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572-2021

Report

Consider appeal of the NW District Neighborhood Association against the Design Commission's decision to approve with conditions a proposed new five-story mixed-use building at 1137 NW 23rd Ave in the Northwest Plan District (LU 20-123610 DZM)

Findings Adopted

MEMORANDUM

DATE June 28, 2021

TO: Mayor Ted Wheeler
 Commissioner Mingus Mapps
 Commissioner Carmen Rubio
 Commissioner Jo Ann Hardesty
 Commissioner Dan Ryan

FROM: Rebecca Esau, Director

Bureau of Development Services

RE: City Council hearing appeal of LU 20-123610 DZM – NW 23rd and Marshall Apartments

The purpose of this memorandum is to provide a summary and brief description of the land use review that will be presented to you in the public hearing on July 14, 2021 at 2 PM, time certain.

Site Address: 1137 NW 23rd Avenue

BDS Representatives: Grace Jeffreys, City Planner – Design Review

Land Use Reviews Requested: Type III Design Review with Modifications for a new five-story mixed-use building in the Northwest Plan District.

Proposal includes:

- 74 apartment units on four floors above approximately 10,000 sf of ground level retail. Proposal will meet Affordable Housing requirements.
- Below grade parking for 44 cars, one B sized loading space, and 91 bikes,

Introduced by

[Commissioner Dan Ryan](#)

Bureau

[Development Services \(BDS\)](#)

Prepared by

Colleen Poole / Grace Jeffreys

Date Prepared

June 25, 2021

Requested Council Date

July 21, 2021

Requested Agenda Type

Time Certain

Confirmed Time Certain

Requested Start Time

10:15 am

Time Requested

10 minutes

which will be all accessed off NW Northrup Street.

- Modifications to bike parking, transit street main entrance, setback landscaping and vehicle parking standards were requested.

Design Commission Decision: The Design Commission found that the applicable approval criteria had been met. Standard conditions of approval were added.

Appeal: The Design Commission decision of approval has been appealed by Steve Pinger representing the NW District Neighborhood Association, based on the argument that the findings do not correctly address Community Design Guideline P1. Plan Area Character regarding step backs at the street facade.

Key Elements of Proposal:

- Project was submitted on February 26, 2020 and deemed complete on August 20, 2020.
- The first hearing was scheduled within 56 days from the completeness date for October 15, 2020 but was then postponed by applicant. Upon signing an extension to the review period, a new hearing date was subsequently scheduled and held with the Design Commission on May 6, 2021.
- There was some public interest and participation, and staff received 7 written comments in opposition of the project. Primary concern focused on lack of setback at the upper (fifth) story. Additional comments not related to the approval criteria were also submitted.
- The following findings and facts relevant to the appeal item, a lack of setback at the upper (fifth) story, include:

1. **Community Design Guideline (CDG) P1, Plan Area Character** asks proposals to incorporate site and building design features that respond to the “area’s “desired characteristics and traditions.” (CGD, page 15). Appendix J: Excerpt from Northwest District Plan, Amended Design Guidelines – Desired Characteristics and Traditions lists numerous desired characteristics, one of which is that “New buildings and additions that are taller than the two-to four-story building height that is predominant in the district should have upper stories stepped back in order to contribute to more consistent streetscape and to maintain neighborhood scale.” (CGD, Appendix J page 198).
2. This proposal is five stories and is within the height limit allowed by the Zoning Code. To keep the higher massing away from the residential area to the west, the upper (5th) story was pushed east towards NW 23rd. To meet this guideline and respond to the area’s desired characteristics and traditions, other design elements were used to address the neighborhood scale:
 - The building height is stepped down to four stories on the west side towards the residential area, resulting in making a significant portion (almost a third) of the north and south street elevations four stories tall.
 - The five-story eastern building façade facing NW 23rd is broken into three distinct blocks to reflect the district’s pattern of partial block

massing. This is emphasized with different brick colors and detailing, window configurations, and ground floor storefront and canopy details. Two two-foot deep façade recesses help to further break up the elevation.

- Parapet and cornice details and a 6-inch step back to the upper (fifth) floor were added to further respond to the desired four-story building height datum






3. The Community Design Guidelines are intended to be flexible and location appropriate, and examples provided are intended to be explanations, rather than recommended solutions: *“The design review process is flexible to encourage designs that are innovative and are appropriate for a specific location....Each guideline is followed by a list of examples of... ways to meet the guidelines ... provided to stimulate the search for a design that meets both the guidelines and the developer’s needs; they function as explanations of the guideline and are not intended to be used as the recommended solutions.”* (CGD page 7).

4. Because this building will be located along the densest area of NW 23rd, faces the streetcar line as well as the six-story Good Samaritan building across the street, and most of the massing has appropriately been set to the east along NW 23rd and therefore away from the smaller-scaled residential zoned area to the west, the Commission considered the five-story massing facing NW 23rd appropriate for this proposal and location.

Alternatives Facing Council

- Deny the appeal and uphold the Design Commission’s decision of approval with conditions.
- Deny the appeal but modify the Design Commission’s decision of approval with conditions and instruct the applicant to revise the design and return to Council at a future date.
- Grant the appeal, thereby overturning the Design Commission’s decision to approve with conditions. In this case, the project would be denied

Documents and Exhibits

-  [Director Memo](#) (278.98 Kb)
-  [Notice of Public Hearing](#) (76 Kb)
-  [Final Findings and Decision by the Design Commission Rendered on May 6, 2021](#) (7.07 Mb)
-  [Type III Decision Appeal Form](#) (550.02 Kb)
-  [Findings and Conclusions](#) (430.82 Kb)

Impact Statement

-  [Impact Statement](#) (195.24 Kb)

Agenda Items

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Tentatively deny appeal and uphold decision of Design Commission

Oral and written record are closed.

Motion to tentatively deny the appeal and uphold the decision of the Design Commission: Moved by Hardesty and seconded by Wheeler.

Prepare findings for July 21, 2021 at 10:15 a.m. Time Certain.

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

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Findings Adopted

Motion to deny the appeal, uphold the decision of the Design Commission, and adopt the findings: Moved by Hardesty and seconded by Wheeler.

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

General information

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