plan District. The aggregate site area contained within the proposed Master Plan limits, excluding current right-of-ways, is 762,168 sq. feet, or 17.49 acres. Present uses of the Con-way property include office, industrial, warehousing and surface parking (in locations indicated on Map 03-1). 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. It has largely vacated a third office building that resides on Block 295. Con-way also owns and occupies a warehouse building on Block 296, 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, 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 proposed Master Plan area is I-405, the southernmost boundary is NW Pettygrove Street, the westernmost boundary is NW 22nd Avenue and the easternmost boundary is almost to NW 20th Avenue. NW 21st (included within the Master Plan area boundary) and NW 23rd Avenues are the major commercial north-south corridors of the Northwest Plan District. They can be characterized as successful, vibrant retail streets offering amenities like small retailers, boutique shops and a wide-range of restaurants to residents, office workers, and visitors including tourists. The proposed Master Plan 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: Most of the site is zoned 'EX'. 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 EX zoned parcels also include the 'd' overlay zone. The design overlay (d) zone 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 northernmost parcel, Block 16 north of the NW Thurman and NW 22nd intersection, is zoned 'IG1'. The General Industrial 1 (IG1) zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The intent is to promote viable and attractive industrial areas. IG1

areas generally have smaller lots and a grid block pattern. The area is mostly developed with sites having high building coverage and buildings which are usually close to the street. IG1 areas tend to be the City's older industrial areas. Minimum lot area is 10,000 square feet.

The entire site is within the Northwest Plan District. 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.

Included in the Northwest Plan District regulations is a requirement for the creation of a Northwest Master Plan for specified sites. Those specified sites (all owned by Con-way), as well as 3 other parcels under the same ownership, are included in this proposed Master Plan.

Land Use History: City records indicate that prior land use reviews include:

- ZC 4684, PC 4910C, VZ 180-83 are prior reviews that are no longer relevant to this site.
- LUR 98-00588 AD – Block 16 (and the commonly owned parcels to the east that are not within this proposed Master Plan) received an Adjustment approval for a reduction of the required parking lot perimeter landscaping.
- LU 06-157680 DZ – Block 293, the existing office building Adtech II, received Design Review approval for building signs.
- LUR 99-00473 AD – Block 293, the existing office building Adtech II, received an Adjustment approval for vehicles to enter the loading facilities in a reverse motion.
- LUR 99-00160 CLR – Block 293, the existing office building Adtech II, received a clarification of regulation, which concluded, "The exemption in PCC 33.920.240.D.1 means that headquarters offices built in conjunction with an industrial use on the site are considered an industrial use. As a result, the existing CNF headquarters office in Northwest Portland is an industrial use, and the primary use of the site for headquarters is an industrial use. As such, the proposed additional headquarters office at the CNF facility would also be permitted under PCC 33.920.240.D.1."

Agency Review: A "Request for Response" was mailed **May 29, 2012**. The following Bureaus have responded with no issues or concerns: Site Development Section of BDS and Urban Forestry.

The Bureau of Environmental Services (Exhibit E-1) responded with the following comment: "BES recommends that the NW Master Plan be modified to respond to BES concerns about the capacity of the public combined sewer system in the plan area and the corresponding importance that required vegetated stormwater facilities have in both addressing infrastructure concerns and in designing the programs of future plan area developments. In short, the omission of standards or guidelines that explicitly support the integration of stormwater facilities at the Master Plan level would be a missed opportunity to actualize a connection between future design processes and stormwater facilities that will inevitably be prominent site elements. Not to mention that it would seem to trivialize the eco-district goals. There are a number of publicly owned combined sewers that cross through the Master Plan area. According to BES modeling of the local system, it is currently overburdened and is predicted to have insufficient capacity to convey expected post-developed flows. Therefore, as the parcels within the Master Plan boundary develop, the successful implementation of required vegetated stormwater management facilities will be critical to alleviating the impacts on the public sanitary and stormwater infrastructure." BDS staff note: At the July 19th Design Commission hearing the Commission considered these comments and

agreed the existing Stormwater Management Manual regulations would adequately require the necessary measures to address these sanitary and stormwater concerns at the time of building permit.

The Portland Parks and Recreation (PPR) (Exhibits E-2 and E-7) responded with the following comment: Exhibit E.2 provides general support for the Master Plan. PPR will acquire a 1.19-acre property located at the corner of NW 20th Avenue and NW Pettygrove Street for a future neighborhood park. PPR has been very involved with ensuring the Master Plan language, which includes design principles for the neighborhood park, is acceptable to their future involvement. The current Master Plan (Exhibit A.9, August 15, 2012) includes all PPR requested edits. In Exhibit E.7 under “Timing of Park Implementation” PPR outlines how the neighborhood park can be part of the Master Plan Phase 1 (Master Plan Section 7). This language was in direct response to Design Commission’s strong concerns about the neighborhood park needing to happen early in the Master Plan area’s development. Finally, PPR remains “neutral’ with regard to where the buildings enclosing the square are located (Exhibit E.7). PPR representatives were present at the August 2nd Design Commission hearing and noted it is critical there is a connection between the square and park, supporting Development Standard 10.C.

The Water Bureau (Exhibit E-3) responded with the following comment: The Water Bureau has no concerns at this time. Any future water needs for the properties identified will need to be assessed on an individual basis and site-specific needs.

The Fire Bureau (Exhibit E-4) responded with the following comment: Any development proposed within this proposal will be required to meet all applicable requirements of the Fire Code at the time of Building Permit. The Fire Bureau will review all permits associated with the multiple proposals and will address all Fire Code requirements through that process.

The Oregon Department of Environmental Quality (Exhibits E-5 and E-6) responded with the following comment: Exhibit E.5 includes details from the Environmental Cleanup Site Information Database for this site. Exhibit E.6 encourages City support for the use of cleaner diesel engines in redevelopment of the Con-way property. While worthy comments, the request for cleaner diesel engines is beyond the scope of the approval criteria for a Northwest Master Plan. BDS and PBOT staff encourage Con-way to work on a Good Neighbor Agreement with the Northwest District Association (NWDA).

The Bureau of Transportation Engineering (PBOT) (Exhibit E-8) responded with extensive analysis and comments that are found throughout this report. PBOT supports the proposed Master Plan with Conditions of Approval noted in the findings and the Staff Recommendation at the end of the report.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 29, 2012. The following testimony has been received in response to the proposal:

July 19th Design Commission hearing: Written testimony is included in Exhibits F.1, and F.2. Both letters raise concerns about the Square planned for the western portion of Block 290. At the hearing Don Genasci (representing the NWDA Planning Committee) presented the concerns raised in his letter, Exhibit F.2. In verbal testimony, the NWDA Planning Committee summarized their additional concerns as follows: Guideline #4 is not strong enough in ensuring long building facades will be sufficiently broken-up, the conceptual development proposal for Block 296 is generally supported (this development proposal was only presented at one of the Design Advice Requests and was not included in the Type III materials), and strong encouragement for the neighborhood park to begin early in the Master Plan area’s construction. The final verbal testimony was from a nearby resident (William Overton Condominiums) who raised concerns about the Master Plan not providing for adequate parking. In response to the issues raised in this public testimony, the Design Commission concluded the hearing with the following: (1) revisit

the layout of the square to ensure its success keeping in mind the challenges of the square and park being developed by different entities at different times, (2) work with PPR to ensure the neighborhood park can happen within Phase 1 of the Master Plan, (3) Guideline #4 was satisfactory to the Commission, and (4) parking regulations were acceptable though there was encouragement for the parking regulations to be more rigorous.

Written testimony submitted on July 24th: Exhibit F.3 includes the NWDA Transportation Committee's comments regarding the transportation analysis. The PBOT analysis (Exhibit E.8) includes responses to the points raised in this testimony.

August 2nd Design Commission hearing: Written testimony is included in Exhibits F.4-F.7. All letters raise concerns about the Square planned for the western portion of Block 290. At the hearing Don Genasci (representing the NWDA Planning Committee) presented the concerns raised in his letter, Exhibit F.4, Suzanne Lennard presented the concerns raised in her letter, Exhibit F.5, and Ron Walters (representing the NWDA Board) briefly summarized his letter, Exhibit F.7. Generally, the public testimony was interested in more regulation for the buildings around the square and the square itself. Of primary concerns were adequate building enclosure to the square (with a preference to a building layout in the form of a south-facing horseshoe) and an appropriate square location. The applicant's August 2nd proposal for square standards and guidelines (Exhibits A.6 and A.7) attempted to prescribe building locations and massing to address public concerns and July 19th Commission concerns. Understanding the current process is a Master Plan, which subjects the square development to future Type III Design Review process(es), the Commission requested revisions to Development Standard #10 that make it less prescriptive. The Commission warned against making the standards too burdensome, and instead encouraged the standards to be written to allow design creativity for the square and its buildings once a developer had a program for the site; and, ideally, design the site at a time when the development could also respond to neighborhood park and Quimby parcel designs. The current Master Plan (Exhibit A.9, August 15, 2012) incorporates all of the Design Commission's requested edits/revisions.

Written testimony submitted on August 14th: Exhibit F.8, from Suzanne Lennard, proposes revisions to Development Standard #10 and Design Guideline 7B. The requested changes to Development Standard #10 include: an enhanced purpose statement, larger square footage for the square, changes to the required ground plane connections, all buildings being subject to a setback at the upper floor, and the addition of 10.f.-10.k. In short, the Design Commission spent a majority of their time at the July 19th and August 2nd hearings discussing Standard #10 and Guideline 7B and reached a unanimous vote of approval for the current language. BDS staff has reviewed the suggested additions of 10.f.-10.k. and has serious reservations about implementing the language as a required development standard – the language in this additional criteria is very much like guideline language; and, in fact, many of the goals of 10.f.-10.k. can be found in the proposed Design Guideline for the square, Guideline 7B. The requested changes to Design Guideline 7B have a lot of redundancy, which can result in confusion about priorities and/or assessing compliance. Also, the following statement, "The design of the square and related development will be undertaken privately in collaboration with a neighborhood design process," is very concerning because the suggested process is not defined and would most likely be redundant with the current rigorous Type III Design Review, which includes adequate public notice, opportunity for the developer to meet with neighborhood groups, in-depth Standards and Guidelines, a public hearing, and the ability to appeal to City Council and LUBA.

ZONING CODE APPROVAL CRITERIA

33.562.300 Northwest Master Plan

A. Purpose. The Northwest Master Plan allows flexibility in design and development of a site in a manner that evokes an urban development pattern, and does not overwhelm public services. The

provisions of this section accommodate the needs of property owners to begin long-range planning for their property in advance of adoption of the Northwest District Plan. The Northwest District Plan may modify or delete this section of the code. It is likely that there will be significant overlap in both timelines and issues addressed by the private and public planning efforts; the two efforts should inform and improve each other throughout their processes.

A Northwest Master Plan will ensure:

- *Pedestrian-oriented, transit-supportive development;*
- *Development that includes a variety of uses, but retains the EX zone focus on employment uses that need a central location;*
- *High quality design appropriate to an urban setting;*
- *Active uses on the ground floor of buildings along designated transit streets and pedestrian routes;*
- *A street pattern that provides for frequent, convenient pedestrian and vehicle connections and emulates levels of connectivity similar to the adjacent block pattern;*
- *Transportation and parking demand management strategies that decrease reliance on the automobile;*
- *Development that is integrated into the broader urban fabric;*
- *Transitions to adjacent areas with different uses and intensities through use, height, and massing of new development, considering historic resources, and the character of the area anticipated through the Northwest District Plan process; and*
- *Consideration of opportunities to provide a park, plaza, or other open space that can be used by those working and living in the neighborhood; and efficient use of land.*

B. Where these regulations apply. The regulations of this section apply to sites shown on Map 562-9 at the end of this chapter. The regulations may also apply to areas that are not shown on the map, but are contiguous to or across a right-of-way from that area and under the same ownership, if the applicant voluntarily includes them in the Northwest Master Plan boundaries.

Findings for B.: The proposed Master Plan includes all of the required sites shown on Map 562-9 and, voluntarily, additional parcels that are contiguous (Block 290) or across a right-of-way from the required area and under the same ownership (Blocks 16 and 262).

C. When a Northwest Master Plan is required.

1. *Required. A Northwest Master Plan is required for sites shown on Map 562-9 where the applicant proposes:*
 - a. *Expansions of floor area or exterior improvements area greater than 1,500 square feet on the site; or*
 - b. *A change from one use category to another.*
2. *Voluntary. An applicant may voluntarily submit a Northwest Master Plan for any site not shown on Map 562-9 if the site is contiguous to or across a right-of-way from the area shown on the map and under the same ownership.*

Findings for C. 1. and 2.: Development of the Master Plan sites, which will greatly exceed C.1.a., is anticipated to commence shortly after adoption of the proposed Northwest Master Plan.

D. Components of a Northwest Master Plan. The applicant must submit a Northwest Master Plan with all of the following components:

1. *Boundaries. The boundaries of the area to be included in the Northwest Master Plan. The area must include all contiguous lots within the area shown on Map 562-9 that are owned by the same person, partnership, association, or corporation. This also includes lots that are in common ownership but are separated by a shared right-of-way.*

Findings for D. 1.: Maps 01-1 and 01-2 describe the limits of the site to be considered for the proposed Master Plan. The proposed Master Plan site is presently owned by Con-way. The entire area shown on Map 562-9 is within the proposed boundary. And, Con-way owned parcels in addition to those shown on Map 562-9 that are contiguous or across a right-of-way are also included.

2. *Overall scheme. An overall scheme, including both written and graphic elements, that describes and ties together existing, proposed, and possible development and uses, height and massing of development, phasing of development, review procedures for each development or phase, and what standards, guidelines, and approval criteria will be used to evaluate each development or phase.*

Findings for D. 2.: Master Plan Section 2 serves as an Executive Summary of the proposed Master Plan and includes, at a minimum, all of the elements listed in D.2. Master Plan Sections 3-8 elaborate on all elements listed in D.2.

3. *Uses and activities. A description of present uses, affiliated uses, proposed uses, interim uses, and possible future uses. The description must include information as to the general amount and type of all uses such as office, warehousing, retail, residential, and parking; number of employees, and number of dwelling units.*

Findings for D. 3.: Master Plan Section 3 includes a description of present uses, affiliated uses, proposed uses, interim uses, and possible future uses. Proposed and possible future uses will be those allowed by the EX, Central Employment, base zone. Table 03-1 summarizes existing square footage per use, as well as the general amount anticipated per use.

4. *Site plan. A site plan, showing the location, size, and dimensions of existing and proposed structures, the pedestrian, bicycle, and vehicle circulation system, rights-of-way proposed for dedication or vacation, vehicle and bicycle parking areas, open areas, infrastructure improvements, landscaping, and any proposed temporary uses during construction and phasing of development.*

Findings for D. 4.: Maps 04-1 through 04-9 satisfy these requirements.

5. *Development and design standards and criteria. The Northwest Master Plan must set out how specific development and use proposals will be reviewed, and the standards, guidelines, and approval criteria used to evaluate each proposal. The Northwest Master Plan may include standards that are in addition to or instead of standards in other sections of the Zoning Code. The Northwest Master Plan must address such things as height limits, setbacks, Floor Area Ratio (FAR) limits, landscaping requirements, parking requirements, entrances, sign programs, view corridors and facade treatments. Because the Northwest Master Plan is used in the EX zone, design review is required. The Northwest Master Plan must describe how design review will be implemented in the plan area. Generally, the Community Design Guidelines and Community Design Standards will apply; however, the Northwest Master Plan may augment those standards and guidelines for the area covered by the Northwest Master Plan.*

Findings for D.5.: Review processes/procedures, Development Standards and Approval Criteria will be implemented for the Master Plan area as follows:

General Zoning Code Regulations

The entire Con-way Master Plan property will remain subject to all applicable provisions of the current City of Portland Zoning Code, including the base zone regulations, except as follows:

- The alternative design review procedure provided in Chapter 33.218.015 shall not apply;

- Underlying base zone allowed uses for the property zoned IG1 on Block 16 shall be expanded to also include all allowed uses for the EXd zone;
- Parking standards of Chapter 33.266 shall apply except for instances wherein there is a conflict between Con-way parking ratios provided in Section 5 of this Master Plan and Chapter 33.266; and in those cases, the Con-way parking ratios provided in Section 5 shall supersede Chapter 33.266 and shall control;
- If conflicts occur between the NW Master Plan and the City of Portland Zoning Code requirements, the requirements of the NW Master Plan shall prevail;
- Interim phase neighborhood square development shall not be subject to Design Review; and
- Parcels owned by Con-way are not subject to non-conforming upgrades per Chapter 33.258.
- Amendments to the Master Plan will be processed pursuant to Section 8.

The extensive Development Standards in Master Plan Section 5 apply to all development proposals and major remodels of existing buildings in the Master Plan Area and are in addition to all other applicable sections of the City of Portland Zoning Code, except as outlined above.

Design Review

Development applications within the Master Plan are subject to the Design Review requirements of Chapter 33.825 Design Review. The procedures for design review, per Chapter 33.825.025 apply within the NW Master Plan area.

The extensive Design Guidelines in Master Plan Section 5 apply to all development proposals and major remodels of existing buildings in the Master Plan Area and are in addition to the Community Design Guidelines.

Open Spaces, including: the public square (the western portion of Block 290), the pedestrian accessways throughout the Master Plan area, the building forecourts at NW Xavier Street, the pocket park at St. Patrick's, the NW Quimby parcel at Blocks 290 and 291, and any other outdoor open spaces designed as part of development proposal are subject to Design Review. The neighborhood park (the eastern portion of block 290) is not subject to Design Review due to the fact that a public process including extensive outreach led by or done in collaboration with PPR will determine the ultimate programming of uses and activities, concept and design of the neighborhood park. Page 79 of the Master Plan includes "Design Principles" for the neighborhood park. Finally, per Guideline 7.B.15., interim improvements to the public square site shall be allowed (with limitations noted in the Guideline) without Design Review.

Design Review Modifications

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

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

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

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

6. *Transportation. For each phase of Northwest Master Plan development the following must be addressed:*

- a. The location and amount of motor vehicle and bicycle parking;*
- b. Strategies to reduce the number of motor vehicle miles traveled by those regularly traveling to and from the Northwest Master Plan area, including:*
 - (1) Measures to encourage those traveling to and from the Northwest Master Plan area to use alternatives to single-occupant auto trips (walking, bicycling and public transit);*
 - (2) Car or van pool programs;*
 - (3) Incentives to be offered to employees to use public transit for travel to and from the Northwest Master Plan area;*
 - (4) Incentives to be offered to employees to travel on foot or by bicycle to and from the Northwest Master Plan area. This may include incentives for employees to live within walking distance of the area;*
- c. Planned improvements to the routes used by transit patrons between transit stops and buildings in the Northwest Master Plan area;*
- d. A street plan for the Northwest Master Plan area that provides multimodal street connections to match the surrounding street grid pattern where feasible;*
- e. A multi-modal transportation impact study. The study must follow the guidelines of the Portland Bureau of Transportation; and*
- f. Traffic impacts on the streets surrounding the Northwest Master Plan area, and mitigating measures to ensure that the surrounding streets will function consistent with their designations as found in the Comprehensive Plan Transportation Element.*

Findings for D.6.: The following text from Section 6 of the Con-Way Master Plan documents that the applicant has met the required components for a Northwest Master Plan:

The proposed Northwest Master Plan is planned to include a mixed-use development of retail, office, residential housing, open space, and community uses. Construction of new development is expected to begin in the spring of 2013.

A *Multi-Modal Transportation Impact Study*, Kittelson & Associates, Inc., April 2012 (T.I.S.) was prepared to address all of the requirements of Chapter 33.562.300.C.6. The document is attached to and is included as part of the Northwest Master Plan. In this section, the primary findings, conclusions and recommendations found in the *Transportation Impact Study* are summarized. For purposes of the multi-modal transportation impact study, future conditions assuming full build-out at maximum allowed density have been assumed for year 2022. The results of this T.I.S. indicate that the proposed development within the Northwest Master Plan area achieves the following:

- Complies with the policies, street classifications, and street designations of the Transportation Element of the Portland Comprehensive Plan;
- The transportation system is capable (with planned improvements provided for herein) of safely supporting the proposed uses in the Master Plan, in addition to the existing and planned uses in the area; and,
- The proposed street plan provides a series of multi-modal street connections that match the surrounding street grid pattern.

The findings and recommendations of the T.I.S. are summarized in the following pages.

Findings for D.6.a.: It is anticipated that below grade structured parking will be provided with each development project, and that a central below grade replacement parking structure will be constructed for Con-way's employees and visitors. Several potential sites are identified on Map 06-1 for the Con-way replacement parking.

Parking will be provided at diminishing levels as the development matures and opportunities for shared parking and TDM (Transportation Demand Management) grow. Maximum parking ratios in early phases of development will reflect existing levels of transit service and relatively limited opportunities for shared parking and complementary uses. As more transit service is provided, and as the district matures with more complementary development, maximum parking ratios will be reduced.

The City of Portland is encouraged to institute paid on-street parking at the earliest possible time. On-street parking should be intended primarily for retail customers.

Parking standards for the Northwest Master Plan area are included in Section 5- Development and Design Standards and Criteria and are repeated below.

Existing Parking Standards

Parking standards for EX zone are described in Section 33.266 Tables 266-1 and 2. These standards are:

Minimum requirements for all uses: None

Maximum parking standards: Office at 2.5 stalls per 1,000 SF, Retail at 5.0 stalls per 1,000 SF, Housing at 1 stall per unit

Proposed Parking Standards

The following parking standards are proposed for the NW Master Plan area. Three levels of maximum parking standards are identified, and threshold activities are summarized that will trigger enforcement of the next level of standards. The more restrictive parking standards (levels 2 and 3) reflect standards that currently apply to other areas of the Central City that have mixed uses, high densities, and excellent transit service. The base parking standards (level 1) are based on the existing parking standards for the EX zone, but also reduce the maximum allowed for retail parking from 5 stalls to 2.5 stalls per 1,000 square feet of retail use.

1. Base Parking Level 1- Reflects Existing Conditions¹

These will be the parking standards for the Master Plan area until thresholds for Level 2 are met:

Minimum requirements for all uses: None

Maximum parking standards: Office at 2.5 stalls per 1,000 SF, Retail at 2.5 stalls per 1,000 SF, Housing at 1 stall per unit

2. Parking Level 2 - Based on Lloyd District Standards²

These will automatically become the parking standards for the Master Plan area when the following occurs:

Thresholds for Level 2 – each of the following must be in place:

- (a) A binding commitment to construct streetcar,
- (b) Operation of streetcar will commence in one year
- (c) The City has installed meters for paid on-street parking

Level 2 parking standards:

Minimum requirements for all uses: None

Maximum parking standards: Office at 2.0 stalls per 1,000 SF, Retail at 2.0 stalls per 1,000 SF, Housing at 1 stall per unit

3. Parking Level 3 - Based on River District 2 (CCTMP)³ Ultimate parking standards. These will automatically become the parking standards for the Master Plan area when the following occur:

Threshold for Level 3—each of the following must be met:

- (a) A binding commitment to construct Con-way replacement parking garage
- (b) Operation of the parking garage will commence in one year

Level 3-Final Parking Standards:

Minimum requirements for all uses: None

Maximum parking standards: Office at 1.5 stalls per 1,000 SF, Retail at 1.5 stalls per 1,000 SF, Housing at 1 stall per unit

Map 06-2 shows the location and estimated amount of vehicular parking for each block within the Northwest Master Plan area. The amount of parking assumes that the maximum parking ratio is provided for each phase, and a specific development program is assumed for each block. The block by block development program may vary, but the overall FAR of 3:1 is maintained. Also, developers of individual blocks may choose to provide parking at levels below the maximum allowed. Map 06-2 is meant to illustrate one of many examples of how vehicular parking will be provided, and represents a maximum parking plan.

Bicycle parking will be provided with each development project per current city requirements. Bicycle parking improvements will also be included within north/south and east/west accessways. See Design Principles for Pedestrian Accessways in Section 5- Development and Design Standards and Criteria. Incentives for full service bike stations are also included; see Neighborhood Facilities within the NW Master Plan Area in Section 5- Development and Design Standards and Criteria.

Findings for D.6.b.: Strategies to reduce vehicle miles traveled will be employed, as prescribed in the TDM plan found in Section 5-Transportation Demand Management in the T.I.S. In order to implement the TDM Plan, the Northwest Master Plan proposes the formation of a Community Resource Association (CRA) made up of Con-way, business and property owners located within and near the Master Plan area. The CRA will serve as a transportation management association. This CRA will coordinate with or merge with a proposed neighborhood-wide transportation parking and demand management association if it is created.

The TDM Plan establishes a baseline mode split based on resident and employee travel characteristics currently experienced within and in the vicinity of the Master Plan area. The baseline mode split results in an estimated 19,200 daily vehicular trips at full build-out assuming maximum densities are achieved. Targets are set for reductions in the baseline vehicular trips based on Department of Environmental Quality (DEQ) rules and objectives of the *City of Portland and Multnomah County Climate Action Plan (2009)*. These targets are a 10% reduction within 3 years, and a 30% reduction by 2030.

The TDM Plan identifies a large menu of measures to reduce reliance on single occupancy vehicles and to increase the use of alternative transportation modes. TDM measures are organized into four categories: parking management; facilities for bicyclists, pedestrians and transit riders; incentive programs; and education programs.

The TDM Plan will be implemented by the CRA. The CRA will be responsible for appointing a TDM Coordinator, setting fees and coordinating fundraising, designing and administering TDM programs, conducting surveys and studies to monitor results, and preparing annual progress reports provided to the Portland Bureau of Transportation (PBOT). PBOT will determine whether the goals set forth in the TDM plan have been met, and whether further actions by the CRA are required.

The CRA will also coordinate with providers, and where feasible, electric car charging stations will be strategically located near employment centers within the development to facilitate their convenient use. The CRA must be included in the TDM plan.

Findings for D.6.c.: TriMet currently provides bus transit service on NW 21st to NW Thurman, and NW Thurman Street west of NW 21st. Portland Streetcar may be extended through the Northwest Master Plan area to serve Montgomery Park on a yet-to-be determined alignment, but NW 21st, Raleigh and Thurman Streets west of NW 21st are likely streetcar routes. Maps 06-3 and 06-4 show preferred alignments.

NW 21st and Thurman Street are designated Neighborhood Collectors/Community Main Streets. PBOT standards for these streets require a 3 foot right-of-way dedication and construction of a 15 foot sidewalk on each side of these streets, providing significant pedestrian capacity along these transit routes.

All other streets within the Master Plan area will have 12 foot sidewalks which is the local street standard for the Central City. All streets will have two travel lanes, low vehicle speeds, pedestrian crossing treatments, on-street parking, wide sidewalks, and underground utilities. Mid-block pedestrian crossing treatments will be provided on all east/west streets.

In addition to wide sidewalks, the Northwest Master Plan is proposing an inter-connected system of pedestrian and bicycle corridors through both north/south and east/west pedestrian accessways. The effect of these accessways is to create a 200 foot block pattern for pedestrians in an area where east/west blocks measure 460 feet. This network will provide a more “fine-grained” pedestrian and bicycle system than currently exists, and will increase pedestrian access opportunities to existing and future transit corridors.

Many of the design standards and guidelines included in Section 5- Development and Design Standards and Criteria, focus on ensuring that a high quality pedestrian environment is created throughout the Master Plan area, and particularly on NW 21st and NW Thurman. Standards and guidelines call for building entrances to be located on streets and accessways, retail and other active uses to be located in the ground floor of buildings, and weather protection to be provided, especially on NW 21st. These standards and guidelines ensure that residential, commercial and employment uses will be easily accessible by transit patrons, and that pedestrian routes used by transit patrons will be safe, convenient and enjoyable.

Findings for D.6.d.:

➤ **Proposed Street Plan**

The proposed street plan preserves the existing street classifications and street designations of the Transportation Element of the Portland Comprehensive Plan (Map 06-5). The street plan provides a framework for development within the Master Plan area, and robust connections to the surrounding areas.

Streets within the Northwest Master Plan area will operate consistent with their current functional classification as designated in the Portland Transportation System Plan. Accordingly, NW 21st Avenue and Thurman Street will function and operate as Neighborhood Collectors and Community Main Streets, and NW 20th, 22nd Avenues, and NW Savor, Raleigh, Quimby, and Pettygrove Streets will continue to function and operate as Local Service Streets. (Figures 06-6 and 06-7 show street sections).

The southern portion of the Northwest Master Plan is a designated Pedestrian District. The entire area is recommended to be included as a Pedestrian District when the Transportation System Plan is next updated.

Streets outside of Northwest Master Plan area that are impacted by traffic generated by the development will function and operate consistent with their classifications in the Portland Transportation System Plan. These impacted streets include Neighborhood Collectors NW Vaughn Street, 23rd Avenue, and Lovejoy Street. In addition, NW 18th Avenue and 19th Avenue will continue to operate as Local Service streets.

All streets within the Northwest Master Plan area will serve the modal designations that they currently serve. Accordingly, these streets will have two travel lanes, low vehicle speeds, pedestrian crossing treatments, on-street parking, wide sidewalks, and underground utilities. As the entire Northwest Master Plan area is planned for Pedestrian District designation, all streets will have wide sidewalks: Local Streets-12 feet and Community Main Streets-15 feet.

NW 21st Avenue, Thurman Street and Raleigh Street will be designed to accommodate future Portland Streetcar, pending the City's plan for routing in the district. Both NW 21st Avenue and Thurman Street are appropriately designated as Community Main Streets to facilitate streetcar routing, and are currently served by TriMet bus routes.

In addition to wide sidewalks on all street, the Northwest Master Plan includes an inter-connected system of pedestrian and bicycle corridors through both north/south and east/west public accessways. See Figure 06-8 for a street section of these streets. This network will provide a more "fine-grained" pedestrian and bicycle system than currently exists, and will increase pedestrian access to transit corridors. As noted earlier, sidewalks along current bus routes and potential streetcar service, NW 21st and Thurman, will be 15 feet wide providing additional pedestrian capacity for transit patrons.

Other than in the proposed accessways, no separated bicycle facilities are proposed. NW Thurman and Raleigh will continue to serve as City Bikeways, and other local streets will serve as Local Service Bikeways. The Northwest Master Plan provides incentives for full service bike stations that could be located in any number of future redevelopment sites, including the Con-way replacement parking structure and near the proposed neighborhood park.

➤ **Improvements to Currently Unimproved Streets**

NW Quimby Street

A parcel that would extend NW Quimby Street between NW 20th and 21st Avenues is currently private property and owned by Con-way. The parcel is designated as a local street in the Transportation Element of the City of Portland Comprehensive Plan. Con-way intends to sell this parcel and block 290 to the south to the City of Portland Parks and Recreation, for construction of a neighborhood park.

Portland Parks and Recreation will engage in a comprehensive Master Planning process to design the neighborhood park, the process will at least include ideas for the Quimby parcel. The design of this parcel will be important in that it is envisioned to have special qualities that allow it to successfully link the neighborhood park to the south with private development to the north. Design improvements proposed for the Quimby parcel are subject to approval by the Portland Bureau of Transportation and BDS Design Review.

The Multi-modal Transportation Impact Study discussed in the following sub-section, did not include the Quimby parcel in its analysis of traffic access and circulation within the Master Plan area. Existing and future traffic on surrounding streets was found to be appropriate for the street designations assuming the parcel was unavailable for through traffic movements.

Based on the traffic study and on the desire to carefully integrate the Quimby parcel with design of a neighborhood park and adjacent development, through pedestrian and bicycle access is the priority transportation function for the Quimby parcel. The following design principles will be used

during the parks Master Planning process to guide specific design proposals for the Quimby parcel:

- Provide through pedestrian and bicycle connections between NW 21st and 20th
- Provide emergency and vehicular service access as needed to adjacent developments
- Provide pedestrian and bicycle access to building entrances and pedestrian accessways to the north of the parcel
- Provide transitions to hard and softscape elements included in the neighborhood park to the south of the parcel
- Design connections to NW 21st and 20th that discourage vehicular access, particularly through access
- Provide public access easements
- Accommodate underground public utilities as needed

Other Unimproved Streets

NW Xavier between NW 21st and 22nd does not currently exist as a public street but rather as private property. It will be restored as a public street/R.O.W. and re-dedicated to the City in concert with the development of Blocks 294 and 295.

NW Xavier between NW 19th and 21st exists as a public ROW but is not fully improved in accordance with PBOT street standards. It will be expanded to meet City street standards in concert with the development of Blocks 261, 262 and 292. The eastern-most portion of NW Xavier to NW 19th is outside of the Master Plan boundary. ODOT owns the abutting property to the north, and St. Patrick's church owns the abutting property to the south.

NW 20th between NW Raleigh and Xavier does not currently exist as a public street but as private property. It will be redeveloped to meet City street standards in concert with the development of Blocks 292 and 262.

NW 20th between NW Raleigh and Thurman does not currently exist as a fully improved public street. The street will be improved as part of the preferred option to address traffic congestion at the NW 23rd and Vaughn intersection.

NW 20th between NW Upshur and NW Thurman does not currently exist as a public street but as ODOT ROW beneath the freeway ramps. This street is outside the Con-way Master Plan area. The street will be improved as part of one option to address traffic congestion at the NW 23rd and Vaughn intersection. See the discussion of mitigation measures in a following section.

Con-way expects to burden the pro-rata share of cost for each street improvement to the properties that front or adjoin the right-of-way in question. They will require as a part of sales agreements that streets and related improvements will be made on a block-by-block basis to coincide with each development project. Efforts to establish an LID for all necessary street improvements are being discussed with PBOT, including the segment of NW Xavier to NW 19th outside the Master Plan boundary. However no commitments have been made at this time.

Design Principles for Public Streets

The public streets within the Con-way Master Plan will be improved as adjacent development is constructed. Section 6-Transportation of the Master Plan describes the street plan on Map 06-05 and street cross sections for Neighborhood Community Main Streets on Figure 06-6 and Local Service Streets on Figure 06-7. Improvements between the property line and curb will be constructed consistent with adopted City of Portland street right-of-way standards.

The basis for selecting specific design standards and details shall be the Updated River District Right-of-Way Standards, February 2004. Refinement of standards and details, selection of specific features and improvements will be subject to design review approval when the first full block

development proposal is submitted to the city for approval after the Con-way Master Plan is adopted. Subsequent development proposals shall comply with the adopted standards and details.

Design principles for public street improvements are described below. Considerations for selecting specific standards and details include appearance and character, energy efficiency, color, spacing, durability and cost. References to applicable criteria from the Updated River District Right-of-Way Standards are provided as a basis for the design principles.

- Concrete sidewalks consistent with City standards will be installed throughout the Master Plan area. (Pedestrian Criteria 2.5.1.1: 12' Sidewalks and 2.5.1.3: 15't Sidewalks; Design Standards RD-6: 12' Sidewalk Base Condition and RD-11: 15' Sidewalk Base Condition). Sand-set Pavers within the furnishing zone will be required. (Design Standards 3.1.3: Sidewalk Pavement Treatments: Flexible)
- Curb extensions consistent with City standards will be installed at all intersections as shown on Map 06-05 unless traffic operational considerations preclude their use. (Standard Plan RD-8: 12' Sidewalk Extended Curb).
- Mid-block pedestrian crossings consistent with City standards will be installed on all east/west streets as shown on Map 06-05.
- Pedestrian-scaled lighting consistent with City standards will be installed on all streets. Cobra fixtures will not be used unless the City determines that these fixtures are necessary for safety and security. (Configuration and Separation Criteria per 2.6.1.2: Street Lighting Criteria for Single Ornamental; fixtures such as post top products including Lumec Zenith Series, Lumec Metroscape and Hadco Single Ornamental will be considered for application throughout the Master Plan Area).
- Street trees will be installed on all streets consistent with City standards. The City Forester will be consulted on street tree selection. (Street Tree Performance Criteria: 2.8.1 Uniform Plantings/Upright Street Trees for east/west streets; 2.8.2 Uniform Plantings/Broad-headed Street Trees for north/south streets; 2.8.3 Infill/Established Street Trees where significant existing street tree plantings currently exist).
- Street furnishings including but not limited to benches, trash receptacles, and the like will be selected and installed consistent with City standards. The number and location of furnishings will be approved through design review.

Findings for D. 6.e.: The transportation impact study described in the T.I.S. was prepared in accordance with the Portland Bureau of Transportation (PBOT) and Oregon Department of Transportation (ODOT) requirements for transportation impact studies as well as consultation with PBOT staff. Manual traffic counts including turning volumes were taken in 2008 at a number of locations in Northwest Portland, and additional traffic data was collected in August and October 2011 to verify and calibrate earlier counts.

Existing Traffic Conditions

Traffic volumes at the study intersections were evaluated against City of Portland and ODOT operating standards. The results of the study are:

- All of the study intersections under City of Portland jurisdiction operate acceptably during the weekday a.m. and p.m. peak hours, except the NW 23rd/Vaughn intersection.
- The NW 23rd Avenue/Vaughn Street (US 30) intersection exceeds the 0.99 volume-to-capacity ratio (v/c) ODOT standard as well as the City of Portland standard for level of service (LOS) during the weekday p.m. peak hour. This intersection currently operates at LOS E, while the City's standard is for a minimum LOS D.
- A review of historical crash data did not reveal any patterns or trends in the site vicinity that require safety mitigation associated with this project.

2022 Background Traffic Conditions

Background traffic was forecast using regional models and historical traffic count data. Although

little traffic growth has occurred over the past 5 years, a 1% per year growth rate was applied to existing traffic volumes to estimate 2022 background traffic conditions. All assumptions were made in consultation with PBOT staff. The 2022 planning horizon year was chosen because the Northwest Master Plan, when adopted, is valid for 10 years.

The results of the 2022 background traffic conditions are:

- All but one of the study intersections are forecast to continue to operate at acceptable levels of service during the weekday a.m. and p.m. peak hours according to City of Portland and ODOT mobility standards.
- The NW 23rd Avenue/Vaughn Street (US 30) intersection is forecast to continue to exceed the 0.99 volume/capacity ratio (v/c) ODOT standard as well as the City of Portland LOS D standard for level of service (LOS) during both the weekday a.m. and p.m. peak hours prior to site development.

Proposed Northwest Master Plan Development Plan

The Northwest Master Plan area is proposed to include an estimated 2.28 million square feet of floor area, which includes approximately 330,000 square feet of office uses that currently exist on the property. This development plan assumes that all blocks will be fully developed at a maximum FAR of 3:1 and that no FAR bonuses are available. The trip generation from full build-out assumes a 15% reduction in auto trips compared to the suburban ITE trip rates, due to the urban location of the site and existing transit service.

- The proposed Northwest Master Plan development (excluding the existing 330,000 square feet of office) is estimated to generate approximately 17,090 daily net new trips;
- 1,145 net new vehicle trips (585 inbound, 560 outbound) are projected to occur during the weekday a.m. peak hour;
- 1,535 net new vehicle trips (740 inbound, 795 outbound) are projected to occur during the weekday p.m. peak hour.

A forecast of trip generation was conducted based on development permitted under existing zoning, including a partial utilization of FAR bonuses currently allowed. Planned uses in the Northwest Master Plan development generate 8% and 4% less trips during typical weekday a.m. and p.m. peak hours, respectively, than would reasonably be generated by development of the property under its current comprehensive plan and zoning designations.

2022 Total Traffic Conditions

A forecast of total traffic conditions combined the 2022 background traffic with the full build-out of the proposed Northwest Master Plan development. This forecast represents a “worst-case” traffic scenario because:

- Utilization of 100% of available FAR was assumed in the Northwest Master Plan area. Actual development projects in the area rarely utilize all of the FAR available.
- Full development of the entire Northwest Master Plan area was assumed by 2022. This represents a very aggressive time frame for the market to absorb almost 2 million square feet of residential, office and commercial development at one location.
- No trip reductions were assumed resulting from TDM measures. As part of this Northwest Master Plan, Con-way has committed to implement the TDM plan discussed earlier. The TDM plan targets a 30% reduction in vehicle trips.

The total traffic conditions in 2022 with the Northwest Master Plan fully developed results in the following:

- Upon site build-out, all of the study intersections are forecast to continue to operate acceptably during the weekday a.m. and p.m. peak hours with the following exceptions:
- The NW 23rd Avenue/Vaughn Street (US 30) intersection is forecast to continue to operate unacceptably during the a.m. and p.m. peak hours.
- The NW 23rd Avenue/Raleigh Street un-signalized intersection is forecast to operate unacceptably during the weekday a.m. and p.m. peak hours.

Findings for D.6.f.:

➤ NW 23rd Avenue/NW Vaughn Street mitigations:

The following provides a summary of the mitigation measures recommended as part of the Northwest Master Plan. The traffic impacts summarized above include unacceptable operation at the NW 23rd Avenue/Vaughn Street intersection, and at the NW 23rd Avenue/Raleigh Street intersection.

The original alternative mitigation measures identified for NW 23rd Avenue/NW Vaughn Street contained in the Con-way Master Plan Document and the April 2012 Kittleson TIS were not supported by ODOT. A new analysis provided in a Kittleson, August 8, 2012 provides an alternative mitigation strategy – 20th Avenue Extension.

The memorandum provides an overview and operational analysis of an alternative mitigation strategy developed in conjunction with the Con-way Master Plan to address long-term operations of the NW 23rd Avenue/NW Vaughn Street intersection. The proposed alternative strategy involves an extension of NW 20th Avenue under US 30, reconnecting the eastbound and westbound NW Thurman Street couplet at NW 20th Avenue. As part of the reconfiguration, existing and future westbound U-turn movements at the NW 23rd Avenue/NW Vaughn Street intersection would be prohibited by the Oregon Department of Transportation (ODOT). The restricted U-turn movement would be replaced by a new circulation pattern from NW 23rd Avenue to NW Wilson Street to the new NW 20th Avenue extension and south to the Con-way properties. The NW 23rd Avenue/NW Vaughn Street intersection would also be partially reconfigured in conjunction with the mitigation strategy.

Background

The April 2012 *Con-way Master Plan Multi-Modal Transportation Impact Study* (Kittelson & Associates, Inc.) addresses existing and future transportation system needs, including a series of recommended mitigations at the NW 23rd Avenue/Vaughn Street intersection. As described in the April 2012 report, this intersection does not meet ODOT or City operational standards either under existing conditions or forecast year 2022 background conditions prior to Con-way Master Plan development. In addition, long queuing regularly occurs on several of the approaches today during peak periods. The study proposed a package of mitigations for the NW 23rd Avenue/NW Vaughn Street intersection that ODOT subsequently determined would not be approved.

Alternative Mitigation Strategy Overview

Further discussions between the Con-way project team, Portland Bureau of Transportation (PBOT), ODOT, and neighborhood representatives resulted in identification of an alternative NW 23rd Avenue/NW Vaughn Street intersection mitigation concept that centers on the extension of NW 20th Avenue under US 30. Kittleson has since further assessed and refined the mitigation concept. Figure 1 in Exhibit A.8 illustrates key aspects of the resulting overall alternative mitigation strategy which include:

- Extension of NW 20th Avenue under US 30 between NW Upshur Street (north of US 30) to NW Thurman Street (south of US 30). The extension would be constructed as a two-lane, two-way local public street (one lane northbound and one lane southbound).
 - The potential alignment of this extension is within City of Portland and ODOT right-of-way. This potential street extension is outside the Con-way Master Plan area except at the south end where it links to the Con-way site.
- Creation of two new unsignalized at-grade intersections of NW 20th Avenue on the NW Thurman Street couplet; one with westbound NW Thurman Street and one with eastbound NW Thurman Street.

- The NW Thurman Street/NW 20th Avenue intersection would be stop-controlled eastbound and would have single-lane approaches in the northbound, southbound, and eastbound directions.
- Modify the NW 23rd Avenue/NW Vaughn Street intersection:
 - Re-sign the westbound approach so that the left-turn lane will be exclusively designated for left-turns onto NW 23rd Avenue southbound. Westbound U-turns (to US 30 eastbound and/or NW Thurman Street Eastbound) will no longer be allowed.
 - Modify the northbound approach to provide a separate shared through/left-turn lane and two northbound right-turn lanes. The right-turn lanes will run with green arrows (protected movement) concurrent with the northbound left-turn/through phase and when the westbound left-turn is operating (overlap phase).
 - Modify the southbound approach to provide a left-turn lane and a shared left-turn/through/right-turn lane.
 - Operate the northbound and southbound approaches as split phases.
 - Reconstruct the existing pedestrian crosswalks on the northbound NW 23rd Avenue approach to reflect elimination of the westbound U-turns, shifting the crosswalk and stop bar north. The new crosswalk location will shorten the intersection crossing distance for both pedestrians and vehicle traffic, improving intersection operational efficiency.
 - Provide new roadway guide signs to direct motorists on US 30 westbound to turn right at NW 23rd Avenue to access NW Thurman Street, NW 19th Avenue, NW 16th Avenue, Naito Parkway and the Con-way area using the existing channelized right-turn lane.

Alternative Mitigation Strategy Components

The discussion below provides additional details about various considerations associated with the alternative mitigation strategy including property/right-of-way implications, operations of the NW 23rd Avenue/NW Vaughn Street intersection, impacts to the NW Thurman Street couplet and the new NW 20th Avenue extension as well as impacts to NW Wilson Street.

NW 20th Avenue within the Con-way Property

NW 20th Avenue between NW Raleigh Street and NW Thurman Street is currently private property. The roadway will be reconstructed to meet City street standards in concert with the development of Blocks 292 and 262 of the future Con-way property development and will be dedicated as a public facility.

Implications for NW 23rd Avenue/NW Vaughn Street Intersection Operations

The alternative mitigation strategy would have multiple impacts on the NW 23rd Avenue/NW Vaughn Street intersection. Re-routing inbound trips destined to the Con-way Master Plan area will reduce trips through the critical westbound left-turn movement at this intersection. Similarly, by creating a new path from NW 20th Avenue to NW Thurman Street Westbound to NW Vaughn Street westbound, some northbound left-turns can be removed from the NW 23rd Avenue/NW Vaughn Street intersection and re-routed. Further, ODOT staff has indicated their desire to eliminate westbound U-turns at the NW 23rd Avenue/NW Vaughn Street intersection. Eliminating the U-turns will also reduce congestion at the intersection.

Turn Movement Pattern Evaluation

Detailed turn movement studies were prepared at the NW 23rd Avenue/NW Vaughn Street intersection to better understand the implications of eliminating westbound U-turns as well as how reconfiguration of the intersection could impact lane utilization. This assessment included completion of additional turn movement counts for three mid-weekdays at the NW 23rd Avenue/NW Vaughn Street intersection during typical weekday a.m. and p.m. peak hour conditions in June 2012. The traffic counts were conducted in a manner that tracked whether vehicles drove to US 30 eastbound or NW Thurman Street eastbound after completing a

westbound U-turn, a southbound left-turn, a northbound right-turn, or an eastbound through movement. Figure 4 in Exhibit A.8 summarizes the respective destinations by movement.

Nearly half of the weekday p.m. peak hour westbound U-turns are originating from and returning to US 30. During the weekday a.m. peak hour, the same percentage drops to less than 10 percent. This phenomenon was previously observed in the field in 2011 and appears to be a function of drivers using the U-turn to avoid congestion on I-405 during the evening commute hours. With the U-turn prohibited, it is assumed the existing westbound U-turns circulating to and from US 30 will no longer use the NW 23rd Avenue/NW Vaughn Street intersection.

Alternative Mitigation Concept Operational Analysis Results

The operational impacts of the alternative mitigation strategy were assessed at the NW 23rd Avenue/NW Vaughn Street intersection during the critical weekday p.m. peak hour. This analysis determined the alternative mitigation strategy would improve operations at the NW 23rd Avenue/NW Vaughn Street intersection when compared to forecast year 2022 background and unmitigated total traffic conditions presented in the April 2012 Transportation Impact Analysis. Table 1 presents a summary of the intersection operations results.

Table 1. NW 23rd Avenue/NW Vaughn Street Alternative Mitigation Traffic Operations – Weekday PM Peak Hour

	Standard¹ v/c, LOS (delay)	Resulting Operations² v/c, LOS (delay)	Meets Standard?
Existing Traffic Operations	0.99, LOS D (35-55 seconds)	1.00, LOS E (73.3 seconds)	No
2022 Background Traffic Operations		1.11, LOS F (98.7 seconds)	No
2022 Total Traffic Operations (Unmitigated)		1.39, LOS F (204.3 seconds)	No
2022 Total Traffic Operations (Alternative Mitigation)	0.99, LOS D (35-55 seconds)	0.81, LOS C (26.8 seconds)	Yes

¹v/c: volume-to-capacity LOS: level-of-service

²A volume-to-capacity ratio greater than 1.00 represents a condition where traffic demand exceeds capacity.

As shown in Table 1, the alternative mitigation strategy is forecast to improve intersection operations to a level that satisfies both City of Portland and ODOT operating standards. Accordingly, with this improvement and the NW 23rd Avenue/NW Raleigh Street intersection signalization in place, all of the study intersections are forecast to operate acceptably during the weekday a.m. and p.m. peak hours, meeting City and ODOT standards upon full build-out of the Con-way Master Plan within a 10-year period. At the critical NW 23rd Avenue/NW Vaughn Street intersection, the mitigation measures discussed above will improve traffic operations from an at-capacity condition under existing conditions (v/c = 1.0) to future year 2022 operations at approximately 81 percent of the intersection's capacity.

Queuing Analysis

A 95th percentile queuing analysis was prepared assuming provision of the NW 23rd Avenue/NW Vaughn Street Alternative Mitigations. Generally speaking, queuing conditions are improved relative to both existing and 2022 background conditions.

Other Operational Considerations

Removal of westbound U-turns at the NW 23rd Avenue/NW Vaughn Street intersection is expected to have positive safety implications for vehicles and pedestrians as compared to existing conditions. The reconfigured intersection would provide for shorter crosswalk lengths on the intersection's south leg, allowing for shorter crossing times and distances. The relocated crosswalks and stop bars would also reduce the distance required for vehicles to cross north-south through the intersection, allowing for more efficient operations.

NW Thurman Street Intersections with NW 20th Avenue Extension

The 85th percentile travel speeds in the area of the NW 20th Avenue extension are 38 miles per hour (mph) along NW Thurman Street Eastbound and 34 mph on NW Thurman Street Westbound. These speeds reflect the one-way frontage road nature of the roadways, their ramp-like configuration as well as the lack of a posted speed limit between NW 19th Avenue and NW 23rd Avenue. Both the eastbound and westbound portions of the NW Thurman Street Couplet are currently crossed by a marked pedestrian pathway under US 30.

Based on the traffic volume and speed information collected, extending NW 20th Avenue across the eastbound and westbound NW Thurman Street segments will provide better pedestrian and vehicle connectivity. The NW 20th Avenue extension is suggested to be configured for free-flow traffic through intersections between NW Wilson Street on the north side and NW Thurman Street south of US 30. Stop signs would be installed on the east-west approaches of intersections with NW 20th Avenue at NW Wilson Street, NW Vaughn Street, NW Upshur Street and both NW Thurman Street Eastbound and NW Thurman Street Westbound. The east-west stop control would facilitate pedestrian crossings of the NW Thurman Street Couplet at NW 20th Avenue and should also reduce speeds on the couplet between NW 23rd Avenue and NW 19th Avenue.

NW 20th Avenue Extension

The NW 20th Avenue extension would be constructed under US 30. Based on an initial field assessment (no detailed survey information is available at this time), the following changes would need to be made from a construction perspective:

- Grade changes are needed to allow NW 20th Avenue to move under the US 30 eastbound travel lanes with sufficient clearance (the US 30 eastbound bridge section is lower than the US 30 westbound bridge section as shown in Photo 4) and to match back in with the existing NW 20th Avenue at either end.
 - The US 30 eastbound bridge is super elevated; the section of the bridge closest to NW Thurman Street Eastbound offers the lowest clearance (constraint point).
 - The NW 20th Avenue grade would need to be increased by approximately 0.5% between roughly NW Upshur Street and US 30 westbound.
 - The NW 20th Avenue grade would need to be lowered by approximately 1.0% between roughly NW Xavier Street and US 30 westbound.
- The existing grade difference between NW Thurman Street Eastbound and NW Thurman Street through the Con-way site would need to be reconciled. As shown in Photos 4 and 5, the two roadways are closely spaced yet are constructed at different grades and are separated by retaining walls in some areas.

The existing sight line facing west from a future northbound driver's perspective on NW 20th Avenue is limited by the structure carrying US 30 over NW 20th Avenue.

- Option 1, the NW Thurman Street Eastbound Couplet would be vacated between NW 21st Avenue and NW 20th Avenue in order to:
 - Address the NW 20th Avenue Extension grading needs (particularly maximizing the vertical clearance between NW 20th Avenue and the US 30 eastbound bridge overhead);
 - Provide an efficient intersection of NW Thurman Street Eastbound, NW Thurman Street and the grid network serving the Con-way site; and
 - Enhance pedestrian movements along the new north-south NW 20th Avenue extension

This need for this change is guided by considerations including:

- Moving the new intersection away from the US 30 bridge structure allows for maximum clearance under US 30 as well as improved sight distance;
- Use of the existing NW Thurman Street allows for continued 2-way traffic flow with the local grid network; and
- Con-way does not own the triangular-shaped property bounded by NW Thurman Street Eastbound, NW 21st Avenue, and NW Thurman Street (2-way) currently used as a surface parking lot

The reconfigured routing of NW Thurman Street Eastbound traffic to NW 21st Avenue and then east on NW Thurman Street will result in additional traffic along both roadways.

- Option 2 maintains traffic flow on the NW Thurman Street Eastbound Couplet between NW 21st Avenue and NW 20th Avenue. At this time, this is the PBOT preferred option, this option would:
 - Preserve the NW Thurman Street Eastbound through movement between NW 23rd Avenue and NW 19th Street;
 - Involve lowering NW Thurman Street Eastbound between approximately NW 21st Avenue and NW 20th Avenue;
 - Require the existing two-way segment NW Thurman Street (south of US 30) between NW 21st Avenue and NW 20th Avenue be terminated west of NW 20th Avenue

Option 2 may require right-of-way acquisition but would avoid routing of existing NW Thurman Street eastbound traffic through NW 21st Avenue and the existing two-way segment of NW Thurman Street.

It should be noted that the NW 20th Avenue extension concept has not been investigated in terms of Bureau of Environmental Services (BES) storm water requirements or from a detailed civil engineering design perspective. The analysis conducted to date is limited to an exploration of preliminary feasibility.

NW Wilson Street Implications

NW Wilson Street was measured to carry approximately 820 vehicles per day between NW 21st Avenue and NW 20th Avenue. The 85th percentile travel speed for the same road segment was measured to be 28 mph (posted speed limit is 25 mph). Properties along the roadway between NW 23rd Avenue and NW 20th Avenue are zoned General Industrial (IG1) and currently include both industrial and residential development (residential units are located in a roughly one-block area between NW Vaughn Street and NW Wilson Street and between NW 21st Avenue and NW 21st Place). Traffic re-routing to eastbound NW Wilson Street from the NW 23rd Avenue/NW Vaughn Street intersection is expected to include approximately 406 weekday p.m. peak hour trips and on the order of 4,000 weekday daily trips. There is sufficient capacity on NW Wilson Street and 20th Avenue to accommodate the increased flows using the NW 20th Avenue mitigation strategy. Given the relatively flat grade of these streets, adequate sight distances, and speed limits designated for 25 miles per hour, the additional traffic to be routed onto NW Wilson Street could be accommodated from a capacity perspective.

NW Wilson Street Intersection Operations

Intersection operations were assessed during the weekday p.m. peak hour at two locations to further assess the impacts of the alternative mitigation strategy. As shown in Figure 9 in Exhibit A.8, operations were assessed at the NW 23rd Avenue/NW Wilson Street intersection and the NW 20th Avenue/NW Wilson Street intersections during weekday p.m. peak hour conditions. This analysis was developed by adding one percent annual growth to existing traffic counts completed at both intersections and then adding the re-routed trips inbound to the Con-way Master Plan area and NW Thurman Street Eastbound. Both of the intersections are forecast to operate acceptably during the 2022 weekday p.m. peak hour with the additional re-routed trips.

Con-way Development Proportional Impact

For proportionality assessment purposes, the number of weekday p.m. peak hour trips using the NW 23rd Avenue/NW Vaughn Street intersection was reviewed for the horizon year 2022. The traffic volumes at the intersection are summarized as follows.

- Total weekday p.m. peak hour entering volume: 3,935 vehicles (refer to Figure 5 in Exhibit A.8)
- Con-way weekday p.m. peak hour total entering volume: 605 vehicles (refer to Figure 6 in Exhibit A.8)
- Percentage of Con-way trips: 15.4% (605 vehicles/3,935 vehicles)

The alternative mitigation strategy described in the August 8th, 2012 Kittleson memorandum appears to offer a viable approach to mitigate the Con-way Master Plan impact on the NW 23rd Avenue/NW Vaughn Street intersection. The overall Con-way Master Plan is providing extensive transportation improvements and connectivity enhancements that will re-establish a grid network of east-west and north-south transportation facilities south of US 30. The conceptual extension of NW 20th Avenue would further augment connectivity by creating a new north-south link under US 30 that allows for alternative circulation to and from Con-way and surrounding properties.

The applicants for the Con-way Master Plan cannot be held responsible for the full cost of this mitigation. Vehicle trips associated with full build out within the Master Plan boundaries will only generate 15.4% of the trips through that intersection. Conditions of approval are recommended that shall require the applicant to contribute their proportional share of the costs. Given that the funding and timing of this mitigation measure have not been determined, it is appropriate to set a cap on how much additional development should be allowed prior to completion of the NW 23rd Avenue/NW Vaughn Street mitigation. The purpose of the cap is to allow a reasonable amount of development while assuring area residents and businesses that full build out cannot occur until the mitigation is completed. Full build out of the Con-way Master Plan is anticipated to generate a net increase of 1,535 weekday p.m. peak hour trips. PBOT recommends a cap on new development that generates no more than 1/3rd of the total anticipated, or 506 additional weekday p.m. peak hour trips prior to completion of the mitigation. The Table in Condition of Approval 1 has been created that equates square footage of each allowed use with vehicle trips generated. The applicant will be required to document the cumulative additional trips generated with each building permit submittal.

➤ NW 23rd Avenue/NW Raleigh Street mitigations:

Install a traffic signal to accommodate the increase in traffic to and from the Con-way property development. This traffic signal should be coordinated with the 23rd/Thurman traffic signal. The curb extension of Raleigh Street on the northeast corner should be removed, and parking should be prohibited within 100 feet of the corner, thereby facilitating a westbound right turn lane. The redesign of the intersection should discourage through westbound traffic into the adjacent residential neighborhood. The 23rd/Raleigh signal could accommodate Portland Streetcar crossings of 23rd Avenue, although the routing of streetcar in the area is yet to be determined.

As stated above, the April 2012 *Con-way Master Plan Multi-Modal Transportation Impact Study* recommends signalization of the NW 23rd Avenue/NW Raleigh Street intersection in conjunction with provision of a westbound right-turn lane. Providing a westbound right-turn lane at the intersection would require removal of existing on-street parking and loss of the existing curb extension in the northeast quadrant of the intersection.

Appendix I of the April 2012 *Con-way Master Plan Multi-Modal Transportation Impact Study* contains the Year 2022 Mitigated Total Traffic Operations Worksheets. The worksheets include an operational analysis of the NW 23rd Avenue/NW Raleigh Street intersection assuming signalization with the existing intersection approach geometry (e.g., without a westbound right-turn lane). The analysis demonstrates that the intersection operates at an acceptable Level of Service “B” during the weekday a.m. peak hour and Level of Service “C” during the weekday p.m. peak hour with a single lane approach westbound. Based on this analysis, provision of a right-turn lane would benefit westbound vehicular queuing but is not needed to meet City of Portland intersection operating standards.

Accordingly, while provision of a westbound right-turn lane at the intersection would facilitate vehicular turns and reduce westbound vehicular queuing, on balance, preserving the existing pedestrian curb extension and on-street parking exceed the benefits of constructing a westbound right-turn lane. Staff therefore recommends the NW 23rd Avenue/NW Raleigh Street intersection be signalized in conjunction with Con-way site development while preserving the existing intersection approaches.

➤ **Street Plan Multi-Modal Connection Recommendations:**

The Portland Streetcar may be extended through the Northwest Master Plan area, eventually to serve Montgomery Park. While the actual routing has not yet been decided, streets that will likely carry Portland Streetcar through the area include NW 21st Avenue and Raleigh Street, with possible east-west routing via Thurman. These streets should be designed in a manner that does not preclude the eventual provision of Portland Streetcar (Maps 06-3 and 06-4 contain more detail). Bus transportation to the Northwest Master Plan area should be coordinated with TriMet to increase Route #17: 21st Avenue and Bus Route 77 service through the Master Plan area. Wide sidewalks will be provided on all streets within the Northwest Master Plan area to improve the ability of residents, patrons, and employees in the development to move throughout the area. In addition, particular attention will be given to walking routes from transit stops to attractions within the district. Sidewalks will be constructed with minimum widths of 12 feet, and 15 feet on NW 21st Avenue and Thurman. NW Quimby Street, between NW 20th and 21st, and the mid-block accessways will be designed for pedestrian and bicycle use, open to vehicle use for necessary service and emergency purposes.

7. *Phasing of development. The Northwest Master Plan must include the proposed development phases, probable sequence for proposed developments, estimated dates, and interim uses of property awaiting development. In addition the plan should address any proposed temporary uses or locations of uses during construction periods.*

Findings for D. 7.: As described throughout the Master Plan application, Con-way will sell its vacant properties to a variety of developers in a highly controlled fashion. Neither final design nor construction can occur on any property until the Master Plan is approved. Con-way does not intend to act as a developer. Development is anticipated to be largely private in nature for both commercial and residential uses. Civic and/or institutional uses, involving public/private partnerships, are also quite possible but will likely be included as a component of larger mixed-use buildings. Given these parameters, market forces will play a significant role in determining the phasing and timing of the overall development. Market needs, economics and developer capacity will clearly influence the pace and viability of every parcel. As such, Con-way cannot commit to specific plans for the eventual placement, program or timing of any of the individual parcels within

the Master Plan boundary, beyond Phase 1. Changes to the phasing approach proposed in this Master Plan do not require an Amendment to the Master Plan. What Con-way will do, however, is maintain a controlling position in the sale of all of its properties. Con-way will develop a framework for phasing that is ultimately controlled by the careful selection of developers and staging of acquisitions. The framework will include special development conditions as a part of the sales agreement for each parcel. As a long-term Northwest District neighbor, Con-way has every incentive to attend to the details of each transaction and ensure that each developer is bound to produce the attributes described in this Master Plan. Con-way has publicly placed all of its vacant parcels up for sale (a sales website is available for reference at <http://21nwpdx.com/>). Interest from prospective buyers has seen a dramatic increase. Buyer interest will ultimately determine the pace for acquisition and development, but Con-way expects to sell its properties and enable completion of the overall development within 10-15 years (this Master Plan is a 10-year plan and will be updated in the event that the area is not completely developed at year 10, or sooner if necessary due to future, unforeseen development needs). Master Plan Section 7 includes a conceptual schedule; phasing, while not absolute, is expected to occur over five phases as described in the section. The earliest phases of development will occur at or near the southern fringes of the plan boundary and progressively work inward and northward from the boundary. In fact, a Design Advice Request application (EA 12-156491 DA) was submitted on June 29, 2012 and proposes development on Block 296. The Design Commission hearing for that Design Advice Request will be in September or October 2012. Replacement parking for Con-way drives this phasing strategy, saving those parcels that adjoin the current office facilities until last to accommodate replacement parking for Con-way. The Master Plan anticipates one possible interim development – interim improvements to the public square site (the western portion of Block 290) once the existing building is demolished. Per Guideline 7.B.15., interim improvements to the public square site shall be allowed (with limitations noted in the Guideline) without Design Review. It is expected this work will be done in Phase 1 in preparation for the neighborhood park.

8. Process. *The Northwest Master Plan must include:*

a. A proposed process and procedure for design review of development, including any development specifically called for in the Northwest Master Plan, if different than procedures for conventional design review; and

Findings for D. 8.a.: The proposed process for Design Review in the Master Plan area will be the Design Review process currently described in Chapter 33.825.025, with the exception of the alternative Design Review procedure provided in Chapter 33.218. Design Guidelines that apply to future Design Review applications will be the current Community Design Guidelines and the Design Guidelines included in the Master Plan.

b. A proposed process and procedure for amendments to an adopted Northwest Master Plan, if different than in 33.562.300.F.

Findings for D. 8.b.: Master Plan Section 8 includes a proposed process and procedure for amendments to the Master Plan because it differs from the regulations in 33.562.300 F. These existing Zoning Code regulations provide for an amendment process (33.562.300.F.) that does not reflect the nature of the proposed Master Plan in that it requires an amendment for a variety of circumstances not anticipated as part of the Master Plan. Therefore, the proposed Master Plan will replace Chapter 33.562.300.F with the following:

The proposed Master Plan is a market-driven Master Plan that provides for a flexible development framework that anticipates a broad variety of potential allowed outcomes. Because there is not an exact and specific development outcome required for the ultimate build-out of the site the amendment process will be required for significant deviations from the approved Master Plan.

Review Procedures

Amendments to the Con-way Master Plan are reviewed as follows:

1. The following amendments will be processed through a Type III procedure before the Hearings Officer:
 - a. A change that increases the overall density of the entire Con-way Master Plan area above a 3:1 floor area ratio;
 - b. Changes to the Master Plan boundary;
 - c. Increase in the overall maximum square footage of uses as allowed in Master Plan Section 5, Development Standard 2.
2. The following amendments will be processed through a Type III procedure before the Design Commission:
 - a. Removal of dedicated open space; or
 - b. Changes to the Design Standards and Guidelines.
3. If amendments are proposed that include changes to 1 and 2 above, then the Design Commission will make a recommendation regarding any items under 2 above to the Hearings Officer who will make the final decision under a Type III procedure.

Approval Criteria

The approval criteria for an amendment to the proposed Master Plan are as follows:

1. Overall. The amendment is consistent with the approved Con-way Master Plan's vision and purpose;
2. Design. The urban design elements provided in the purpose statements of the Design Standards and Guidelines of the approved Con-way Master Plan continue to be met after the amendment;
3. Transportation. The net new weekday p.m. peak hour trip generation of the overall Master Plan site with the amendment remains less than or equal to 1,535 trips. In the event that the Master Plan site net new weekday p.m. peak hour trip generation exceeds 1,535 trips, a transportation impact study will be required to demonstrate what mitigation measures (if any) will be required of the amendment to satisfy City of Portland and Oregon Department of Transportation operating standards at impacted intersections.

9. *Written statement. A written statement, describing how all approval criteria for the Northwest Master Plan are met.*

Findings for D. 9.: Master Plan Section 9 is a written statement describing how all approval criteria for the Northwest Master Plan are met. Staff findings for the Northwest Master Plan approval criteria are listed below in G.1-G.4.

E. Review Procedure. A Northwest Master Plan is processed through a Type III procedure, reviewed by the Land Use Hearings Officer. The Design Commission also reviews Northwest Master Plans, and makes a recommendation to the Hearings Officer on the approval criteria in Paragraph G.2, below. The Hearings Officer may approve, deny, or apply conditions of approval to the Northwest Master Plan. Applicants are encouraged to work with surrounding property owners, residents, recognized organizations, and City bureaus during the formulation of a Northwest Master Plan.

Findings for E.: The Design Commission first reviewed the Northwest Master Plan as part of a Design Advice Request process (EA 12-188950 DA) on December 1, 2011, February 16, 2012 and March 1, 2012. During this pending Type III Master Plan land use review process the Design Commission reviewed the proposal twice, on July 19th and August 2nd. On August 2nd the Design Commission voted 4-0 to forward a favorable recommendation to the Hearings Officer. The recommendation included the requests summarized by staff in Exhibit G.9 (all of which have been satisfied in the Master Plan document dated August 15th, Exhibit A.9).

F. Amendments to a Northwest Master Plan.

1. *Amendment required. An amendment to an approved Northwest Master Plan is required for the following changes, unless they are specifically addressed by the Northwest Master Plan:*
 - a. *A change in use category involving more than 1,500 square feet;*
 - b. *Increases in floor area or exterior improvements area of more than 1,500 square feet. Fences, handicap access ramps, and on-site pedestrian circulation systems are exempt from this limitation;*
 - c. *Increases or decreases in the amount of parking;*
 - d. *Changes to the Northwest Master Plan boundary, or the text of the Northwest Master Plan; and*
 - e. *Any other development, operations, or activities which are not in conformance with the Northwest Master Plan.*
2. *Review procedures. Amendments to an approved Northwest Master Plan are reviewed through a Type III procedure.*
3. *Approval criteria. The approval criteria for an amendment to the Northwest Master Plan are the same as the approval criteria for the approval of a new Northwest Master Plan.*

Findings for F.: Section 33.562.300 D. 8.b.: allows for the creation of a process and procedure for amendments to the Master Plan different than in 33.562.300 F. Master Plan section 8 outlines which proposals would be subject to the proposed amendment process and procedure and also outlines the approval criteria to be used.

G. Approval criteria for a Northwest Master Plan. A request for approval or amendment of a Northwest Master Plan will be approved if the review body finds that the applicant has shown that the following approval criteria are met:

1. *Overall. The proposed Northwest Master Plan, and development allowed by it, will be consistent with the purpose of the plan district, and the purpose of this section, as well as other applicable zoning code provisions.*

Findings for G.1.: The Con-way Master Plan allows a development framework that is consistent with the purpose of the Northwest Plan District and the Northwest Master Plan Section (33.562.300) as described below.

The “Purpose” of the Northwest Plan District is listed here:

33.562.010 Purpose. 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.*

The submitted Master Plan satisfies each of the individual purpose statements and will create a mixed-use community that enhances the existing commercial and residential nature of the neighborhood, as follows:

- *Promote housing and mixed-use development;*

The Master Plan provides for a mixed-use development consisting of residential housing, commercial office and retail, which are all permitted uses allowed in the retained EXd zoning.

Specifically, the plan allows for approximately 1,200 to 1,500 units of residential housing, up to 450,000 square feet of new commercial office, and an additional 150,000 square feet of retail. This mix of development types will promote housing by capping the amount of commercial office and retail allowed – leaving a significant amount of residential to fill-in the remainder of available development opportunities. It further promotes a mix of uses by identifying retail corridors along NW 21st Avenue and NW Thurman Street where ground floor retail uses are mandated. The Master Plan recognizes and adopts the existing underlying zoning in respect to retail, which currently requires retail along main streets (identified as NW 21st and NW Thurman). This combination of regulations ensures the Master Plan promotes a mix of uses appropriate for the surrounding neighborhood.

- *Address the area's parking scarcity while discouraging auto-oriented developments;*

To address parking in the Master Plan area, Con-way will utilize a variety of methods to mitigate the impact on parking. First, Con-way is discouraging auto trips (and auto-oriented development) through an aggressive TDM. The TDM is defined in more detail in Section 6 of the Master Plan. To summarize, the TDM implements a variety of methods, including a reduction in maximum parking ratios over the life of the Master Plan that will lead to less auto trips. Furthermore, the TDM sets targets for trip reductions that will be monitored and measured so that assurances are provided that the TDM will be successful in reducing automobile traffic in the neighborhood. This will directly impact the effect of the Master Plan development on parking in the neighborhood. Second, the Master Plan will be a mixed-use development that provides access to amenities within the neighborhood which will reduce both the need for an automobile as well as the use of an automobile for people living in the plan area. Third, the Master Plan will implement an underground parking strategy as explained in Sections 6 & 7 of the Master Plan. The development and use of underground parking will alleviate the parking scarcity in the greater neighborhood while providing needed parking to the mixed-use Master Plan district. Since underground parking will meet the parking needs of development within the Master Plan, surface parking spaces, which are being increased through street improvements, will be available to visitors, shoppers and others in the vicinity. Finally, the Master Plan itself discourages auto-oriented development through its cap on uses. Most significantly, the caps work to prohibit any “destination” or “regional” retail development (such as an IKEA or Wal-Mart destined to serve a regional market) through the plan's cap on retail at 150,000 square feet total, with no single user over 40,000 square feet. Other than providing for a single use supermarket up to 40,000 square feet, the current standards limiting single uses to 20,000 square feet (33.562.110 C.) will be retained. Although a large employer could locate in the Master Plan Area, the TDM plan will alleviate the impact on auto usage through the elements of the TDM dealing with reduction in employment trips. With this mix of strategies, Con-way has successfully addressed the area's parking scarcity and discouraged auto-oriented developments.

- *Enhance the pedestrian experience;*

The Con-way Master Plan puts a premium on an enhanced pedestrian experience through the use of generous sidewalks, high quality design, pedestrian-scaled development (with a focus on active uses along pedestrian corridors); and a network of parks and open spaces for a pedestrian friendly experience throughout the entire area (Sections 5 and 6 of the Master Plan contain imagery and additional standards and guidelines that promote the pedestrian experience). Together with the existing Title 33 pedestrian-focused Development Standards and Community Design Guidelines, these new standards and guidelines of the Con-way Master Plan provide for an enhanced 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*

The Master Plan ensures a mixed-use environment through the use of caps on each type of development so that the neighborhood will have residential, commercial office and retail uses. The levels of development allowed are limited by an overall neighborhood floor area ratio (“FAR”) of 3:1.

This limitation allows for an intensity of development that can be supported by transit through both Streetcar and Tri-met service. With about 25 percent of the Master Plan area devoted to parks and open spaces, the resulting development sites will achieve an average FAR of approximately 4:1. This level of density is also represented similarly through the larger plan district, which has an FAR cap of anywhere between 1:1 and 6:1 with bonus options. Again similar to the larger plan district, the Master Plan area provides for a concentration of commercial retail uses along NW 21st Avenue, which is a designated main street and transit corridor. Currently no Streetcar alignment exists in the Master Plan area. However, the Applicant is working closely with the Streetcar Board (and serves as a member on that board), and the future Streetcar alignment is anticipated to run along NW 21st Avenue, which will strengthen the main street designation and requirement for concentration of commercial uses along this corridor. Through the use of required mixed development types in combination with the FAR cap on density and required commercial corridor along NW 21st Avenue, the Applicant has satisfied the regulations related to this element of the Code *Sections 5 and 6 of the Master Plan contain additional information on the mixed-uses, FAR cap and commercial corridor).

- *Minimize conflicts between the mixed-uses of the plan district and the industrial uses of the adjacent Guild's Lake Industrial Sanctuary.*

The Con-way Master Plan area is naturally separated from the Guild's Lake Industrial Sanctuary through the I-405 state highway, which literally separates the edge of the Con-way property from the edge of the Industrial Sanctuary. To additionally minimize conflicts between the plan district mixed-use style development and the Industrial Sanctuary, the Master Plan utilizes height opportunities along the edge of the Con-way Master Plan area that will further create a barrier between the two uses (see section 5 showing height limitations). The PBOT and ODOT accepted NW 23rd/Vaughn intersection mitigation will direct some traffic north of I-405 to NW Wilson Street. Appendix E.1 describes how clear wayfinding will be important in ensuring users will briefly utilize NW Wilson from NW 23rd to NW 20th and not go deeper into the Guild's Lake Industrial Sanctuary. Additionally, Appendix E.1 goes on to elaborate how the NW 23rd/Vaughn intersection mitigation, including the NW 20th improvements, will not facilitate additional truck traffic from the north into the Master Plan area.

Additionally, the "Purpose" of the Northwest Master Plan is listed here:

33.562.300 A. Purpose. The Northwest Master Plan allows flexibility in design and development of a site in a manner that evokes an urban development pattern, and does not overwhelm public services. The provisions of this section accommodate the needs of property owners to begin long-range planning for their property in advance of adoption of the Northwest District Plan. The Northwest District Plan may modify or delete this section of the code. It is likely that there will be significant overlap in both timelines and issues addressed by the private and public planning efforts; the two efforts should inform and improve each other throughout their processes.

A Northwest Master Plan will ensure:

- *Pedestrian-oriented, transit-supportive development;*
- *Development that includes a variety of uses, but retains the EX zone focus on employment uses that need a central location;*
- *High quality design appropriate to an urban setting;*
- *Active uses on the ground floor of buildings along designated transit streets and pedestrian routes;*
- *A street pattern that provides for frequent, convenient pedestrian and vehicle connections and emulates levels of connectivity similar to the adjacent block pattern;*
- *Transportation and parking demand management strategies that decrease reliance on the automobile;*
- *Development that is integrated into the broader urban fabric;*

- *Transitions to adjacent areas with different uses and intensities through use, height, and massing of new development, considering historic resources, and the character of the area anticipated through the Northwest District Plan process; and*
- *Consideration of opportunities to provide a park, plaza, or other open space that can be used by those working and living in the neighborhood; and efficient use of land.*

(A number of the purpose statements of the Northwest Master Plan are duplicative with the purpose statements of the Northwest Plan District. Because the language in the Northwest Master Plan section 33.562.300 predates adoption of the Northwest Plan District many of the objectives are simply the same.) Again, the submitted Master Plan satisfies each of the individual purpose statements and will create a mixed-use community that enhances the existing commercial and residential nature of the neighborhood, as follows:

- *Pedestrian-oriented, transit-supportive development;*

The Master Plan area focuses on pedestrian-oriented development that provides expansive pedestrian-accessways; generous sidewalks and enhanced pedestrian realm design guidelines and standards. Additionally, the Master Plan promotes a variety of multi-modal uses, such as streetcar, bus and bicycle resulting in transit-supportive and pedestrian-friendly development (Sections 5 & 6 of the Master Plan contain further detailed explanations of these components of the Master Plan).

- *Development that includes a variety of uses, but retains the EX zone focus on employment uses that need a central location;*

The uses allowed in the Master Plan area generally include office, retail and residential. This mix is ensured through the use of development caps that ensure that it is not possible for only a single type of use to be developed in the Master Plan area. Additionally, the Master Plan area allows for almost one million square feet of office (including new office as well as Con-way's existing office use) to allow for substantial employment uses in a central location. The Master Plan retains the existing EX zoning, and allows for the wide range of permitted uses in the EX zone to apply to a parcel currently zoned IG1.

- *High quality design appropriate to an urban setting;*

Section 5 of the Master Plan explains in great detail a rigorous review and approval process wherein all development in the Master Plan area must adhere to a set of standards and guidelines that ensure high-quality design. As well, the Design Commission recommended approval of the proposed Standards and Guidelines (Section 5 contains a more detailed look at the standards and guidelines).

- *Active uses on the ground floor of buildings along designated transit streets and pedestrian routes;*

Active uses on the ground floor of buildings along designated transit streets and pedestrian routes are required in Section 5 of the Master Plan (particularly in Standards 7 and 8) and will be met throughout the Master Plan area.

- *A street pattern that provides for frequent, convenient pedestrian and vehicle connections and emulates levels of connectivity similar to the adjacent block pattern;*

The adjacent block pattern (200 X 460 foot blocks) will be honored throughout the Master Plan area with the use of the existing street grid as well as the pedestrian accessways, which break up the north-south connection through the existing superblocks. The resulting pedestrian network (200 X 200 foot blocks) actually improves pedestrian connectivity compared to the adjacent block pattern. Section 6 of the Master Plan provides detailed analysis of the connectivity for both pedestrian and vehicular traffic provided within the Master Plan area.

- *Transportation and parking demand management strategies that decrease reliance on the automobile;*

Again, Section 6 provides a robust transportation demand management plan to be deployed in the Master Plan area as a component of the Master Plan. Through these proven TDM strategies combined with multi-modal transit opportunities, the Master Plan will decrease reliance on the automobile in the Master Plan area.

- *Development that is integrated into the broader urban fabric;*

Section 5 details how proposed development will be integrated into the broader urban fabric through the use of design standards and guidelines. The standards and guidelines provide a definitive framework that ensures all development will be integrated into the broader urban fabric through high quality material, superior design and thoughtful transitions between old and new. These new standards and guidelines are in addition to existing standards and guidelines that are relevant to the broader urban fabric (Section 5 contains a more detailed look at the standards and guidelines).

- *Transitions to adjacent areas with different uses and intensities through use, height, and massing of new development, considering historic resources, and the character of the area anticipated through the Northwest District Plan process; and*

Again, through the design review process provided in Section 5, the character of the Master Plan area is set up to meet these criteria. Specifically, the guidelines and standards ensure that new development will be done in a manner that provides transitions to adjacent areas, is of a height and massing that is in line with adjacent areas and integrates with the surrounding historic resources. For instance, proposed standards and guidelines require the extension of NW 21st and Thurman as the main streets to allow for responsive and compatible development. Also, proposed standards and guidelines explicitly call for compatibility and integration. To additionally minimize conflicts between the plan district mixed-use style development and the Industrial Sanctuary, the Master Plan utilizes height opportunities along the edge of the Con-way Master Plan area that will further create a barrier between the two uses. To acknowledge the one adjacent historic resource, a designated pocket park is required next to St. Patrick's.

- *Consideration of opportunities to provide a park, plaza, or other open space that can be used by those working and living in the neighborhood; and efficient use of land.*

The Master Plan provides that a neighborhood park and square will be provided, along with significant additional publicly-accessible open space through the use of pedestrian accessways, forecourts, and a pocket park. This open space grid provides an efficient use of land by protecting just over 25 percent of the Con-way property as publicly accessible open space and transferring that density to more efficient urban scale projects available throughout the rest of the site. This is done while still retaining an overall 3:1 FAR which will help to make sure the scale and intensity of the overall development compliments the existing adjacent uses.

2. Design.

a. The urban design elements of the proposed overall scheme and site plan provide a framework for development that will result in an area with an urban development pattern that will be attractive, safe, and pleasant for pedestrians, and is integrated with historic resources, and the character of the nearby area anticipated through the Northwest District Plan process. The urban design elements of the proposed overall scheme and site plan must meet the design guidelines that are in effect for the site at the time of application.

b. The proposed design guidelines, standards, and review procedures specified in the Northwest Master Plan must ensure that:

(1) An environment will be created which is attractive, safe, and pleasant for pedestrians, including consideration of such elements as the location and orientation of buildings and main entrances, the design and use of the ground floor of structures, and the location, design and landscaping of parking lots and structures;

(2) Scale and massing of the development addresses the broader context of the area, including historic resources, and the uses and development anticipated through the Northwest District Plan process, specifically at the edges of the Northwest Master Plan area; and
(3) The approach to implementing design review, including the guidelines and standards, will ensure that the quality of design and public process is as good or better than that achieved through conventional design review. The guidelines and standards proposed, including existing guidelines and standards, must be appropriate for the Northwest Master Plan area and the type of development anticipated by the purpose statement of this section.

Findings for G.2.: The Design Standards and Guidelines proposed for the Master Plan create a robust set of urban design requirements that ensure the Master Plan area will be developed in an attractive, safe, and pleasant manner that provides for enhanced pedestrian opportunities. The general proposal is to keep in place the existing development standards (with the exception of the Community Design Standards in Chapter 33.218) and design guidelines applicable to development proposals in the Northwest Plan District today and enhance their impact on development with additional development standards and design guidelines. It is fair to say the primary role of the proposed development standards and design guidelines is twofold – to provide a seamless continuation of the desired Plan District identity and to enhance the urban quality of the proposed development; this all being done without an increase in density (with the exception of providing additional floor area if it is dedicated for much needed neighborhood facilities) and with the inclusion of a generous amount of open space (approximately 25% of the land area owned by Con-way will become open space).

Development Standards

The proposed heights, development standard #1, support the open space framework; with the generous amount of open space being proposed, the increased heights allow for the desired urban densities to be met. The maximum heights are greater at the northern edge of the Master Plan area to reduce development impacts on more established parts of the neighborhood to the south. Finally, increased heights encourage the desire for taller ground floors, supporting an urban, walkable/pedestrian-focused neighborhood.

The proposed FAR regulations, development standards #2, 4, and 5, serve several purposes – they establish a greater minimum to encourage an urban neighborhood; they apply to a variety of uses to ensure a true mixed-use neighborhood and, moreover, they cap specific uses to avoid a monotonous environment; they include transfers to support the open space framework; and, finally, they encourage projects to include necessary neighborhood amenities like schools, libraries, child daycare, etc.

Development standard #3 encourages the provision of a supermarket on Block 296. This regulation is considered a critical component of jumpstarting the creation of this neighborhood. It will support residential uses, be an amenity for office uses, be a natural catalyst for additional retail, and encourage multi-modal transportation – all components of an urban, mixed-use neighborhood.

The main streets recognized in the Master Plan area are a continuation of the NW Plan District's main streets – NW 21st Avenue and NW Thurman Street. Accessways are abundant within the Master Plan and link open spaces for a coherent pedestrian network. Several development standards ensure a pedestrian-oriented neighborhood by requiring the ground level of buildings to contribute to a pedestrian's urban experience. Development standards #6, 7, and 8 are focused on creating exciting and interesting ground floors, with design elements catered to specific frontages – main streets, pedestrian accessways, or public open spaces.

The proposed parking regulations, development standard #9, are realistic in that they acknowledge the current low transit opportunities today, but anticipate a transit-rich neighborhood for the future.

Finally, development standard #10 provides a framework for future development at the public square site (the western portion of Block 290). This particular site has been the focus of much of the discussion at the Design Commission proceedings. At the second or third Design Advice request earlier this year, all of Block 290 (including the Quimby parcel) was to be a PPR-owned Open Space. With strong testimony from the NWDA that there must be a public square with surrounding buildings, PPR backed away from a portion of Block 290 as PPR was not willing to take on the development and/or maintenance of a square and park. Thus, the western portion of Block 290 became a development parcel with the development TBD once a developer comes on board with a feasible proposal. There are many unknowns about what the development on that portion of the Block will be, the public process for design of the neighborhood park has not yet begun, and the development to the north of the Quimby parcel and the Quimby parcel itself are not yet known. Once there are more certainties about adjacent developments, designs and programs for the public square site will surface. Of course, the timing of these developments is conceptual and not all adjacent development may be known when the public square begins the City's review process, but the framework crafted by the applicant and the Design Commission (particularly standard #10 and guideline 7B) gives strong and thorough direction about the many possibilities for the success of a public square development. Understanding the current process is a Master Plan, which subjects the square development to future Type III Design Review process(es), the Commission requested revisions to Development Standard #10 that make it less prescriptive. The Commission warned against making the standards too burdensome, and instead encouraged the standards to be written to allow design creativity for the square and its buildings once a developer had a program for the site; and, ideally, design the site at a time when the development could also respond to neighborhood park and Quimby parcel designs.

Design Guidelines

A strong focus on creating a successful pedestrian environment is evident in design guidelines #1, 2 and 3. The current Community Design Guidelines encourage attention at the ground level of buildings, but do not have a strong urban focus, as in the Central City Fundamental Design Guidelines (CCFDG) and the accompanying sub-district design guidelines. Proposed guidelines #1, 2, and 3 borrow from the CCFDG, including sub-district guidelines, and tailor them to the needs of the special areas created in the Master Plan such as squares, accessways, forecourts, etc.

Design guidelines #4, 5 and 6 address continued challenges with infill projects in the Northwest Plan District (and elsewhere in Portland where higher density infill is trying to knit together with existing, lower density development). Residential ground floors of high-density development can provide lifeless ground levels without meaningful transitions from the public realm. Large development parcels can result in out-of-scale buildings without the consideration of massing and articulation. And, today's development pressures can result in lesser quality projects. These three guidelines will contribute to the pedestrian environment and create a thoughtful extension of the existing neighborhood fabric by requiring a careful study of façade articulation, addressing public private interactions, and ensuring quality materials.

Design guideline #7 builds on the Master Plan's open space framework. The framework provided is extensive with the provision of 25% of the current land area becoming open space. This guideline is careful to consider each of the various open space designations (neighborhood park, public square, accessways, building forecourts, pocket park, and Quimby Street parcel). It ensures these open spaces will address and invite the public and contribute to a vibrant pedestrian environment. Guideline 7F acknowledges and supports the Master Plan's single adjacent historic resource, St. Patrick's Church. The requirement of a pocket park adjacent to this resource enhances its identity and gives back to a neighborhood institution.

Design Review Process

The proposed Master Plan ensures that each application for new development within the Master Plan area will go through a rigorous review applying additional development standards and design guidelines through the City's Design Review process. The City's two-track design review process (Chapter 33.218) is not allowed within the Con-way Master Plan boundaries. The Design Review process includes detailed review and input by neighborhood members, City staff and the Design Commission to ensure that each development satisfies the desired character of the Con-way Master Plan.

G.3. Transportation.

a. The Northwest Master Plan must comply with the policies, street classifications, and street designations of the Transportation Element of the Portland Comprehensive Plan;

Findings for G.3.a.: Section 6 of the Master Plan contains a full review of how the Master Plan complies with the policies, street classifications and street designations of the Transportation Element of the Portland Comprehensive Plan.

b. The transportation system is capable of safely supporting the proposed uses in the plan district in addition to the existing and planned uses in the area. Evaluation factors include street capacity and level-of-service in the vicinity of the plan district, on-street parking impacts, access requirements and needs, impacts on transit operations and access to transit, impacts on adjacent streets and on neighborhood livability, and safety for all modes of travel, particularly pedestrians and bicyclists; and

Findings for G.3.b.: Kittelson and Associates, Inc. prepared a Multi-Modal Transportation Impact Study (TIS) that demonstrates the transportation system can support the proposed uses with mitigation. The TIS evaluates street capacity, level of service in the Master Plan vicinity and the greater plan district area, on-street parking impacts, access requirements and needs, impacts and access to transit, impacts on adjacent streets and neighborhood livability; and multi-modal safety. The TIS as well as Section 6 of the Master Plan provides a full analysis of the transportation system and the Master Plan. With a condition of approval requiring mitigation measures for the NW 23rd/NW Raleigh intersection and a condition requiring Con-way participate in the identified mitigation measures for NW 23rd/NW Vaughn intersection, as well as TDM strategies, this approval criterion can be met.

c. The proposed street plan must provide multi-modal street connections to match the surrounding street grid pattern where feasible.

Findings for G.3.c.: The street plan enhances the existing grid pattern in the Master Plan area by restoring multi-modal connections along NW Quimby and NW Xavier as well as enhancing existing connections with new sidewalks and street furnishings. Additionally, through the use of mid-block pedestrian accessways the Master Plan also adds new multi-modal bike and pedestrian connections to the Master Plan area. This robust network of multi-modal connections satisfies this criterion (Section 2, Map 02-5 of the Master Plan).

G.4. Retail Sales And Service Uses. Where the Northwest Master Plan proposes Retail Sales and Service uses that are larger than 10,000 square feet per use, the following approval criteria must be met:

a. The proposed uses and development will primarily serve those who live and work in the immediate vicinity;

Findings for G.4.a.: The Master Plan proposes a maximum of 150,000 square feet of Retail Sales and Service uses to be spread throughout the Master Plan area. This limited amount of Retail

Sales and Service and the type of uses that occur in a size less than 20,000 square feet (the maximum established in other parts of the Northwest Plan District) ensures that the proposed uses will primarily serve those who live and work in the immediate vicinity in the following ways:

The new Retail Sales and Service Uses are in a currently underserved area. The north end of the Northwest Plan District is currently a mix of warehouse, limited residential, office and limited retail. It is an underserved retail area for the day-to-day needs of residents and employees. Although the district has significant retail offerings, the type of destination retail that the district is known for does not necessarily serve the needs of its residents or employees. Appendix D is an analysis and review by E.D. Hovee & Company, LLC that demonstrates the existing area surrounding the Master Plan is underserved. Furthermore, Appendix D identifies that grocery services are a specifically nonexistent retail offering in the northern portion of NW Portland. The memo concludes that the proposed single 40,000 square foot supermarket will serve the immediate vicinity, which is currently in a grocery deficient situation. Additionally, Appendix D examines the type of uses that come about in a size between 10,000 and 20,000 square feet per use. The types of uses identified, such as a pharmacy or hardware store are the type of day-to-day offerings that neighbors and employees in the area are currently lacking. The proposed 150,000 square feet of maximum retail will result in a mix of medium sized retailers that will serve the day-to-day needs of both the new residents and employees in the Master Plan area, as well as the underserved existing neighbors surrounding the Master Plan area.

The new Retail Sales and Service Uses will serve the new Master Plan development. The Master Plan provides a cap on each allowed category of uses to ensure that a mixed-use district will be developed. That mixed-use district will bring approximately 1,200 to 1,500 new housing units into the Master Plan area and up to 450,000 square feet of new office use. The influx of new housing and employment combined with the existing employment and housing in the district plan area creates a service area for Retail Sales and Service that can support between 129,000 to 201,200 square feet of Retail Sales and Service (see page 4 of Appendix D). This support comes from just the new development expected in the Master Plan area and does not include the currently underserved surrounding development. The combination of the planned mixed-use district (ensured by the use of development caps) along with the surrounding underserved area more than demonstrates that the proposed Retail Sales and Service Uses will serve the immediate vicinity.

The size and type of proposed Retail Sales and Service will serve those who live and work in the area. The breakdown of Retail Sales and Service is anticipated to be smaller retail shops along NW 21st Avenue, a small format supermarket not to exceed 40,000 square feet at Block 296 and some limited ancillary retail elsewhere if additional square footage is available within the retail cap. The largest single retail use is capped at 40,000 square feet and as a supermarket. Portions of the Plan District outside of the Master Plan area cap single Retail Sales and Service uses to a maximum of 20,000 square feet. The anticipated mix of sizes of Retail Sales and Service uses will serve those that live and work in the immediate vicinity by providing for more conventional day-to-day retail offerings such as a hardware store. Additionally, the cap of 40,000 square feet for a single supermarket ensures that no destination or regional retail will exist in the Master Plan area. Through the use of the caps on Retail, Residential and Office combined with the limited single retail user of 40,000 square feet, the proposed uses and development will primarily serve those who live and work in the immediate vicinity.

b. The transportation system is capable of safely supporting the proposed uses and development;

Findings for G.4.b.: Master Plan Section 6 and the TIS specifically analyze the proposed 150,000 square feet of Retail Sales and Service uses and conclude that the transportation system is capable of safely supporting the proposed uses and development. With Condition of Approval 4,

City staff agree with the analyses. Additionally, the findings for this criterion are discussed above under criterion 33.562.300 G.3.b.

c. The proposed uses and development will not have significant adverse effects on the area;

Findings for G.4.c.: The proposed uses will have a positive effect on the area. By ensuring a mixed-use development, the district plan area will be protected from any large concentration of a single use that would become a regional destination. Instead, the limited Retail Sales and Service uses will serve new residents and employees of the Master Plan area, as well as existing employees and residents. Specifically the retail size development allowed in the Master Plan area speaks directly to an underserved market of day-to-day commercial offerings for the average neighbor or employee who works in the area. The new services will be available within walking distance to many residents and employees, and will help to alleviate traffic congestion, enhance quality of life and promote a sense of community that without the proposed retail uses would not be achievable. Additionally, it should be noted that the underlying zoning for other portions of the Northwest Plan District currently allows single users up to 20,000 square feet; although the Master Plan criteria requires the applicant to address the effects of single users above 10,000 square feet. The reason for this discrepancy may be that the Master Plan criteria language predates the updated underlying zoning. Therefore, the underlying zoning elsewhere in the Plan District demonstrates that the larger single users of 20,000 inherently do not have a significant adverse effect on the area as they are now anticipated and allowed outright in certain areas. This application focuses on the impact of the 40,000 square foot single use supermarket that is proposed; as well as providing an explanation of the type of user to be anticipated between 10,000 and 20,000 square feet. A supermarket use is one of the single most significant types of users that can create a vibrant 20-minute neighborhood. The Master Plan is strictly limited to one single supermarket user up to 40,000 square feet. When reviewed in total – the retail plan for the Master Plan is limited and specific in nature so that it ensures the proposed retail uses will not have significant adverse effects on the area. Additionally, page 6 of the Appendix D further explains how the retail plan will not have significant adverse effects on the area.

d. The scale and intensity of the proposed use and development is consistent with historic resources, and the character of the area anticipated as a result of the Northwest District Plan process; and

Findings for G.4.d.: Master Plan Section 5 includes a full discussion of the scale and intensity of the Master Plan development. Specific design standards address maximum building heights, maximum and minimum floor area ratios, limitations on total retail sales and services and office uses, FAR transfer capabilities, neighborhood facilities, required building lines and ground floor retail requirements along NW 21st and the square, active ground floor use standards, parking standards and development standards for the square. All of these standards have been tailored to the Master Plan area in order to achieve the neighborhood character envisioned in the Northwest District Plan process.

Additionally, the Design Guidelines have been crafted to augment the Community Design Guidelines by providing more specificity and addressing specific urban design challenges unique to this area and appropriate for higher density development. The additional Master Plan Design Guidelines address human scale at the pedestrian level, building variety and interest, weather protection, building scale and diversity of building form, transitions between public and private realms, and high quality materials and details. Design Guidelines are also included for parks and open spaces so that these spaces are well integrated with adjacent development, are accessible to the public and provide distinctive neighborhood identity.

e. A proposed Retail Sales And Service use or development of larger scale or intensity equally or better meets the purpose of this section.

Findings for G.4.e.: The over-arching purpose of this section is to create a vibrant mixed-use neighborhood. It is imperative to include high quality retail sales and service uses within the Master Plan area in order to achieve the type of vibrant mixed-use neighborhood aspired to that allows residents and employees to walk to retail offerings to meet their everyday needs. The scale and intensity planned for a single 40,000 square foot supermarket user, a potential 2 – 3 users between 10,000-20,000 square feet and a handful of smaller users is specifically designed to meet the needs of a 20-minute neighborhood. As provided by the applicant: Envision a neighborhood with a supermarket (40,000); a pharmacy (15,000) a hardware store (20,000); 2-3 restaurants (30,000) and a handful of smaller users such as a dry cleaner, UPS store, gift shop and coffee shop (10,000) and it becomes easier to see how the 150,000 cap allows for a specific type of neighborhood retail that better meets the purpose of this section. The use of 150,000 square feet of retail strategically placed within the Master Plan area better meets the purpose of this section.

H. Duration of the Northwest Master Plan. The Northwest Master Plan must include proposed uses and possible future uses that might be proposed for at least 3 years and up to 10 years. An approved Northwest Master Plan remains in effect for 10 years, unless the plan is amended or updated. When the Northwest Master Plan is amended or updated, the application for amendment or revision must include a discussion of when the next update will be required.

Findings for H.: This Northwest Master Plan is written to be in effect for 10 years, unless the plan is amended or updated.

I. After approval of a Northwest Master Plan. After a Northwest Master Plan has been approved, all development except maintenance and repair must comply with the provisions of the Northwest Master Plan as well as all other applicable provisions of this code, unless exempted by the plan. If the Northwest Master Plan does not specify that a standard, approval criterion, or procedure in the Northwest Master Plan supersedes a similar regulation in the Portland City Code, the regulation in the Portland City Code applies.

Findings for I.: The proposed Northwest Master Plan outlines new regulations, including standards, criteria, and procedures, primarily in Sections 5 and 8. It also discusses which current regulations in the Portland City Code apply to future development and what to do in the case of conflicts.

CONCLUSIONS

The proposed Master Plan document, recommended for approval with Conditions, is the result of a very thorough and very coordinated effort that included multiple stakeholders including City Bureaus, Neighborhood groups, nearby residents, the Design Commission, and the Con-way project team. The public involvement supported by the Con-way team was impressive, as briefly summarized in Appendix B of the Master Plan.

The Conditions of Approval primarily focus on improving the transportation system, namely mitigation for the NW 23rd and Vaughn intersection, and improvements to the NW 23rd and Raleigh intersection.

The Master Plan successfully balances a long list of issues, including but not limited to: neighborhood compatibility, neighborhood impacts, open space, parking, traffic, transit, pedestrian realm, building form, building design, use regulations, FAR, and future City review processes.

The result of these efforts will be a vibrant mixed-use neighborhood that will be seamlessly integrated within the existing Northwest Plan District. The area will be an amenity for existing

residents, workers and visitors and will provide new residents and workers to populate an underutilized area of town in a prime location.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Hearings Officer decision)

Approval of the proposed Northwest Master Plan (Exhibit A.9) subject to the following conditions:

As part of the building permit application submittal, the following development-related conditions (1. through 9.) 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 12-135162 MS." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

1. Prior to completion of the NW 23rd/NW Vaughn traffic mitigation measures, development within the Con-way Master Plan boundary shall be limited to development that generates no more than 506 additional p.m. peak hour trips. Development is limited to land use and trip rate allocations per Table 1 below. The applicant shall be responsible for providing an accounting of all square footages for each proposed use, and the conversion to trips for each building permit application, as noted in Condition 2.

Table 1 - Land Use and Trip Rate Allocations¹		
Maximum 506 trips		
Land Use²	Building Square Footage (GLA) / Other	Trip Rate³
Office	1000 square feet	1.49 trips
Retail Sales and Service	1000 square feet	3.73 trips
Household Living	1 dwelling unit	0.58 trips
Vehicle Repair	1000 square feet	2.94 trips
Industrial Categories	1000 square feet	0.73 trips
Community Service	1000 square feet	1.06 trips
Day Care	1000 square feet	13.91 trips

¹The building square footage or dwelling units shall be converted to trips and compared to the maximum established. The established trip rates for these land use categories shall not be altered.

²Per Zoning Code chapter 33.920, Description of Use Categories

³All trip rates in this table are based on the highest ITE Trip Generation, 8th Edition rates for uses in each category.

2. In addition to documenting compliance with applicable Zoning Code requirements, all building permit applications submitted for new development/redevelopment shall include:
 - A description of the proposed development, with floor area or dwelling unit calculations by land use category;
 - The resulting new trips generated by the proposed development, using Table 1 - Land Use and Trip Rate Allocations from Condition 1;
 - The calculated number of trips generated by any existing development, using Table 1 - Land Use and Trip Rate Allocations from Condition 1;
 - Confirmation that the proposed use trips fall within the trip thresholds in Table 1 - Land Use and Trip Rate Allocations from Condition 1.

3. The applicant shall submit a separate TDM document to the Bureau of Transportation prior to approval of the first building permit for new development within the Master Plan boundaries. The TDM plan shall contain all the related elements and goals identified in the Con-way Master Plan Document and the Kittleson TIS, including parking management measures and formation of the CRA.
4. The applicant shall install a traffic signal at NW 23rd/NW Raleigh as a condition of building permit approval for development of Block 296 (potential supermarket site).
5. The applicant shall be responsible for contributing at a minimum a proportional share of the cost of the mitigation measures for the NW 23rd/NW Vaughn intersection. That minimum share has been determined to be 15.4% based on the Kittleson TIS.
6. Street frontage improvements shall adhere to the design standards proposed in the Con-way Master Plan described in this report under DESIGN PRINCIPLES FOR PUBLIC STREETS. The Con-way Master Plan street standards shall be finalized as part of the design approval for the first major development.
7. Use regulations in the Master Plan are in Sections 3 and 5 of the Master Plan document (Exhibit A.9).
8. Implementation of the Master Plan is subject to the process, standards and guidelines in Section 5 of the Master Plan document (Exhibit A.9), including:
 - Existing Zoning Code standards that apply
 - Existing Zoning Code standards that do not apply
 - Design Review process
 - Design Review Modifications
 - New Development Standards 1. – 10. (Height, FAR, Retail Sales and Service Uses on Block 296 including square footage limitations, FAR transfers, Neighborhood Facilities, Required Building Lines, Ground Floor Standards on NW 21st Avenue and the Square, Standards on Streets and Open Spaces, Parking, and Square Standards)
 - New Design Guidelines 1. – 7.
 - Design Principles for Parks and Open Spaces
9. Amendments to the Master Plan are subject to the regulations in Section 8 of the Master Plan document (Exhibit A.9), which includes process and approval criteria.

Procedural Information. The application for this land use review was submitted on April 26, 2012, and was determined to be complete on May 17, 2012.

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 April 26, 2012.

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 requested that the 120-day review period be extended (as requested in Exhibit A.1). Unless further extended by the applicant, **the 120 days will expire on: November 15, 2012.**

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.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

This report is not a decision. The review body for this proposal is the Hearings Officer who will make the decision on this case. This report is a recommendation to the Hearings Officer by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Hearings Officer will make a decision about this proposal within 17 days of the close of the record. Your comments to the Hearings Officer can be mailed c/o the Hearings Officer, 1900 SW Fourth Avenue, Suite 3100, Portland, OR 97201 or faxed to 503-823-4347.

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 Avenue, Suite 5000, Portland, OR 97201.

Appeal of the decision: The decision of the Hearings Officer may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Hearings Officer, 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 on hearing or if you testify at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$5,000.00 will be charged.**

Appeal Fee Waivers: 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 must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to:
Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034

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. A Northwest Master Plans remains in effect for 10 years, unless the plan is amended or updated. When the Northwest Master Plan is amended or updated, the application for amendment or revision must include a discussion of when the next update will be required. (33.562.300 H.)

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

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

Planner's Name: Kara Fioravanti

Date: August 17, 2012

EXHIBITS

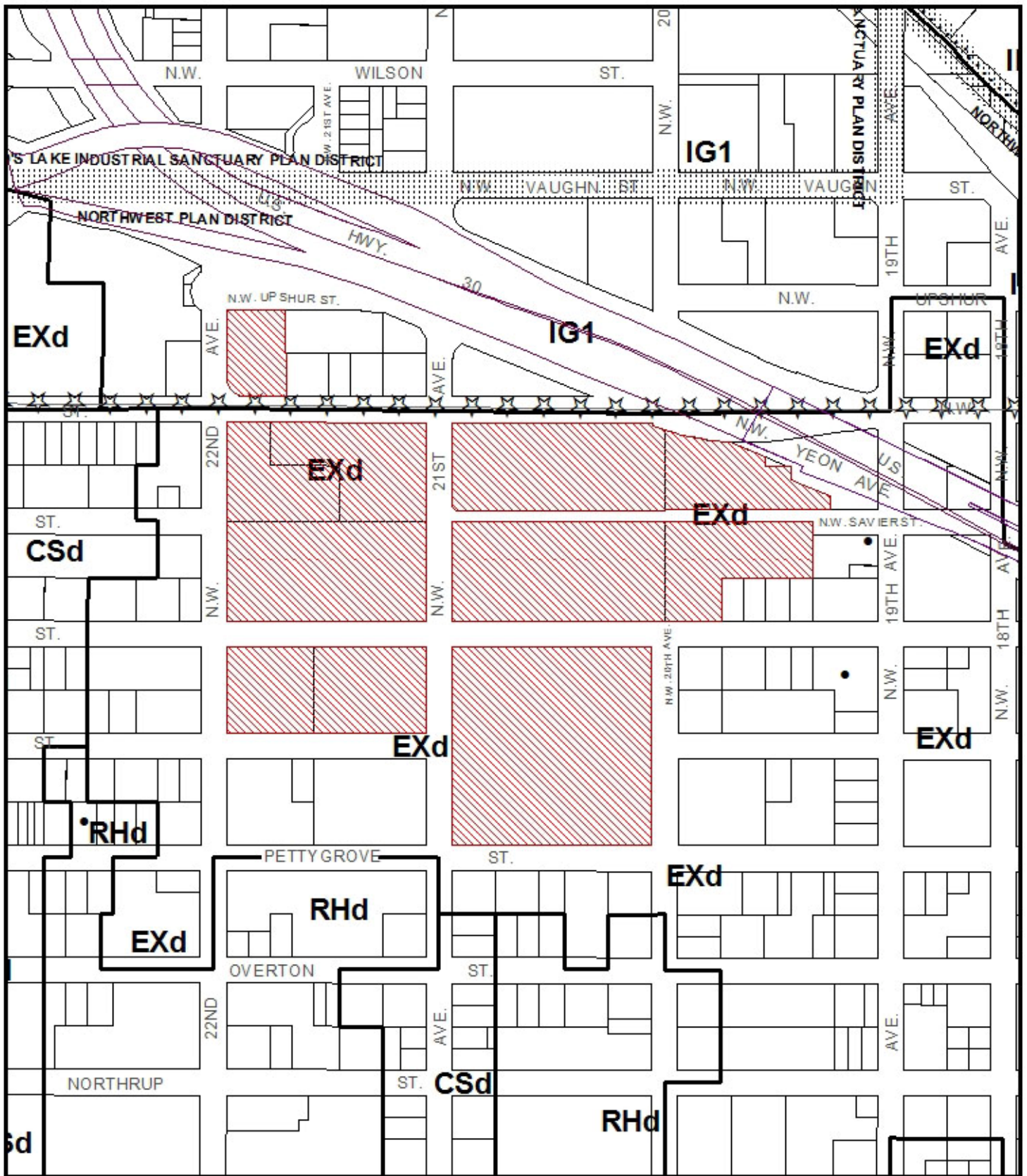
NOT ATTACHED UNLESS INDICATED

A. Applicant's Submittals:

1. 120-day waiver
2. Original Master Plan, April 24, 2012 (including Appendix E)
3. Revised Master Plan, June 29, 2012
4. Master Plan submitted for July 19, 2012 Design Commission
5. Revisions to Master Plan sections submitted at July 19, 2012 Design Commission

6. Master Plan sections submitted for August 2, 2012 Design Commission
7. Revisions to Master Plan sections submitted at August 2, 2012 Design Commission
8. Kittleson memo with Attachment A, August 8, 2012
9. Final Revised Master Plan, August 15, 2012
- B. Zoning Map (attached):
- C. Plans & Drawings – all plans and drawings recommended for approval are included within the Master Plan document that is recommended for approval (Exhibit A.9)
 1. Site Plan (attached)
- D. Notification information:
 1. Request For Response, May 29, 2012
 2. Posting letter sent to applicant for July 19, 2012 Design Commission
 3. Notice to be posted for July 19, 2012 Design Commission
 4. Applicant's statement certifying posting for July 19, 2012 Design Commission
 5. Mailing list for July 19, 2012 Design Commission
 6. Mailed notice for July 19, 2012 Design Commission
 7. Posting letter sent to applicant for August 27, 2012 Hearings Officer and August 2, 2012 Design Commission
 8. Notice to be posted for 27, 2012 Hearings Officer and August 2, 2012 Design Commission
 9. Applicant's statement certifying posting for August 27, 2012 Hearings Officer and August 2, 2012 Design Commission
 10. Mailing list for August 27, 2012 Hearings Officer
 11. Mailed notice for August 27, 2012 Hearings Officer
- E. Agency Responses:
 1. Bureau of Environmental Services, July 19, 2012
 2. Portland Parks and Recreation, July 19, 2012
 3. Water Bureau
 4. Fire Bureau
 5. Oregon Department of Environmental Quality, July 10, 2012
 6. Oregon Department of Environmental Quality, August 13, 2012
 7. Bureau of Parks, Forestry Division, July 26, 2012
 8. Bureau of Transportation Engineering and Development Review
- F. Letters:
 1. Steve Pinger, July 19, 2012, comments on Open Space
 2. Don Genasci, July 19, 2012, comments on Open Space
 3. NWDA Phil Selinger, July 24, 2012 interim comments for PBOT consideration
 4. Don Genasci, August 2, 2012, comments on Open Space
 5. Suzanne Lennard, August 2, 2012, comments on Open Space
 6. Steve Pinger, August 2, 2012, comments on Open Space
 7. NWDA Ron Walters, August 2, 2012, comments on Open Space
 8. Suzanne Lennard, August 14, 2012, proposed Master Plan standards
 - 9.
- G. Other:
 1. BES staff notes, June 1, 2012
 2. Staff Report for July 19, 2012 Design Commission
 3. Reference material – existing standards & guidelines that provided inspiration to the proposed standards & guidelines
 4. Staff presentation, July 19, 2012 Design Commission
 5. Staff notes, July 19, 2012 Design Commission
 6. Staff summary, July 19, 2012 Design Commission
 7. Staff presentation, August 2, 2012
 8. Staff notes, August 2, 2012 Design Commission
 9. Staff summary, August 2, 2012 Design Commission
 10. Original LUR Application
 11. Site History Research

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).



ZONING

 Site

 Historic Landmark



This site lies within the:
NORTHWEST PLAN DISTRICT

File No.	LU 12-135162 MS
1/4 Section	2827,2828,2927
Scale	1 inch = 300 feet
State_Id	1N1E28CD 2700
Exhibit	B (May 01,2012)

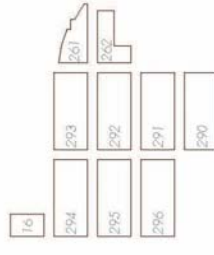
OVERALL SCHEME



Map 02-2 illustrates the locations for various proposed open areas. Refer to Section 3 Design Standards and Design Guidelines for a comprehensive description of the Vision and Guiding Principles related to the formation of these spaces.

A portion of Block 290 is labeled as neighborhood park.

SECTION 02



MAP 02-2 OPEN SPACE PLAN

