



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Inspection Services - Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

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**FINAL FINDINGS AND DECISION BY THE DESIGN  
COMMISSION RENDERED ON November 5, 2015**

**CASE FILE NUMBER: LU 15-195830 DZM  
PC # 14-247472**

**Blocks 294E/295E**

**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:** Michelle Schulz, Architect 503-224-9656  
GBD Architects, Inc  
1120 NW Couch, Ste 300  
Portland, OR 97209

Tom Dichiarra, Developer 503-444-9017  
Cairn Pacific LLC  
1015 NW 11th Ave, Ste 242  
Portland, OR 97209

Con-Way Properties Inc, Owner  
PO Box 4138  
Portland, OR 97208-4138

**Site Address:** 1621-1717 NW 21ST AVE

**Legal Description:** BLOCK 294 LOT 1-3 INC PT VAC ST LOT 4&5&8 LOT 6&7&10; LOT 11&14, COUCHS ADD; BLOCK 295 LOT 1-18 TL 2700, COUCHS ADD

**Tax Account No.:** R180230750, R180231070

**State ID No.:** 1N1E28CD 02800, 1N1E28CD 02700

**Quarter Section:** 2827

**Neighborhood:** Northwest District, contact John Bradley at 503-313-7574.

**Business District:** Nob Hill, contact Mike Conklin at 503-226-6126.

**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Plan District:** Northwest

**Zoning:** EXd – Central Employment with Design overlay

**Case Type:** DZM – Design Review with Modifications

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

**Proposal:**

The applicant proposes a new two-block + accessway development in the Con-way Master Plan area. On the north block (294E) is proposed a landscaped forecourt with a multi-level mixed-use building ranging from 3-8-14 stories, to be constructed of pre-cast brick panel, precast concrete, öko skin, composite metal panel, aluminum windows, wood and aluminum storefronts, metal and glass balconies, metal sunshades, and glass and metal canopies. On the south block (295E) is proposed a six-story mixed-use building, to be constructed of brick, metal panel, wood and aluminum storefronts, fiberglass and aluminum windows, and steel balconies, as well as a 3-story residential building, to be constructed of brick and metal with fiberglass and aluminum windows. Parking will be provided in a 2-level underground garage connecting both sites, and will be accessed from NW Savier and NW Thurman. Loading will also be accessed from NW Savier and NW Thurman.

Modifications are requested for the following:

1. (Con-way 6.C) – Reduce the building line requirements at Block 295 from 75% to 57% of the NW 21<sup>st</sup> Avenue frontage;
2. (Con-way 7.D.2) – Reduce the 50’ depth requirement for ground floor retail from 75% to 19% of the NW 21<sup>st</sup> Avenue frontage on Block 294 E and from 75% to 25% on Block 295E;
3. (Con-way 8.D) – Reduce the ground floor active use standards to allow, on Block 294E, active use less than 25’ deep (as measured from NW Thurman and NW Savier façades) and less than 35% windows and doors (to 29%), and less than 16’ high (to 15’) at the southwest corner; and on Block 295E, less than 16’ high (to 11’-6” at townhouses);
4. (Con-way 8.E) – Allow the small elevator building to encroach more than 10’ (to 15’-8”) into the accessway;
5. (33.266.310.F.1) – Allow the loading space at NW Thurman to result in rearward motion;
6. (33.140.210.B.2) – Allow a stair tower less than 15’ from a roof edge parallel to a street on Block 294E;
7. (33.266.22.C.3.b) – Reduce the width of long-term bicycle parking spaces from 24” to 18” on both blocks.

Design Review is required because the proposal is for non-exempt exterior alterations in a design overlay zone.

**Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable 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

**ANALYSIS**

**Site and Vicinity:** This 119,600sf site is part of the larger Con-way Master Plan area. Con-way Inc. traces its history to Leland James, who, in 1929, founded a small regional trucking company in Portland, named Consolidated Truck Lines. The company enjoyed great success through expansion and acquisition, and was later renamed Consolidated Freightways (CF). Today, Con-way delivers industry-leading services through its primary operating companies of Con-way Freight, Con-way Truckload, and Menlo Worldwide Logistics. These operating units provide industry-leading regional, inter-regional and national less-than-truckload (LTL); logistics, warehousing and supply chain management services; as well as full truckload freight transportation to the best companies across North America and around the globe. Con-way and its subsidiaries operate from more than 500 locations across North America and in 20 countries across five continents. Although Con-way’s headquarters are now located in Ann

Arbor, Michigan, they still control 25 acres in Northwest Portland, and will continue to maintain a presence in two large office buildings they currently occupy.

Con-way's property is located within the boundaries of the Northwest Plan District. The aggregate site area contained within the proposed Master Plan limits, excluding current right-of-ways, is 762,168 sq. feet, or 17.49 acres. Present uses of the Con-way property include office, industrial, warehousing and surface parking. The property 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. Today, Con-way owns and occupies office buildings on Blocks 293 and 294. Block 295W, is occupied by a 3-story office building currently proposed for renovation. Block 296W was recently renovated for use as a grocery store and other small commercial uses and Block 296E is currently under construction and nearing completion for a 6-story mixed use building. Con-way also owns a vacant truck maintenance building on Block 290, and a small, leased industrial building on Block 16. The balance of Con-way's site 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.

Blocks 294E and 295E are currently developed with surface parking and associated landscaping, serving the nearby con-way 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 "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. 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 relevant prior land use reviews include the following:

- EA 11-160116 PC – Pre-Application Conference for a Northwest Master plan for the Con-way site;
- EA 11-188950 DA – Design Advice for Con-way Master Plan;
- LU 12-135162 MS – Design Review approval of the Con-way Master Plan;
- EA 14-247472 PC – Pre-Application Conference for the current proposal;
- EA 15-116952 PC – Pre-Application Conference for the proposed renovation of the Leland James Center to the west;
- EA 15-115432 DA – Design Advice Request for the current proposal; and
- LU 15-142459 MS – Design Review approval for a Master Plan amendment to remove the vehicle access restriction on NW Thurman Street; and
- LU 15-192955 DZM – Concurrent review for renovation of the Leland James Center to the west.

**Agency Review:** A “Notice of proposal in Your Neighborhood” was mailed **September 25, 2015**.

The Bureau of Transportation Engineering responded, noting that, per the approved Con-way Master Plan, a TDM plan must be approved as a condition of the building permit approval. Please see Exhibit E-1 for additional details.

The following Bureaus have responded with no issue or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Life Safety Division of BDS

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on September 25, 2015.

**Procedural History:** The first Design Review hearing for this proposal was held on October 15, 2015. The Commission was generally supportive of the proposal and the requested Modifications, noting that this was a high quality project with high quality materials and will be a great addition to this new neighborhood and the adjacent established neighborhood. The Commission suggested that the applicant consider the following: reduce the landscaping along the accessway and add more open area, reduce the size and perceived presence of the elevator pavilion, activate the northwest corner of Block 294E with true live/work space, simplify the ground floor at 294E by aligning storefront headers, remove fabric awnings from the proposal, work with RACC to develop the overall art concept, increase the open areas within the forecourt particularly along the retail edge, add more detailing to the wood at ground level areas and provide a 12-inch curb at the base, shift the garage doors on both blocks closer to street lot line, make the glass bridge element at Block 295E darker and push the top floor metal back on the Raleigh façade.

The applicant engaged with RACC following the October 15, 2015 hearing. All other Design Commission concerns are discussed in the findings below.

Don Genasci, Northwest District Association, provided oral and written testimony at the

October 15, 2015 hearing; these comments were primarily in support of the proposal but highlighted areas in need of additional consideration (see Exhibit H-4). Ron Walters also provided written testimony in support of the proposal; these comments were received following the hearing (see Exhibit H-5).

## ZONING CODE APPROVAL CRITERIA

### (1) DESIGN REVIEW (33.825)

#### Chapter 33.825 Design Review

##### 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 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:** While the project site is equal to two full city blocks, the proposed development is shown to be broken into separate buildings and with a massing variety and façade articulation to give the appearance of partial block massing, with the larger building masses along the main street corridor of NW 21<sup>st</sup> & NW Thurman. The buildings feature a variety of ground level retail spaces facing NW Raleigh, NW 21<sup>st</sup>, NW Thurman, and the building forecourt on NW Savier. The proposal also includes development of the north-south pedestrian accessway across the two-blocks between NW Raleigh and NW Thurman. This connection will help to reinforce the 200' x 200' grid of the rest of the city and will provide a safe and convenient connection for residents and users of these buildings to the rest of the neighborhood to the south. All of the proposed commercial entrances face the public rights-of-way with the exception of those facing the building forecourt. Those facing the Savier forecourt will help activate this area, which will have a public access easement, just as the pedestrian accessways will have easements.

Generally, the ground levels of the buildings feature large storefront windows, canopies and awnings, and a variety of recessed areas for outdoor activities such as al fresco dining and window-shopping. Overall, the proposal is in keeping with the identified desired characteristics and traditions for this Transition Area of the Northwest Plan area. *This guideline is met.*

**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:** All sidewalks will be constructed to meet the required standards as part of this development. The proposed pedestrian accessway will provide a safe and attractive route for pedestrians away from vehicles. The private street, NW Savier, will be designed to allow vehicle access including loading and garage access for Block 295E, however pedestrian crossings will be shortened with curb extensions and marked. *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:** The proposal features a significant amount of area dedicated to pedestrian movement and gathering spaces, in the pedestrian accessway and in the Savier forecourt. Plentiful benches are shown along the sidewalks as well as in the forecourt and accessways, as shown on sheets 17, 40, and 75. The proposal also includes attractions such as the proposed art, story rings, and sequoias to draw people to the space and establish areas for people to gather and meet. *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.

**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 for E3 and E4:** The street level façades are differentiated through the abundant use of large storefront systems and a hierarchy of canopies highlighting entrances and providing shelter to pedestrians. In addition, the applicant also proposes a significant amount of wood at the ground level as both a storefront system material and a cladding material. The applicant has indicated that the use of wood is limited to the ground level where it can be easily maintained and painted; this is further addressed below under D8 *Interest, Quality, and Composition.*

On Block 295E, the southeast corner of the building is pulled back from the right-of-way along NW 21<sup>st</sup> Avenue, providing space for outdoor dining associated with the adjacent retail space. This patio area reflects the recessed northeast corner of Block 296 to the south, establishing the intersection of NW 21<sup>st</sup> and Raleigh as an especially active intersection where many people will gather outdoors. Additional patio areas are proposed at the east side of both blocks, including specified patios at the commercial areas as well as private patios for the residential units at Block 295E and the loft units at 294E. The patios extend 10 feet into the pedestrian accessway, which is allowed by the Con-way Master Plan, and feature a landscape buffer between the patio areas and the accessway; the landscape buffers, particularly at the residential areas, will ensure that these patios are used by residents as they provide separation as well as permeability between the public and semi-private realms.

At the October 15, 2015 hearing, the Commission suggested that the loft unit at the

northeast corner of Block 294E should be designed to better engage NW Thurman Street by designing it as a true live/work unit. In response, the applicant has removed a portion of the previously-proposed planter at the northwest corner of the building and pulled the two westernmost windows at that unit down to the adjacent grade and introduced a door facing NW Thurman. This unit now provides the opportunity for small commercial activity at this corner.

*These guidelines are 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:** Abundant canopies are provided on all buildings, primarily at entrances but also at other points along the proposed buildings. The proposed canopies and overhangs, like that proposed at the southwest corner of Block 294E, will provide shelter from rain, sun, and glare to pedestrians and users of the buildings. In addition, a significant number of trees are proposed, both in the right-of-way but also along the pedestrian accessways and in the Savier forecourt. The proposed trees will also help protect pedestrians from the negative effects of rain, sun, wind, and glare. *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:** Significant outdoor space and landscaped areas are provided, both at the street level and at upper levels of the buildings, including public patios and private patios, balconies, and rooftop terraces. A primary element of the proposal is the development of the north-south pedestrian accessway between the west and east halves of the blocks as well as development of the Savier forecourt. The pedestrian accessways are designed to be pleasant and safe, and will connect with the accessway on Block 296 to the south. The accessways also connect directly to the public rights-of-way, but provide an option further removed from vehicles. The majority of the seating is located toward the south of each block in less vegetated areas where solar access is greater. The proposal features a variety of seating and landscaping, including three 30-foot tall Sequoias, as well as artwork and integrated interpretation of neighborhood history, adding to the overall interest of the landscape scheme.

At the October 15, 2015 hearing, the Commission expressed concerns that the accessway was overly landscaped and suggested that it should be more open and inviting. They also noted that the area directly in front of the southeastern retail space at Block 294E appeared to be too privatized with regard to the location of the planters relative to the retail frontage and the tables shown to be located within that space. The applicant has responded by reducing the overall size of the Sequoia planters and shifting their orientation so that this space feels more open and inviting rather than a secluded privatized space solely for the use of the retailer. Within the accessway, fewer and smaller trees are now proposed to provide more sunlight into this area. The Commission also noted that larger seating areas should be provided within the accessway to encourage the use of this space for public performances. The applicant has noted that there are other areas within the Master Plan area intended to provide these types of areas, including the neighborhood park, the public square, the pocket park, and the festival street, and did not desire to duplicate such spaces within the accessway. Despite this objection, the proposal does offer relatively open spaces with increased amounts of seating at the southern ends of the accessway on each block as well as at the center of the forecourt.

*These guidelines are met.*

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

**Findings:** All main entrances are pedestrian accessible, connecting directly to the sidewalks or other accessible pedestrian areas. The closest transit line runs along NW 21<sup>st</sup> and NW Thurman and as entrances are located on all façades and the proposal features significant pedestrian connections throughout, the entrances are transit oriented. All primary entrances feature canopies, with main entrances distinguished by either a larger or higher canopy to proclaim their hierarchy. The primary residential entrance at Block 294E features a rather significant canopy demarcating the entrance, which is located directly on the Savier forecourt, therefore calling attention to itself from afar. The primary residential entrance on Block 295E features a canopy elevated above its neighboring canopies, with the entrance additionally demarcated by a wood framed portal; the relative subtlety of this entrance is appropriate as this entrance, located at the sidewalk, is more urban than the one to the north. *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 proposal overall will remove more than two full blocks of surface parking, while providing two levels of below-grade parking across the entire site. The parking garage access and the loading bays are located on the north sides of each building. On Block 294E, the garage and loading doors are perforated and painted metal overhead doors, respectively. On Block 295E, the garage and loading doors are wood slat overhead doors. Staff notes that the walls of both garages are also set back from the street lot line which will provide additional time for pedestrians to see vehicles exiting the garages, reducing the typical concern of having reduced warning with garages set at the street lot line. At the October 15, 2015 hearing, the commission expressed concerns with the additional distance that the garage doors were recessed from the exterior face of the building walls – 5'-0" at Block 294E and 8'-0" at Block 295E. The applicant revised this depth to 0'-6" at Block 294E and 2'-0" at Block 295E; however the Commission expressed concerns about the quality of the apertures which were proposed to remain open most of the day. As such, the Commission added a condition of approval that garage entrances shall be treated so that their visual appearance from the street is enhanced with well-placed lighting and graphics. On both blocks, the loading areas are limited as well as areas devoted to bicycle parking, resulting in a greater amount of area that can be dedicated to more active ground level uses.

*With the condition of approval that the garage entrances shall be treated so that their visual appearance from the street is enhanced with well-placed lighting and graphics, this guideline is met.*

**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 proposal will introduce 385 new residential units to the area, with a significant amount of fenestration provided on all buildings, as well several outdoor areas, such as balconies and terraces, adding eyes-on-the-street. With the exception of the north façades, the majority of the ground levels on each building are comprised of windows, at both the commercial and residential spaces. Entrances face each direction across the site with ground level residential units accessed via the pedestrian accessway

or, on Block 295E, via internal pathways, with landscaping remaining permeable enough to allow visibility of patio areas. Lighting is proposed at all entry and exit points as well as throughout the site with pole and path lighting, downlighting at canopies, and sconce lighting on Block 295E. *This guideline is met.*

**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:** The proposed development is part of a burgeoning neighborhood at the edge of an existing established neighborhood. As such, the subject property is in a transition area where there are few nearby buildings of quality to draw from. However, the recent construction of Block 296, the first development within the Con-way Master Plan area can serve as a guide for future development. The proposed buildings further some of the vocabulary of Block 296 with varied massing highlighted with different brick colors and materials, recessed windows, and wood storefronts of varying designs to help break up the overall scale of the buildings. In addition, the proposal features an interpretive element that will tell the story of the Slabtown neighborhood, which will help the proposed development become an integral part of this neighborhood overall. *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:** As is noted elsewhere, the applicant proposes to use pre-cast brick panel as the primary building material for all buildings. High quality öko skin is also proposed as an accent material as well as the primary material for the southwest volume on Block 294E. Öko skin has been approved on other projects including Block 15 and Gallagher Plaza. Metal panel is proposed in limited areas on Block 295E. Storefront systems are proposed to be custom wood systems and aluminum systems with upper level windows proposed to be aluminum on 294E and fiberglass on 295E. Divided light aluminum windows are also proposed at the 3-story building on Block 295E.

The buildings feature logical organization of windows, balconies, vents, with clean and contemporary detailing to add interest to relatively simple building forms. The landscape design is also proposed to have high quality detailing with art and interpretive elements to add interest as well as the introduction of three 30-foot Sequoias within the Savier forecourt. At the October 15, 2015 hearing, the Commission suggested that the applicant reach out to RACC to discuss the potential for RACC's involvement with the selection of art across the site. The applicant did so and stated that RACC would most likely be involved in the art selection process. To ensure that the applicant would have the benefit of a range of artists to choose from, including at the Thurman façade "art window", the Commission added a condition of approval that the applicant engage RACC in the selection of public art across the site.

All materials proposed are high quality, but staff had previously noted that the wood storefronts were shown to come nearly all the way to the ground, including in areas that are not protected by canopies or overhangs, such as at the black storefronts below the white brick on Block 295E and at the southwest corner of Block 294E. Staff and the Commission noted concerns about the longevity of an organic material this close to the ground where water can accumulate, potentially resulting in damage to the bottom of the wood. Staff previously suggested that a 4-inch curb be introduced; however the commission suggested a 12-inch curb. The applicant is now showing a concrete curb approximately 12-inches tall below the wood cladding; this dimension varies depending on the adjacent grade. Staff also previously suggested that the proposed wood siding at the southwest corner of Block 294E should be revised to öko skin, in keeping with the

adjacent architectural volume, and that on Block 295E, the proposed wood cladding should be revised to brick. The Commission, however, supported the use of wood cladding at Block 294E, noting that it was away from the street and would not be subjected to significant traffic. With regard to the wood cladding on Block 295E, the Commission suggested that it should be more highly detailed than was shown in order to celebrate the decorative potential of wood. The applicant has responded by adding more detailing to the wood façades.

While the Commission accepted the applicant's desire to introduce more variety to the ground level, they noted that there was a bit too much variety and suggested simplification by making the storefront headers on Block 294E more consistent, replacing the proposed fabric awnings with steel canopies as are proposed elsewhere, and to pull the retail storefront out to the building edge. The applicant responded by pulling the storefronts out toward the building edge and making the headers consistent; however, fabric awnings are still shown. As such, staff suggested a condition of approval that these be revised to steel canopies, consistent with other steel canopies on the building; however the majority of the Commission found the fabric canopies acceptable and struck the proposed condition.

It is previously noted that the applicant revised the northwest corner of Block 294E to include a true live/work unit with full-height windows and a door facing NW Thurman. However, that the third bay from the west at this unit breaks the general window pattern of the building by proposing two tripartite windows with a brick spandrel between; this is inconsistent with the building's general pattern of large window expanses, which consistently extend the height of two floors. The proposed windows in this bay are the only instance in the entire building of window openings spanning only one floor. As such, staff suggested a condition of approval that the third window bay from the west at the Thurman Street ground level be combined with a glass spandrel, rather than brick, between the tripartite windows.

At the October 15, 2015 hearing, the commission also expressed concerns with the relative flatness of the NW Raleigh façade at Block 295E, suggesting the top floor proposed to be clad in metal be recessed. They also expressed concerns with the glass and metal bridge between the north and south wings of the building, suggesting that it be constructed of a darker material. The applicant responded to both of these concerns by recessing portions of the top floor of the metal-clad portion of the Raleigh façade and has also extended this treatment to now be two stories in height; this revision adds additional depth to the Raleigh façade. The glass bridge between the buildings was also revised to be a darker material and is now articulated in a more modular pattern, which is more consistent with the general vocabulary of the block.

*With the following conditions of approval, this guideline is met:  
The applicant shall engage RACC in the selection of public art across the site; and  
The third window bay from the west at the Thurman Street ground level shall be combined with a glass spandrel, rather than brick, between the tripartite windows.*

## **Con-way 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:** At the commercial frontages, large storefront systems of both custom wood and aluminum are proposed, which will provide ample views between the interior and exterior of these spaces. An abundance of canopies and lighting are also proposed to add human scale as well as protection. At some of the retail spaces, outdoor seating areas are proposed which will add vitality to the ground level. Balconies are proposed at upper floors to encourage interaction social interaction. At the ground floor residential units, deep patios are proposed to encourage the use of these spaces by the residents and to foster social interaction in the neighborhood. Plentiful landscaping is also proposed throughout the site adding human scale to the pedestrian areas. In addition, the outdoor areas such as the pedestrian accessway and the forecourt also include smaller architectural elements such as the garage pavilion and the canopy which help provide human scale at these more open areas. *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 proposed buildings feature entrances facing each frontage with commercial frontages concentrated along the public rights-of-way. Some of these commercial spaces also have outdoor areas where the retail activity, such as dining, could continue to the outside, activating the public realm. Ground level residential units front on the quieter pedestrian accessway where patios with perimeter landscaping serve as a buffer between the public and more private realms. On each block, the shorter buildings face the pedestrian accessway with the taller buildings facing the public rights-of-way. The pedestrian accessways are landscaped with trees, shrubs and stormwater management facilities offering a variety of landscaping, while three Sequoias will be introduced to the Savier forecourt. *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:** Abundant canopies are provided on all buildings, primarily at entrances but also at other points along the proposed buildings. The proposed canopies and overhangs, like that proposed at the southwest corner of Block 294E, will provide shelter from rain, sun, and glare to pedestrians and users of the buildings. In addition, a significant number of trees are proposed, both in the right-of-way but also along the pedestrian accessways and in the Savier forecourt. The proposed trees will also help protect pedestrians from the negative effects of rain, sun, wind, and glare. *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:** As is noted above, the building masses are broken into different volumes of varying heights, with additional variations in the façade articulation through setbacks and different materials applied to distinct volumes. The building volumes reflect this transitional area of the Northwest District with the tallest building located at the north end, transitioning to shorter buildings to the south and toward the pedestrian accessway. Balconies are provided at upper levels of the facades to further break up façades adding interest to the building forms. At the ground level, patios and courtyards are provided to add a human scale to the development, by providing ground level areas to be occupied and activated by the users of the buildings. Along NW 21<sup>st</sup>, the main street corridor, a strong street wall edge, lined with retail, is provided while also allowing space for retail activities to spill out, particularly at the southeast corner of Block 295E where the building is set back from the street, in response to the corner condition to the south. *This guideline is met.*

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

**Findings:** Ground level residential units are proposed at the northwest corners of each block, fronting on the accessways. These units are buffered from the more public realm of the accessways with deep patios and landscaping. The deep patios provide the setback necessary to establish a semi-private realm where residents will feel comfortable occupying the space within view, filtered by landscaping. *This guideline is met.*

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

**Findings:** As is noted above, the proposed materials are high quality and feature high

quality detailing. While the brick is thin brick, the applicant proposes corner bricks to ensure corners will give a sense of permanence. The proposed fiber öko skin is an integral color panel, which features varying textures and will be applied in a variegated pattern to add interest and texture. All wood proposed is limited to custom storefront systems and ground level cladding where it can be easily maintained. Metal panel is proposed in limited areas on Block 295E. Storefront systems are proposed to be custom wood systems and aluminum systems with upper level windows proposed to be aluminum on 294E and fiberglass on 295E. Divided light aluminum windows are also proposed at the 3-story building on Block 295E. The application of materials and the organization of fenestration and other building elements is logical and well detailed, resulting in a grouping of cleanly-detailed high quality buildings. *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 residential patios along the accessways are deep enough to provide space for semi-private outdoor activities and are lined with landscaping to provide some sense of relative privacy. The patios at the commercial areas are more open to the public ways to encourage greater interaction and a transition between the areas designed for people to move through and the areas to linger. The more public patios are located adjacent to public rights-of-way, allowing people in the neighborhood to be more easily drawn into the development. *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 proposed pedestrian accessways run from NW Thurman to NW Raleigh, where it connects to the Block 296 pedestrian accessway, adjacent to New Seasons. The proposed accessways provide ample and varied landscaping and seating opportunities, including more open and sunnier seating areas as well as shadier spots where seating is more limited, providing options for those traveling along these paths. The accessways are lined with residential and retail uses as well as office uses providing a variety of users who will activate this space over several hours of the day and night. The proposed garage pavilion in the Block 294 accessway also helps to reinforce the pedestrian activity as it will provide vertical circulation from directly to the accessway for up to 600 drivers and more than 300 bicyclists. Mid-block curb extensions are provided at the ends of the accessways to ensure increased pedestrian safety and art and interpretive information is proposed, adding interest within this two-block linkage. *This guideline is met.*

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

**Findings:** Similar to the location of the accessways, a building forecourt on the north side of Savier was predetermined with the adoption of the Con-way Master Plan. This forecourt is intended to provide a pedestrian connection between the two remaining Con-way buildings. The applicant proposes this area to be used not just for passage, but also for resting, gathering, and lingering. The forecourt features a canopy that can shade sun and rain, three large Sequoia trees, distinct paving patterns, and various areas for seating and other landscaping. The forecourt will also feature interpretive programming describing the history of the Slabtown neighborhood, adding depth and interest to the plaza. *This guideline is met.*

## (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 6.C) – Reduce the building line requirements at Block 295 from 75% to 57% of the NW 21<sup>st</sup> Avenue frontage;

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

*Standard:* Development proposals and major remodeling projects, along a frontage containing a required building line, must comply with this standard. The building must extend to the street lot line along at least 75% of the lot line.

**Findings:** The majority of the development meets the standard, however the southeast corner of Block 295E is set back from the street lot line approximately 18 feet for a distance of 65 feet. This setback better meets Guideline P1 *Plan Area Character* and E4 *Corners that Build Active Intersections*, and D1 *Outdoor Areas* as it allows an opportunity to break up the massing of the south building and provides exterior space where the adjacent retail can spill out on to the sidewalk thus activating this corner. Staff notes that this setback occurs immediately across the street from the recessed corner at Block 296 and it is imagined that these two outdoor areas will feed off each other, reinforcing the urban environment through human engagement. *Therefore this Modification merits approval.*

2. (Con-way 7.D.2) – Reduce the 50' depth requirement for ground floor retail from 75% to 19% of the NW 21<sup>st</sup> Avenue frontage on Block 294E and from 75% to 25% on Block 295E;

*Purpose Statement:* This requirement ensures that Retail Sales, Service, and 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.

*Standard:* The area must be at least 50 feet deep, measured from the street facing façade (building services, vertical shafts, and underground garage entrances may intrude up to 10 percent of the required area. This standard must be met along at least 75% of the ground floor walls;

**Findings:** With the exception of general passageways, the entirety of the NW 21<sup>st</sup> Avenue frontage is occupied with retail spaces of varying depths. Including the

southeast patio at Block 295E, which will be occupied by outdoor retail activities, the majority of Block 295E meets the standard. Likewise, on Block 294E, including the retail-supportive common restrooms located west of the center retail space, the majority of Block 294E meets the standard. However, because the proposal does not technically meet the 75% requirement, a Modification is required. Instead, the proposal includes a variety of retail spaces of different sizes, orientations, and configurations. It should also be noted that the spaces could be easily expanded or reduced in size depending upon tenant needs and desires as the floor plan is relatively flexible. As such, the purpose of the standard is met and Guideline P1 *Plan Area Character* is better met through the provision of a variety of retail spaces which will help activate the street level of buildings and the neighborhood. *Therefore this Modification merits approval.*

3. (Con-way 8.D) – Reduce the ground floor active use standards to allow, on Block 294E, active use less than 25' deep (as measured from NW Thurman and NW Savier façades) and less than 35% windows and doors (to 29%), and less than 16' high (to 15') at the southwest corner; and on Block 295E, less than 16' high (to 11'-6" at townhouses);

*Purpose Statement:* 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.

*Standard:* Con-way 8.D - The ground floor of buildings must be designed so that the finished floor to the bottom of the structure above (including supporting beams) must be at least 16 feet, at least 25 feet deep (measured from the façades), and at least 35% of the ground floor wall area must be windows and doors; this standard must be met along at least 50% of the ground floor of walls in designated sites, per Map 05-6.

**Findings:** At Block 294E, the northwest corner is proposed to have loft units oriented to the pedestrian accessway. Because these units are narrow, they do not meet the 25' depth requirement from NW Thurman but do meet this requirement, as measured from the accessway. Besides the loft unit at the northwest corner, NW Thurman also hosts all of the back of house activities at Block 294E, including the garage entrance, and loading and trash areas. Three transformers are also shown in this location, masked from the street with art display windows and landscape planters. Along this frontage the ground floor windows requirement is not met (reduced to 29% from the required 35%); however, when the glazed egress doors are added to the total, this percentage increases to 42% and when the art windows which are proposed as mitigation are added to this total, the percentage is increased to 61%. At the November 5, 2015 hearing, the Commission noted that additional measures could be taken to better activate the north façade, including reducing the size of the transformer room and introducing a storefront window in place of the "art window" so that the bike room could be expanded to the area between the "art window" and the transformer. Along the accessway, the windows and depth requirements are met overall but the fitness room and corner retail are just shy of the 16-foot height requirement.

At Block 295E, approximately 75% of the required length of the NW Savier frontage is proposed for active uses; however, the proposed use is townhouses with reduced ceiling heights of 11'-6" and back of house uses such as the garage entrance and loading and trash areas. Besides the height standard at the townhouses, all other standards are met along the accessway and NW Raleigh.

Staff believes that the intent of the standard is met by providing a variety of uses at the ground floor. Because residential uses, which are typically designed as more intimate spaces with lower ceiling heights and less windows, are proposed the technical

standard is not met, however the 24-hour activity will add to the overall vitality of the development and the neighborhood. The diversity of uses adds to the pedestrian experience and helps to establish nodes for higher levels of public activity as well as quieter realms. As such, staff believes that Con-way Guideline #2 is better met by the proposal.

*Therefore, with the condition of approval that the depth of the transformer room at Block 294E shall be reduced, with the bike room expanded along the north elevation and the “art window” changed to clear storefront, this Modification merits approval.*

4. (Con-way 8.E) – Allow the small elevator building to encroach more than 10’ (to 15’-8”) into the accessway;

*Purpose Statement:* 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.

*Standard:* Private entrances and terraces facing pedestrian accessways. Areas to provide for stairs, stoops, and other private entrance features are permitted within a pedestrian accessway up to a depth of 10 feet. The area shall be delineated at the boundary with the accessway by including a low fence, wall, hedge, or similar feature.

**Findings:** The proposed elevator pavilion in the accessway west of Block 294E will provide access to and from the below grade parking garage. Because the pavilion will provide a vertical circulation route available to approximately 600 drivers and more than 300 bicycle riders, this pavilion will act as an outlet for countless people, thus activating the pedestrian accessway and adjacent pedestrian areas. The additional width for the pavilion, while potentially necessary to accommodate the elevator mechanical equipment will also ensure that this space does not feel overly crowded with the number of anticipated users. At the October 15, 2015 Design Commission hearing, the Commission requested that the pavilion be designed to be as small as possible. In response, the majority of the pavilion has been reduced in width at the stair and landing. The pavilion is designed to be as transparent as possible (see details on pages 23 and 24). The pavilion is integrated into the landscape with adjacent planters and is cleanly detailed adding architectural interest to the pedestrian accessway and while the pavilion is technically a private entrance, all activity associated with the pavilion will spring directly into the pedestrian areas. The Commission expressed concerns at the October 15, 2015 hearing that the interior illumination of the pavilion could potentially overwhelm the accessway and result in the pavilion acting as a beacon. The Commission suggested that a modestly illuminated light fixture could serve as an art piece and provide adequate lighting without resulting in excessive illumination. The drawings now indicate that a pendant light fixture is proposed within the elevator pavilion. In response to the revised drawings for the pavilion, the Commission expressed some favorability toward aspects of the prior design which they believed helped to reduce the perceived scale and quality of the building and suggested, through conditions of approval, that the material around the elevator core be revised to redwood, that the sills of the glazing be extended on the south and east elevations, and that the planter at the east elevation be reduced in size.

*Therefore, with the condition of approval that design of the shuttle elevator be revised to change the exterior of the elevator core to redwood, drop the sill of the glass wrapping the stair on the south and east elevations, and reduce the size of the planter along the east elevation, this Modification merits approval.*

5. (33.266.310.F.1) – Allow the loading space at NW Thurman to result in rearward motion;

*Purpose Statement:* A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.

*Standard:* Outside the Central City plan district, loading facilities must be designed so that vehicles enter and exit the site in a forward motion.

**Findings:** The purpose of this standard is to ensure appropriate safety measures are established in areas that can accommodate more development area to loading activities. While the site is not located in Central City, where forward motion is not required, the site is nonetheless urban and requiring forward motion would require additional ground floor area dedicated to loading, thus detracting from the overall pedestrian experience. As such, safety can be assured through proper management of loading activities. The loading areas are proposed to be located more than 50 feet from retail entrances thus limiting potential conflicts with pedestrians. Therefore the purpose of the standard is met and Guideline D4 *Parking Areas and Garages* is better met by the proposal. *Therefore this Modification merits approval.*

6. (33.140.210.B.2) – Allow a stair tower less than 15' from a roof edge parallel to a street;

*Purpose Statement:* The height standards work with the FAR, building setback, and building coverage standards to control the overall bulk and intensity of an area. The EX zone height limit reflects its use in intense urban areas and the range of uses that are allowed.

*Standard:* Rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades.

**Findings:** Staff believes the intent of this standard is to minimize views of rooftop appendages from the street; however, the way the Code is written, any building edge parallel to any street, including an interior building wall located 375 feet away from the street it faces is subject to this standard. Therefore, the proposed stair tower of the tallest building, which is located approximately 5 feet from the nearest building edge is subject to this standard. The stair tower and adjacent mechanical penthouse are more than 22 feet from the east building edge and will be minimally visible from the east. The stair tower and mechanical penthouse are integrated with the upper residential level through the use of a common material that distinguishes this level, thus the projection does not unnecessarily call attention to itself, feels integrated with the overall design concept, and does not significantly add to the perceived height of the building. In this case, Guideline D8 *Interest, Quality, and Composition* is better met by integrating the stair tower with the residential floor below rather than setting it back from the edge of the building as would be required by the standard. *Therefore this Modification merits approval.*

7. (33.266.220.C.3.b) – Reduce the width of long-term bicycle parking spaces from 24" to 18".

*Purpose Statement:* These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

*Standard:* 33.266.220.C.3.b – A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components.

**Findings:** This Modification request has become relatively common and is approvable in the proposed configuration as the 6-inch stagger provides the space to avoid unnecessary conflicts within projecting bicycle elements. The reduced width compresses the area devoted to bicycle parking so that these areas can be devoted to other uses and allows more spaces overall to be provided; therefore Guideline D4 *Parking Areas and Garages* is better met by the proposed reduction. *Therefore this Modification merits approval.*

## **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## **CONCLUSIONS**

The proposed development will replace a two-block surface parking lot, and will add to the burgeoning new neighborhood through the introduction of nearly 400 new residential units and nearly 20,000 square feet of ground level retail space. The proposed buildings, while larger than most other buildings in the district, will be well integrated with the neighborhood through their varied massing, high quality materials and design details and the significant amount of outdoor area devoted to public use for both transportation as well as social engagement and passive recreation. 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 modification criteria and therefore warrants approval.

## **DESIGN COMMISSION DECISION**

It is the decision of the Design Commission to approve Design Review for a new two-block + accessway development in the Con-way Master Plan area of the Northwest District Plan. On the north block (294E) is proposed a landscaped forecourt with a multi-level mixed-use building ranging from 3-8-14 stories, to be constructed of pre-cast brick panel, precast concrete, öko skin, composite metal panel, aluminum windows, wood and aluminum storefronts, metal and glass balconies, metal sunshades, and glass and metal canopies. On the south block (295E) is proposed a six-story mixed-use building, to be constructed of brick, metal panel, wood and aluminum storefronts, fiberglass and aluminum windows, and steel balconies, as well as a 3-story residential building, to be constructed of brick and metal with fiberglass and aluminum windows. Parking will be provided in a 2-level underground garage connecting both sites, and will be accessed from NW Savier and NW Thurman. Loading will also be accessed from NW Savier and NW Thurman.

Approval of the following Modification requests:

1. (Con-way 6.C) – Reduce the building line requirements at Block 295 from 75% to 57% of the NW 21<sup>st</sup> Avenue frontage

2. (Con-way 7.D.2) – Reduce the 50’ depth requirement for ground floor retail from 75% to 19% of the NW 21<sup>st</sup> Avenue frontage on Block 294 E and from 75% to 25% on Block 295E;
3. (Con-way 8.D) – Reduce the ground floor active use standards to allow, on Block 294E, active use less than 25’ deep (as measured from NW Thurman and NW Savier façades) and less than 35% windows and doors (to 29%), and less than 16’ high (to 15’) at the southwest corner; and on Block 295E, less than 16’ high (to 11’-6” at townhouses);
4. (Con-way 8.E) – Allow the small elevator building to encroach more than 10’ (to 15’-8”) into the accessway;
5. (33.266.310.F.1) – Allow the loading space at NW Thurman to result in rearward motion;
6. (33.140.210.B.2) – Allow a stair tower less than 15’ from a roof edge parallel to a street on Block 294E;
7. (33.266.22.C.3.b) – Reduce the width of long-term bicycle parking spaces from 24” to 18” on both blocks.

Approvals per Exhibits C-1 through C-95.1, signed, stamped, and dated November 5, 2015, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (A – F) 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 15-195830 DZM. All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled “REQUIRED.”
- B. The third window bay from the west at the Thurman Street ground level shall be combined with a glass spandrel, rather than brick, between the tripartite windows.
- C. The applicant shall engage RACC in the selection of public art across the site.
- D. The design of the shuttle elevator shall be revised to change the exterior of the elevator core to redwood, drop the sill of the glass wrapping the stair on the south and east elevations, and reduce the size of the planter along the east elevation.
- E. The depth of the transformer room at Block 294E shall be reduced, with the bike room expanded along the north elevation and the “art window” changed to clear storefront.
- F. The garage entrances shall be treated so that their visual appearance from the street is enhanced with well-placed lighting and graphics.

By:   
David Wark, Design Commission Chair

Application Filed: July 2, 2015  
Decision Filed: November 6, 2015

Decision Rendered: November 5, 2015  
Decision Mailed: November 19, 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 July 2, 2015, and was determined to be complete on **July 31, 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 July 2, 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 requested that the 120-day review period be extended 21 days in order to continue the hearing. The **120 days expire on:** December 19, 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 December 3, 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 5<sup>th</sup> 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 \$5,000.00 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 **December 4, 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.

**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. Narrative
  - 2. Appendix A: Materials + Photos
  - 3. Site + Landscape Original Drawings
  - 4. Block 294E Original Drawings
  - 5. Block 295E Original Drawings
  - 6. Stormwater Report
  - 7. GeoTech Report
  - 8. Supplemental Completeness Information, received July 22, 2015
  - 9. Pre-Application Conference Summary
  - 10. Design Advice Request Summary
  - 11. Reduced Drawing Set
  - 12. Revised Submittal, dated July 28, 2015
  - 13. Revised GeoTech Report
- B. Zoning Map (attached)
- C. Plan & Drawings
  - 1. Site + Landscape Cover Sheet
  - 2. Appendix (revised October 29, 2015)
  - 3. Introduction
  - 4. City-Wide Context
  - 5. Vicinity Plan
  - 6. District Open Space
  - 7. Open Space Diagram
  - 8. District Art
  - 9. Landscape Diagrams
  - 10. Landscape Concept
  - 11. Ground Floor Development
  - 12. District Plan
  - 13. Development Plan
  - 14. Parking Level Plan
  - 15. Roof Plan
  - 16. Access Diagram
  - 17. Streetscape Planting + Materials (revised October 29, 2015)
  - 18. Existing Utilities
  - 19. Proposed Utilities
  - 20. Site Section
  - 21. Main Street Elevation Along NW 21<sup>st</sup> Looking West
  - 22. Overall Aerial View of District
  - 23. Shuttle Elevator Detail (revised October 29, 2015)
  - 24. Shuttle Elevator Details (revised October 29, 2015)
  - 25. Block 294E Cover Sheet (attached)
  - 26. Appendix (revised October 29, 2015)
  - 27. View from Alley Looking North
  - 28. View from Southeast Corner Looking Northwest (attached)
  - 29. View from Northwest Corner Looking South Down Ped Accessway
  - 30. View of Pavilion Canopy
  - 31. Material Callouts
  - 32. Level 01 – Ground Floor (attached)
  - 33. Level 02-03
  - 34. Level 04-07
  - 35. Level 08 – Terrace Units
  - 36. Level 09 – Amenity Deck
  - 37. Level 10-13
  - 38. Level 14 – Penthouse Level
  - 39. Roof Plan

40. Landscape Materials (revised November 2, 2015)
41. Landscape Planting (revised October 29, 2015)
42. Roof Materials/Planting
43. Planting Images
44. Building Sections
45. South Elevation – Savier St.
46. East Elevation – 21<sup>st</sup> Ave. (revised October 29, 2015)
47. North Elevation – Thurman St. (revised October 29, 2015)
48. West Elevation – Accessway (revised October 29, 2015)
49. Forecourt Pavilion
50. Landscape Detail – Sequoia Grove (revised October 29, 2015)
51. Landscape Detail – Story Ring
52. Detail - 294-01
53. Detail - 294-02
54. Detail - 294-03
55. Detail - 294-04
56. Detail - 294-05
57. Detail - 294-06
58. Detail - 294-07
59. Detail - 294-08
60. Detail - 294-09
61. Detail - 294-10 (revised October 29, 2015)
62. North Façade Detail
- 62.1 East Façade Detail (revised October 29, 2015)
63. Exterior Lighting
64. Block 295E Cover Sheet (attached)
65. Appendix (revised October 29, 2015)
66. View from 21<sup>st</sup> Looking West (revised October 29, 2015)
67. View of Northwest Corner @ Accessway + Savier
68. View of Southwest Corner @ Accessway + Raleigh (revised October 29, 2015)
69. View from Pedestrian Accessway Looking East
70. Material Callouts
71. Floor 01 (attached)
72. Floor 02-03
73. Floor 04-06
74. Roof
75. Landscape Materials
76. Landscape Planting
77. Roof Materials/Planting
78. Planting Images
79. Building Sections
80. Building Elevation – East (revised October 29, 2015)
81. Building Elevation – South (revised October 29, 2015)
82. Building Elevation – West
83. Building elevation – North (revised October 29, 2015)
84. Building Elevations - Alley
85. Detail - 295-01
86. Detail - 295-02
87. Detail - 295-03 (revised October 29, 2015)
88. Detail - 295-04
89. Detail - 295-05 – Lobby Entry
90. Ground Floor Unit Detail
91. Art Screen at Pedestrian Access Points
92. North Façade Detail
93. Garage Elevation Detail (revised October 29, 2015)
94. Common Area Detail

95. Exterior Lighting

95.1 Connector Detail (revised October 29, 2015)

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. Water Bureau
4. Fire Bureau
5. Site Development Section of BDS
6. Life Safety Division of BDS

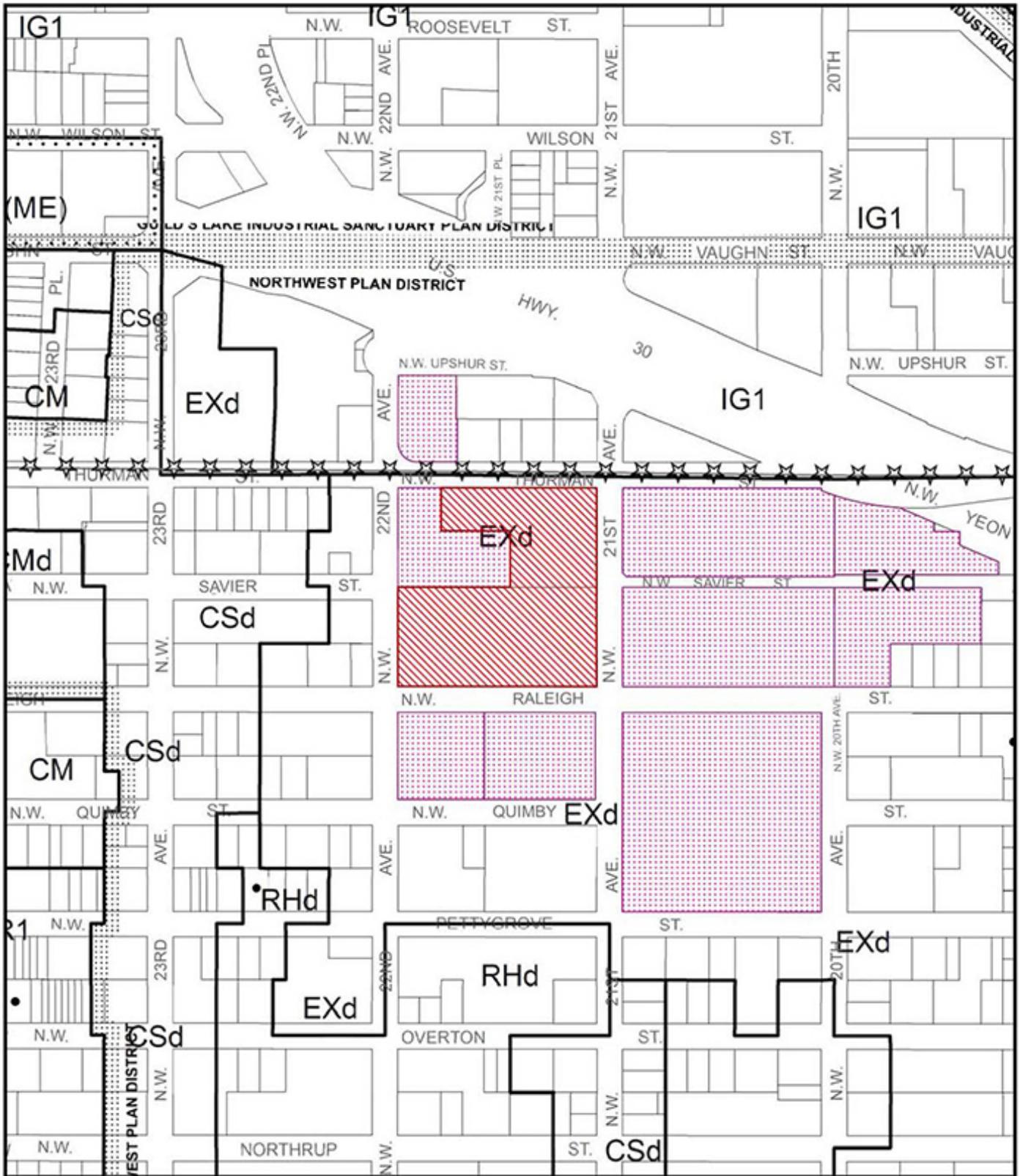
F. Letters: none

G. Other

1. Original LUR Application
2. Staff Memo to the Design Commission, dated October 5, 2015
3. Staff Report and Recommendation, dated October 5, 2015
4. Written Narrative, dated September 25, 2015
5. Drawing Set for October 15, 2015 hearing (95 sheets)

H. Hearing

1. Staff Presentation, dated October 15, 2015
2. Applicant Presentation, dated October 15, 2015
3. Testifier Sign-Up sheet for October 15, 2015 hearing
4. Don Genasci, NWDA, written comments in support but with concerns, for October 15, 2015 hearing
5. Ron Walters, written comments in support, received October 15, 2015
6. Explanation of changes, received October 29, 2015
7. Revised FAR Calculations and Narrative, received November 3, 2015
8. Revised Appendix B sheets 40 and 62, later replaced with C-40 and C-62
9. Revised Memo to the Design Commission, dated November 3, 2015
10. Revised Staff Report and Recommendation, dated November 3, 2015
11. Applicant Presentation, dated November 5, 2015



# ZONING

-  Site
-  Also Owned
-  Historic Landmark
-  Recreational Trail



This site lies within the:  
NORTHWEST PLAN DISTRICT

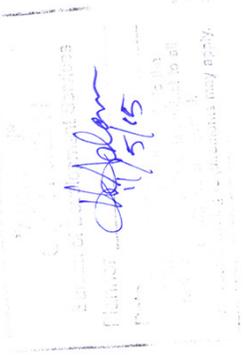
File No.	<b>LU 15-195830 DZM</b>
1/4 Section	<b>2827</b>
Scale	<b>1 inch = 300 feet</b>
State_Id	<b>1N1E28CD 2800</b>
Exhibit	<b>B</b>



# BLOCK 294E

*Blocks 294E & 295E / Design Review Submittal 01 / September 25, 2015*

## APPENDIX B: DESIGN DRAWINGS





VIEW FROM SOUTHEAST CORNER LOOKING NORTHWEST

**RETAIL**  
**COMMON AREAS**  
**HOUSING UNITS**  
**CIRCULATION**  
**PARKING/SERVICE**

**MODIFICATION 3**  
 Window & door areas

**MODIFICATION 4**  
 33'266.310  
 Loading standard for back-out  
 motion of trucks

**DEVELOPMENT SUMMARY**

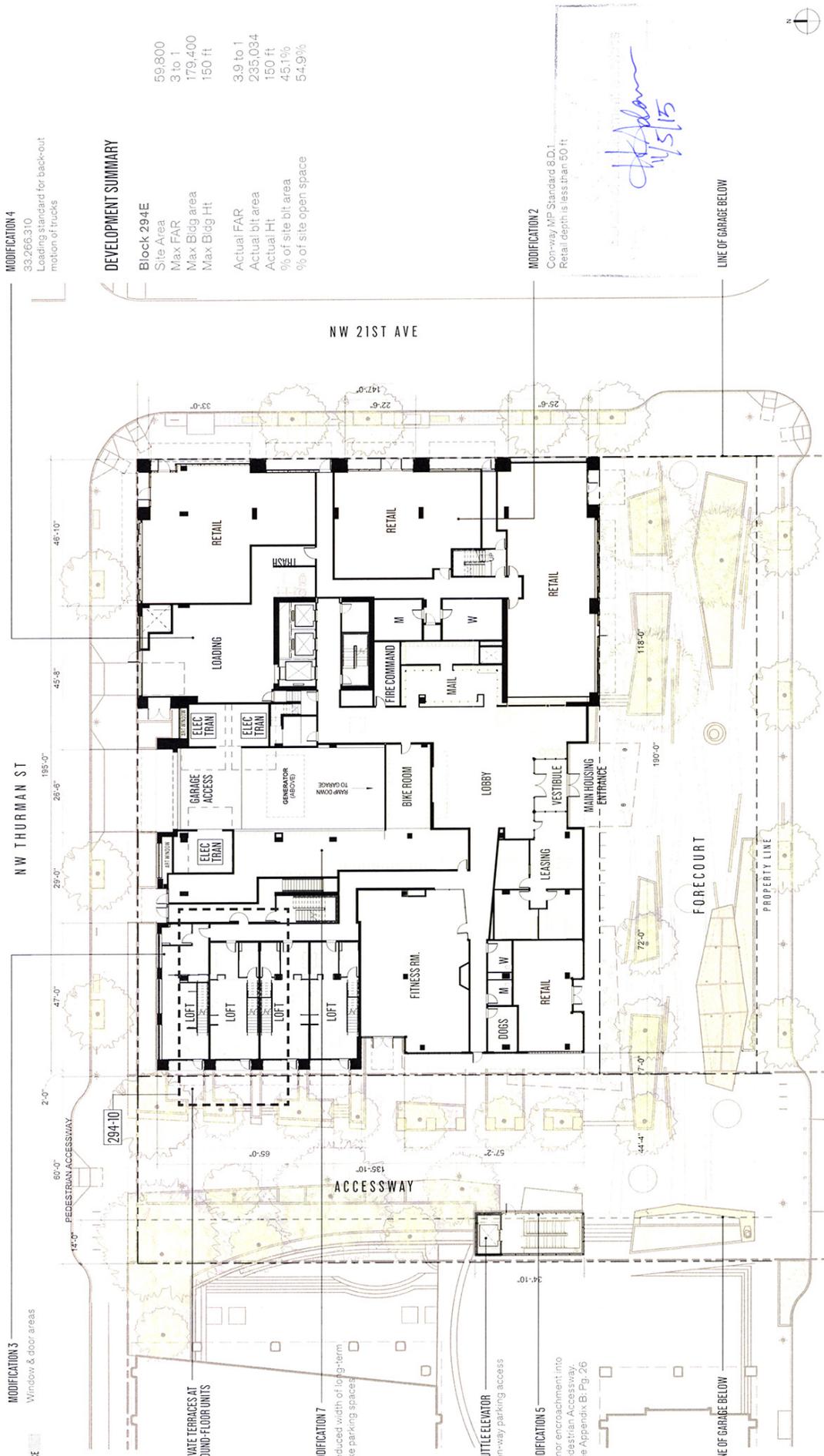
<b>Block 294E</b>	59,800
Site Area	3 to 1
Max FAR	179,400
Max Bldg area	150 ft
Max Bldg Ht	3.9 to 1
Actual FAR	235.034
Actual bld area	150 ft
Actual Ht	45.1%
% of site bit area	54.9%
% of site open space	

**MODIFICATION 7**  
 Reduced width of long-term  
 bike parking spaces

**SHUTTLE ELEVATOR**  
 Con-way parking access

**MODIFICATION 5**  
 Minor encroachment into  
 Pedestrian Accessway.  
 See Appendix B, Pg. 26

**MODIFICATION 2**  
 Con-way/MP Standard 8.D.1  
 Retail depth is less than 50 ft



LINE OF GARAGE BELOW

LINE OF GARAGE BELOW

NW SAVIER ST

NW 21ST AVE

**LEVEL 01 - GROUND FLOOR**

\* see C-40



# BLOCK 295E

*Blocks 294E & 295E / Design Review Submittal 01 / September 25, 2015*

## APPENDIX B: DESIGN DRAWINGS

*Johnson*  
11/5/15