



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
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**FINAL FINDINGS AND DECISION BY THE DESIGN
COMMISSION RENDERED ON June 11, 2015**

**CASE FILE NUMBER: LU 15-142459 MS
PC # 14-242574**

Con-way Master Plan Amendment

BUREAU OF DEVELOPMENT SERVICES STAFF: Hillary Adam 503-823-3581 /
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The Design Commission has **approved** a proposal in your neighborhood. This document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website

<http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

GENERAL INFORMATION

Applicant: Jill Long, / Lane Powell PC
601 SW Second Ave, Ste 2100 / Portland OR 97204-3158

Owner: Con-Way Properties Inc
Po Box 4138 / Portland, OR 97208-4138

Representative: Craig Boretz / Con-Way Properties, Inc.
Po Box 3745 / Portland, OR 97208

Site Address: 1417 NW 20th, 1505 NW 21st, 2170 NW Raleigh, 1621 NW 21st, 1621-1717 WI/NW 21st, 1721 NW 21st, 2169 NW Thurman, 2055 WI/NW Savier, 1635 W/NW 19th, and NEC/Raleigh & NW 21st

Legal Description: BLOCK 16 TL 1600, BLACKISTONES ADD; BLOCK 261 LOT 5&8&9&11-18 TL 3500, COUCHS ADD; INC PT VAC ST LOT 7&10&11 BLOCK 262 INC PT VAC ST LOT 14 BLOCK 262 INC PT VAC STS LOT 15 BLOCK 262 INC PT VAC ST LOT 16-18 BLOCK 262, COUCHS ADD; BLOCK 290&291 TL 100, COUCHS ADD; INC PT VAC STS BLOCK 292, COUCHS ADD; BLOCK 293 TL 2300 LAND & IMPS SEE R529517 (R180230571) FOR OTHER IMPS, COUCHS ADD; LOT 1-3 BLOCK 294 INC PT VAC ST LOT 4&5&8 BLOCK 294 LOT 6&7&10 BLOCK 294 LOT 11&14 BLOCK 294, COUCHS ADD; BLOCK 294 INC PT VAC ST LOT 9&12 INC PT VAC ST LOT 13&18 LOT 15-17, COUCHS ADD; BLOCK 296 LOT 1-4 EXC PT IN ST LOT 5-10, COUCHS ADD; BLOCK 296 LOT 11-18, COUCHS ADD; BLOCK 295 LOT 1-18 TL 2700, COUCHS ADD;

sites having high building coverage and buildings which are usually close to the street. IG1 areas tend to be the City's older industrial areas. Minimum lot area is 10,000 square feet.

The Design Overlay Zone [d] promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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

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

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

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

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

One individual spoke at the Design Commission hearing:

- Jean Harrison, representing the Northwest District Association, on June 11, 2015, provided oral and written testimony in support of the proposed Amendment as the least objectionable option of those available, noting concerns about potential future amendments and suggesting that future amendments may require additional transportation analysis. Please see Exhibit G-1 for additional details.

ZONING CODE APPROVAL CRITERIA

(1) DESIGN REVIEW (33.825)

33.825.010 Purpose

Design Review ensures:

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

33.825.055 Design Review Approval Criteria

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

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

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

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

Findings: The site is designated with design overlay zoning (d). Therefore the proposal requires Design Review approval. Because the site is within the Con-way Master Plan Area, the applicable approval criteria are listed in Con-way Master Plan Section 8 *Process*.

Con-way Master Plan Amendment Approval Criteria

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

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

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

Beside NW Thurman, NW 21st is identified as a Neighborhood Community Main Street. Based on other design standards in the Con-way Master Plan, it is clear that the intent for such a street is to help encourage contiguous commercial development along this thoroughfare to stimulate pedestrian activity and create a vibrant streetscape. Staff notes that such a proposal makes sense along NW 21st, but loses merit at the north end of the Con-way Master Plan area. Thurman is the northern boundary of the area and faces industrial buildings on the north side of Thurman. Beyond those buildings in the I-405 on-ramp. As such, there is merit in NW Thurman serving as a buffer between the newly developed activity of the Con-way Master Plan and the industrial areas and freeway to the north. Given the nature of the buildings to the west and east of Block 294E, staff does not anticipate that the northern edge of Block 294E will be a link in a chain of retail along NW 21st and Thurman, but rather, effectively, a terminus for the NW 21st Retail corridor.

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

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

- 2. Design.** The urban design elements provided in the purpose statements of the Design Standards and Guidelines of the approved Con-way master plan continue to be met after the amendment;

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

#5 Neighborhood Facilities within the NW Master Plan Area.

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

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

#6 Required Building Lines.

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

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

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

Purpose: “This requirement ensures that Retail Sales, Service, or Neighborhood Facility uses are developed along NW 21st 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 21st Avenue.”

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

#8 Standards on Streets and Open Spaces.

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

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

#10 Square Standards.

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

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

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

- 3. Transportation.** The net new weekday p.m. peak hour trip generation of the overall Master Plan site with the amendment remains less than or equal to 1,535 trips. In the event that the Master Plan site net new weekday p.m. peak hour trip generation exceeds 1,535 trips, a transportation impact study will be required to demonstrate what mitigation measures (if any) will be required of the amendment to satisfy City of Portland and Oregon Department of Transportation operating standards at impacted intersections.

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

CONCLUSIONS

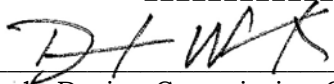
The proposed amendment will preserve NW 21st Avenue as the primary retail corridor of the Con-way Master Plan area and will allow for NW Thurman to serve a buffer street between the Master Plan area and the industrial lands and freeway corridor to the north. The design review

process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and therefore warrants approval.

DESIGN COMMISSION DECISION

It is the decision of the Design Commission to approve Design Review for approval of removing the vehicular access restriction from NW Thurman Street, amending Map 06-1 of the Con-way Master Plan, for the Con-way Master Plan area in the Northwest Plan District.

Approvals per Exhibits C-1, signed, stamped, and dated June 11, 2015.

By: 
David Wark, Design Commission Chair

Application Filed: March 31, 2015
Decision Filed: June 12, 2015

Decision Rendered: June 11, 2015
Decision Mailed: June 25, 2015

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

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

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on March 31, 2015.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. The **120 days expire on:** August 28, 2015.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. This report is the final decision of the Design Commission with input from other City and public agencies.

Conditions of Approval. This approval may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. Appeals must be filed by 4:30 pm on July 9, 2015 at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and

Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case by appointment at, 1900 SW Fourth Avenue, Suite 5000, Portland, Oregon 97201. Please call the file review line at 503-823-7617 for an appointment.

If this decision is appealed, a hearing will be scheduled and you will be notified of the date and time of the hearing. The decision of City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to City Council on that issue. Also, if you do not raise an issue with enough specificity to give City Council an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$2,809.00 will be charged (one-half of the application fee for this case).**

Neighborhood associations may qualify for a waiver of the appeal fee. 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. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **July 10, 2015 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

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

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a

new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

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:

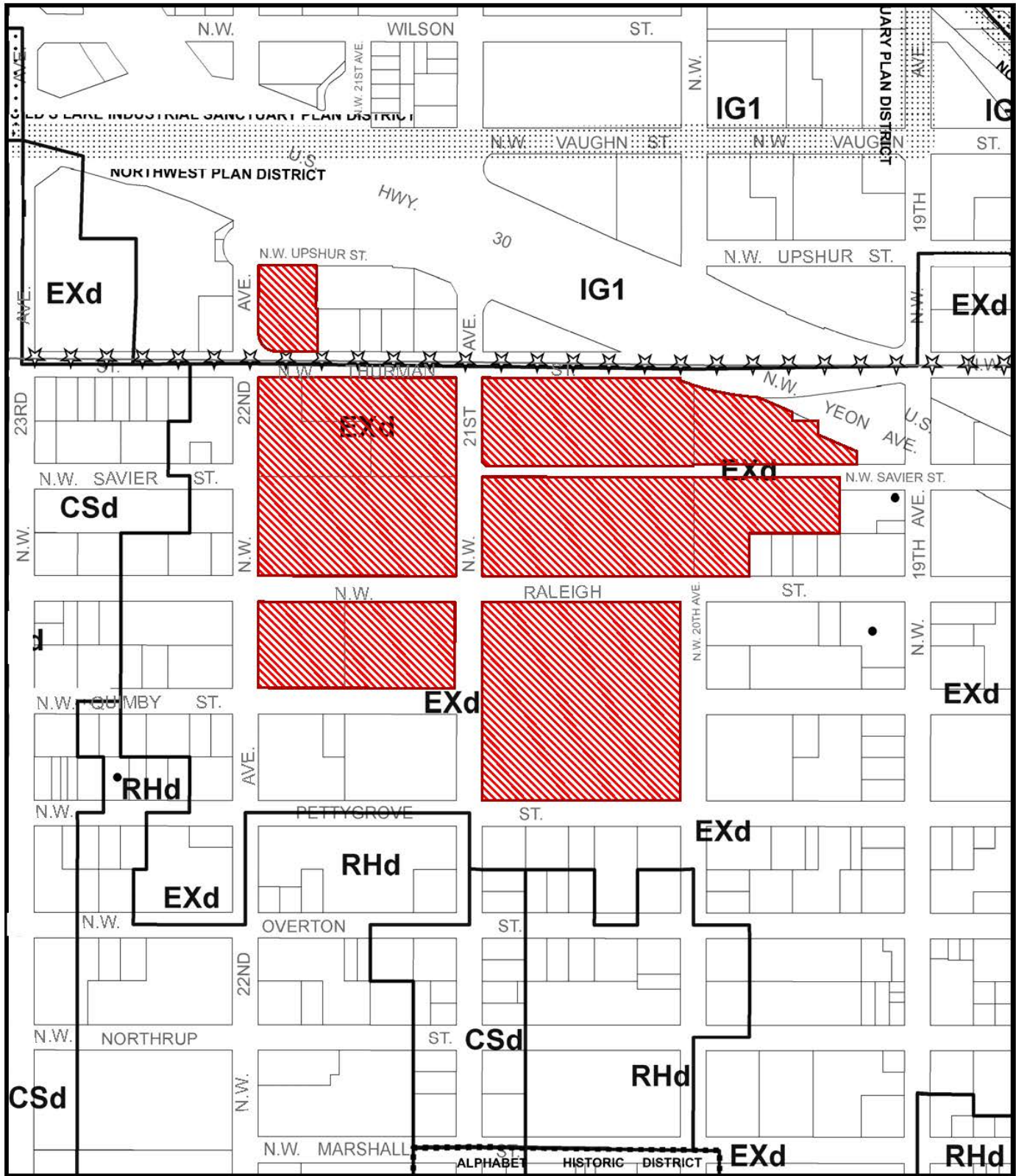
- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

Hillary Adam
June 22, 2015

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).

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Original Narrative and Traffic Engineer's Report
 2. Existing Map 06-1
 3. Proposed Map 06-1, as originally submitted
 4. Pre-Application Conference Summary
 5. Revised Narrative
- B. Zoning Map (attached)
- C. Plan & Drawings
 1. Proposed Amended Map 6-01 (attached)
- D. Notification information:
 1. Request for response
 2. Posting letter sent to applicant
 3. Notice to be posted
 4. Applicant's statement certifying posting
 5. Mailed notice
 6. Mailing list
- E. Agency Responses:
 1. Bureau of Transportation Engineering and Development Review
 2. Bureau of Environmental Services
 3. Portland Water Bureau
 4. Life Safety Division of BDS
- F. Letters: none
- G. Other
 1. Original LUR Application
 2. Staff Report and Recommendation to Design Commission, dated June 1, 2015
 3. (Revised) Staff Presentation to Design Commission, dated June 11, 2015
 4. Jean Harrison, NWDA, letter dated June 10, 2015



ZONING

-  Site
-  Recreational Trail



This site lies within the:
NORTHWEST PLAN DISTRICT

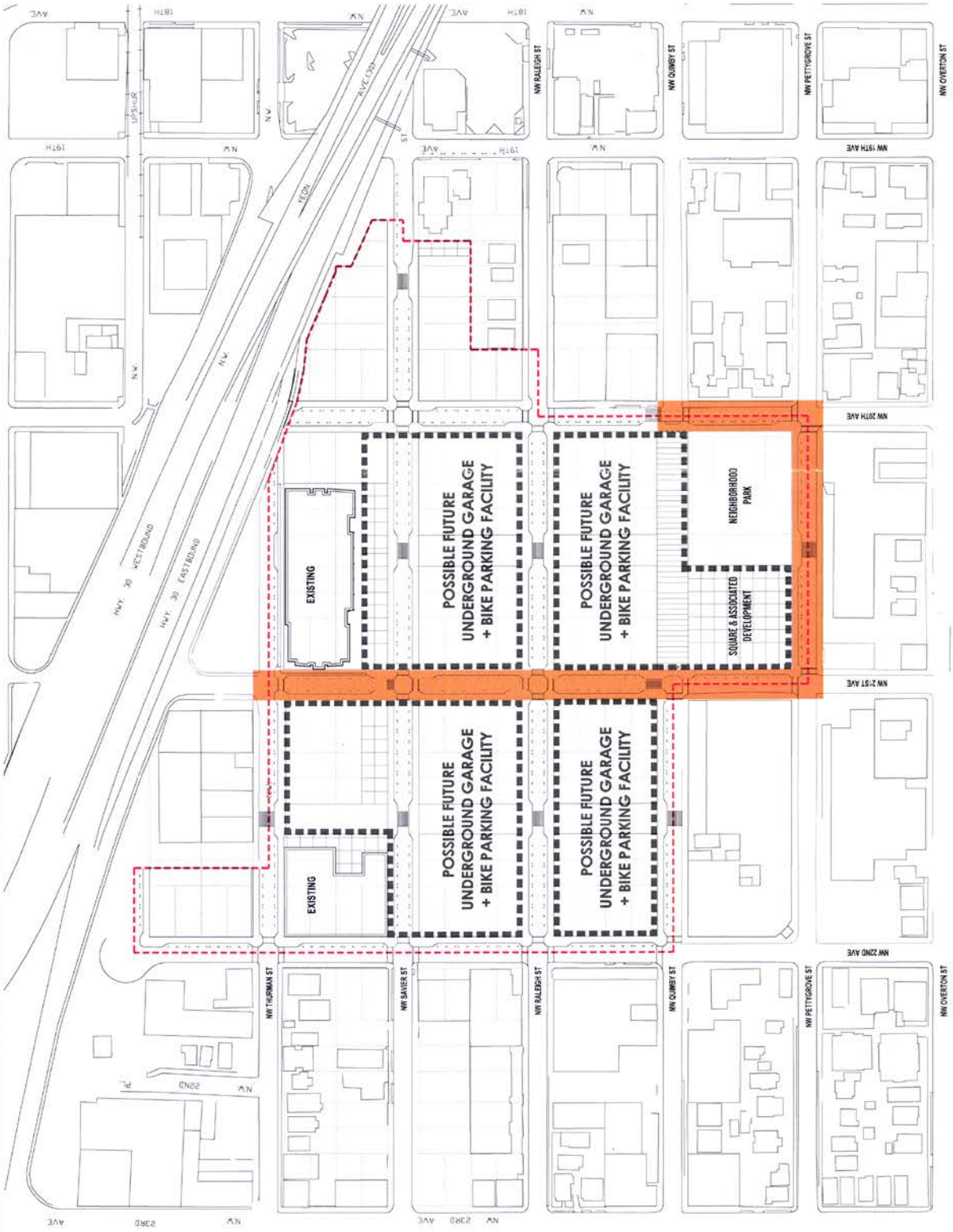
File No.	<u>LU 15-142459 MS</u>
1/4 Section	<u>2827,2828,2927</u>
Scale	<u>1 inch = 300 feet</u>
State_Id	<u>1N1E28CD 2700</u>
Exhibit	<u>B (Apr 02,2015)</u>

KEY

STREETS WHERE GARAGE ACCESS AND LOADING DOCKS ARE PROHIBITED

Approved
 City of Portland
 Bureau of Development Services
 Planner Chadler
 Date 6/11/15

*This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



294	293	292	291	290
295	294	293	292	291
296	295	294	293	292
297	296	295	294	293
298	297	296	295	294

MAP 06-1
 POSSIBLE FUTURE
 UNDERGROUND GARAGE
 LOCATIONS AND ACCESS



LU 15-142459 MS C-1