



**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 15-142459 MS  
PC # 14-242574  
Con-way Master Plan Amendment  
REVIEW BY: Design Commission  
WHEN: June 11, 2015 @ 1:30pm  
WHERE: 1900 SW Fourth Ave., Room 2500A  
Portland, OR 97201

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

**Bureau of Development Services Staff:** Hillary Adam 503-823-3581 /  
[Hillary.Adam@portlandoregon.gov](mailto:Hillary.Adam@portlandoregon.gov)

### **GENERAL INFORMATION**

**Applicant:** Jill Long, Applicant  
Lane Powell PC  
601 SW Second Ave, Ste 2100  
Portland OR 97204-3158  
  
Con-Way Properties Inc, Owner  
Po Box 4138  
Portland, OR 97208-4138  
  
Craig Boretz, Owner Representative  
Con-Way Properties, Inc.  
Po Box 3745  
Portland, OR 97208  
  
**Site Address:** 1417 NW 20<sup>th</sup>, 1505 NW 21<sup>st</sup>, 2170 NW Raleigh, 1621 NW 21<sup>st</sup>,  
1621-1717 WI/NW 21<sup>st</sup>, 1721 NW 21<sup>st</sup>, 2169 NW Thurman, 2055  
WI/NW Savier, 1635 W/NW 19<sup>th</sup>, and NEC/Raleigh & NW 21<sup>st</sup>  
  
**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 SEE R529517 (R180230571) FOR OTHER  
IMPS, 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 1-4 EXC PT IN ST LOT 5-10, COUCHS ADD;  
 BLOCK 296 LOT 11-18, COUCHS ADD; BLOCK 295 LOT 1-18  
 TL 2700, COUCHS ADD; BLOCK 293 TL 2300 OTHER IMPS  
 SEE R141301 (R180230570) FOR LAND & IMPS, COUCHS ADD;  
 BLOCK 296 LOT 1-10, COUCHS ADD

**Tax Account No.:** R080301300, R180223140, R180223300, R180230010,  
 R180230390, R180230570, R180230750, R180230870,  
 R180231250, R180231350, R180231070, R180230571,  
 R180231250, R180231250, R180231250, R180231250,  
 R180231250, R180231250, R180231250, R180231250

**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, 1N1E28CD 02300A1,  
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 1N1E28CD 02500, 1N1E28CD 02500

**Quarter Section:** 2827, 2828, 2928

**Neighborhood:** Northwest District, contact John Bradley at 503-313-7574.  
**Business District:** Nob Hill, contact Mike Conklin at 503-226-6126.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Plan District:** Northwest, Con-way Master Plan Area

**Zoning:** EX – Central Employment, IG1 – General Industrial 1, d – Design overlay

**Case Type:** MS – Master Plan Amendment

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

**Proposal:**

The applicant proposes to remove the vehicular access restriction from NW Thurman Street, amending Map 06-1 of the Con-way Master Plan.

*The original Notice also indicated a desire to remove the parking access restriction from NW Pettygrove Street, however this element has been removed from the proposal.*

A Type III Design Review is required to amend Design Standards and Guidelines of the Con-way Master Plan.

**Relevant Approval Criteria:**

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

- Approval Criteria 1-3 of Section 8 of the Con-way Master Plan

**ANALYSIS**

**Site and Vicinity:** The Con-way Master Plan area consists of approximately 25 acres of land, in the Northwest Master Plan area, including four existing buildings to remain, one new building under construction, and plentiful surface parking. It is roughly bound

by NW Pettygrove to the south, NW 22<sup>nd</sup> Avenue to the west, NW Thurman to the north, and NW 20<sup>th</sup> to the east. The purpose of the Con-way Master Plan was to establish parameters for the redevelopment of the land no longer necessary for Con-way's Portland operations with a vision toward creating a vibrant mixed-use neighborhood. Within the Master Plan area, NW 21<sup>st</sup> Avenue and NW Thurman are Transit Access Streets.

**Zoning:** 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 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 Design Overlay Zone [d] promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. 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.

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

- LU 12-135162 MS – Creation of the Con-way Master Plan.

**Agency Review:** A "Notice of proposal in Your Neighborhood" was mailed **May 21, 2015**. The following Bureaus have responded with no issue or concerns:

- The Bureau of Transportation Engineering
- Bureau of Environmental Services
- Portland Water Bureau
- Life Safety Division of BDS

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **May 21, 2015**.

No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## **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 Con-way Master Plan Area, the applicable approval criteria are listed in Con-way Master Plan Section 8 *Process*.

### **Con-way Master Plan Amendment Approval Criteria**

- 1. Overall.** The amendment is consistent with the approved Con-way Master Plan's vision and purpose;

**Findings:** As described in the Con-way Master Plan, Section 2 "Overall Scheme", the intent of the plan is that "these properties be developed in a manner that generates a vibrant mixed-use urban environment. This chapter also discusses how this will be accomplished by addressing proposed densities through height and massing, phasing of development, review procedures, design standards, design guidelines and principles, and transportation. These elements are generally discussed in Section 2 and in more detail in their respective sections; however, the specifics of Map 06-1 *Potential Future Underground Garage Locations and Access* are minimally addressed.

Map 06-1 appears to be discussed primarily with regard to the potential for underground parking as a means to address the relative lack of parking in the Northwest neighborhood. Specifics are not provided for why garage access on certain streets is restricted. Staff can only assume that this is because relatively the same streets are labeled as "Neighborhood Community Main Street" on Map 02-5 *Street Plan* and as a potential streetcar alignment on Map 02-6 *Potential Streetcar Alignment*.

Beside NW Thurman, NW 21<sup>st</sup> is identified as a Neighborhood Community Main Street. Based on other design standards in the Con-way Master Plan, it is clear that the intent for such a street is to help encourage contiguous commercial development along this thoroughfare to stimulate pedestrian activity and create a vibrant

streetscape. Staff notes that such a proposal makes sense along NW 21<sup>st</sup>, but loses merit at the north end of the Con-way Master Plan area. Thurman is the northern boundary of the area and faces industrial buildings on the north side of Thurman. Beyond those buildings in the I-405 on-ramp. As such, there is merit in NW Thurman serving as a buffer between the newly developed activity of the Con-way Master Plan and the industrial areas and freeway to the north. Given the nature of the buildings to the west and east of Block 294E, staff does not anticipate that the northern edge of Block 294E will be a link in a chain of retail along NW 21<sup>st</sup> and Thurman, but rather, effectively, a terminus for the NW 21<sup>st</sup> Retail corridor.

Therefore, allowing this north block face to be used for more relatively back-of-house activities, including garage and loading access, is desirable. In addition, allowing access from this street would limit pedestrian-vehicle conflicts where high pedestrian activity is anticipated including along Savier where a building forecourt is proposed and along pedestrian accessways which are intended for pedestrians and bicyclists.

*For the above stated reasons, this approval criterion is met.*

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;

**Findings:** Purpose statements appear only under Design Standards and Guidelines #5, #6, #7, #8, and #10. Staff has addressed each below:

**#5 Neighborhood Facilities within the NW Master Plan Area.**

Purpose: “This regulation encourages creation of facilities to serve those who live and work in the NW Master Plan Area. These facilities are necessary elements of a neighborhood.”

**Findings:** As this amendment does not affect neighborhood facilities, this amendment will have no effect on this urban design element.

**#6 Required Building Lines.**

Purpose: “Required building lines are intended to enhance the urban quality of the NW Master Plan Area.”

**Findings:** As this amendment does not affect designated required building lines, this amendment will have no effect on this urban design element.

**#7 Special Required Ground Floor Retail Sales, Service, or Neighborhood Facility Uses on NW 21<sup>st</sup> Avenue and Buildings that Front the Square.**

Purpose: “This requirement ensures that Retail Sales, Service, or Neighborhood Facility uses are developed along NW 21<sup>st</sup> Avenue; these uses activate and enrich the public realm. The requirement specifically focuses on Retail Sales and Service uses because they generate more activity and interaction within the public realm than do other active ground floor uses, and help to establish and reinforce a lively and vibrant public realm along NW 21<sup>st</sup> Avenue.”

**Findings:** The proposed amendment retains the garage and loading access restriction for the length of NW 21<sup>st</sup> Avenue. NW Thurman is not addressed in this standard; therefore the proposed amendment will have no effect on this urban design element.

**#8 Standards on Streets and Open Spaces.**

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

**Findings:** As noted above under approval criterion #1, the adjacent buildings along NW Thurman, as well as across Thurman, are not pedestrian friendly with little to no interior-exterior connections. The two Con-way-owned buildings on the south side of Thurman and within the Master Plan area are anticipated to remain as-is. Therefore, while active retail storefront is almost always desirable, requiring continuous retail beyond NW 21<sup>st</sup> could be detrimental to the survival of any commercial entity. Staff notes that the proposed amendment ensures continuity along NW 21<sup>st</sup> Avenue where it will be most successful.

#### **#10 Square Standards.**

Purpose: “The square shall be a significant, iconic urban place, framed by active buildings on at least three sides, and connected to nearby, open spaces.”

**Findings:** The proposed amendment location is more than three blocks away from the proposed square and will have no effect on the design of the square.

*Based on the findings noted above, this approval criterion is met.*

- 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.

**Findings:** The proposed amendment will have no effect on trip generation. *This approval criterion is met.*

## **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 amendment will preserve NW 21<sup>st</sup> Avenue as the primary retail corridor of the Con-way Master Plan area and will allow for NW Thurman to serve a buffer street between the Master Plan area and the industrial lands and freeway corridor to the north. 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. The proposal meets the applicable design guidelines and therefore warrants approval.

## **TENTATIVE STAFF RECOMMENDATION**

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

Staff recommends approval of removing the vehicular access restriction from NW Thurman Street, amending Map 06-1 of the Con-way Master Plan.

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**Procedural Information.** The application for this land use review was submitted on March 31, 2015, and was determined to be complete on April 30, 2015.

*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 March 31, 2015.

*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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: August 28, 2015.**

**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. Your comments to the Design Commission can be mailed, c/o the Design Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201 or faxed to 503-823-5630.

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

**Appeal of the decision.** The decision of the Design Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the review body, only evidence previously presented to the review body will be considered by the City Council.

**Who can appeal:** You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. **Appeals must be filed within 14 days of the decision. An appeal fee of \$3,532.50 will be charged.**

Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must

contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

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

**Recording the final decision.**

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

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

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

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

- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.



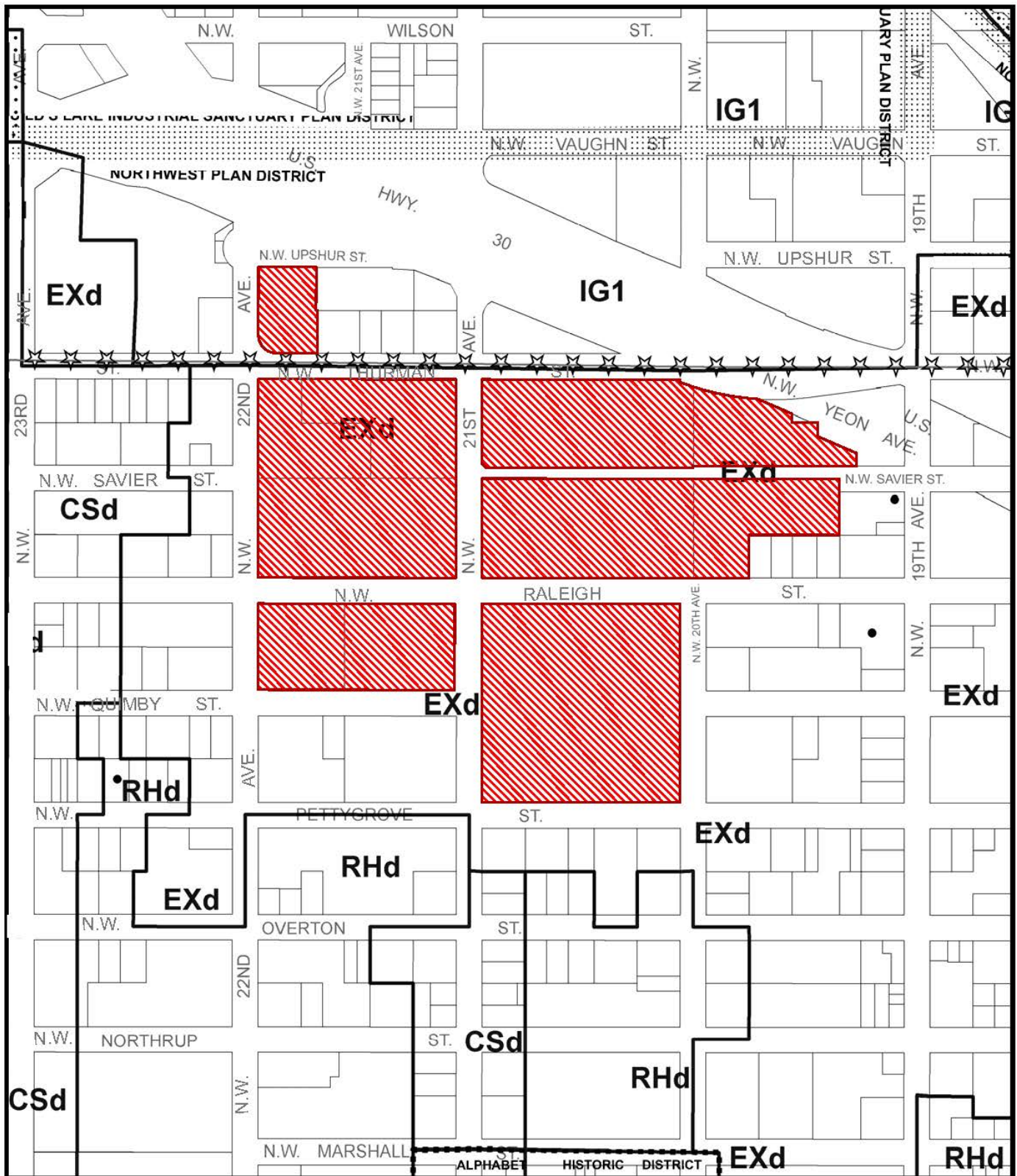
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the city.

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

Hillary Adam  
June 1, 2015

**EXHIBITS – NOT ATTACHED UNLESS INDICATED**

- A. Applicant's Statement
  - 1. Original Narrative and Traffic Engineer's Report
  - 2. Existing Map 06-1 (attached)
  - 3. Proposed Map 06-1, as originally submitted
  - 4. Pre-Application Conference Summary
  - 5. Revised Narrative
- B. Zoning Map (attached)
- C. Plan & Drawings
  - 1. Proposed Amended Map 6-01 (attached)
- 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. Bureau of Transportation Engineering and Development Review
  - 2. Bureau of Environmental Services
  - 3. Portland Water Bureau
  - 4. Life Safety Division of BDS
- F. Letters: none
- G. Other
  - 1. Original LUR Application



# ZONING



Site



Recreational Trail



NORTH

This site lies within the:  
NORTHWEST PLAN DISTRICT

File No. LU 15-142459 MS

1/4 Section 2827, 2828, 2927

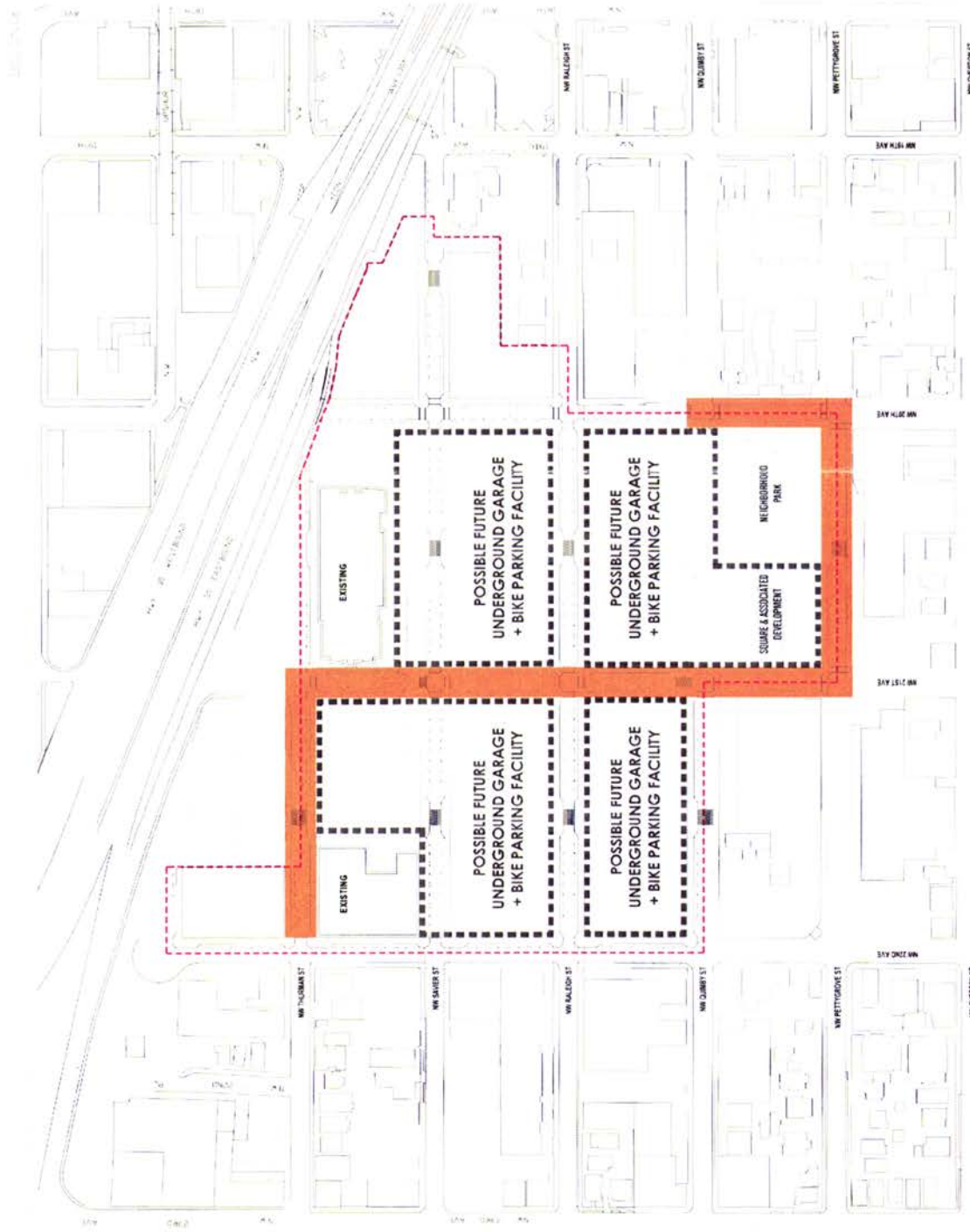
Scale 1 inch = 300 feet

State\_Id 1N1E28CD 2700

Exhibit B (Apr 02, 2015)

KEY

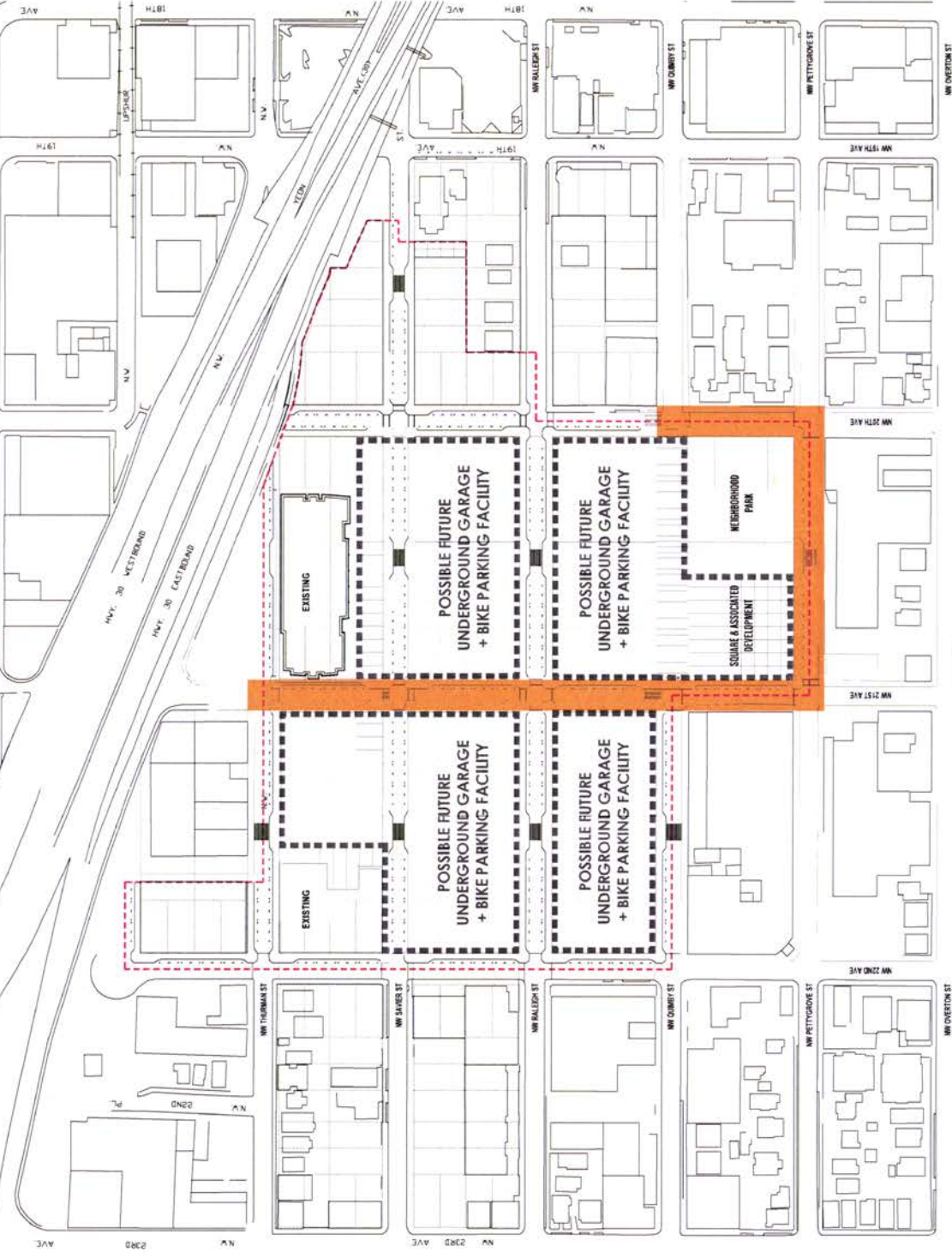
STREETS WHERE GARAGE ACCESS  
AND LOADING DOCKS ARE PROHIBITED



CURRENT MAP 06-1  
POSSIBLE FUTURE  
UNDERGROUND GARAGE  
LOCATIONS AND ACCESS

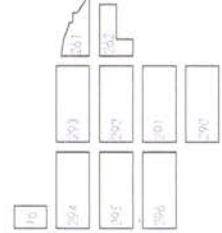






KEY

STREETS WHERE GARAGE ACCESS AND LOADING DOCKS ARE PROHIBITED



MAP 06-1  
POSSIBLE FUTURE  
UNDERGROUND GARAGE  
LOCATIONS AND ACCESS

