



November 14, 2017

Greg Mitchell, Project Manager
Trish Nixon, Architect
LRS Architects
720 NW Davis St Suite 300
Portland, OR 97209

RE: LU 16-100496 DZM MS

Appeal of Northwest District Association against Design Commission's decision of approval for Design Review with Modifications and Mater Plan Amendment for a new multi-story, residential building with ground floor retail and a public square at 1417 NW 20th Avenue in the Con-way Master Plan area of the Northwest Plan District (Hearing; LU 16-100496 DZM MS)

To Whom It May Concern:

Enclosed is a copy of the Order of Council on LU 16-100496 DZM MS. This Order must be recorded with the Multnomah County Recorder within 10 days of receipt of this letter. **Please send a check for \$56.00 made payable to the Multnomah County Recorder, indicating the file number on your check and SEND TO: The City of Portland, Office of the City Auditor, 1221 SW 4th Ave. Room 130, Portland, OR 97204-1900**

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with LUBA within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have appeared orally or in writing during the City's proceedings on this land review. LUBA's address is: DSL Building, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283. You may call LUBA at 1-503-373-1265 or visit LUBA's website (www.oregon.gov/LUBA) for further information on filing an appeal.

Yours sincerely,
Mary Hull Caballero
Auditor of the City of Portland

By:

Karla Moore-Love, Council Clerk

Cc Thomas Brenneki, President, Guardian Real Estate
Russell A Marzen, Owner, XPO Properties, Inc
Encl.





NOTICE OF FINAL DECISION

TO: All Interested Persons
DATE: November 14, 2017
RE: LU 16-100496 DZM MS

Appeal of Northwest District Association against Design Commission's decision of approval for Design Review with Modifications and Mater Plan Amendment for a new multi-story, residential building with ground floor retail and a public square at 1417 NW 20th Avenue in the Con-way Master Plan area of the Northwest Plan District (Hearing; LU 16-100496 DZM MS)

Enclosed is a copy of the Order of Council on LU 16-100496 DZM MS to deny the appeal of the Northwest District Association and uphold the Design Commission's decision of approval, including conditions of approval, and adopt the findings with the added condition that the applicant will consult with the Regional Arts and Culture Council in the development of the public art at both the private development and at the park. If you wish to obtain a copy of the City Council's findings and decision, please contact Karla Moore-Love, Council Clerk by email at: Karla.Moore-Love@portlandoregon.gov or at (503) 823-4086.

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with LUBA within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have appeared orally or in writing during the City's proceedings on this land review. LUBA's address is: DSL Building, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283. You may call LUBA at 1-503-373-1265 or visit LUBA's website (www.oregon.gov/LUBA) for further information on filing an appeal.

Yours sincerely,
Mary Hull Caballero
Auditor of the City of Portland

By:

Karla Moore-Love, Council Clerk

Encl.



APPEAL OF NORTHWEST DISTRICT ASSOCIATION AGAINST DESIGN COMMISSION'S DECISION OF APPROVAL FOR DESIGN REVIEW WITH MODIFICATIONS AND MASTER PLAN AMENDMENT FOR A NEW MULTI-STORY, RESIDENTIAL BUILDING WITH GROUND FLOOR RETAIL AND A PUBLIC SQUARE AT 1417 NW 20TH AVENUE IN THE CON-WAY MASTER PLAN AREA OF THE NORTHWEST PLAN DISTRICT (LAND USE CASE NO.: 16-100496 DZM MS)

Applicant: Greg Mitchell, Project Manager
Trish Nixon, Architect
LRS Architects
720 NW Davis St Suite 300
Portland, OR 97209

Owners: Thomas Brenneke, President
Guardian Real Estate
760 SW 9th Ave, Suite 2200
Portland, OR 97214

Russell A Marzen, Owner
XPO Properties, Inc
1851 West Oak Parkway
Marietta, GA 30062

Site Address: BLOCK 290 – 1417 NW 20th Avenue

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

Zoning: EXd, Central Employment (EX) with Design (d) overlay

Case Type: DZM MS, Design Review (DZ) with Modifications (M) and Master Plan Amendment (MS)

Procedure: Type III. The decision of the Design Commission was appealed to City Council.

Introduction: The applicant sought Design Review approval 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 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 in a design overlay. Design Review is necessary because the project proposes new development within a design overlay zone, per section 33.420.041 of the Portland Zoning Code.

The City Council appeal hearing was opened in the Council Chambers, 1221 SW 4th Avenue on October 12, 2017 at approximately 2:00 p.m. After hearing public testimony and considering the evidence in the record, Council voted 5-0 to close the record and voted 4-1 to tentatively deny the appeal and uphold the Design Commission's decision of approval with conditions with the added condition that the applicant will consult with the Regional Arts and Culture Council in the development of the public art at both the private development and at the park; prepare findings for November 1, 2017 at 11:00 a.m. On November 1, 2017 at approximately 11:00 a.m., Council voted 5-0 to continue the hearing to November 8, 2017 at 11:00 a.m. On November 8, 2017 at approximately 11:00 a.m. Council voted 3-0 to accept substitute findings to clarify that the architects are qualified professionals and Council found their evidence and testimony credible, and voted 4-1 to deny the appeal of the Northwest District Association and uphold the Design Commission's decision of approval, including conditions of approval; adopt the findings with the added condition that the applicant will consult with the Regional Arts and Culture Council in the development of the public art at both the private development and at the park.

DECISION

Based on evidence in the record and adoption of the Council's Findings and Decision in **Case File LU 16-100496 DZM MS** and by this reference made a part of this Order, it is the **decision** of the City Council to approve Design Review for a new multi-story residential building with ground floor retail, below-grade parking, and a roof terrace in the Con-way Master Plan Area. 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.

Approval of the following Modification requests:

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

Approval of the 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.

Approvals per Exhibits C-1 through C-121, signed, stamped, and dated August 3, 2017, subject to the following conditions:

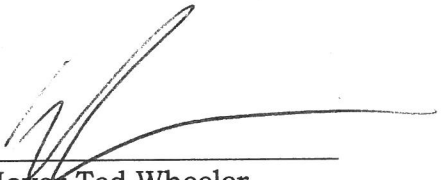
- A. As part of the building permit application submittal, the following development-related conditions (B through I) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE 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.
- I. 1. Per BES request, 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.
- J.** The middle round bench in the middle of the square shall be eliminated. The benches shall be made of Ipé wood.
- K.** Four additional benches shall be added to the north-south pedway (for a total of 8 benches), with some oriented perpendicular to the pedway.
- L.** The design of the breezeway mural and art in the public square shall be coordinated with the Regional Arts and Culture Council to ensure these elements of the design are complementary toward the public art in the new park just east of this site.

IT IS SO ORDERED:

NOV 14 2017

Date



Mayor Ted Wheeler
Presiding Officer at Hearing of
November 8, 2017
9:30 a.m. Session