



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

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## **Staff Report and Recommendation to the Design Commission**

CASE FILE: LU 23-079756 DZM

PC # 23-035771

*CON-WAY BLOCK 292 EAST*

REVIEW BY: Design Commission

WHEN: Thursday, November 2, 2023 at 1:30 PM

REMOTE ACCESS: Design Commission Agenda:

<https://www.portlandoregon.gov/bds/42441>

**This land use hearing will be limited to remote participation via Zoom.**  
**Please refer to the instructions included with this notice to observe and participate remotely.**

Bureau of Development Services Staff: Tanya Paglia / [Tanya.Paglia@portlandoregon.gov](mailto:Tanya.Paglia@portlandoregon.gov)

### **GENERAL INFORMATION**

**Applicant:** Kurt Schultz | Sera Architects  
600 SW 10<sup>th</sup> Ave., Ste 500 | Portland, OR 97205  
[kurts@seradesign.com](mailto:kurts@seradesign.com)

**Owner:** Preg NW Portland LLC  
1 North B Street., Ste 4000 | San Mateo, CA 94401

**Owner's Agent:** Don Peterson | Prometheus Real Estate Group, Inc.  
1 North B Street., Ste 4000 | San Mateo, CA 94401

**Developer:** James Santana | Cairn Pacific LLC  
2121 NW Savier St., Ste 701 | Portland, OR 97210

**Site Address:** NW 21ST AVE

**Tax Account No.:** R649912700  
**State ID No.:** 1N1E28CD 02402  
**Quarter Section:** 2827  
**Neighborhood:** Northwest District, contact Greg Theisen at  
[contact@northwestdistrictassociation.org](mailto:contact@northwestdistrictassociation.org)  
**Business District:** Northwest, contact at [nobhillportland@gmail.com](mailto:nobhillportland@gmail.com).  
**District Coalition:** Neighbors West-Northwest, contact Darlene Urban Garrett at  
[darlene@nwnw.org](mailto:darlene@nwnw.org)

**Plan District:** Northwest  
**Other Designations:** Con-way Master Plan Area  
**Zoning:** EXd, Central Employment with a Design Overlay

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

**Proposal:**

Type III Design Review for a proposal to develop Block 292 East in the Con-way Master Plan area with a seven-story residential building with approximately 159 to 192 units. The U-shaped building will have a courtyard facing west on a mid-block pedestrian accessway, and a lobby located in the SW corner of the site facing NW Raleigh St. Below-grade parking will have approximately 115 parking stalls and be accessed from NW Savier St on the north side of the site.

Block 292 East will have a five-story base with brick cladding capped with a two-story metal clad penthouse that is set back from the lower mass below. The penthouse will consist of two-story townhouses with gable roofs. Aluminum storefront windows with wood cladding accents and steel canopies occur at the ground level.

The project is sited on the eastern half of the Block 292 superblock located in the northern part of the NW Plan District. The project site is the same size as a typical Portland City block. The project includes the development of ½ the width of a pedestrian accessway to the west adjacent to Saltwood North on Block 292W.

Modification requests [PZC 33.825.040]:

1. **Con-way Master Plan Development Standard 1 – Height:** to allow an increase in the height limit by 14'-10" from the allowed 67' to a building height of 81'-10".
2. **Bicycle Parking Standard (33.266.220.C3):** to allow a reduction in the spacing of bicycle racks from the required: 24" spacing to a proposed 18" spacing.
3. **Modification to the Parking Stall Standard (33.266.130.F ; Table 266-4):** to allow the reduction in width of some parking stalls by 8" due to structural column encroachment. Required: 8'-6" width. Proposed: 7'-10" width for some stalls.

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

**Relevant Approval Criteria:**

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

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

## ANALYSIS

**Site and Vicinity:** The project is situated on Block 292 East within the Con-way Master Plan area in the northern part of the Northwest Plan District and within the NW Pedestrian District. The Con-way Block 292 East site sits on the eastern half of the Block 292 superblock. Block 291E is bounded by NW Raleigh to the north, NW 20<sup>th</sup> Ave to the east, NW Quimby to the south, and a pedestrian accessway adjacent to Saltwood North to the west. It is currently a surface parking lot.

The Master Plan was approved by the Hearings Officer under LU 12-135162 MS and includes 10 Development Standards and 7 Design Guidelines unique to sites in Conway (found in Section 5 of the Master Plan) which supersede any other zoning code applicable to the site. The Term of the current Con-way Northwest Master Plan was originally October 2, 2012 to October 2, 2022, however, it was extended due to the COVID pandemic and will remain in effect until January 1, 2024 (33.562.300.H). During the term of the Master Plan, any proposed development within the Northwest Master Plan area is vested in the zoning regulations in effect when the master plan was filed on April 24, 2012.

The Con-way Master Plan area is located within the boundaries of the Northwest Plan District. Per Zoning Confirmation Letter 21-009435 CZA, the total square footage of the Master Plan Area at the time of adoption appears to have been approximately 880,000 square feet (20.2 acres). The Master Plan imposed a maximum floor area ratio of 3:1. Present uses in the area include residential, retail, office, industrial, warehousing, and surface parking. Only a couple of the master plan area parcels are not yet redeveloped or without plans for redevelopment under entitlements.

The subject site shares the superblock with the recently built Saltwood North (Block 292 W), and Saltwood South (291 W) sits just south of it, across NW Raleigh St. Both are mixed-use apartment buildings. Directly south of Block 292 E, across NW Raleigh St, is Block 291 E, a site under construction with a mixed-use development named Freewell that was approved by the Design Commission in July 2020 (LU 19-251124 DZM). Freewell's western frontage is a pedestrian accessway that will connect with Block 292's pedestrian accessway, and together they will be one of the primary routes to the new park and public plaza. A future City park is planned to be built to the south of Freewell, across Quimby at Block 290E. The park is anticipated to be a naturally landscaped neighborhood park in contrast to the active public square designated for Block 290 West. The segment of Quimby St running between NW 20th Ave and NW 21st Ave is a designated Festival Street.

To the north of Block 292, NW Xavier St, is Block 293, the XPO Logistics site with an existing south oriented 5-story office building set behind a double-loaded surface parking lot. The brick building was built in 2000 and predates the Con-way Master Plan. An existing ODOT surface parking lot sits to the east of the site, and the US Highway 30 viaduct sits north of the block, passing over part of the ODOT lot.

To the east of Block 292, across NW 20th Ave is Block 262 where a new building is under construction. The building on Block 262, together with a building under construction on Block 261 just to its north, make up the Slabtown Xavier project approved by the Design Commission in December of 2021 (LU 21-079366 DZM). Block 262 abuts St. Patrick's Roman Catholic Church and Rectory which was built in 1891. It is the oldest site in the neighborhood, and is an individually listed National Register historic landmark. St. Patrick's Church is one of only a few historic buildings in the area and is a major landmark of the Slabtown neighborhood. The Renaissance Revival / Beaux Arts structure was designed by architect Otto Kleeman and constructed of rough basalt masonry, quarried in Clackamas County. Per the National Register Nomination, it is "the second oldest surviving church building of any denomination in the city of Portland still used for religious purposes."

Con-way, Inc. was acquired by XPO Logistics, a company headquartered in Greenwich, Connecticut, in 2015. The former Con-way Inc. brand traced 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), and by the time of master plan, Con-way delivered services through its primary operating companies of Con-way Freight, Con-way Truckload, and Menlo Worldwide Logistics. These operating units provided regional, inter-regional and national less-than-truckload (LTL); logistics, warehousing and supply chain management services; as well as full truckload freight transportation to companies across North America and around the globe. Con-way and its subsidiaries operated from more than 500 locations across North America and in 20 countries across five continents.

The Con-way property in Northwest Portland that is now the site of the master plan originally accommodated a trucking depot and truck maintenance facilities; it evolved over time to include headquarters, and office facilities that supported the trucking operations. By the time of the master plan, trucking operations had moved to off-site locales, and Con-way's headquarters were located in Ann Arbor, Michigan. However, they still controlled land in Northwest Portland, and continued to maintain a presence in two large office buildings in the master plan area on Blocks 293 and 294, and a vacant truck maintenance building on Block 290, and a small, leased

industrial building on Block 16, with the balance of Con-way's site area being paved lots used as parking. XPO continues to own and occupy an office building on Block 293. Block 296 was the first project undertaken under the master plan, with a building renovated for use as a grocery store and other commercial uses on the west side of the superblock, and the east side developed with a 6-story mixed-use building.

The northernmost boundary of the Master Plan area is I-405, the southernmost boundary is NW Pettygrove Street, the westernmost boundary is NW 21<sup>st</sup> Avenue and the easternmost boundary is almost to NW 20<sup>th</sup> Avenue. NW 21<sup>st</sup> (included within the Master Plan area boundary) and NW 23<sup>rd</sup> Avenues are the major north-south commercial corridors of the Northwest Plan District. Both can be characterized as successful, vibrant retail streets offering amenities like small retailers, boutique shops and a wide-range of restaurants to residents, office workers, and visitors including tourists. The Master Plan area is unlike the rest of the district in that it includes a vast area of surface parking lots and a few large office buildings.

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

**Zoning:** The project site lies within the Con-way Master Plan area. The Master Plan was approved by the Hearings Officer under LU 12-135162 MS and includes 10 Development Standards and 7 Design Guidelines unique to sites in Conway (found in Section 5 of the Master Plan) which supersede any other zoning code applicable to the site. The Term of the current Con-way Northwest Master Plan was originally October 2, 2012 to October 2, 2022, however, it was extended due to the COVID pandemic and will remain in effect until January 1, 2024 (33.562.300.H). During the term of the Master Plan, any proposed development within the Northwest Master Plan area is vested in the zoning regulations in effect when the master plan was filed on April 24, 2012.

Portland Zoning Code (PZC) 33.700.090.A states “applications for building permits for development approved by a land use decision that has not expired are subject only to the regulations in effect on the date a land use application was filed with the City, as specified in 33.700.080.A.1”. PZC 33.562.300.D.5 requires a Northwest Master Plan to identify, “how specific development and use proposals will be reviewed, and the standards, guidelines, and approval criteria used to evaluate each proposal.” As used here, “development” includes discretionary land use reviews, such as design review, and building permits. Amendments to the Zoning Code that became effective subsequent to April 24, 2012 such as those related to Inclusionary Housing Zoning Code Project or the Commercial Mixed-Use Zone Project, do not apply to development within the Master Plan during its term.

Therefore, the proposal will be reviewed under the applicable zoning in effect the date the Master Plan application was filed (April 24, 2012) – **Central Employment (EX) base zone**, d overlay zone and the Northwest plan district. It is also within the Northwest Master Plan boundary (33.562.300).

The Central Employment (EX) zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.

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



development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The Northwest Plan District implements the Northwest District Plan, providing for an urban level of mixed-use development including commercial, office, housing, and employment. Objectives of the plan district include strengthening the area's role as a commercial and residential center. The regulations of this chapter: promote housing and mixed-use development; address the area's parking scarcity while discouraging auto-oriented developments; enhance the pedestrian experience; encourage a mixed-use environment, with transit supportive levels of development and a concentration of commercial uses, along main streets and the streetcar alignment; and minimize conflicts between the mixed-uses of the plan district and the industrial uses of the adjacent Guild's Lake Industrial Sanctuary.

**Land Use History:** City records indicate there are no prior land use reviews for this site.

- LU 12-135162 MS. Approved Northwest Master Plan.
- LU 15-142459 MS. Approval of Con-way Master Plan amendment to remove vehicular access restriction from NW Thurman St., amending Map 06-1 of the Con-way Master Plan.
- LU 18-185663 DZM. Approval for two new 6-story mixed-use, market-rate apartment buildings with ground level retail, and approximately 354 units and below-grade parking on two blocks – Block 291W (south) and 292W (north).
- LU 19-171280 LC. Approval of a Lot Consolidation to create two parcels of historic lots 5 to 14 and portions of historic lots 1 to 4 and 15 to 18 of Block 292, Couch's Addition, together with a portion of vacated NW Xavier Street.
- 21-009435 PR. FAR analysis to confirm the maximum amount of floor area allowed within the Con-way Master Plan Area, and to confirm the current status of floor area within the Master Plan Area (based upon the information available).

**Agency Review:** A "Request for Response" was mailed **October 5, 2023**. The following seven Bureaus, Divisions and/or Sections responded with no objections and six of these included comments found in Exhibits E-1 through E-6:

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

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on October 11, 2023. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Steve Pinger, NWDA Planning Committee, [steve@sspdev.com](mailto:steve@sspdev.com). Letter dated October 23, 2023 (Exhibit F.1) notes support for the general project concept, uses, massing, and façade strategy, and specifies that the applicants have largely responded to NWDA Design Advice Request (DAR) comments from July 2023 regarding ground-level uses and the pedestrian accessway. The committee notes the following ongoing concerns:

#### Pedestrian Accessway

- Provide a continuation of the unified design to the crossings at both Savier and Raleigh streets.

#### Façade Design

- Façade strategy of lower floors is clearer and stronger, but is then overlain with unnecessarily fussy brick types and detailing; keep it simpler;
- Upper floors still appear to be a “building landed on building”. Weathering steel cladding is an improvement from “wood-look” material, but a stronger contrast in hue and value would help, which might be achieved as the material ages, but should be confirmed;
- Gable-end form adjacency to lower parapet at SE, NE and NW corners of building is still visually and functionally awkward due to the unusual scale and location of the element, and its ‘residential’ form. The ‘scoop dormers’ are more successful.

#### Height Adjustment

- The original height adjustment request is supported, in that perception of the upper floors massing would be limited from the adjacent streets. The Committee requests that the applicant provide undistorted views from the adjacent street looking up to the upper floors to confirm.

**Staff Response:** The findings below address many of the concerns expressed or otherwise discuss how the proposal meets the applicable Design Review approval criteria.

### **ZONING CODE APPROVAL CRITERIA**

#### **(1) Design Review (33.825)**

##### **33.825.010 Purpose**

Design Review ensures:

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

##### **33.825.055 Design Review Approval Criteria**

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

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

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

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

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

### **Community Design Guidelines**

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland's urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other movement systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

### **Con-way Master Plan Design Guidelines**

#### **Introduction**

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

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

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

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

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

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

#### **Goals of design review:**

1. Encourage urban design excellence;
2. Integrate urban design and preservation of our heritage into the development process;

3. Promote the development of diversity and areas of special character within the district;
4. Establish an urban design relationship between the district and the Northwest District as a whole;
5. Provide for a pleasant, rich and diverse experience for pedestrians;
6. Assist in creating an 18-hour district which is safe, humane and prosperous; and
7. Ensure that development proposals are at a human scale and that they relate to the scale and desired character of its setting and the Northwest District as a whole.

*The Commission has considered all guidelines and has addressed only those guidelines considered applicable to this project.*

### **Community Design Guidelines**

**P1. Plan Area Character.** Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.

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

**D7. Blending into the Neighborhood.** Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

**D8. Interest, Quality, and Composition.** All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

### **Con-way Master Plan Design Guidelines**

#### **Guideline 4: Develop buildings that are appropriately scaled to the neighborhood.**

Façades should be well articulated and offer diversity in volume and form along the street edge.

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

**Findings for CDGs P1, P3, D7, D8; and Con-way MP DGs 4, 6:** The design proposed for Block 292 East is a contemporary interpretation of the Slabtown warehouse and mill district. The proposed building is located towards the eastern end of the Con-way Master Plan area where it will contribute to the emerging character of the area while complementing the historic context of the neighborhood. The proposal will add to the fabric of the new neighborhood with materials and design features that reflect the character of the area including breaking down the scale of the building, utilizing brick as a primary cladding material, and adding unique open spaces to the western side of the site.

The master plan was created in 2012 and over the subsequent years, uses in the master plan area have transitioned from primarily office, industrial, warehousing, and surface parking to a larger presence of high-density residential and commercial uses. The oldest building in the area is a landmark church a block to the east, directly adjacent to Block 262 where a new apartment building and pocket park are under construction.

The proposed building will fit the context of this location by building on the existing neighborhood character while creating its own unique sense of place. The project is complementary but distinct from the other Con-way blocks that are predominantly six-stories in height with flat roofs. Block 292 East will have a 5-story scaled base massing with brick cladding capped with a 2-story metal-clad penthouse that is set back from the lower mass below. The penthouse will consist of 2-story townhouses and will have gable roofs to contrast with the more typical flat roofs in the master plan area. The gables will add architectural variety, and their forms will break up the height and massing of the building. The gables also give significant character and sculptural interest to Block 292 East providing a distinctive place-making and wayfinding feature in the master plan area.

All four of Block 292 East's frontages – three street frontages and one pedestrian accessway frontage – are approximately 200' long. The design guidelines call for breaking up the continuity of long frontages in a variety of ways to achieve façades that are less monumental. Per the Community Design Guidelines, *Guideline P1*, Appendix J which draws from the Adopted Northwest District Plan, new development should contribute to integrating the Transition Area into the more typical urban fabric of the Northwest District by adopting its finer-grained scale and pedestrian-oriented form. Con-way NW Master Plan *Design Guideline 1* also emphasizes human scale noting, *"buildings and edges have a responsibility to contribute to pedestrian comfort and enjoyment. Buildings and edges adjacent to walkways should provide human scale and relationships which support pedestrian needs and interests."*

The proposal addresses these guidelines by breaking down the massing in various ways including shifting wall planes, adding inset and projecting balconies, roofline variation, and shifting fenestration patterning and materials at the penthouse levels. The project adheres to the partial block scale of development called for in the Community Design Guidelines appendix. The full block project is divided into 3 volumes: 1. a quarterblock scale building in the SW corner set apart by unique Corduroy brick coursing and a main entry courtyard within a glassy link that clearly delineates the adjacent brick volumes from each other; 2. an "L" shaped wing that fronts NW 20<sup>th</sup> Ave and NW Savier; and 3. a 2-story, metal-clad penthouse that is set back from the lower mass below. Each individual volume is broken down further fitting the desired urban character of transition area D.

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

All exterior materials proposed for the building are durable and of high quality. The most prevalent exterior cladding material will be red brick. The brick will be detailed in a thoughtful manner to promote visual interest and add depth and character to the facades via protrusions, reveals, and unique coursing. The red brick along with the gridded windows evoke the warehouse buildings prevalent in historic Slabtown while also relating to the many newly built brick buildings in the area. Corten vertical rib siding highlights the gabled upper townhouse levels and distinguishes the building top as a penthouse level. Aluminum storefront windows with wood cladding accents and steel canopies occur at the ground level and will create a ground-floor vernacular.

*These guidelines are met.*

### **Community Design Guidelines**

**E1. The Pedestrian Network.** Create an efficient, pleasant, and safe network of sidewalks and paths for pedestrians that link destination points and nearby residential areas while visually and physically buffering pedestrians from vehicle areas.

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

**E3. The Sidewalk Level of Buildings.** Create a sense of enclosure and visual interest to buildings along sidewalks and pedestrian areas by incorporating small scale building design features, creating effective gathering places, and differentiating street level facades.

**E4. Corners that Build Active Intersections.** Create intersections that are active, unified, and have a clear identity through careful scaling detail and location of buildings, outdoor areas, and entrances.

**E5. Light, Wind, and Rain.** Enhance the comfort of pedestrians by locating and designing buildings and outdoor areas to control the adverse effects of sun, shadow, glare, reflection, wind, and rain.

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

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

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

**D4. Parking Areas and Garages.** Integrate parking in a manner that is attractive and complementary to the site and its surroundings. Locate parking in a manner that minimizes negative impacts on the community and its pedestrians. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

**D5. Crime Prevention.** Use site design and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground level uses, and outdoor areas.

#### **Con-way Master Plan Design Guidelines**

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

**Guideline 2: Develop urban edge variety adjacent to parks, pedestrian accessways and greenstreets.**

Program uses on the ground level of buildings adjacent to parks, accessways and greenstreets that activate and expand the public realm. Design the lower stories of buildings to include elements that activate uses and add variety and interest to the building facades.

**Guideline 3: Develop weather protection.**

Develop integrated weather protection systems at the sidewalk level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection, and sunlight on the pedestrian environment.

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

**Guideline 7A: Provide private open spaces that are well integrated with adjacent development, act as gathering places designed to adapt to a variety of activities, are linked together and to other nearby open spaces, are accessible to the public and provide distinctive neighborhood identity.**

**Findings for CDGs E1, E2, E3, E4, E5, D1, D2, D3, D4, D5; and Con-way MP DGs 1, 2, 3, 5, 7A:** The proposed project will be a positive addition to the pedestrian realm providing human scale, visual connection and interest, weather protection, and stopping and resting places. Materials at the base of the building in the touch zone are durable and visually appealing, defined by extensive glazing, aluminum storefronts, accent wood cladding, steel canopies, exterior lighting, and masonry detailing. Extensive balconies, stoops, patios, and terraces help provide activation to the pedestrian realm by providing eyes on the street and visual interest to passers-by. Canopies, as well as insets to the building walls, will allow people to stop, visit, and meet under cover. The proposed project enhances safety in the area with all building entrances being well lit and having clear sight lines in all directions, the residential and parking entrances being secured by a key-card system, and active highly-fenestrated and active facades providing 'eyes on the street.

The development's ground floor street frontages will be active with the residential lobby, work/live units, amenity spaces, and ground floor residential. The SW corner intersection

at the pedestrian accessway is activated by the building lobby with outdoor seating. The site's two corners located at street intersections (NE and SE corners) are activated with work/live units. Ground floor residential has been designed to successfully transition from the private to the public realm with entrances elevated and set back from the sidewalk and raised stoops which allow privacy and "defensible space" which is more likely to be utilized and contribute to a sense of an active frontage. Ground floor stoops on NW 20<sup>th</sup> are spacious with a landscape buffer along the building's interface with the sidewalk. The entire western frontage along the pedestrian accessway is activated by residential units with stoops, the central courtyard, and the building lobby.

The main building entrance and residential lobby is located on NW Raleigh. The primary entry is located at a recessed glassy link with an entry courtyard that separates the SW quarter block wing from the east wing. It also includes a glass canopy that helps highlight the entrance. This recess allows visibility through the block all the way to the central courtyard. The building mass at the SW corner is distinguished by corduroy brick to set it off as a distinct element, bringing additional attention to the main entry and lobby. NW Raleigh is further activated by building amenity spaces facing south and a work/live unit on the SE corner.

All parking is in the basement with parking accessed from NW Xavier St to the north. The utility transformer will be located in the basement with access from the pedestrian accessway. The transformer vault access lids will have a concrete-looking slip-resistant coating over steel.

Along the west frontage, the project will complete a pedestrian accessway in accordance with the Conway NW Master Plan that will include stopping and gathering spaces, landscaping, and benches for pedestrians. In close proximity to the site will be three unique new open spaces: a new public plaza, a new city park, and a new festival street. These will build on the open space created by a network of pedestrian accessways – some built and some soon to be built – that run north-south throughout the master plan area. Block 291's pedestrian accessway will connect with Block 292's pedestrian accessway, and together they will be one of the primary routes to the new park and public plaza. The new segment of the pedestrian accessway will be a unique public space providing diverse spaces across its north-south extent. It will feature an intentionally meandering design that is not strictly linear to add variety and surprise to the pedestrian experience in the district.

Featuring multiple gables atop two-story penthouse units that step back significantly from the facades of the five-story base, the proposed building design provides less mass along the pedestrian accessway, more light and air on adjacent sidewalks, and greater variation in building architecture and roofline than would a building with a more monolithic six-story massing and flat roof. The proposed massing gives significant character and sculptural interest to Block 292 East while providing a less towering and imposing structure along the site's four pedestrian frontages, including the pedestrian accessway. The building will provide human scale along all four frontages with door, window, and wall treatments relating to and contributing to pedestrian enjoyment. In addition, the building is designed with an internal courtyard oriented to the west to engage with the pedestrian accessway.

*These guidelines are met.*

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## **Modification Requests (33.825)**

### **33.825.040 Modifications That Will Better Meet Design Review Requirements:**

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

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

\*\*\*\*\*

- 1. **Con-way Master Plan Development Standard 1 – Height:** to allow an increase in the height limit by 14'-10 from the allowed 67' to a building height of 81'-10".

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

*Consistent with Con-way's approach to development described above, specific building heights and dimensional characteristics for each proposed new structure will be described at the time development applications are submitted for each project. Map 02-3 describes the maximum heights that are allowed within the Master Plan boundary.*

*Massing is carefully addressed to ensure that new structures are compatible with desired neighborhood characteristics via a series of Design Standards and Guidelines described in Section 5. These criteria attempt to balance desired densities with livability and positive urban qualities, with a strong emphasis on the quality of the pedestrian realm.*

*The development program described below achieves an overall density (floor area ratio / FAR) of 3:1 throughout the Con-way Master Plan area. This density level is currently allowed in the Northwest Plan district for residential uses only. To enable development to achieve a truly vibrant mixed-use environment, the Con-way Master Plan expands the mix of uses allowed so that commercial, office, employment and other allowed uses be allowed at a 3:1 FAR. Provisions explaining the uses that are allowed in the Con-way Master Plan are described in Section 5, Development and Design Standards and Criteria, of this application.*

*At 3:1 FAR, the overall development program for this Master Plan is as follows:*

*Total FAR = 2,280,850 square feet*

*Existing Floor area = 330,850 square feet (Includes floor area for existing buildings on Blocks 293 and 294, Adtech I and Adtech II respectively. See Appendix.)*

*New floor area = 1,950,000 square feet*

*Proposed allocations of FAR between uses are described in Section 3, bearing in mind that these are approximate allocations that will ultimately be market driven.*

As is noted, specific building heights and dimensional characteristics will be described at the time each application is submitted; the maximum allowance for height indicates that heights



above those defined in the plan can be modified, as additional height is not explicitly prohibited.

*Standard:* Maximum height for Block 292 East is 67' (Map 05-1).

**Findings:** A height Modification will allow Block 292 East to provide architectural and skyline variety in the Con-way Master Plan area by reshaping roughly the same amount of floor area that could be occupied by a 6-story building with a flat roof into a more unique design that helps create a sense of place and visual interest, and avoids a campus sensibility in the area. Block 292 East will have a five-story scaled base massing with brick cladding capped with a two-story metal-clad penthouse that is set back from the lower mass below. The penthouse will consist of two-story townhouses and will have gable roofs to contrast with the more typical flat roofs in the master plan area.

The proposed building height is 14'-10" above the allowed 67'-0". The added height requires a Modification to Con-way Master Plan Development *Standard 1 – Height*, increasing from the 67'-0" allowed to 81'-10". As compared to a more uniform six-story building with a similar floor area, the project as currently proposed better meets the purpose of the standard. Featuring multiple gables atop two-story penthouse units that step back significantly from the facades of the five-story base, the project will be complementary but distinct from the other Con-way blocks that are predominantly six-stories in height with flat roofs. The proposed design provides less building mass along the pedestrian accessway, more light and air on adjacent sidewalks, and greater variation in building massing and roofline than would a building with a more monolithic six-story massing. This massing gives significant character and sculptural interest to block 292 East while providing a less towering and imposing structure along the site's four pedestrian frontages.

As is stated in the overall scheme for height and massing: *These criteria attempt to balance desired densities with livability and positive urban qualities, with a strong emphasis on the quality of the pedestrian realm.* Therefore, the increased height balances the desired density with the creation of positive urban space, improving the quality of the pedestrian realm, and therefore meets the purpose of the standard.

By adding enough additional height at the top of the building, the proposal allows the development to contain roughly the same amount of floor area as would a six-story building but allows it to be reconfigured to create a more interesting building and skyline. The gables will add architectural variety, and their forms will break up the height and massing of the building. Thus the design with Modification better meets the following guidelines: *Community Design Guidelines P1 – Plan Area Character, E2 – Stopping Places, D1 – Outdoor Areas, D7 – Blending into the Neighborhood, and Con-way Master Plan Design Guidelines 1. Provide human scale to buildings and edges along sidewalks, squares and pedestrian accessways, 2. Develop urban edge variety adjacent to parks, pedestrian accessways and greenstreets, 4. Develop buildings that are appropriately scaled to the neighborhood. Façades should be well articulated and offer diversity in volume and form along the street edge, 5. Provide transitions between the public and private realms when residential structures abut streets, parks and pedestrian accessways, 7A. Open space standards. Provide private open spaces that are well integrated with adjacent development, act as gathering places designed to adapt to a variety of activities, are linked together and to other nearby open spaces, are accessible to the public and provide distinctive neighborhood identity.*

*Therefore, this Modification merits approval.*

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- 2. Bicycle Parking Standard (33.266.220.C3),** to allow a reduction in the spacing of bicycle racks from the required: 24" spacing to a proposed 18" spacing.

*Purpose Statement:* Bicycle parking is required for most use categories to encourage the use of bicycles by providing safe and convenient places to park bicycles. These regulations ensure

adequate short- and long-term bicycle parking based on the demand generated by the different use categories and on the level of security necessary to encourage the use of bicycles for short and long stays. These regulations will help meet the City's goal that 10 percent of all trips be made by bicycle.

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

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

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

*Therefore, this Modification merits approval.*

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- 3. Modification to the Parking Stall Standard (33.266.130.F ; Table 266-4),** to allow the reduction in width of some parking stalls by 8" due to structural column encroachment. Required: 8'-6" width. Proposed: 7'-10" width for some stalls.

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

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

The setback and landscaping standards:

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Provide flexibility to reduce the visual impacts of small residential parking lots;
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution.

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

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

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

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

*Therefore, this Modification merits approval.*

\*\*\*\*\*

## Development Standards

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

The proposed development on Block 292 East will be well integrated with the neighborhood with materials and design features that reflect the character of the area including adhering to the partial block scale of development called for in the design guidelines, utilizing brick as a primary building cladding, and incorporating design details such as brick detailing. The project will also add unique open spaces on the west side of the site and create skyline variation. A large number of balconies, stoops, patios, and upper-level terraces will activate the public realm and will provide human scale, allow interaction between residents and passers-by, and allow for informal surveillance of the street. The ground floor exterior is defined by extensive glazing, aluminum storefronts, accent wood cladding, steel canopies, exterior lighting, and fine masonry detailing.

Featuring multiple gables atop two-story penthouse units that step back significantly from the facades of the five-story base, the project will be complementary but distinct from the other Con-way blocks that are predominantly six-stories in height with flat roofs. The proposed design provides less building mass along the pedestrian accessway, more light and air on adjacent sidewalks, and greater variation in building massing and roofline than would a building with a more monolithic six-story massing. This massing gives significant character and sculptural

interest to block 292 East while providing a less towering and imposing structure along the site's four pedestrian frontages. The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. As conditioned herein, the proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

### **TENTATIVE STAFF RECOMMENDATION**

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

Staff recommends approval of the proposed seven-story residential building with approximately 159 to 192 units on Block 292 East in the Con-way Master Plan located within the Northwest Plan District and recommends approval of the following Modification requests:

1. Con-way Master Plan Development Standard 1 – Height: to allow an increase in the height limit by 14'-10" from the allowed 67' to a building height of 81'-10".
  2. Bicycle Parking Standard (33.266.220.C3): to allow a reduction in the spacing of bicycle racks from the required: 24" spacing to a proposed 18" spacing.
  3. Modification to the Parking Stall Standard (33.266.130.F ; Table 266-4): to allow the reduction in width of some parking stalls by 8" due to structural column encroachment. Required: 8'-6" width. Proposed: 7'-10" width for some stalls.
- A. As part of the building permit application submittal, the following development-related conditions (B through C) 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 23-079756 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

**Procedural Information.** The application for this land use review was submitted on August 31, 2023, and was determined to be complete on 10/02/2023.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on August 31, 2023.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period, as stated with Exhibit A-4. Unless further extended by the applicant, **the 120 days will expire on: 1/30/2023.**

**Some of the information contained in this report was provided by the applicant.** As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily

demonstrates compliance with the applicable approval criteria. This report is the recommendation of the Bureau of Development Services with input from other City and public agencies.

**This report is not a decision. The review body for this proposal is the Design Commission who will make the decision on this case.** This report is a recommendation to the Design Commission by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Design Commission will make a decision about this proposal at the hearing or will grant a continuance. Any new written testimony should be emailed to Tanya Paglia [Tanya.Paglia@portlandoregon.gov](mailto:Tanya.Paglia@portlandoregon.gov). If you cannot email comments and must mail comments via USPS mail, your comments to the Design Commission can be mailed c/o the Design Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

**Please note regarding USPS mail:** USPS mail is only received a couple times a week, and testimony must be received before the close of the record. Therefore, please mail testimony well in advance of the hearing date.

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

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on the Bureau of Development Services website. Look at [www.portlandonline.com](http://www.portlandonline.com). On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

**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.

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

**Who can appeal:** You may appeal the decision only if you write a letter which is received before the close of the record 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. (one-half of the BDS LUS application fee, up to a maximum of \$5,000.00)**

Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services website: <https://www.portlandoregon.gov/bds/article/411635>. Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

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

**Recording the final decision.**

If this land use review is approved the final decision will be recorded with the County Recorder. *Unless appealed*, the final decision will be recorded by the Bureau of Development Services.

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

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

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

**Applying for your permits.** A building permit, occupancy permit, or development permit 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: Tanya Paglia

Date: 10/23/2023

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

**A. Applicant's Submittal**

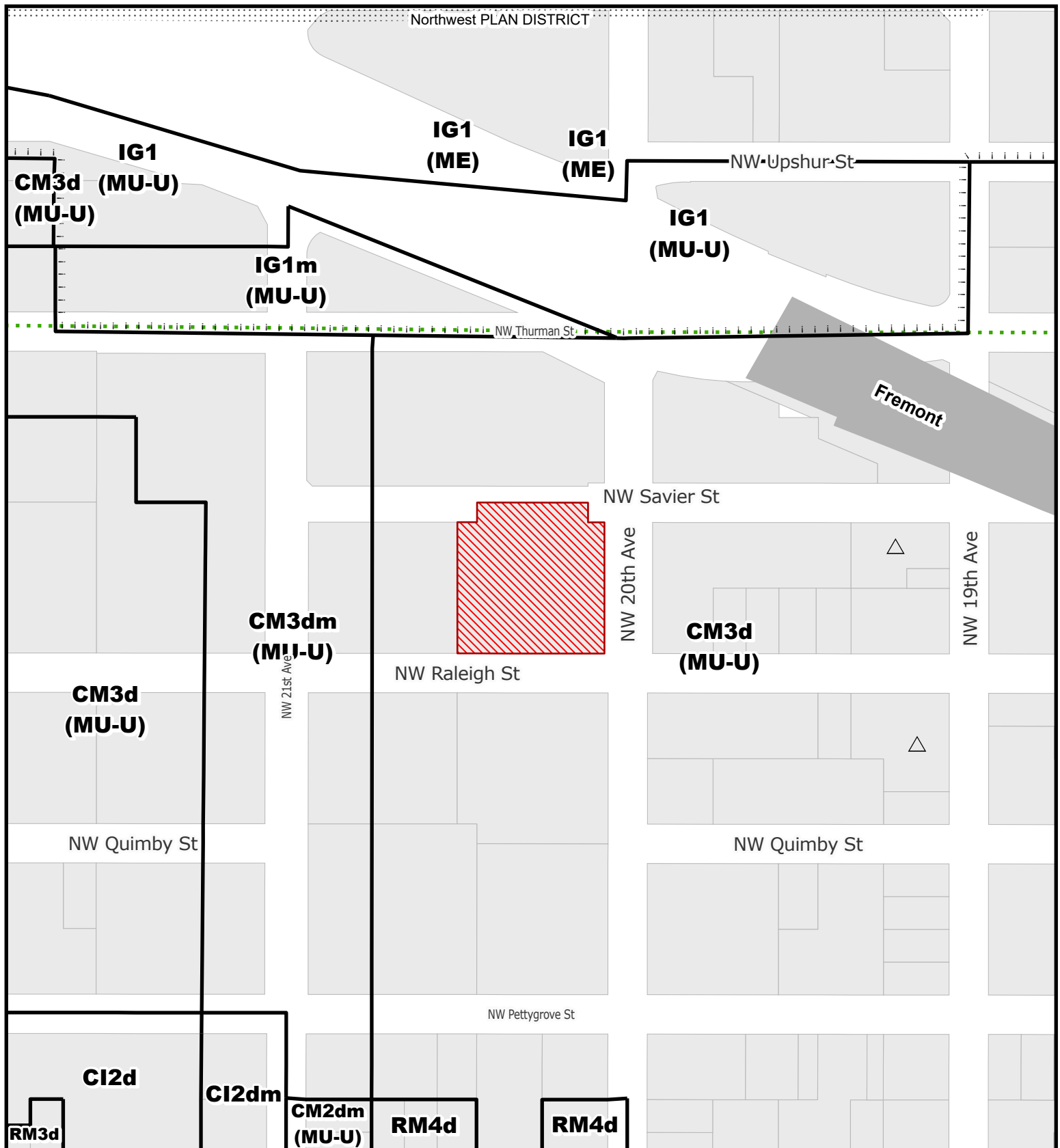
1. Applicant's original project narrative, zoning summary, response to DAR comments, cut sheets and response to approval criteria, 8/30/2023
2. Original plan set – NOT APPROVED/reference only 8/30/2023
3. Civil Utility Plan – NOT APPROVED/reference only 8/30/2023
4. Request for Evidentiary Hearing and Waiver of Right to Decision within 120 Days, 9/18/2023
5. Applicant's incomplete letter response, 10/2/2023

6. Applicant's updated project narrative, zoning summary, response to DAR comments, cut sheets and response to approval criteria, 10/2/2023
7. Updated plan set – NOT APPROVED/reference only 10/2/2023
8. Stormwater Report, 10/2/2023
9. Applicant's updated project narrative, zoning summary, response to DAR comments, cut sheets and response to approval criteria, 10/13/2023
10. Updated plan set – NOT APPROVED/reference only 10/13/2023
11. Applicant's updated project narrative, zoning summary, response to DAR comments, cut sheets and response to approval criteria, 10/20/2023
- B. Zoning Map (attached)
- C. Plan & Drawings
  1. Plan Set Cover Sheet
  2. Table of Contents
  3. Site Plan (attached)
  4. Floor Plan – Level P1
  5. Floor Plan – Level 1
  6. Floor Plan – Level 2
  7. Floor Plan – Level 3-5
  8. Floor Plan – Level 6
  9. Floor Plan – Level 7
  10. Floor Plan – Level - Roof
  11. Context Elevations
  12. South Elevation (attached)
  13. East Elevation (attached)
  14. North Elevation
  15. West Elevation (attached)
  16. Courtyard Elevations
  17. Courtyard Elevations
  18. South Elevation BW
  19. East Elevation BW
  20. North Elevation BW
  21. West Elevation BW
  22. Section
  23. Section
  24. Enlarged Elevation
  25. Enlarged Elevation
  26. Exterior Details (Storefront)
  27. Exterior Details (Vinyl Windows)
  28. Exterior Details (Vinyl Windows)
  29. Exterior Details (Canopy)
  30. Exterior Details (Balcony)
  31. Exterior Details (Parapet)
  32. Exterior Details (Parapet)
  33. Landscape – Site Materials Plan
  34. Landscape – Site Materials Images
  35. Landscape – Site Materials Planting Plan
  36. Landscape – Tree Images
  37. Landscape – Shrub and Groundcover Images
  38. Landscape – Site Lighting Plan
  39. Landscape – Roof Materials Plan
  40. Landscape – Neighborhood Context Plan
  41. Civil – Existing Conditions Plan
  42. Civil – Site Grading Plan
  43. Civil – Site Utility Plan
  44. View From SE (APP-1)

45. View From SW (APP-2)
  46. View From NW 20<sup>th</sup> Ave (APP-3)
  47. Night View From SE (APP-4)
  48. Aerial View From SW (APP-5)
  49. Context Map (APP-6)
  50. Ground Floor Program (APP-7)
  51. Slabtown Aerial (APP-8)
  52. Con-way Context (APP-9)
  53. Saltwood & Freewell (APP-10)
  54. Open Space Diagram (APP-11)
  55. Master Plan Open Space (APP-12)
  56. Exterior Materials (APP-13)
  57. Warehouse with Penthouses (APP-14)
  58. Gables with Dormers (APP-15)
  59. Bike Storage (APP-16)
  60. FAR Diagram (APP-17)
  61. Ground Floor Active Use (APP-18)
  62. Ground Floor Active Use (APP-19)
  63. Master Plan Height (APP-20)
  64. Height Modification (APP-21)
  65. DAR Response (APP-22)
  66. DAR Response (APP-23)
  67. DAR Response (APP-24)
  - 68-113. Cutsheets
- D. Notification information:
1. Request for response
  2. Posting letter sent to applicant
  3. Notice to be posted
  4. Applicant's statement certifying posting
  5. Mailed notice
  6. Mailing list
- E. Agency Responses:
1. The Bureau of Transportation Engineering
  2. Bureau of Environmental Services
  3. Life Safety Division of the Bureau of Development Services
  4. Fire Bureau
  5. Site Development Review Section of Bureau of Development Services
  6. The Bureau of Parks-Forestry Division
- F. Letters
1. Steve Pinger, NWDA Planning Committee, writing on October 23, 2023 noting a number of NWDA concerns, [steve@sspdev.com](mailto:steve@sspdev.com)
- G. Other
1. Original LUR Application
  2. Pre-Application Conference notes, EA 23-035771 PC, held 5/24/2023
  3. DAR Summary Memo, EA 23-050424 DA, held 8/17/2023
  4. Request for Completeness - BES & PBOT responses
  5. Incomplete letter, 9/18/2023

**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).**







For Zoning Code in Effect Post October 1, 2022

# ZONING



THIS SITE LIES WITHIN THE:  
NORTHWEST PLAN DISTRICT

-  Site
-  Plan District
-  Historic Landmark
-  Recreational Trails

|             |                              |
|-------------|------------------------------|
| File No.    | <u>LU 23 - 079756 DZM</u>    |
| 1/4 Section | <u>2827</u>                  |
| Scale       | <u>1 inch = 200 feet</u>     |
| State ID    | <u>1N1E28CD 2402</u>         |
| Exhibit     | <u>B</u> <u>Aug 31, 2023</u> |







SEE MODIFICATION #1: REQUEST 14'-10" HEIGHT MODIFICATION TO 67' LIMIT





