



## **3rd Revised STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION**

CASE FILE: LU 16-100496 DZM MS  
PC # 14-242574  
Block 290  
REVIEW BY: Design Commission  
WHEN: August 3, 2017 @ 1:30pm  
*(continued from July 6, 2017, June 8, 2017 and May 4, 2017)*  
WHERE: \*CH2M Building\*  
2020 SW Fourth Ave., Lincoln Room  
Portland, OR 97201

*Note: This staff report is revised from the initial revised staff report which was issued on June 30, 2017. Changes in this staff report are underlined or boxed.*

**Bureau of Development Services Staff:** Hillary Adam 503-823-3581 /  
Hillary.Adam@portlandoregon.gov

### **GENERAL INFORMATION**

**Applicant:** Greg Mitchell, Architect  
LRS Architects  
720 NW Davis St Suite 300  
Portland, OR 97209  
  
Thomas Brenneke, Owner  
Guardian Real Estate  
760 SW 9th Ave., Suite 2200  
Portland, OR 97204  
  
Russell A Marzen, Owner  
XPO Properties, Inc  
1851 West Oak Parkway  
Marietta, GA 30062

**Site Address:** BLOCK 290 - 1417 NW 20<sup>th</sup> Avenue

**Legal Description:** INC PT VAC ST BLOCK 291, COUCHS ADD; INC PT VAC ST  
BLOCK 290, COUCHS ADD

**Tax Account No.:** R180230010, R180230190  
**State ID No.:** 1N1E33BA 00100, 1N1E33BA 00101  
**Quarter Section:** 2927

**Neighborhood:** Northwest District, contact John Bradley at 503-313-7574.  
**Business District:** Nob Hill, contact at nobhillportland@gmail.com.

- District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
- Plan District:** Northwest
- Zoning:** EXd – Central Employment with Design overlay
- Case Type:** DZM MS – Design Review with Modifications and *potential* 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:**

Type III Design Review for a new multi-story residential building with ground floor retail, below-grade parking, and a roof terrace. Proposed exterior materials include Norman brick, zinc-alloy panels, fiber cement panel, vinyl windows, aluminum storefronts, wood doors, and aluminum and glass balconies. The proposal also includes development of a publicly-accessible square and a portion of the vacated NW Quimby right-of-way.

Modifications are requested to:

1. Con-way Master Plan Standard #1 – to increase the maximum height from 47’ to 57’ for a penthouse amenity space on the lower portion of the building;
2. Con-way Master Plan Standard #7(C, D.1, and D.2) – to reduce the 50’ depth requirement for retail fronting on the square to 47’-2” and 49’-4” and 16’-9” at the bike facility; and to reduce the amount of retail/neighborhood facilities fronting on the square from 75% to 38% at the northern square-facing wall;
3. Con-way Master Plan Standard #8(F) – to reduce the required setback of the upper floor of the east and south façades of the east wing from 5’-0” to 0’-0”;
4. Con-way Master Plan Standard #10(B, C) – to reduce the dimensions on the square at the southwest corner from 100’ to 31’-6”; to reduce the clearance of the ground plane connection between the square and the park from 25’ to a minimum clearance of 14’-9”;
5. 33.266.220.C.3.b – to reduce the width of required long-term bicycle parking spaces from 24” to 18”; and

A Master Plan Amendment is requested to:

1. Amend the boundaries of designated open areas and development areas by revising Map 04-7, and subsequently revising Map 05-1 and 05-6, of the Master Plan to align with the new boundaries, in order to allow the proposed development to extend 15’ to the east into the westernmost portion of the designated Neighborhood Park.

*A previous version of this proposal included a Master plan Amendment to allow vehicular access from NW Pettygrove Street; however, this has since been removed.*

*A previously identified Modification to reduce the clearance height of retail spaces has also since been removed.*

Design Review is required because the proposal is for new development is a design overlay.

**Relevant Approval Criteria:**

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

- Community Design Guidelines

- Section 5 of the Con-way Master Plan
- 33.825.040 Modifications That Will Better Meet Design Review Requirements
- Approval Criteria 1-3 of Section 8 of the Con-way Master Plan

## ANALYSIS

**Site and Vicinity:** The subject property is comprised of two long blocks, typical of the Northwest neighborhood, with a vacated portion of NW Quimby Street between the two blocks, totaling 211,600 square feet of site area. The proposed project area does not cover the entire area, but rather, is focused on the southwest corner of the site including the western half of the vacated NW Quimby Street. The property owners intend to establish three separate parcels with the northern block as one parcel, the project area as a second parcel, and a third parcel at the southeast corner to be developed as a public park. Creating three separate parcels is subject to a separate process outside of this land use process. The southern half of the site is currently occupied by 43,868 square foot industrial building, which also provides area for automobile parking. The northern half of the site is currently used as a surface parking lot. The subject property is the southern terminus of the Con-way Master Plan area, which is in the process of redevelopment from office use and surface parking to a mixed-use neighborhood.

Nearby development includes: to the east, multi-dwelling developments built in 2006, 2011, and 2013, as well as 1-story mid-century commercial developments; to the south, single-story mid-century warehouses, a two-story 1908 commercial building, as well as vintage single- and multi-dwelling structures and a 2016 5-story multi-dwelling building; to the west, a 1906 residence converted to commercial use, the 40,000sf 1-story Legacy Recycling Center, the 7-story Q21 mixed-use development, and the 6-story LL Hawkins multi-dwelling building with New Seasons further west. The recently approved Block 294 and 295 mixed-use developments are further northwest and are currently under construction. Surface parking extends to the north with the 5-story XPO building further north.

The Con-way Master Plan area is located within the boundaries of the Northwest Plan District. The aggregate site area contained within the proposed Master Plan limits, excluding current rights-of-way, is 762,168 sq. feet, or 17.49 acres. Present uses of the Master Plan area include office, industrial, warehousing and surface parking, and recently, retail and high-density residential uses. The area originally accommodated a trucking depot and truck maintenance facilities; it evolved over time to include headquarters office facilities that supported the trucking operations. Trucking operations have moved to off-site locales. Con-way, and its property, was recently purchased by XPO. Today, XPO owns and occupies office buildings on Blocks 293 and 294. Block 295W, is occupied by a 3-story office building currently being renovated. Block 296W was recently renovated for use as a grocery store and other small commercial uses and Block 296E was recently developed as a 6-story mixed-use building. As noted, Block 290 contains a vacant truck maintenance building. A small industrial building is located on Block 16. The balance of the Master Plan area includes paved lots, which are used as parking.

Northwest Portland is recognized as the City's most intensely developed urban neighborhood – a place of diverse housing options, substantial employment, and regionally recognized destination retail. It is a close-in neighborhood with a mix of land uses located side-by-side in a compact geographic area. As noted in Appendix D of the approved Master Plan, as of 2009 population of Northwest Portland was estimated at close to 9,400 residents. And, while the district is known for a large supply of high

value vintage older homes, nearly 90% of residential units district-wide (including apartments) are renter-occupied.

The northernmost boundary of the Master Plan area is I-405, the southernmost boundary is NW Pettygrove Street, the westernmost boundary is NW 22<sup>nd</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. They can be characterized as successful, vibrant retail streets offering amenities like small retailers, boutique shops and a wide-range of restaurants to residents, office workers, and visitors including tourists. The Master Plan area is unlike the rest of the district in that it includes a vast area of surface parking lots and a few large office buildings.

**Zoning:** The 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 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.

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

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

- EA 11-160116 PC – Pre-Application Conference for a Type III Master Plan for redevelopment of the 15.62 acre Con-way site;
- EA 11-188950 APPT – Design Advice Request for the Con-way Master Plan;
- LU 12-135162 MS – Approval of Northwest Master Plan for the Con-way site;
- EA 14-242574 PC – Pre-Application conference for the current proposal;
- EA 15-125245 DA – Design Advice Request for the current proposal. There were three Design Advice hearings, held on April 23, 2015, June 11, 2015, and August 20, 2015. Exhibits G-4, G-5, and G-6 summarize the comments from these hearings;
- EA 15-198024 APPT – Early Assistance appointment for reconfiguration of the existing site into three tax lots.

**Agency Review:** A “Notice of proposal in Your Neighborhood” was mailed **April 14, 2017**. The following Bureaus have responded with no issue or concerns:

- Water Bureau
- Fire Bureau
- Life Safety Division of BDS
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

The **Bureau of Transportation Engineering** responded with the following comments. The May 9, 2016 PBOT response to the initial proposal stated the following: “The applicant is required to provide a site specific TDM plan or approval of the Conway Master Plan TDM plan prior to approval of this land use review. At this time, PBOT cannot support approval because neither requirement has been met. PBOT continues to have serious concerns to the significant building encroachments into the vacated NW Quimby right-of-way and to a lesser extent into the eastern boundary of the site into what was proposed as public park. If PBOT had known the park area would be reduced, PBOT would have recommended the standard 60-ft wide pedestrian facility similar to the requirement for the other superblocks in the master plan area. Lesser amounts than the full 60-ft clear area can be considered with Design Commission recommendations that balance the desire for a clear vertical space that reinforces the openness of the standard 200-ft block pattern.” Please see Exhibit E-1 for additional details.

On April 20, 2017, PBOT issued a revised letter in response to the revised design. PBOT noted objection to the proposal, but noted the following requirements will be conditions of the building permit approval:

- Dedicate 3-ft on NW 21<sup>st</sup> Ave and construct a 15-ft sidewalk corridor.
- Rebuild frontages to Conway Master Plan standards under a separate public works permit. Dedications and a bond and contract for the public works permit are required prior to building permit approval.
- No dedications are needed on the other three frontages
- Provide a through pedestrian and bicycle connection in the vacated NW Quimby parcel between NW 20<sup>th</sup> and NW 21<sup>st</sup> in accordance with the approved Conway Master Plan (12-135162 MS). Public pedestrian easements will be required for the full width of the vacated NW Quimby and a minimum 40-ft on the north south pedestrian connection.
- The site is subject to the XPO Transportation Demand Management Plan (TDM) approved by PBOT on March 22, 2017. The applicant can contact Steve Hoyt-McBeth at [Steve.Hoyt-McBeth@portlandoregon.gov](mailto:Steve.Hoyt-McBeth@portlandoregon.gov) for more information.

Please see Exhibit E-1b for additional details.

The **Bureau of Environmental Services** responded with the following comments. The May 9, 2016 BES response to the initial proposal noted that they did not recommend approval, as the proposed stormwater management plan was not approvable and a revised stormwater management plan may affect the final site design; BES has requested additional information. BES noted that if the application is deemed approvable at a later date, the following conditions should be included in the final decision:

1. Prior to permit approval, the applicant must address the ownership of the public sewer and easement in vacated NW Quimby St to the satisfaction of BES.
2. Prior to permit approval, the applicant must assess the Block 291 drainage system and provide an acceptable route of stormwater discharge per PCC 17.38 to the satisfaction of BES.

Please see Exhibit E-2 for additional details.

On April 21, 2017, BES issued a revised letter in response to the revised design. BES no longer objected to the proposal but requested the following conditions of approval, which have been incorporated as conditions of approval:

1. The owner/applicant must complete one of the following prior to BES approval of building permits:
  - a. Show the stormwater system will be located on the lot that it serves, e.g. through completion of a PLA or other method;
  - b. Move the stormwater system elsewhere on the site so that it does not cross a property line; or
  - c. Obtain approval from BDS for a plumbing code appeal to allow the stormwater system to cross a property line and obtain proper legal access from the adjacent property owner.
2. Prior to permit approval, the applicant must resolve the ownership of the public sewer and easement in vacated NW Quimby St to the satisfaction of BES.

Please see Exhibit E-2b for additional details.

**Procedural History:**

- The application was deemed complete on March 29, 2016.
- The initial Notice of Proposal was issued on April 27, 2016 for a prior design by YBA Architects that was scheduled to appear before the Design Commission on May 19, 2016.
- Staff's initial report to the Commission recommended denial at that time due to outstanding PBOT and BES issues as well as guidelines that were not yet met.
- At that time, the applicant elected to not follow through with the planned Design Commission hearing and requested to place the application on hold in order to revise the design.
- At the applicant's request, an extension of the review period was provided to November 15, 2017, per ORS 227.178.
- The applicant also changed the design team, switching to LRS Architects.
- Just as staff worked closely with the YBA design team, staff also met several times with the LRS team.
- Because the design was quite different from the previous design, staff suggested that the applicant hold a Design Advice with the Design Commission prior to moving forward with the design review application; however, this was not desired by the applicant.
- A revised design was submitted on March 9, 2017, the site was posted on April 4, 2017, and a second Notice of Proposal was issued on April 14, 2017 for a Design Commission hearing to be held May 4, 2017.
- At the May 4, 2017 Design Commission hearing, staff presented their report recommending denial and the applicant presented their proposal. Testimony was received from the public. The Commission was in support of the staff report and agreed to form a 3-member subcommittee to meet with the applicant and representatives from the neighborhood in order to try to resolve outstanding issues. A return date was set for June 1, 2017; this date was later rescheduled to June 8<sup>th</sup> due to a power outage affecting the applicant's offices.
- The Design Commission subcommittee, the applicant, members of NWDA, BDS staff, and PBOT staff met on May 12, 2017. The applicant presented two options including one that included a taller building at the north which maintained the 200' x 197' footprint and another that proposed extension of the building by 15' to the east into the Neighborhood Park, while maintaining previously-proposed heights. The subcommittee was supportive of expansion of the footprint to the east because this allowed the square to increase in width, thereby allowing more solar access to the square; two of three of the NWDA members present expressed tentative support for this concept but noted that they could not speak for the NWDA as a whole. The

Design Commission subcommittee also provided additional comments on the architectural design of the building.

- The applicant returned to the Design Commission on June 8, 2017 in order to present their progress to the rest of the Commission. Because the intent of this hearing was to confirm the path forward with the rest of the Commission, this hearing was considered to be a work session and no staff report was drafted prior to the hearing; however, a memo was drafted listed the Modifications and Amendment necessary in order to approve this proposal. Staff presented the memo, the applicant presented their proposal, and public testimony was received. The majority of the Design Commission expressed support for the proposed design and suggested additional refinement.

- The applicant returned to the Design commission on July 6, 2017, with a staff report recommending approval with conditions. Staff presented the staff report, the applicant presented their revised proposal, and public testimony was received. The Commission requested additional details and provided additional suggestions for improvement including bench details and revisions. The record was requested, by the neighborhood association, to be held open and the return hearing was set for July 24, 2017. The record was held open for seven days, ending at 5pm on July 13, 2017. During the first seven day period for new evidence (July 6, 2017- July 13, 2017), the following additional testimony was received:

- Burton Francis, on July 6, 2017 wrote in opposition to the design of the square. See Exhibit H-26.
- Greg Mitchell, on July 13, 2017, provided revised drawings in response to Commission requests. See Exhibit H-27.
- Greg Mitchell, on July 13, 2017, provided revised drawings in response to Commission requests. See Exhibit H-28.
- Greg Mitchell, on July 13, 2017, provided new bench cutsheets in response to Commission requests. See Exhibit H-29.
- Karen Karlsson, on July 13, 2017, wrote, contesting the size of the square. See Exhibit H-30.
- Greg Theisen, Co-Chair NWDA Planning Committee, on July 13, 2017, wrote in opposition to the proposal, noting that the standards and guidelines have not been met and objecting to the process. See Exhibit H-31.

- During the second seven day period for responses to new evidence received (July 13, 2017 - 5pm on July 20, 2017), no responses were received.

**Neighborhood Review:** The first Notice of Proposal in Your Neighborhood was mailed on **April 27, 2016**. A total of twelve written responses from either the Neighborhood Association or notified property owners in response to the initial proposal were received prior to issuance of the initial staff report, which was published on May 9, 2016 in anticipation of the [postponed] May 19, 2016 Design Commission hearing.

1. Chris Smith, on April 13, 2016, wrote in opposition to Master Plan Amendment #2 to allow access from NW Pettygrove. See Exhibit F-1 for additional details.
2. Ted Timmons, on April 15, 2016, wrote with concerns with allowing garage access from NW Pettygrove, suggesting the access should be from NW 20<sup>th</sup> avenue. See Exhibit F-2 for additional details.
3. David Lewis, on April 21, 2016, wrote with concerns with allowing garage access from NW Pettygrove, intended as a green street, and adjacent to a pedestrian plaza and a future city park. See Exhibit F-3 for additional details.
4. Chris Shaffer, on April 29, 2016, wrote in opposition to Master Plan Amendment #2 to allow garage access from Pettygrove, intended as a green street, and adjacent to a pedestrian plaza and a future city park. See Exhibit F-4 for additional details.

5. Jessica Engelman, on April 29, 2016, wrote in opposition to Master Plan Amendment #2 to allow garage access from Pettygrove, intended as a green street, and adjacent to a pedestrian plaza and a future city park. See Exhibit F-5 for additional details.
6. Joseph Edge, on April 29, 2016, wrote in opposition to Master Plan Amendment #2 to allow garage access from Pettygrove, intended as a green street, and adjacent to a pedestrian plaza and a future city park. See Exhibit F-6 for additional details.
7. Lucy Wong, on April 30, wrote in opposition to Master Plan Amendment #2 to allow garage access from Pettygrove, intended as a green street, and adjacent to a pedestrian plaza and a future city park. See Exhibit F-7 for additional details.
8. Emily Guise, on April 30, wrote in opposition to Master Plan Amendment #2 to allow garage access from Pettygrove, intended as a green street, and adjacent to a pedestrian plaza and a future city park. See Exhibit F-8 for additional details.
9. Ron Walters, on May 2, 2016, wrote in opposition to the proposal, stating that it does not meet the standards, guidelines or intentions of the Master Plan. He noted that 86% of respondents to an online survey he created opposed the proposal. See Exhibit F-9 for additional details.
10. Gabrielle Ackerman, on May 2, 2016, wrote with suggestions that this space could be used as a multi-use community center, including an indoor swimming pool. See Exhibit F-10 for additional details.
11. Steve Pinger, on May 2, 2016, provided correspondence from Northwest District Association to the applicant, which noted opposition to the proposal due to the reduced width of the square, the increased height of the southeast corner of the building, and the joining of all the buildings (previously shown to be separate) resulting in reduced connections between the sidewalk and the square and a perception of privatization of the square. See Exhibit F-11 for additional details.
12. Steve Pinger, on May 6, 2016, submitted a letter by Greg Theisen, Acting Chair of the Northwest District Association Planning Committee, dated May 5, 2016 stating that the Master Plan should be updated prior to review of this development proposal as prior comments indicated that Block 291 and the Park should be developed in concert with Block 290. He noted that the proposal includes approximately 160,000sf of floor area while the Master Plan assumed 120,000sf at this location, noting that the additional square footage has a negative impact on the square and the Park. He noted that since August 2015, the square has shifted to a more north-south orientation and the eastern portion of the building is now 6 stories, limiting the square's access to sunlight. He noted that connecting the wings of the building has resulted in the square feeling more privatized, as connections to the square are now through buildings rather than between buildings. He noted the issues of the conception of the project regarding master planning with the adjacent blocks and the appropriateness of the development program given the limitations of the site need to be resolved and, assuming that can be achieved, NDWA would support the project if the width and arrangement of entries into the square return to the arrangement shown in the August 20<sup>th</sup> submittal and that the connection above the first floor are reduced to the width of upper level corridors. See Exhibit F-12 for additional details.

*The following staff comments, in the two paragraphs below, are in response to the twelve comments noted above and have not been amended from the initial report:*

*Staff note: Scope of Review and Process.* With regard to NWDA's comments regarding concurrent development on Block 291 and at the Park, the purpose of design review is not to force development to occur, but to review development that is proposed. No development is currently proposed for Block 291 and no development is currently



proposed at the Park. With regard to comments about the need to revise the Master Plan prior to review of this development, staff does not believe that this separation is necessary as the Master Plan will only be amended through this review if it is warranted by the merits of the proposal. Staff believes that reviewing the proposed amendments to the Master Plan with a specific proposal is more beneficial than reviewing potential revisions to the Master Plan without a specific proposal under consideration.

*NW Pettygrove.* Many of the respondents noted that NW Pettygrove is intended to be developed as a green street, as identified in the Northwest District Plan, North of Lovejoy Project, and North Pearl District Plan. Staff notes that the subject property is not within the boundaries of the North Lovejoy Project and North Pearl District Plan study areas. The 2003 Northwest District Plan identified Pettygrove as a green street, but noted that bicycle facilities may be more appropriate along Thurman while Pettygrove was more appropriate for pedestrian connections. Interestingly, the City's 2006 Transportation System Plan did not identify Pettygrove as either a City Bikeway or a City Walkway, however, Raleigh and Overton are designated City Bikeways. The 2010 Portland Bicycle Plan for 2030 noted NW Pettygrove as a "future bicycle boulevard"; however, the 2015 Neighborhood Greenway Map noted that NW Raleigh (two blocks north) and NW Overton (one block south) are existing greenways (aka bicycle boulevards) while Pettygrove is neither an existing nor funded greenway. Given the lack of infrastructure dedicated to bicycle safety in other parts of the city compared to the adjacency of other green streets in Northwest, Pettygrove has not been identified as a priority for green street development. The River District Right-of-Way Standards, which have been applied in the Pearl District, do not apply to this section of NW Pettygrove. In addition, no green street improvements are required as part of this development. Staff further addresses these concerns in the findings below under E1, D4, and Amendment #2.

A revised Notice of Proposal for the revised proposal was mailed, on **April 14, 2017**. At the time of writing the revised staff report a total of three written responses were received from either the Neighborhood Association or notified property owners in response to the revised proposal:

13. Steve Pinger, Northwest District Association Planning Committee, on April 14, 2017, wrote in opposition. He noted that, unlike the previous project which the committee offered conditional support, the committee unanimously voted in opposition to the current proposal. He noted that the current proposal is fundamentally flawed in that it places too much building area on a site that does not have the capacity to accommodate it as well as the open space requirements, resulting in too little area devoted to a public square, which is compromised by the scale of the surrounding buildings. He noted that the square has too little sunlight and daylight to be successful and that the square is more like a privatized courtyard rather than a public square. He noted that the Master Plan envisioned that the subject site would be developed with only 85,000sf, rather than 190,000 that is proposed, which is 20% more than the previous scheme which also had massing challenges. He also noted that the proposed square only has approximately 8,700sf of area that is open to the sky which results in 45% of the minimum area of the square being underneath upper floors of the building. He noted that the proposal does not meet guideline 7B.3 which requires that buildings around the square should be massed to optimize solar exposure, because of the height of the surrounding buildings relative to the width of the square. He also noted that the proposal provides only half of the retail frontage needed to ensure a successful square, rather than a privatized courtyard. He also noted the NWDA continues to have concerns that the development of Blocks 290 and 291 have not been in coordination, nor has the

- square been designed in coordination with the adjacent future park, as was envisioned by the Master Plan. See Exhibit F-13 for additional details.
14. Suzanne Lennard, on April 17, 2017, wrote in opposition. She noted that the Master Plan repeatedly refers to Block 290 as “square and associated development”, meaning that the building surrounding the square was intended to be secondary with the square the primary purpose of this site. She notes that the breezeway connection between the square and the park should not be counted as part of the area of the square as it is identified in the Master Plan as “ground plane connection between the square and neighborhood park”. She notes that half of the paved area counted as “square” is located beneath upper portions of the building. She noted that the Master Plan envisioned that this site would contain less built floor area, thus the provision allowing the transfer of floor area throughout the Con-way Master Plan area was included in the Plan. She also noted that unlike all other sites in Con-way, Block 290 is not subject to the minimum 1.5:1 FAR because of the requirement to provide both a square and a park on this block. She noted that both the prior scheme and the current scheme have failed to transfer FAR off of this site, and have instead increased the FAR above 3:1 when only the standard 200’ x 200’ block is counted as site area (rather than also including Quimby and the north-south pedestrian connection as site area). She noted that the 7-story buildings fronting the square do not provide human scale and that the proposal provides minimal sun exposure for a limited number of hours. She noted that the proportions of the square are too narrow to provide comfort to those within the space and that at the height of the surrounding buildings proposed, the square would have to be 142’ wide, rather than the 65’ proposed, in order to be correctly proportioned. She noted that the proposal does not place a strong emphasis on the quality of the public realm, and that the proposal would negatively impact the intended social functions of the square, due to its size and lack of sunlight. She noted that the proposal does not meet the standards, guidelines, or purpose of the square, which is intended to be a “significant, iconic urban place.” See Exhibit F-14 for additional details.
  15. Ms. Michael James, on April 18, 2017, wrote in opposition, stating that the proposal does not integrate the existing lower rise neighborhood and presents a looming inhospitable wall to the neighborhood. She noted that the proposed square is 50% smaller than envisioned in the Master Plan, will be shrouded in shade most of the day, and is not usable for its intended public purpose “due to its small size and oppressive lack of view or sunlight.” See Exhibit F-15 for additional details.
  16. Ron Walters, on April 19, 2017, wrote in opposition. He noted that the Master Plan recognized that development potential on Block 290 was significantly limited due to the requirements for a square and neighborhood park, as indicated in the appendix, which envisioned 85,000sf of development potential on Block 290. He noted that the Master Plan allows for the transfer of floor area throughout the plan area and envisioned the concurrent development of Block 291 and Block 290. He noted that the applicant has not transferred and floor area and resulting proposal fails to provide the intended open spaces. He noted opposition to the placement of private ground floor development in the pedway, and noted that his should be cited as an Amendment to the designated open spaces. He also noted that the Modifications and Amendments will, individually and collectively, have a negative impact due to the limited access to sun, cantilevered buildings at the edges of the square, the reduced size of the connection between the square and park, and the separation of Quimby Festival Street from the square. See Exhibit F-16 for additional details.
  17. Ron Walters, on April 19, 2017, provided survey results from 77 respondents, indicating opposition to the proposal. He noted the following survey results: 83%

- oppose or strongly oppose the size and layout of the proposed square; 87% believe the buildings around the square are not attractive nor appropriately scaled; 88% of respondents feel the square will not receive sufficient sunlight; 84% do not believe the square will be cozy, warm, and welcoming; 84% believe the square does not achieve the goal of creating a “historically significant iconic focal point” of the neighborhood. See Exhibit F-17 for additional details.
18. Michael W. Mehaffy, President of the Goose Hollow Foothills League, on April 21, 2016, wrote in opposition. He noted that the proposed square is intended to be a city-wide asset and does not appear to meet that requirement. He noted that the square has too much shading and not enough connection to the surrounding urban fabric, noting that it appears to be more of a courtyard for the residents with the mass of the development overwhelming the proper design of the space. He noted that while it is understandable to try to maximize floor area, it is up to the public sector to ensure that a proper public space is created. See Exhibit F-18 for additional details.

*The following staff comments, in the paragraph below, are in response to the six comments directly above and have not been amended from the April 24, 2017 report:*

*Staff response:* While staff can appreciate that the Master Plan envisioned less development potential on Block 290 than the 3:1 that is noted as the maximum across the Master Plan area, this limitation was not written into the standards and thus can only be addressed through the standards and guidelines in place. Likewise, while the development of Block 291 was envisioned to be concurrent with Block 290, this also was not a requirement of the Master Plan; because Block 290 is proposed to be developed independently, we can only review the proposed development against the standards and guidelines in place. The concerns regarding the size and dimensions of the square, the encroachment into the north-south connection by the residential stoops, and other issues noted are addressed in the findings below.

Additional responses were received after the publication of the revised staff report dated April 24, 2016 and prior to the hearing on May 4, 2017:

19. Michelle Wyffels, Trimet, wrote on April 27, 2017, noting Trimet’s desire to maintain that the bus stop and bus zone at NW 21<sup>st</sup> and Pettygrove. See Exhibit F-19 for additional details.
20. Greg Theisen, NWDA Co-Chair Planning Committee, wrote on May 2, 2017 contesting the applicant’s extension of the timeline. See Exhibit F-20 for additional details.
21. Mike Abbate, Director of Portland Parks & Recreation, wrote on May 3, 2017 (dated April 21, 2017) in support of the proposal. See Exhibit F-21 for additional details.

Additional responses were received after the hearing on May 4, 2017 and prior to the hearing on June 8, 2017:

22. Kurt Creager, Director of Portland Housing Bureau, wrote in support of the proposal, noting the applicant’s participation in the Multiple-Unit Limited Tax Exemption (MULTE) Program as part of this project. See Exhibit F-22 for additional details.
23. Ron Walters, on May 12, 2017 and on May 18, 2017, wrote in opposition, citing standards not met, outstanding issues, and offering potential solutions. See Exhibit F-23 for additional details.
24. Greg Theisen, Co-Chair NWDA Planning Committee, on May 19, 2017, wrote in opposition, citing Con-way Master Plan standards not met. See Exhibit F-24 for additional details.

25. Greg Theisen, Co-Chair NWDA Planning Committee, on June 6, 2017, wrote in opposition suggesting alternative massing arrangements per the standards of the Con-way Master Plan. See Exhibit F-25 for additional details.

Additional responses were received after the hearing on June 8, 2017 and prior to the publication of this staff report, dated June 30, 2017:

26. Greg Theisen, Co-Chair NWDA Planning Committee, on June 26, 2017, wrote in opposition, addressing requested Modification and the requested Amendment, as well as other issue including maximum and minimum floor area ratio and uses, enclosure of the square, connection to Quimby, and use of Quimby. See Exhibit F-26 for additional details.
27. Suzanne Lennard, on June 26, 2017, wrote in opposition suggesting that the applicant should transfer FAR off of Block 290 or purchase an additional site to which to transfer the FAR. See Exhibit F-27 for additional details.
28. Ron Walters, on June 29, 2017, wrote in opposition, objecting to the Commission’s consideration of the proposal on June 8, 2017 and encouraging denial. See Exhibit F-28, 2017

*The following staff comments, in the paragraphs below, are in response to Exhibits F-19 through F-28:*

*Staff response:* It is expected that the Trimet bus stop will remain in its current location; the applicant is encouraged to coordinate with Trimet prior to construction. The Land Use Board of Appeals has previously ruled that an applicant has the right to request further extension beyond 245 days; an additional Notice of Proposal was issued in order to prompt public comments on the revised design. Staff has addressed all applicable Modifications and the requested Amendment in the findings below. Staff cannot require the applicant to transfer FAR off of the site, nor can staff require that an additional site be purchased. In addition, several letters state that the applicant must meet all standards and guidelines of the Con-way Master Plan. This is true for Guidelines which must be met (or waived); however, because the proposal is subject to discretionary Design Review rather than subject to clear and objective standards, per the Master Plan, standards can be modified if they are found to meet the approval criteria for a Modification. Likewise, the Master Plan provides a path for amending the Master Plan through Design Review.

With regard to additional Modifications noted in the NWDA letter of June 26, 2017 as not being addressed, staff offers the following statements. The proposal does not exceed the maximum FAR allowed. The Con-way Master Plan area is limited to a maximum of 3:1 FAR across the entire Master Plan area. The project site area is 260’ x 257’ for a site area of 66,820 square feet and therefore allows up to 200,460 square feet of development; the proposed development is 182,276 square feet. The remaining square footage is likely to be transferred off site to future development within the Master Plan boundary. NWDA suggests a Modification is required to Standard 10A, which describes the purpose of the square standards; however Modifications cannot be applied to purpose statements. In addition, the Master Plan does not require the square to be enclosed fully on three sides; the word “fully” does not appear in the text of the purpose statement. Likewise, the word “strongly” does not appear in the text of the purpose statement related to connecting the open spaces. In addition, staff cannot add a Modification to modify a Guideline; only standards can be modified.

The following staff comments are in response to Exhibits H-30 and H-31, received during the open record period July 6, 2017- July 13, 2017:

Staff Response: The proposed size of the square meets the total area required by the Master Plan. The Master Plan does not require that the square be designed as a perfect square nor does it indicate that the square is required to be open to the sky for its entire area; the only height dimension for the square refers to the height of the ground plane connection between the square and the park. The initial application for this case was never withdrawn; it was only removed from the first scheduled hearing date at the request of the applicant. A few months later, the applicant indicated a desire to move forward with the current application but with a different architect. The significant aspects of the proposal remained the same in that the proposal was for a multi-story mixed-use building surrounding a publicly-accessible square to be developed by Guardian Real Estate. A change to the architect of record and to the architectural design of the building does not constitute a new application. However, in order to ensure adequate public involvement, a revised Notice of Proposal was issued to adjacent property owners and interested parties to inform them of the revised design and new hearing date. In prior hearings the Commission provided comments in support of the proposal as well as offered comments for improvement; ultimately the staff report, if accepted, will serve as the voice of the Commission via the Final Findings and Decision. As has been noted, Modifications can be approved if the proposal meets the purpose of the standard and better meets the guidelines; staff has found that the requested Modifications warrant approval.

## ZONING CODE APPROVAL CRITERIA

### (1) DESIGN REVIEW (33.825)

#### Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

#### Section 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.

**Findings:** The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Community Design Guidelines and Section 5 and Section 8 of the Con-way Master Plan.

#### 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.

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

**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.

**Findings:** The subject property is located within the Transition Area of the Northwest Plan District. The desired characteristics and traditions of this area suggest that new development should incorporate the following: partial-block development; street frontages lined with buildings; dividing the façades and rooflines of larger buildings into distinct components that reflect the established pattern of 50 to 100 foot-wide increments; larger structures that provide a sense of urban enclosure along main streets with a finer grain of façade articulation and roofline variation along east-west streets; and extending the NW 21<sup>st</sup> Avenue main street retail pattern of ground floor windows close to the sidewalks with spaces suitable for small tenants with residences or offices at the upper floors.

The proposed development is a standard U-shaped plan with a 7-story east and north wing, with a western wing that drops to 4 stories with a small pavilion at the 5<sup>th</sup> floor. The building is primarily clad in white brick with areas of the façades peeled away in an attempt to break up the massing; this occurs at areas where the north-south wings are marked by vertical slits in the façade, which allow the creation of framed zinc panel areas to establish an articulation of the residential wings as brick tubes.

Additional areas of erosion of this concept occur along the north façade and the south façade of the west wing, of which there were previously two options for each. Of the options provided, the Commission preferred options 4.6.B and 4.8; these have been incorporated into the drawing set and noted as Exhibits C-67 and C-69. Staff previously had concerns about the east façade facing the future park; however, the Commission believed that the design provided a clean backdrop to the park with the vertical green zinc alloy frame near the center of the façade marking the entrance to the square. The proposal will provide additional retail space along NW 21<sup>st</sup>, close to the sidewalk, with residences above. While a previous version did not include direct access to NW 21<sup>st</sup> Avenue from the majority of these retail spaces, this has been revised in the current design.

*This guideline is met.*

**P2. Historic and Conservation Districts.** Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area’s historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.

**Findings:** The site is not located within a historic district. The nearest historic district is several blocks away. *This guideline is not applicable.*

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

**Findings:** The site is not located at an identified gateway. *This guideline is not applicable.*

**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.

**Findings:** Sidewalks will be rebuilt to PBOT standards as part of this development. Street trees are proposed along both public frontages, NW 21<sup>st</sup> Avenue and NW Pettygrove Street. This will ensure an efficient, pleasant and safe network of sidewalks for pedestrians. In addition, the applicant proposes to develop a north-south pedestrian way on the east side of the property adjacent to the future public park. This accessway features planters, trees, seating, pathway options and space for adjacent retail uses to spill out and engage passersby. The proposal also includes development of a public square which connects directly to NW 21<sup>st</sup>, NW Pettygrove, and the north-south pedestrian way. The previous design of the square, presented on May 4, 2017 raised concerns with staff and the Commission regarding its width and general design while lingering concerns on June 8, 2017 focused on the southern edge condition of the then-enlarged square. The applicant has addressed these concerns by designing a much more porous and inviting southern edge.

The applicant is also proposing additional pedestrian connections, as the project requires development of a public square, as well as the north-south connection on the east. The applicant has also elected to develop a portion of the Quimby festival street as part of this proposal. Over the course of three Design Advice Requests, the applicant was provided direction by the Design Commission that the Quimby festival street, which is intended to primarily serve pedestrian and bicyclists, could be designed to accommodate vehicles in a limited manner. However, because the purpose of this street is to be used for neighborhood community events, it was advised that the garage access should not be located on this parcel as this would make it infeasible to close down the street for such events. Throughout the course of these discussions, the neighborhood advocated for locating the garage access on Quimby to preserve the potential for Pettygrove to be developed as a green street.

Staff notes that the originally submitted design proposed vehicular access from Pettygrove, which also presented challenges including the need for a Master Plan Amendment to lift the access restriction on Pettygrove, significant neighborhood opposition, as well as safety concerns due to the garage's proximity to a pedestrian connection between Pettygrove and the square. As such, the proposed design features access along Quimby. At the May 4, 2017 hearing, the Commission conceded that the number of festivals occurring along Quimby throughout the year will be relatively minimal and could be managed by the property owner via communication and coordination with the building tenants. The previous design featured a meandering drive aisle that the commission felt was overly complicated and may result in unintended conflicts; they therefore suggested that the design of Quimby should be simplified in order to reduce these conflicts. The applicant has heeded that advice and designed a simple private street, which could be easily replicated on the east end of Quimby when that portion of the street is developed. The apron at the west end and sidewalk to remain at the east end, as well as the alternatively paved mid-block crossing, will help to slow and discourage vehicle traffic on this street. *This guideline is met.*

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

**Findings:** Benches are provided along the north-south pedestrian way between the building and the park, and within the public square. As requested, benches have been re-oriented along the pathway and will now provide backs and arm rests. Movable chairs are also shown to be located along the pedestrian way near the southern retail space, indicating intent for this space to be leased by a restaurant which can spill out into the public realm and provide opportunity for passerby to become customers. Fixed bench seating is also shown within the pedestrian way which can be used by pedestrians. Fixed bench seating is also proposed within the square which is designed in a much more engaging and playful way than those along the pedestrian way and can be used by all users of the square. The square also provides space for movable seating to be provided by the retail tenants. *This guideline is met.*

**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.

**Findings:** The ground level of the building is differentiated from the upper levels in that it is clad primarily with glass, as well as a high-quality fiber cement panel, which extend to the upper levels via slots that help to break up the massing of the upper levels. Whereas the previous design proposed that the upper levels would significantly overhang the lower levels, particularly at the square, the revised design has only a slight overhang to provide a bit of shelter at the perimeter of the square. The one exception to this is along the east side of the square which features an arcade supporting the upper levels, which adds variety to the square. Canopies are also provided at the southeast corner, along the western and northern wings and above the live/work entries on the east, which help to differentiate the ground level of the building and break down the scale. While landscaped stoops were previously proposed at this corner, this has been revised to at-grade access for these units so that they are able to function as live/work units and have the ability to easily convert to solely commercial space in the future. This change reinforces the public realm by ensuring that this frontage is not privatized as it was previously and adds intimate small-scale variety to the ground level of the building. Benches and seating opportunities are also provided along the pedestrian way, and within the square to provide multiple opportunities for large and small gatherings. *This guideline is met.*

**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.

**Findings:** The proposed building features ground level retail along NW 21<sup>st</sup> which wraps halfway along the north facade and at the southeast corner; all but one of the dividable retail spaces provide access from both the perimeter street faces as well as from the square. The amount of retail frontage has been increased from the previous version, particularly along NW 21<sup>st</sup> and Quimby. The extensive lobby and residential amenity space previously accessed from the northwest corner of the building, has been significantly reduced, with amenities relocated to the 4<sup>th</sup> floor roof, to accommodate the increased retail which will generate more activity and the lobby entrance has been relocated to mid-block along Quimby. The lobby



is also accessed from the square. The previously proposed elevated residential units at the northeast corner have been revised to at-grade live/work units which will ensure greater activation of this corner; these units could also be converted to retail in the future. *This guideline is met.*

**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.

**Findings:** While the previously proposed design featured significant weather protection through the use of upper levels as shelter to the ground level square, the Commission was not comfortable with the extent of these overhangs due to their impact on the square. The applicant has redesigned the proposal to provide more solar access to the square. Weather protection is now proposed via canopies at the west, north, and southeast corner as well as at the live/work entries. Slight overhangs still provide some protection at the interior edge of the square. In addition, the previously proposed arcade design is carried forward into this design at the eastern edge of the square though it has been significantly reduced in width and provides some variety to these edges as well as still allows users to enjoy the square even during less desirable weather. *This guideline is met.*

**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;

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

**Findings for D1 and D3:** Because the Conway Master Plan calls for a public square to be built on Block 290W, the applicant proposes a public square in the middle of the building. The Conway Master Plan also requires that the square shall have no dimension less than 100 feet and shall be 16,000 square feet in area. With the previous design, staff has significant concerns about the design of the square primarily due to the aperture of the square from earth to sky, which was 100' east-west at the ground level but only 65' east-west at upper levels. The Master Plan does not specify whether these measurements must be taken at the ground level or upper levels, nor whether or not connections may or may not be counted as the total area of the square, however staff and Commission agreed that the previous design did not meet the intent of the standards or the guidelines.

The applicant has revised the design to expand the square to meet the standards, with no dimension less than 100', except at the southwest corner entrance into the square for which a Modification is requested to be reduced the length. The total area of the square at the ground level is 16,007sf with additional area along the east beneath the arcade supplementing the square. In order to accommodate the proposed design of the square the applicant is requesting a Master Plan Amendment to removal dedicated open space, the Neighborhood Park, for an east-west width of 15' for the entire north-south 200' length of the block; this is further addressed below.

The square is connected to the public sidewalk along NW 21<sup>st</sup> and NW Pettygrove and connected to the pedestrian way and park on the east. The potential for the square to feel privatized has been an ongoing concern. At the prior Design Advice Requests, the Commission stated a strong preference for the square to feel open and inviting to pedestrians on the sidewalk, noting that glimpses of light from the right-of-way and wide openings to the sidewalk would be important. The original

design was donut-shaped, creating a four-sided square, which heightened the privatization concerns. The May 4<sup>th</sup> design opened the square to the Pettygrove sidewalk; however, due to the narrowness of the upper level aperture above the square, these concerns remained as the square had the character of a typical courtyard rather than of a public square. The applicant's current proposal is significantly improved in this regard in that the width of the aperture at the upper levels now meets the minimum dimension for the square which opens broadly onto NW Pettygrove, as well as at the southeast corner along NW 21<sup>st</sup>.

At prior Design Advice Requests, the Commission noted that the paving should be simplified to a single paver so that the square does not feel branded with the building. The proposed paving has been significantly simplified from previous versions and establishes a base plane from which elements of whimsy can be showcased. The simplified paving pattern allows a much smoother and more welcoming transition between the sidewalks into the privately owned but publicly-accessible square.

Because the park is not currently proposed for development, (though Parks is slated to begin public outreach later this year), it is difficult to ascertain how the proposed development will interact with the park. However, the applicant proposes to develop a north-south pedestrian connection, immediately east of the building, which will align with future north-south connections, as outlined in the Master Plan. The proposed connection allows space for outdoor dining at the southeast corner. The proposed connection features a paved allée, adjacent to a field of decomposed granite, also with a formal row of trees, which serves as the threshold to the as-yet undeveloped park. Staff believes that this will serve as a smooth transition for the future park, however it is to be designed.

Per Standard 10.D, a public access easement shall be required for the square and ground plane connection. Because the applicant also proposes to develop a north-south connection west of the park and the western portion Quimby, the required public access easement shall include all of these ground level open areas.

Staff also notes that a roof deck and clubhouse is now proposed on the roof of the 4-story west wing, which provides additional outdoor amenity space for the tenants and eliminates staff's previous concerns about the lack of mitigation on this relatively visible rooftop. In addition, various balconies are proposed at the upper levels. Some of the balconies are traditional projecting balconies, while others are Julietts.

***Per Standard 10.D, with the condition of approval that an easement be provided prior to issuance of Permit allowing public access to the entire square, the entire ground plane connection, the north-south connection (for a width of 45') and the western portion of Quimby (for a width of 60'), this guideline is met.***

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

**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.

**Findings:** The building will provide eyes on the street through use of glazed ground floor retail spaces, upper floor windows, balconies, and through activated outdoor areas including the square, the western portion of the Quimby festival

street, and the pedestrian way on the east. Pedestrian-oriented lighting is proposed throughout the development via soffit lighting, landscape lighting, flood lighting, pole lights, and in-ground lights within the square, which will help serve as a deterrent to potential criminal activity.

Staff previously noted concerns about the lack of retail entrances on NW 21<sup>st</sup> as well as potentially inequitable entrances to these retail spaces. These issues have been resolved in the current design which provides equitable access, including entrances along NW 21<sup>st</sup> Avenue. Staff previously also noted concerns with the relative lack of retail compared to the excessive amount of residential amenity space which is generally a less active use. These concerns have also been addressed by the relocation of residential amenity space to the 4<sup>th</sup> floor roof and the increase of retail space at the ground level. In addition, the applicant has also added a canopy at the residential lobby entrance at the square, as was suggested by the Commission, to help mark this entrance which is likely to be highly utilized by pedestrians accessing the building, particularly from the transit line along NW 21<sup>st</sup> Avenue. *This guideline is met.*

**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.

**Findings:** The proposed parking is located below grade, which will minimize the negative impacts of parking which currently exist on the site. The garage access is located on the north façade, along Quimby, adjacent to other back-of-house uses such as a fire pump room and ventilation shaft. Staff previously noted concerns with the amount of dead space along this ground level wall as a significant amount of the adjacent residential wall is also non-fenestrated. The current design features a total length of 72' of blank wall and/or garage gate on this frontage. Despite the increase in total wall length at the north façade, the distance between windows into active areas has actually decreased since the prior design. Staff acknowledges that significant glazing and activity is proposed at all other frontages, nonetheless, staff and the Commission maintained that this façade could be improved with a decorative garage gate. As a means of consistency with the overhead retail storefronts, a translucent glazed overhead door has now been provided in this location, as was suggested by the Commission. The proposed gate provides some relief to this façade and closely matches the retail frontages on other sides of the building.

*This guideline is met.*

**D6. Architectural Integrity.** Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

**Findings:** The proposal is for an entirely new building. The existing warehouse building will be removed from the site. *This guideline is not applicable.*

**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.

**Findings:** Within the Con-way Master Plan area, four developments have so far been approved and, with the exception of the renovation of an existing concrete warehouse, all of the approved proposals were for mixed-use developments featuring brick, in varying shades, as a primary cladding material. The proposed building features brick, in one shade, as a primary cladding material, with zinc panels as an accent material. While the development to the south and east is rather varied with regard to typology, use, and age, the newer developments to the west and northwest are somewhat similar to the proposed in that they feature taller buildings along the eastern portion of their respective sites with lower buildings on the west. The Q21 project immediately west features a horizontally divided 7-story volume along NW 21<sup>st</sup> Avenue with a small plaza forecourt.

Staff previously had concerns that, given the specific requirements of this site – namely to provide a public square of a certain size, that this guideline was not adequately met. With the revised footprint, staff now finds that the proposal will blend into the neighborhood as the square is now proportionately appropriate relative to the building supporting it. While the footprint of the building is proposed to extend 15' eastward beyond the standard city footprint of 200' x 200', which requires a Master Plan Amendment (further addressed below), this extension allows for a wider public square which addresses staff's primary concern with regard to the intended function of this site and the proposal's ability to meet this guideline. *This guideline is met.*

**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.

**Findings:** With regard to the proposed materials, generally, they appear to be of high quality. Staff previously noted concerns with the then-unidentified proposed cladding at the ground level which also appears in vertical slots at the upper levels. Staff has expressed concerns about the durability of fiber-cement products located at the ground level and suggested that concrete, perhaps tinted, or a dark brick could be a more durable alternative for a project that will have a significant amount of public interaction at all ground level elevations. At the June 8<sup>th</sup> hearing, the applicant noted that they intend to use Equitone panels with concealed fasteners at the ground level and exposed fasteners at the upper level areas, which are minimal. Also at the June 8<sup>th</sup> hearing, some members of the Commission noted concerns with the use of this material at the ground level; however, the other Commissioners acknowledged that this material has been approved at the ground level of a limited number of buildings where it continuously extends into to the upper levels. Ultimately the majority of the Commission came to accept this material provided a less contrasting color could be employed and the fasteners at the ground level could be concealed.

The proposed fields of green zinc-alloy panels are shown to be substantially recessed (15"-20") from the outer wall plane. Staff notes however that the windows at the zinc panels appear to be slightly proud of the panels, as indicated by the jamb and sill details on sheets 6.4 and 6.5. In addition, the proposed PTAC louvers are shown to be proud of both the zinc panels and the composite panel, as is shown on sheets 6.6 and 6.7; this condition has not changed from the previous design which was noted as a concern, as this is disruptive to an otherwise cohesive façade expression, drawing unwarranted attention to these less than beautiful building elements. Staff acknowledges that this may be a drawing error but has added a condition of approval to address this condition.

As was noted in the previous staff report, the original design proposed mechanical equipment on the roof of the 4-story volume which was not sufficiently obscured. The current proposal uses the majority of this rooftop as an amenity deck and clubhouse in a more cohesive design than was previously proposed. This proposal requires a Modification to maximum height, which is further addressed below; however, staff notes that the proposal is a better use of the rooftop than an unimproved rooftop, adding visual interest to views from surrounding buildings.

***With the condition of approval that the windows and louvers shall not project beyond the exterior face of adjacent cladding material, this guideline is met.***

## **NW Master Plan Design Guidelines**

### **Introduction**

The existing Community Design Guidelines, along with these new 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 a 18-hour district which is safe, humane and prosperous; and
7. Ensure that development proposals are at a human scale and that they relates to the scale and desired character of its setting and the Northwest District as a whole.

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

**Findings:** The previous design prompted serious concerns from staff and the Commission about the scale of the proposed building relative to the scale of the square. The prior version, which proposed only 65' between the faces of the upper levels at the square interior felt improperly scaled for square to function as intended. As was suggested in the previous staff report, the applicant has elected to expand the footprint of the building horizontally in order to allow for a enlarged square, thus altering the relative proportions of the square and the building.

Staff had also previously noted concerns about the significant overhangs at the ground level; these concerns have been alleviated with the revised design which provides a 100' clear width from east to west at the upper levels. A slight overhang differentiates the upper levels from the ground level at the interior of the square, as does the change in material, which extends around the perimeter of the building. Additionally, canopies at the southeast corner, and along the western and northern wings, as well as above the live/work entries, help provide human scale to the building. The broken articulation of the facades further help break down the scale, particularly on the south, west, and north, with the east façade serving as a backdrop to the park, the eastern entrance to the square marked and visible from a distance.

In addition, signage, and pedestrian-oriented lighting are also proposed to add human scale to the ground level of the building. Benches and seating opportunities are also provided along the pedestrian way, and within the square to provide multiple opportunities for large and small gatherings or respite. *This guideline is met.*

**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.

**Findings:** The proposal provides retail and the primary entrance to the square at Pettygrove, which has the potential to become a future green street, similar to the conditions several blocks east of the site. Along the park edge, the applicant has provided a north-south connection to the west of the future park. Adjacent to this connection, the building features retail at the south and live/work units at the north, with a covered breezeway to the square between. The previous design featured ground level units with elevated stoops in the location of the live/work units. While staff supported that design, the current proposal is notably better in that there is greater potential for ground level engagement and greater potential for conversion to solely commercial use. *This guideline is met.*

**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.

**Findings:** As is noted above, while the previously proposed design featured significant weather protection through the use of upper levels as shelter to the ground level square, the Commission was not comfortable with the extent of these overhangs due to their impact on the square. The applicant has redesigned the proposal to provide more solar access to the square. Weather protection is now proposed via canopies at the west, north, and southeast corner as well as at the live/work entries. Slight overhangs still provide some protection at the interior edge of the square. In addition, the previously proposed arcade design is carried forward into this design at the eastern edge of the square though it has been significantly reduced in width and provides some variety to these edges as well as still allows users to enjoy the square even during less desirable weather. *This guideline is met.*

**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.

**Findings:** Staff previously noted concerns with the scale of the building, particularly in relation to the width of the public square, required for this particular site, in proportion to the size of the building. The proposed expansion of the footprint (further addressed below) allows the width of the square to be enlarged in width, resulting in a more proportionate square to the building that supports it. The wings of the building are four stories with a penthouse at the west, seven stories at the north and east, with the square open to the south. The varied heights are appropriate for the neighborhood – a 7-story building is located directly to the west across NW 21<sup>st</sup> and five and six story buildings are located in the general vicinity within and adjacent to the Con-way Master Plan area.

The facades of the building offer variety to the street edge as well as surrounding the square in that the perimeter facades are primarily brick on the west and east, likewise on the south and north with areas of inset green zinc-alloy panels framed in substantial recesses of the white brick. At the interior of the square, the facades are clad in white brick at the east and west with the green zinc-alloy cladding the north; this adds variety to the façade while also ensuring simplicity. Around all sides of the building, projecting balconies and Juliets are proposed to provide additional texture and variety to the façades. *This guideline is met.*

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

**Findings:** While the previous design proposed residential units with elevated stoops at the northeast corner, which were found to meet this guideline, that same configuration would not be as desirable with the proposed encroachment 15' to the east. As such, the applicant has revised these units to live/work units which feature at-grade entries from the accessway. These units provide variety to the ground level of the building facing the park and also provide the flexibility that they could be converted for solely commercial use in the future. The previously proposed linear landscape planter barriers have been revised to small potted planters adjacent to the building wall to mark the dividing lines between units and also provide a buffer between the building wall and path of pedestrian travel. *This guideline is met.*

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

**Findings:** As is noted under Guideline D8 above, the proposed materials are generally high quality. These materials include Norman brick, aluminum storefront, wood storefront doors, and aluminum and glass balconies. While staff previously expressed concerns regarding the proposed fiber cement at the ground level, the Commission noted that the proposed Equitone panels have been approved at the ground floor of other buildings provided the fasteners are not exposed. As was also noted above, staff has concerns with regard to the window and louver details, as described under Guideline D8 and incorporates the same suggested condition of approval here.

***With the condition of approval that the windows and louvers shall not project beyond the exterior face of adjacent cladding material, this guideline is met.***

**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:** The proposed development of the square, Quimby festival street, and pedestrian way at the east, while occurring on private property, will be publicly accessible, with provision of public access easements, as required. The pedestrian way is intended to be a continuation of the pedestrian accessways, which will be developed to the north as part of future proposals within the Con-way Master Plan area. It also serves as a buffer between the proposed development and the future park, which has yet to be designed. The design, character, and function of these open spaces has been much discussed since the first of three Design Advice Requests which was held on April 23, 2015. During this period, it became clear that the public square was the highest priority open space to the neighborhood with Quimby and the park following. To this end, concepts such as extending into the neighborhood park and vehicular access on Quimby were supported by the public, though they were initially discouraged by the Design Commission and staff. As staff and the Commission has spent more time with this project and gained a better understanding of the needs and constraints, these concepts are now supported by staff and, per the June 8<sup>th</sup> discussion, the Commission as well. These private, publicly-accessible spaces are well integrated with adjacent existing and anticipated future development, provide opportunities for a variety of activities, are linked together, and will be publicly accessible; the specific open spaces are further addressed individually below.

***Per Standard 10.D, with the condition of approval that an easement be provided prior to issuance of Permit allowing public access to the entire square, the entire ground plane connection, the north-south connection (for a width of 45') and the western portion of Quimby (for a width of 60'), this guideline is met.***

**Guideline 7B:** Square – Design the square to be a significant iconic urban place and include commercial focal points as adjacent uses.

7.B.1 – Provide architectural context around the perimeter of the square. Activate the square with active ground floor uses that offer opportunities such as outdoor dining from private establishments that adjoin the square.



- 7.B.2 – Provide ground level sight lines and pedestrian access from the square into the neighborhood park.
- 7.B.3 – Mass adjacent buildings to enclose the square and to optimize solar exposure.
- 7.B.4 – If possible, provide additional commercial space and/or multi-family housing at the upper levels of the surrounding development, to help put “eyes” on the square.
- 7.B.5 – If/when commercial uses such as cafes are located on the second floors, provide balconies for outdoor dining to activate the square from the upper levels.
- 7.B.6 – Design the square to be flexible and to support commerce, activities, and events such as farmers/public markets, dining, fairs, art shows, and small musical performances, etc.
- 7.B.7 – Consider opportunities for neighborhood facilities such as schools, libraries, meeting places, full service bike station and community centers to abut the square and provide for 18 hour activity.
- 7.B.8 – Design the square as a simple and flexible urban space; include high quality furnishings and materials particularly at the ground plane. The square should be appropriately sized for the activities and functions envisioned in the space.
- 7.B.9 – Incorporate elements that evoke the history of the neighborhood such as a water feature or public art to give identity to the square.
- 7.B.10 – Provide landscape elements consisting primarily of shade trees, possibly including low shrubs and ground covers that allow for surveillance and security.
- 7.B.11 – Provide furnishings such as lighting, trash containers, fixed benches, movable tables and chairs, bollards and planters.
- 7.B.12 – Design the eastern edge of the site so that it is well integrated with the neighborhood park.
- 7.B.13 – Provide for universal accessibility.
- 7.B.14 – Provide public access easements for the square.
- 7.B.15 – In the event that construction of the square significantly lags construction of the neighborhood park, interim improvements shall be allowed. Interim improvements include activities and treatments, such as demolition, grading, seeding, installing temporary paving, allowing public access and the like. Phase 1 improvements are to be mutually agreed upon by Con-way, property owner, and Portland Parks and Recreation. Phase 1 improvements, as described above, shall not be subject to Design Review and shall be allowed outright on the square.

**Findings:** The proposed square is framed on three sides with the walls of the building. The majority of the square is ringed with commercial space that allows opportunities for these spaces to spill out on to the square through such activities as al fresco dining. Sightlines and pedestrian access between the square and the park is provided on the east. By expanding the footprint of the building, the massing encloses the square while also optimizing solar exposure; by shifting the west wing of the building north and opening up the southwest corner, additional sunlight is able to enter the square from the south. The commercial space and upper level residential units will provide eyes on the square. While no commercial spaces are proposed at the second floor, residential balconies overlook the square, offering additional opportunities for activation and engagement.

The square is designed to be flexible in that it has large areas of open space with level paving as well as other areas for smaller groups and individuals to gather. In addition to the retail spaces, the applicant proposes a full service bike station/pet wash open to the public at the northeast corner of the square. The proposed fixed bench seating will be round platforms constructed of wood in molded forms for a variety of seating positions while the paving will be high quality concrete pavers with accent pavers establishing potential zones for various activities. While the wood benches recall the “Slabtown” history of the neighborhood in an abstracted way, the applicant also proposes to recreate a mural that exists within the existing

building and install it on the north wall of the breezeway; this mural specifically relates to the recent past of the neighborhood by reflecting the trucking history of the Con-way Master Plan area. Sculptural trees are proposed within planters integrated into the wood bench rounds; these trees will provide some shade to the square while leaving plenty of open area for sun worshipers and also allowing relatively clear views across the square for security purposes. Climbing vine planters are also proposed along the eastern edge of the square. Lighting is provided within the square via pole lights, flood lights, sconces, soffit lights at the arcade, and in-ground lights within the square.

Movable chairs and tables were specifically requested to not be shown on the plans for the design of the square; however they are shown on the renderings and are indicative of the applicant's intent for the space. Staff has added a condition of approval that movable chairs and tables be provided, by the property owner, within the square to ensure additional opportunities for seating which are not associated with the adjacent commercial spaces. The eastern edge of the site is designed to function as a north-south pedestrian accessway and serve as the border to the future park; it features three pathway options and an allée of trees. The square is designed to be accessible from both the southern edge and the eastern breezeway. It is also accessible via the adjacent retail spaces and residential lobby. Public access easements will be provided per Standard 10.D as is required elsewhere in this report.

Staff's previous concerns regarding the design of the public square have been alleviated with the proposed design which now has the potential to be a distinctive neighborhood open space.

***With the condition of approval that movable chairs and tables be provided, by the property owner, within the square to ensure additional opportunities for seating which are not associated with the adjacent commercial spaces, this guideline may be met.***

**Guideline 7C:** NW Quimby Parcel – Provide a multi-use street and open space that links the neighborhood park and square to the south and development to the north, and serves primarily as a pedestrian and bicycle connection.

7.C.1 – Provide through pedestrian and bicycle connections between NW 21<sup>st</sup> and 20<sup>th</sup>.

7.C.2 – Provide emergency and service access as needed to adjacent developments.

7.C.3 – As needed, provide access to building entrances and pedestrian accessways to the north of the parcel.

7.C.4 – Provide transitions to hard and landscape elements included in the neighborhood park to the south of the parcel.

7.C.5 – Provide public access easements.

7.C.6 – Accommodate underground public utilities as needed.

7.C.7 – Provide a location for a flexible festival street to host a farmers market, art walk or other programmed neighborhood events.

7.C.8 – Design the festival street to reflect the character of the potential square on the west end as well as the neighborhood park on the east end.

**Findings:** Staff previously had concerns about the potential conflicts between vehicles and pedestrians along Quimby during a festival and between oncoming; however, on June 8<sup>th</sup>, the Commission acknowledged that these potential conflicts could be managed by the property owner through communication and coordination with tenants. The revised design of Quimby, per Commission direction, has been significantly simplified from prior designs. The previous design featured a meandering drive aisle that the Commission felt was overly complicated

and may result in unintended conflicts; they therefore suggested that the design of Quimby should be simplified in order to reduce these conflicts. The applicant has heeded that advice and designed a simple private street, which could be easily replicated on the east end of Quimby when that portion of the street is developed. The apron at the west end and sidewalk to remain at the east end, as well as the alternatively paved raised mid-block crossing, will help to slow and discourage vehicle traffic on this street. This design will provide through connections for both bicycles and pedestrians, as well as provide unimpeded emergency vehicle access. The proposed design assumes future development to the north and intends to connect the proposed pedestrian way to the future pedestrian accessway to the north on Block 291. No Quimby transition to the park in currently proposed because the portion of Quimby north of the future park is yet to be developed by another party; however, the proposed raised concrete crossing at midblock will provide a safe transition between the properties to the north and the park. While the design is simplified, the alternate paving at the crossings, the light fixtures, and the trees located in planters serving as a buffer to the roadway reflect the character of the site in its relative simplicity. *This guideline is met.*

**Guideline 7D:** Pedestrian Accessways – Provide a network of pedestrian accessways that, together with public greenstreets and building forecourts, form a special pedestrian circuit or network of connected open spaces in the neighborhood, in addition to adjacent development.

**Findings:** The subject property does not include an area for a designated pedestrian accessway; however, as is discussed elsewhere, the proposal does provide a similar connection at the eastern edge of the property which will connect to the north-south pedestrian accessways to the north. *This guideline is not applicable.*

**Guideline 7E:** Building Forecourts – Provide building forecourts on specific blocks that serve as multi-use outdoor spaces open to the public.

**Findings:** The subject property does not include an area for a designated building forecourt. *This guideline is not applicable.*

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

**Findings:** The subject property does not include an area for a designated pocket park. *This guideline is not applicable.*

## **(2) 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.

The following Modifications are requested:

1. **Con-way Master Plan Standard #1** – to increase the maximum height from 47’ to 57’ for a penthouse amenity space on the lower portion of the building;

**Findings:** 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. As was encouraged at the previous hearings, the proposed relocation of the residential amenity space to the roof of the 4<sup>th</sup> floor allows additional ground floor area to be developed for customer-activated commercial space, including retail. 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 at the 4<sup>th</sup> floor balances the desired density with the creation of positive urban space, specifically intended to improve the quality of the pedestrian realm along NW 21<sup>st</sup>, Quimby, and the square, and therefore meets the purpose of the standard. Staff finds that the proposed additional height of the western wing of the building, in order to accommodate a rooftop amenity space, is reasonable. Because the proposed pavilion is set several feet back from the parapet edge, the pavilion will be minimally visible and will not cast significant additional shadow on the square. The proposed additional height for the setback rooftop amenity is compatible with the desired neighborhood characteristics in that it adds vibrancy to the rooftop which is visible from other buildings in the immediate vicinity. Therefore, staff also finds that Guidelines E4 *Corners that Build Active Intersections* and D1 *Outdoor Areas* are better met by the proposal as it helps to activate the ground level of the building as well as what might otherwise be an inactive roofscape.

*This Modification warrants approval.*

2. **Con-way Master Plan Standard #7(C, D.2)** – to reduce the 50’ depth requirement for retail fronting on the square to 47’-2” and 49’-4” and 16’-9” at the bike facility; and to reduce the amount of retail/neighborhood facilities fronting on the square from 75% to 38% at the northern square-facing wall;

**Findings:** The Purpose statement reads as follows: “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.”

This requested Modifications applies to that part of the building fronting on NW 21<sup>st</sup> and fronting on the square. With regard to the portion of the building fronting on NW 21<sup>st</sup>, the ground level of the western wing is indicated to be 47’-2” deep. The retail space at the southeast corner is 49’-4”. Since the first Design Advice Request, successful design of the square has been of primary importance and it was stated multiple times that significant reduction of the area of the square would make it unsuccessful. Staff and the Commission have recognized that it is mathematically impossible to accommodate 50’ deep retail spaces on both sides of a 100’ square on a 197’ wide parcel while also providing retail space on the west and east sides of the square. As such, reduction of the depth of the retail spaces was considered acceptable as a means to ensure that the square would not be compromised.

Staff’s prior concerns about the limited areas of retail, as well as their configuration, particularly at the north have been alleviated with the current proposal. The revised proposal includes additional retail space along NW 21<sup>st</sup>, as well as the provision of more active uses at the ground level in general. While the proposal reduces the total

amount of retail/neighborhood facility along a single wall at the north of the square, the total amount of retail frontage fronting on the square is 75.8% with additional retail facing the breezeway, and the total amount of building wall facing NW 21<sup>st</sup> dedicated to retail is 100%.

In order to be counted as a “neighborhood facility” (which does not count toward the total FAR) the proposed bike facility must meet several parameters upon permitting, as outlined in standard 5.B.6, including demonstration of a binding agreement with a lease holder and a covenant with the City reserving the space for such for 20 years. This has been incorporated as a condition of approval. Staff notes, however, that per Standard 5.B.6.e, if the bike facility ceases to be operational for a period of at least 12 months, it is allowed to convert to another permitted use, such as retail.

Because the proposal includes reduced retail widths, this allows more space to be dedicated to publicly-accessible open areas, such as the square, the sidewalk, and the north-south connection. While the reduction in width is minimal for the retail spaces, this allows better visibility through the highly glazed spaces toward the square and perimeter open areas. In addition, the reduced size of the neighborhood bike facility, allows for greater variety in the event that this is converted to a micro-retail unit at some point in the future. Likewise, while reducing the amount of retail frontage on a single wall (the north), this allows greater variety in the character of the square edges, with the north wall providing access to the main building for residents and providing frontage on the square with a residential lounge looking out onto the square. Therefore, guidelines P1 *Plan Area Character*, D1 *Outdoor Areas*, and Guideline 7A are better met with the proposed design.

***With the condition of approval that the neighborhood bike facility meet the parameters of Standard 5.6.B at the time of Permit, or the use be converted to retail, this Modification warrants approval.***

3. **Con-way Master Plan Standard #8(F)** – to reduce the required setback of the upper floor of the east and south façades of the east wing from 5'-0" to 0'-0";

**Findings:** The purpose statement reads as follows: “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.”

This standard applies to the southern and eastern frontages of the building. It states that “the top floor of all buildings taller than 75 feet shall be setback a minimum of 5 feet.” It is not entirely clear how this standard relates to the purpose statement which primarily speaks to the pedestrian experience, other than providing interest. Staff notes that the building is 77 feet tall at the applicable location, meaning if it were just two feet shorter, this standard would not apply. At the June 8, 2017 hearing the Design Commission expressed support for the east façade as designed, noting that stepping back the top floor would disrupt the design concept of brick frames/tubes, which lend to the overall coherency of the design. They also expressed support for the simplicity of the design with the singular articulated frame of green zinc-alloy panels at the east which helps to mark this pedestrian connection from a distance. Therefore, Guideline D8 *Interest, Quality, and Composition* is better met by the proposed design.

*This Modification warrants approval.*

4. **Con-way Master Plan Standard #10(B, C)** – to reduce the dimensions on the square at the southwest corner from 100' to 31'-6"; to reduce the clearance of the ground plane connection between the square and the park from 25' to a minimum clearance of 14'-9";

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

The previous proposal included a square that measured 100' east-west at the ground level, with upper levels resulting in a east-west dimension of 65', and included the areas of the covered breezeways as part of the total area of the square. This was found to meet neither the guidelines nor the standards, which state that the square shall have “no dimension less than 100 feet”, and the breezeways did not meet this dimension. The previous proposal also resulted in a total square area of less than 16,000sf. This has been revised so that the square now meets the required 16,000sf, with additional outdoor area proposed along the east side of the square within the arcade.

The design has been revised so that the east-west dimension between the wings of the building is 100' at upper levels, and more than 100' at the ground level. The previously proposed western breezeway has been eliminated by shifting the building to the north, which opens up the southwest corner to use as an extension of the square. Because the shift to the north is a distance of 31'-6" from the southern property line, this requires a Modification to the 100' dimension at this location only. Staff believes this shift (and resultant reduction of the 100' dimension) meets the purpose of the standard in that it provides additional area for the square to better activate this desirable southwest retail location while also ensuring that significant amounts of retail area will remain along the corridor of NW 21<sup>st</sup> Avenue. Therefore, staff also finds that Guidelines E4 *Corners that Build Active Intersections* and D1 *Outdoor Areas* are better met by the proposal in that the outdoor area at this corner is activated by the proposed massing and adjacent use.

With regard to the requested reduction of the clearance between the square and the park, staff previously supported this Modification as the breezeway was located between heavily glazed retail on either side and the ground level in general was heavily glazed which allowed views between the square and the outer perimeter of the building on all sides. The current proposal features heavily glazed retail on the south side with a shared bike facility and live/work uses on the north. The applicant was previously proposing a relatively blank north wall but has added more glazing at the bike facility as well as some art panels at the residential wall/north wall of the breezeway. Staff previously noted that this aspect of the proposal could be interesting but needed additional refinement. Additional information on the applicant's intent has been provided indicating they plan to replicate a mural that is located within the existing building which speaks to the heritage of the Con-way Master Plan area. Staff is supportive of this concept whether literal or abstracted.

The purpose statement for this standard speaks to the square and we have already determined that the breezeway is not part of the square, therefore the purpose statement relates minimally to the breezeway other than the fact that the breezeway serves as the connection between the square and the park. To that end, the breezeway meets the purpose of the standard in that this connection is provided. In addition, Guideline D8 Interest, Quality, and Composition is better met by the proposal in that the architectural design concept is more cohesive by allowing the

brick tube concept to extend the length of the east wing rather than jogging upward to accommodate for additional height at the breezeway. Guideline 1 is also better met by providing human scale to this breezeway in that the proposed clearance is generous despite not meeting the standard 25'. For reference, the arcade at LePigeon in the East Burnside arcaded district is approximately 15' high (as well as 100' long and 10' wide). The proposed breezeway will provide a comfortable passageway between the park and the square and will feature design elements such as the round wood benches, lighting, and artwork to engage pedestrians.

*This Modification warrants approval.*

5. **33.266.220.C.3.b Bicycle Parking Standards** – to reduce the width of required long-term bicycle parking spaces from 24" to 18".

**Findings:** The Purpose statement reads as follows: “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.”

The reduction of bike parking area results in either a reduced amount of area dedicated to the relatively inactive use of bicycle storage, or the ability to store more bicycles within the same area. In this instance, the proposed bike parking is located in the basement and within the units, and therefore will not impact ground level uses, but will minimize areas devoted to bicycle storage; therefore, D4 Parking Areas and Garages is better met. Staff has found in many other instances that an 18" on-center spacing with a 6" vertical stagger to be sufficient to meet the purpose of the standard with regard to convenience and safety.

*Provided, the bike parking is set at 18" on center with a 6" vertical stagger, this Modification warrants approval.*

### **(3) Con-way Master Plan Amendment Approval Criteria Amendment Process**

The master plan provides for an amendment process in Chapter 33.562.300.F that does not reflect the nature of the proposed master plan in that it requires an amendment for a variety of circumstances not anticipated as part of the Con-way Master Plan. Therefore, the master plan will replace Chapter 33.562.300.F with the following:

#### **Amendments to the Con-way Master Plan.**

*Amendment Required and Review Procedures.* The Con-way Master Plan is a market-driven master plan that provides for a flexible development framework that anticipates a broad variety of potential allowed outcomes. Because there is not an exact and specific development outcome required for the ultimate build-out of the Con-way Master Plan the amendment process will be required for only very significant deviations from the approved Master Plan.

*Review Procedures.* Amendments to the Con-way Master Plan are reviewed as follows:

1. The following amendments will be processed through a Type III procedure before the Hearings Officer:



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

*Approval Criteria.* The approval criteria for an amendment to the Con-way master plan are as follows:

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

**Master Plan Amendment #1:** Amend the boundaries of designated open areas and development areas by revising Map 04-7, and subsequently revising Map 05-1 and 05-6 of the Master Plan to align with the new boundaries, in order to allow the proposed development to extend 15’ to the east into the westernmost portion of the designated Neighborhood Park.

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.

Per Section 2, “approximately 25% of the total land area owned by Con-way is designated to become open space as a part of this application. All open space will be accessible to the public. These spaces have not yet been designed but guiding principles have been established in Section 5.”

Block 290 is specifically discussed as follows in Section 2: “Block 290 will be the site for two major open spaces being proposed. A neighborhood park will be located on the easterly portion of this block – property that may be conveyed to the Parks Bureau. A privately owned and developed, but publicly accessible urban square will

be located on the westerly side of this block. The square will be fronted on two sides by mixed-use buildings with ground-level, commercial retail uses; these will be complementary to the varied functions and activities that will occur in the square.”

Again, with regard to height and massing, Section 2 recognizes that “new development will be strongly influenced by market forces” and states that “specific building heights and dimensional characteristics for each proposed new structure will be described at the time development applications are submitted for each project.” It further states that “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.”

Staff notes that the Master Plan contains maps (02-2 and 04-7) which indicate the location of designated open areas as well as maps that indicate the location of intended building footprints (02-1 and 04-1, as well as those related to the design standards). While these maps clearly relate to the standard 200’ x 200’ city block, staff could not find commentary or a justification for establishing this as this intended footprint of future buildings; the only indication that this may be a specific desire is the sense that such a footprint is the most logical as one travels across this city. However, map 03-2 indicates that uses allowed in the EX zone are allowed throughout the Master Plan area, including within the designated open areas.

The question of whether or not the proposed development would be allowed to migrate east into the designated “neighborhood park” has been one of the most significant questions surrounding this project over the course of its existence. The first iteration occupied the entire western 60’ of the designated Neighborhood Park. While a pedestrian accessway was not designated in this area as part of the Master Plan, the Plan did indicate that the north-south pedestrian accessways would terminate in open space. Thus, it was difficult to reconcile the then-proposed footprint of the building with the removal of open space. The proposed footprint of the building decreased in subsequent Design Advice proposals, with the final design showing a maximum 15’ extension into the designated park area, with the adjacent 45’ between the building and the future park proposed to be developed as a continuation of the north-south pedestrian accessways.

At the Design Advice Requests, the Design Commission repeatedly expressed concern over the proposed removal of open space and the expansion of the building footprint area beyond the standard 200’ x 200’ block. The Commission generally expressed doubt that the proposal could meet all the expectations of the Master Plan’s open space requirements without incorporating additional development area (Block 291) into the proposal. By including development on Block 291, as was anticipated by the Master Plan, the additional building area could relieve the financial and development envelope burden that Block 290 has by the requirement to provide an open public square. However, no development is proposed on Block 291. Staff cannot require that additional development be proposed; we can only judge the proposed development on its merits. Prior Design Commission comments indicated that in order for the removal of open space to be approved, the design of the proposal must demonstrate that this transfer of open area to development area is warranted.

An earlier staff report, dated April 24, 2017, addressed the potential that the proposal might need to encroach 8’-2” into the western boundary of the designated park if PGE would not relocate or allow relocation of the overhead power lines along

NW 21<sup>st</sup> Avenue. Staff was not supportive of that proposal as that did not seem to be reason enough to justify the encroachment into the park. Staff holds that this is still true but notes that the applicant has indicated that relocation of the lines is likely to occur. Staff notes that if the lines cannot not ultimately be relocated and would thereby affect the design, an additional design review would be required and additional encroachment to the east is unlikely to be supported. This no longer appears to be an issue for the development. With exception of the PGE issue, the previous design aimed to maintain the typical 200' x 200' footprint and, as such, pushed additional floor area inward and upward which was determined to not meet the guidelines.

At the May 12<sup>th</sup> work session the Commissioners present expressed support for the proposed shift into the park as it allowed the applicant to maintain the floor area necessary to support the financial burden of constructing the three open spaces required on this site while ensuring that that the public square would have maximum solar exposure; this approach was generally supported by the rest of the Commission at the June 8<sup>th</sup> hearing. As noted above, the Master Plan states that desired densities are to be balanced with livability and positive urban qualities, with a strong emphasis on the quality of the pedestrian realm. The proposed 15' encroachment to the east and the applicant's reconfiguration of the massing has resulted in an increased width of the square at the upper levels by 35', from 65' to 100', which provides significantly more solar exposure to the square. In addition, the remaining 45' to the east of the building, and west of the realigned boundary of the park, is proposed to be designed as a continuation of the future north-south pedestrian accessways to the north, thus providing a linear connection that was not necessarily envisioned in the original Master Plan, but nonetheless provides a valuable pedestrian connection across the site. As is noted elsewhere the previously proposed residential units at the northeast corner have been revised to live/work units primarily to ensure that the encroachment will not exceed 15' and to provide further ground level activation at this edge. The proposed reconfiguration of the neighborhood park at Block 290, to allow for the expanded footprint of the proposed development on this block, will better enable the development of a vibrant square, which will be supported by the surrounding mixed use development. Per the findings above, staff finds that the proposed encroachment is consistent with the Master Plan's vision and purpose as described in the summary framework of Section 2.

*Therefore, this 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:** The proposed amendment to extend the building footprint 15' to the east allows for additional ground level building area to be developed as retail and/or neighborhood facilities. Staff notes that the applicant proposes a neighborhood facility in the form of a bike repair/pet wash station at the eastern edge of the square; this space is indicated to be 16'-9" deep. In addition, the adjacent arcade at the edge of the square is 12' deep. Either one (or both) of

these spaces could be removed from the proposal and would reduce the need for the encroachment to the east, however, with the provision of these spaces, specifically the introduction of a neighborhood facility in an otherwise leftover space, the proposed amendment encourages the creation of this facility. *This purpose statement continues to be met.*

**#6 Required Building Lines.**

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

**Findings:** Map 05-4 indicates the location of required building lines, however, no required building lines are shown on Block 290. A note on Map 05-4 states that “required building lines will apply to any buildings planned as part of a park Master Plan that front NW 21<sup>st</sup> or a public square.” As this amendment does not affect designated required building lines, and is not a part of a park Master Plan, this amendment will have no effect on this urban design element. *This purpose statement does not apply.*

**#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 requirement for ground floor retail sales and service uses fronting on NW 21<sup>st</sup> and on the square; therefore, the proposed amendment will have no effect on this urban design element. *This purpose statement continues to be met.*

**#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:** The proposed amendment retains the requirement for standards on streets and open spaces that support a pedestrian-oriented environment, but will shift the line on the corresponding map (05-6). The proposed amendment will have a minimal effect of this standard, revising the exact location where this standard is required along the eastern building frontage, but will not result in any other significant changes, as this edge is still proposed to be developed to ensure a pleasant, rich, and diverse pedestrian experience at the ground level of the east façade. *This purpose statement continues to be met.*

**#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 purpose of the requested amendment is to increase the area devoted to the public square while maintaining the needed floor area to financially support the development of this public space as well as the two other open areas on the site. The proposed design of the square demonstrates that the square will be framed by active buildings on three sides and will be connected to nearby open spaces including the future park and the NW Pettygrove and NW 21<sup>st</sup> sidewalks. The proposed design of the square, including the furnishings and lighting scheme, are unique and will help to develop the identity of the square as an iconic urban place in the neighborhood. *This purpose statement continues to be 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:** PBOT has confirmed that the new weekday pm peak hour trip generation will remain less than 1,535 trips (see Exhibit H-19). Staff accepts PBOT's consideration of this information as verification that this criterion is met. 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

Staff recognizes the significant challenges of accommodating the required public square as well as supportive private development on this site, which meets the standards outlined in the Con-way Master Plan. Staff has now worked with two different design teams in an attempt to support approval of a proposed development for this site. The previous designs had some challenges, which resulted in recommendations of denial, as staff did not believe they were ready for approval. The current proposed design has made significant strides in working through the challenges of this site combined with market realities of developing a proposal that is financially feasible and ensures the development of three open spaces for public use.

While staff and the Commission previously encouraged that a development of lesser intensity be developed on this site, it has since become more clear that a higher level of intensity is needed to support the development of the required open spaces on site. That said, the proposed level of development on the site remains within the maximum 3:1 FAR limit of the Con-way Master Plan area.

The proposed design fits with the desired character of the neighborhood, is of good quality, and will provide a substantial public square for individuals and groups to gather for programmed and un-programmed events. The revised design is substantially improved over prior designs and has been found to meet the intent of the Master Plan.

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, Modification criteria and Adjustment criteria, and therefore warrants approval.

**TENTATIVE STAFF RECOMMENDATION**

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

Staff recommends approval of Type III Design Review for a new multi-story residential building with ground floor retail, below-grade parking, and a roof terrace. Proposed exterior materials include Norman brick, zinc-alloy panels, fiber cement panel, vinyl windows, aluminum storefronts, wood doors, and aluminum and glass balconies. The proposal also includes development of a publicly-accessible square and a portion of the vacated NW Quimby right-of-way.

Staff recommends approval of the following Modifications:

1. Con-way Master Plan Standard #1 – to increase the maximum height from 47' to 57' for a penthouse amenity space on the lower portion of the building;
2. Con-way Master Plan Standard #7(C, D.1, and D.2) – to reduce the 50' depth requirement for retail fronting on the square to 47'-2" and 49'-4" and 16'-9" at the bike facility; and to reduce the amount of retail/neighborhood facilities fronting on the square from 75% to 38% at the northern square-facing wall;
3. Con-way Master Plan Standard #8(F) – to reduce the required setback of the upper floor of the east and south façades of the east wing from 5'-0" to 0'-0";
4. Con-way Master Plan Standard #10(B, C) – to reduce the dimensions on the square at the southwest corner from 100' to 31'-6"; to reduce the clearance of the ground plane connection between the square and the park from 25' to a minimum clearance of 14'-9";
5. 33.266.220.C.3.b – to reduce the width of required long-term bicycle parking spaces from 24" to 18"; and

Staff recommends approval of the following Master Plan Amendment to:

1. Amend the boundaries of designated open areas and development areas by revising Map 04-7, and subsequently revising Map 05-1 and 05-6 of the Master Plan to align with the new boundaries, in order to allow the proposed development to extend 15' to the east into the westernmost portion of the designated Neighborhood Park.

This recommended approval is per Exhibits C-1 through C-121 and per the following conditions of approval:

- A. As part of the building permit application submittal, the following development-related conditions (B through I) 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 16-100496 DZM MS". 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.
- D. Per Standard 10.D, an easement shall be provided prior to issuance of Permit allowing public access to the entire square, the entire ground plane connection, the north-south connection (for a width of 45') and the western portion of Quimby (for a width of 60').

- E. The windows and louvers shall not project beyond the exterior face of adjacent cladding material.
- F. Movable chairs and tables shall be provided, by the property owner, within the square to ensure additional opportunities for seating which are not associated with the adjacent commercial spaces.
- G. The neighborhood bike facility shall meet the parameters of Standard 5.6.B at the time of Permit, or the use shall be converted to retail.
- H. The bike parking shall be set at 18” on center with a 6” vertical stagger.

<p>I. <u>Per BES request, the owner/applicant must complete one of the following prior to BES approval of building permits:</u></p>
<ul style="list-style-type: none"> <li>a. <u>Show the stormwater system will be located on the lot that it serves, e.g. through completion of a PLA or other method;</u></li> <li>b. <u>Move the stormwater system elsewhere on the site so that it does not cross a property line; or</u></li> <li>c. <u>Obtain approval from BDS for a plumbing code appeal to allow the stormwater system to cross a property line and obtain proper legal access from the adjacent property owner.</u></li> </ul>
<p><u>Prior to permit approval, the applicant must resolve the ownership of the public sewer and easement in vacated NW Quimby St to the satisfaction of BES.</u></p>

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**Procedural Information.** The application for this land use review was submitted on January 5, 2016, and was determined to be complete on March 29, 2016.

*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 January 5, 2016.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be waived, granting a full extension. See Exhibit A-5. The applicant then provided an additional extension to **November 15, 2017**. See Exhibit A-6.

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

**Who can appeal:** You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. **Appeals must be filed within 14 days of the decision. An appeal fee of \$5,000.00 will be charged.**

Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded, approximately two weeks after the date of the decision mailing, by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.



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

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

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

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

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

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

Hillary Adam  
June 30, 2017

**EXHIBITS – NOT ATTACHED UNLESS INDICATED**

- A. Applicant's Statement
1. Original Drawing Submittal Set
  2. Project Description
  3. Design Narrative, received March 29, 2016
  4. Revised Drawing Set, received March 29, 2016
  5. Initial Extension, dated May 18, 2016
  6. Extension, dated October 27, 2016
  7. Resubmitted Pre-Application Conference Summary
  8. Revised Stormwater Management Report, dated March 3, 2017
  9. Revised Drawing Set, dated March 9, 2017
  10. Sheets from July 6, 2017 packet replaced by C-exhibits
- B. Zoning Map (attached)
- C. Plan & Drawings

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| 1.  | <u>Cover Sheet</u>                             |
| 2.  | <u>Index</u>                                   |
| 3.  | <u>Vicinity Map/Aerial View (1.1)</u>          |
| 4.  | <u>Site Context Photos (1.2)</u>               |
| 5.  | <u>Site Context Photos (1.3)</u>               |
| 6.  | <u>Site Context Photos (1.4)</u>               |
| 7.  | <u>Site Survey – Existing Conditions (1.5)</u> |
| 8.  | <u>Zoning Summary (1.6)</u>                    |
| 9.  | <u>Development Standards (1.7)</u>             |
| 10. | <u>Floor Area Ratio Diagrams (1.8)</u>         |

11. Master Plan Diagram (1.9)
12. Vehicular Paths and Entries (1.10)
13. Pedestrian and Bike Paths (1.11)
14. Proposed Site Partition Plan (1.12)
15. Site Plan/Demolition Plan (1.13)
16. Site Diagram (1.14)
17. Solar Studies (1.15)
18. Narrative (2.1)
19. Narrative (2.2)
20. Narrative (2.3)
21. Narrative (2.4)
22. Narrative (2.5)
23. Narrative (2.6)
24. Narrative (2.7)
25. Narrative (2.8)
26. Narrative (2.9)
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28. Modification Request – Sect 05.7.D.2 (2.11)
29. Modification Request – Sect 05.8.F (2.12)
30. Modification Request – Sect 05.10.C (2.13)
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32. Site Access Plan (3.2)
33. Civil Grading Plan (3.3)
34. Civil – Utility Plan (3.4)
35. Landscape Plan (1)
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38. Landscape – Entries and Edges (3.8)
39. Landscape – Sheltered/Open Spaces/Access Points (3.9)
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42. Square Design (2)
43. Seating Pods (3)
44. Seating Pod Plan (4)
45. Seating Pod Section (5)
46. Seating Pod Detail (6)
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56. Landscape – NW Quimby Street (3.23)
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61. Landscape – Pedestrian Accessway Precedents
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64. Floor Plans (4.3)
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97. Building Elements – Materials (5.2)
98. Building Elements – Lobby Entry (5.3)
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100. Building Elements – Live/Work Units (5.5)
101. Building Elements – Balcony Units (5.6)
102. Building Elements – Breezeway to Park (5.7)
103. Building Elements – Mural @ Breezeway (5.8)
104. Building Elements – Corridor Slot (5.9)
105. Building Elements – Retail in the Square (5.10)
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107. Building Elements – Roof Deck (5.12)
108. Storefront Details (6.1)
109. Vinyl Windows and Sliding Door Cutsheets (6.2)
110. Vinyl Window Heads (6.3)
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112. Window Sill Details (6.5)
113. VTAC Louver Details (6.6)
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115. Mechanical Louver Details and Cutsheets (6.8)
116. Typical Exterior Finish Details (6.9)
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119. Garage Door Details and Cutsheet (6.12)
120. Light Fixture Cutsheets (6.13)

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| 121. <u>Light Fixture Cutsheets (6.14)</u><br>122. <u>Bench Cutsheets (Exhibit H-29)</u> |
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- 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
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  7. Revised Posting Instructions
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  10. Revised Mailed Notice
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- E. Agency Responses:
1. Bureau of Transportation Engineering and Development Review
  2. Bureau of Environmental Services
  3. Water Bureau
  4. Fire Bureau
  5. Bureau of Parks, Forestry Division
  6. Site Development Review Section of BDS
- F. Letters
1. Chris Smith, on April 13, 2016, wrote in opposition to Master Plan Amendment #2 to allow access from NW Pettygrove.
  2. Ted Timmons, on April 15, 2016, wrote with concerns with allowing garage access from NW Pettygrove, suggesting the access should be from NW 20<sup>th</sup> avenue.
  3. David Lewis, on April 21, 2016, wrote with concerns with allowing garage access from NW Pettygrove, intended as a green street, and adjacent to a pedestrian plaza and a future city park.
  4. Chris Shaffer, on April 29, 2016, wrote in opposition to Master Plan Amendment #2 to allow garage access from Pettygrove, intended as a green street, and adjacent to a pedestrian plaza and a future city park.
  5. Jessica Engelman, on April 29, 2016, wrote in opposition to Master Plan Amendment #2 to allow garage access from Pettygrove, intended as a green street, and adjacent to a pedestrian plaza and a future city park.
  6. Joseph Edge, on April 29, 2016, wrote in opposition to Master Plan Amendment #2 to allow garage access from Pettygrove, intended as a green street, and adjacent to a pedestrian plaza and a future city park.
  7. Lucy Wong, on April 30, wrote in opposition to Master Plan Amendment #2 to allow garage access from Pettygrove, intended as a green street, and adjacent to a pedestrian plaza and a future city park.
  8. Emily Guise, on April 30, wrote in opposition to Master Plan Amendment #2 to allow garage access from Pettygrove, intended as a green street, and adjacent to a pedestrian plaza and a future city park.
  9. Ron Walters, on May 2, 2016, wrote in opposition to the proposal, stating that it does not meet the standards, guidelines or intentions of the Master Plan. He noted that 86% of respondents to an online survey he created opposed the proposal.
  10. Gabrielle Ackerman, on May 2, 2016, wrote with suggestions that this space could be used as a multi-use community center, including an indoor swimming pool.
  11. Steve Pinger, on May 2, 2016, provided correspondence from Northwest District Association to the applicant, which noted opposition to the proposal due to the

- reduced width of the square, the increased height of the southeast corner of the building, and the joining of all the buildings (previously shown to be separate) resulting in reduced connections between the sidewalk and the square and a perception of privatization of the square.
12. Steve Pinger, on May 6, 2016, submitted a letter by Greg Theisen, Acting Chair of the Northwest District Association Planning Committee, dated May 5, 2016 stating that the Master Plan should be updated prior to review of this development proposal as prior comments indicated that Block 291 and the Park should be developed in concert with Block 290. He noted concerns with increased height at the southeast, the full-width connection of the wings of the building, previously proposed to be separate buildings, narrowness and arrangement of entries to the square, and a feeling of privatization of the square.
  13. Steve Pinger, Northwest District Association Planning Committee, on April 14, 2017, wrote in opposition.
  14. Suzanne Lennard, on April 17, 2017, wrote in opposition.
  15. Ms. Michael James, on April 18, 2017, wrote in opposition.
  16. Ron Walters, on April 19, 2017, wrote in opposition.
  17. Ron Walters, on April 19, 2017, provided survey results from 77 respondents, indicating opposition to the proposal.
  18. Michael W. Mehaffy, President of the Goose Hollow Foothills League, on April 21, 2016, wrote in opposition.
  19. Michelle Wyffels, Trimet, wrote on April 27, 2017, noting Trimet’s desire to maintain that the bus stop and bus zone at NW 21<sup>st</sup> and Pettygrove.
  20. Greg Theisen, NWDA Co-Chair Planning Committee, wrote on May 2, 2017 contesting the applicant’s extension of the timeline.
  21. Mike Abbate, Director of Portland Parks & Recreation, wrote on May 3, 2017 (dated April 21, 2017) in support of the proposal.
  22. Kurt Creager, Director of Portland Housing Bureau, wrote in support of the proposal, noting the applicant’s participation in the Multiple-Unit Limited Tax Exemption (MULTE) Program as part of this project.
  23. Ron Walters, on May 12, 2017 and on May 18, 2017, wrote in opposition, citing standards not met, outstanding issues, and offering potential solutions.
  24. Greg Theisen, Co-Chair NWDA Planning Committee, on May 19, 2017, wrote in opposition, citing Con-way Master Plan standards not met
  25. Greg Theisen, Co-Chair NWDA Planning Committee, on June 6, 2017, wrote in opposition suggesting alternative massing arrangements per the standards of the Con-way Master Plan.
  26. Greg Theisen, Co-Chair NWDA Planning Committee, on June 26, 2017, wrote in opposition, addressing requested Modification and the requested Amendment, as well as other issue including maximum and minimum floor area ratio and uses, enclosure of the square, connection to Quimby, and use of Quimby.
  27. Suzanne Lennard, on June 26, 2017, wrote in opposition suggesting that the applicant should transfer FAR off of Block 290 or purchase an additional site to which to transfer the FAR.
  28. Ron Walters, on June 29, 2017, wrote in opposition, objecting to the Commission’s consideration of the proposal on June 8, 2017 and encouraging denial.
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| <ol style="list-style-type: none"> <li>29. <u>Ms. Michael James, on July 5, 2017, wrote in opposition.</u></li> <li>30. <u>Greg Theisen, Co-Chair NWDA Planning Committee, on July 5, 2017, wrote requesting that the hearing be rescheduled to a later date in order to provide additional time to review the revised proposal and staff report.</u></li> <li>31. <u>Virginia Stevens, on July 5, 2017, wrote the suggestions on how to improve the square.</u></li> <li>32. <u>Norma Reich, on July 5, 2017, wrote in opposition.</u></li> <li>33. <u>Nona Gamel, on July 5, 2017, wrote in opposition.</u></li> </ol> |
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34. Sacha Reich, on July 5, 2017, wrote in opposition.
35. Mary Beth Henry, on July 5, 2017, wrote in opposition.
36. Mark Lakeman, on July 5, 2017, wrote in opposition.
37. Wendy Rahm, on July 5, 2017, wrote in opposition

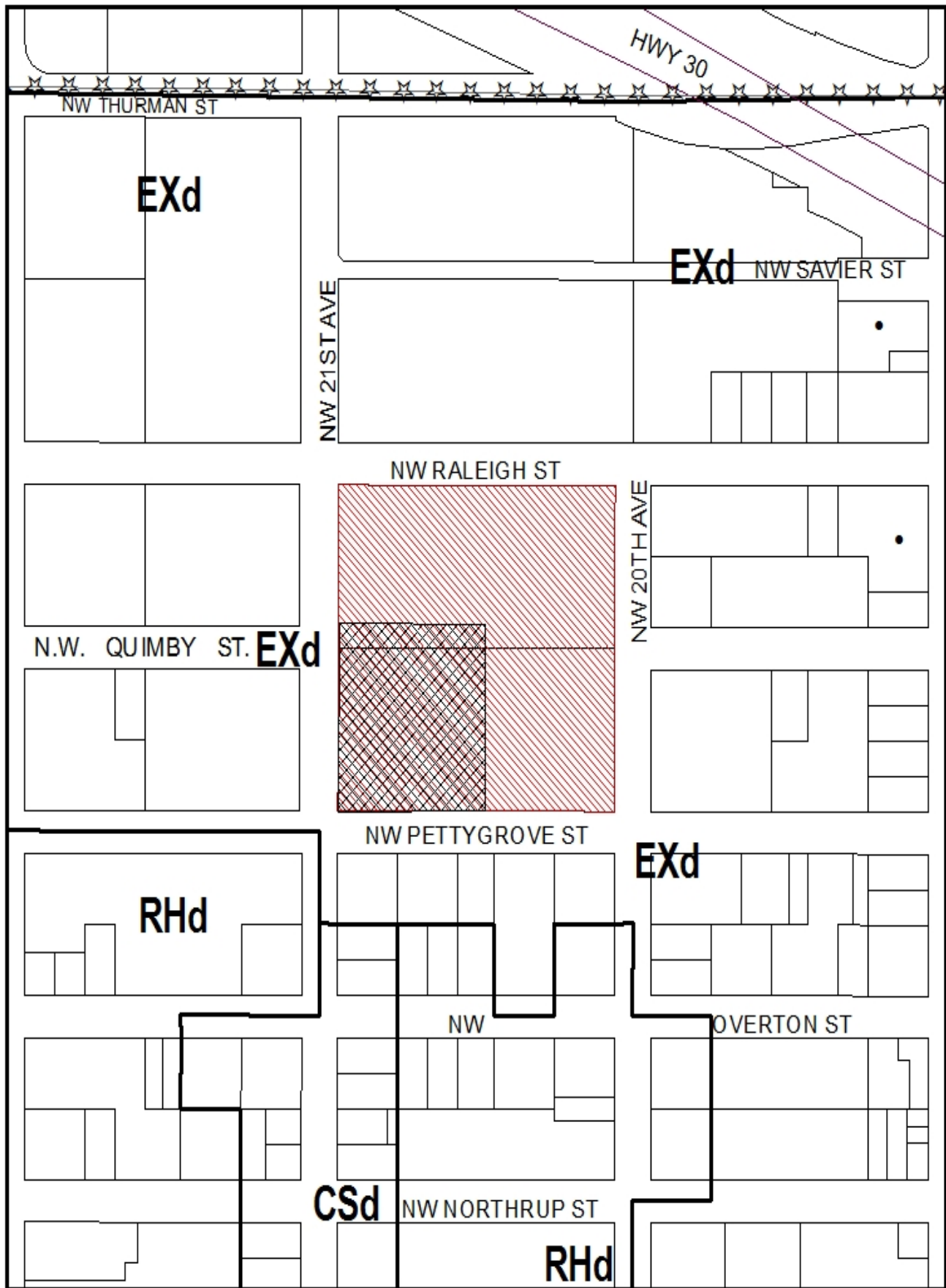
G. Other

1. Original LUR Application
2. Revised LUR Application, dated March 29, 2016
3. Incomplete Letter, dated February 4, 2016
4. Design Advice Summary #1, for April 23, 2015
5. Design Advice Summary #2, for June 11, 2015
6. Design Advice Summary #3, for August 20, 2015
7. Staff Report for May 16, 2016 hearing
8. Drawing Set for May 19, 2016 hearing

H. Hearing

1. Staff Memo for May 4, 2017 hearing
2. Revised Staff Report for May 4, 2017 hearing
3. Drawing Set for May 4, 2017
4. Staff Presentation for May 4, 2017 hearing
5. Applicant Presentation for May 4, 2017
6. Supplement sheets provided by applicant on May 4, 2017
7. Testifier Sheet for May 4, 2017 hearing
8. Written testimony by Suzanne Lennard, received at the hearing on May 4, 2017, in opposition
9. Proposals considered at May 12, 2017 work session
10. Staff Memo for June 8, 2017 hearing
11. Drawing Set for June 8, 2017
12. Staff Presentation for June 8, 2017 hearing
13. Applicant Presentation for June 8, 2017
14. Supplement sheets provided by applicant on June 8, 2017
15. Testifier Sheet for June 8, 2017 hearing
16. Written testimony by Suzanne Lennard, received at the hearing on June 8, 2017, in opposition

17. 2<sup>nd</sup> Revised Staff Report for July 6, 2017
18. Supplemental Staff Memo for July 6, 2017 hearing
19. Revised PBOT letter, dated July 6, 2017
20. Staff Presentation, dated July 6, 2017
21. Applicant Presentation, dated July 6, 2017
22. Applicant Supplemental Sheet
23. Testifier sign-In Sheet, July 6, 2017
24. Written testimony by Suzanne Lennard, received at July 6, 2017 hearing
25. Written testimony by Jeanne Harrison, received at July 6, 2017 hearing
26. Burton Francis, on July 6, 2017 wrote in opposition to the design of the square.
27. Greg Mitchell, on July 13, 2017, provided revised drawings.
28. Greg Mitchell, on July 13, 2017, provided revised drawings.
29. Greg Mitchell, on July 13, 2017, provided new bench cutsheets
30. Karen Karlsson, on July 13, 2017, wrote, contesting the size of the square.
31. Greg Theisen, Co-Chair NWDA Planning Committee, on July 13, 2017, wrote in opposition to the proposal, noting that the standards and guidelines have not been met and objecting to the process.



# ZONING



This site lies within the:  
NORTHWEST PLAN DISTRICT

-  Project Area
-  Site
-  Recreational Trails
-  Historic Landmark

File No. LU 16-100496 DZM  
 1/4 Section 2927 2827  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E33BA 100  
 Exhibit B (Apr 12, 2017)

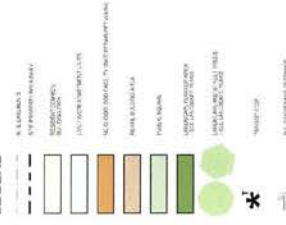
# LU 16-100496 DZM MS - BLOCK 290 APARTMENTS



### GENERAL NOTES:

- A. SITE INFORMATION IS BASED ON OWNERS' RECORDS AND FIELD SURVEY. ALL DIMENSIONS SHALL BE VERIFIED BY HARVEY HOUT REVISION INDICATED BY "R" IN THE MARGINS.
- B. TYPICAL CURB RADIUS IS 5' AT ASPHALT INTERSECTIONS AND 10' AT GRADE INTERSECTIONS.
- C. BUILDING AND CURB RADIUS PARALLEL OR PERPENDICULAR TO THE WEST PROPERTY LINE.
- D. ALL DIMENSIONS ARE TO THE CENTERLINE OF SIDEWALK AND PAVING LAYOUT.
- E. ALL DIMENSIONS ARE TO THE CENTERLINE OF SIDEWALK AND STREET TREES EXCEPT FOR DIMENSIONS REFERRED TO AS "SEE LANDSCAPE" OR "SEE LANDSCAPE AND PAVING LAYOUT".
- F. DIMENSIONS TO THE CENTERLINE OF SIDEWALK AND STREET TREES EXCEPT FOR DIMENSIONS REFERRED TO AS "SEE LANDSCAPE" OR "SEE LANDSCAPE AND PAVING LAYOUT".

### LEGEND



### KEYNOTES

- 011 BICYCLE RACK, SHORT TERM. SEE DETAIL.
- 012 LOADING ZONE - (1) STANDARD 'A' SPACE OF 10'0\"/>

## SITE PLAN

## 3.1 LRS ARCHITECTS

DATE: 2.2.2017

C-31

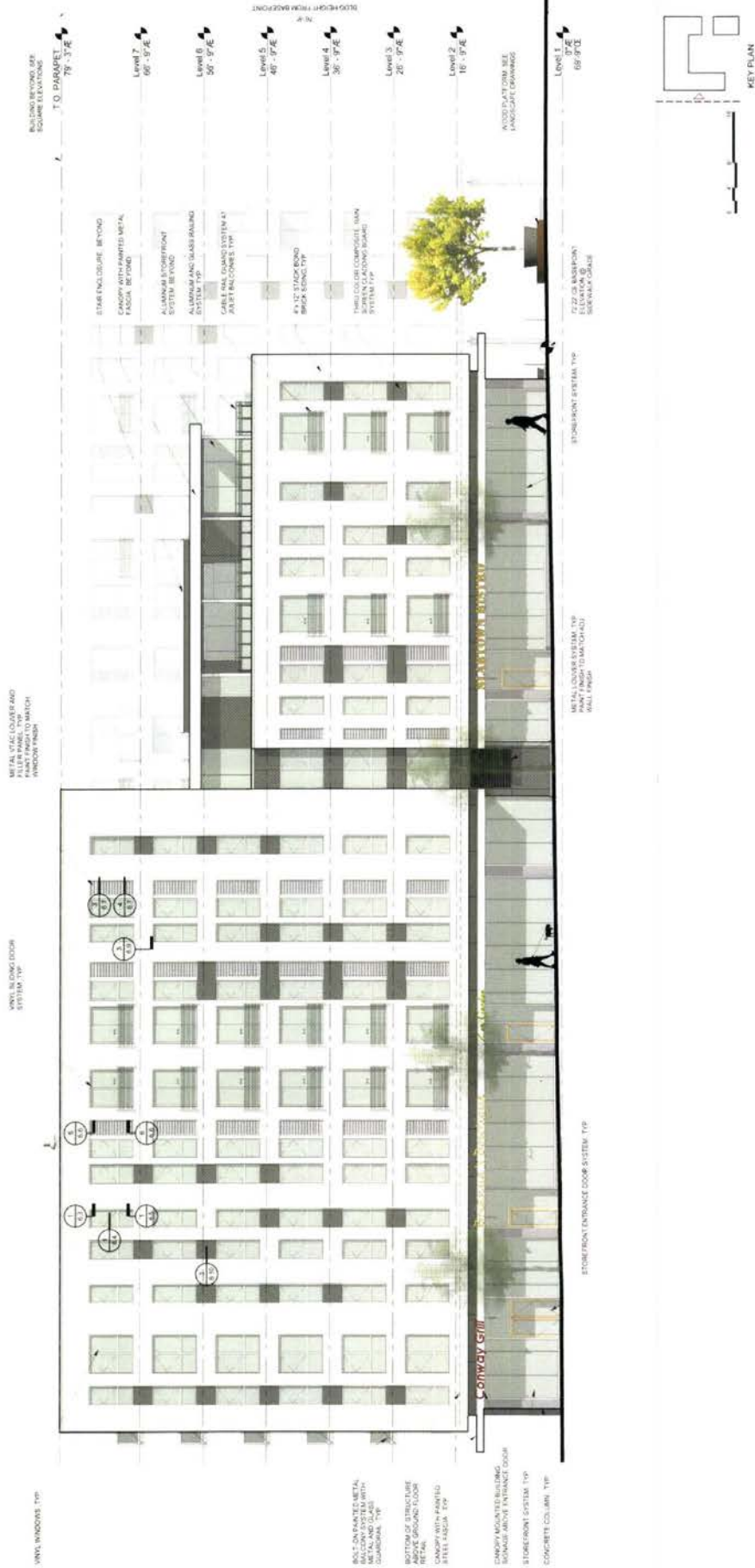








LU 16-100496 DZM MS - BLOCK 290 APARTMENTS



EXTERIOR ELEVATIONS - WEST (NW 21ST AVE)

4.9 LRS ARCHITECTS

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