



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

FROM CONCEPT TO CONSTRUCTION

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Date: June 17, 2016
To: Interested Person
From: Hillary Adam, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision 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.

CASE FILE NUMBER: LU 16-172780 DZ – STAIR ALTERATIONS

GENERAL INFORMATION

Applicant: Michelle Schulz, Architect
GBD Architects, Inc
1120 NW Couch, Suite 300
Portland, OR 97209

XPO Properties Inc, Owner
PO Box 4138
Portland, OR 97208-4138

JBA Acco LLC, Contractor
PO Box 6712
Portland, OR 97228

James Santana, Developer
Cairn Pacific Properties 5 LLC
1015 NW 11th Ave Suite 242
Portland, OR 97209

Site Address: 1621-1717 NW 21ST AVE

Legal Description: BLOCK 294 INC PT VAC ST LOT 11-18, COUCHS ADD
Tax Account No.: R180230750
State ID No.: 1N1E28CD 02800
Quarter Section: 2827

Neighborhood: Northwest District, contact John Bradley at 503-313-7574.
Business District: Nob Hill, contact Nob Hill at nobhillportland@gmail.com.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Northwest

Zoning: EXd – Central Employment with Design overlay

Case Type: DZ – Design Review

Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal: The applicant proposes a new exterior concrete stair, with metal gate enclosure, to provide access from the basement level plaza to NW Thurman Street. Removal of the existing stair, to be replaced with an elevator and stair core and planters was already approved through LU 15-195830 DZM.

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

Relevant Approval Criteria:

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

- Community Design Guidelines
- Section 5 (Design Guidelines) of the Con-way Master Plan

ANALYSIS

Site and Vicinity: The subject property is located at the northwest corner of the Con-way Master Plan area in the northwest Plan District and is bound by NW Thurman to the north, NW 22nd to the west, NW Savier (a private street) to the south, and a parking lot to the east. The site is occupied by a 4-story office building, oriented toward the parking lot to the east. The parking lot immediately east and the property to the south were recently approved for redevelopment into a two-block mixed-use development, including redevelopment of a north-south pedestrian accessway east of the subject property.

The aggregate XPO site area contained within the 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, XPO owns and occupies office buildings on Blocks 293 and 294. Block 295W, is occupied by a 3-story office building currently under renovation. Block 296W was recently renovated for use as a grocery store and other small commercial uses and Block 296E was recently constructed as a 6-story mixed use building. XPO also owns a vacant truck maintenance building on Block 290, and a small, leased industrial building on Block 16. The balance of XPO'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 22nd Avenue and the easternmost boundary is almost to NW 20th Avenue. NW 21st (included within the Master Plan area boundary) and NW 23rd Avenues are the major north-south commercial corridors of the Northwest Plan District. They can be characterized as successful, vibrant retail streets offering amenities like small retailers, boutique shops and a wide-range of restaurants to residents,

office workers, and visitors including tourists. The Master Plan area is unlike the rest of the district in that it includes a vast area of surface parking lots and a few large office buildings.

Zoning: The Central Employment (EX) zone allows mixed uses and is intended for areas in the center of the City that have predominantly industrial-type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

The “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 there are no prior land use reviews for this site.

- LU 06-157680 DZ – Design Review approval for new signage;
- 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 a mixed-use development on Blocks 294E and 295E;
- LU 15-142459 MS – Design Review approval for a Master Plan amendment to remove the vehicle access restriction on NW Thurman Street; and
- LU 15-195830 DZM – Type III Design Review for mixed-use development on Blocks 294E and 295E.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **May 23, 2016**.

The **Bureau of Environmental Services** responded with the following comment: “It appears that this project creates or redevelops less than 500 square feet of impervious area, therefore pollution reduction and flow control requirements of the Stormwater Management Manual (SWMM) are not triggered. However, a safe stormwater disposal location that does not impact adjacent properties and/or structures must be shown at the time of building permit submittal. BES does not object to the requested design review.” Please see Exhibit E-1 for additional details.

The following Bureaus have responded with no issues or concerns:

- Fire Bureau
- Water Bureau
- Bureau of Transportation Engineering
- Site Development Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on May 23,

2016. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

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.

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.

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;

Findings for D1: The outdoor areas on site already exist or were approved through a separate land use review. The proposed stair will provide access from the private sunken patio area of the XPO building directly to the sidewalk. Access will be secured through reuse of the existing gate to be relocated to the top of the stair. *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 existing security gate at the base of the stair to be removed will be relocated to the top of the proposed stair. Locating the gate at the top of the stair will provide better security than a gate at the base of the proposed stair as it will prohibit persons from descending into the stair area below sidewalk level. *This guideline is met.*

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

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: The proposed stair is to be constructed of concrete, which is the primary material for the site’s hardscaping. The proposed security gate already exists on site and will be relocated to the top of the proposed stair. The proposed fencing is designed to match the existing metal gate. *These guidelines are met.*

NW Master Plan Design Guidelines

Introduction

The existing Community Design Guidelines, along with these new seven (7) Con-way Master Plan design guidelines, are the applicable approval criteria for design review. Design guidelines are mandatory approval criteria that must be met as part of design review and historic design review. They inform developers and the community as to what issues will be addressed during the design review process. The guidelines state broader concepts than typical development standards in order to provide flexibility to designers, yet they are requirements. Applicants are responsible for explaining, in their application, how their design meets each applicable guideline.

The design review process is flexible. It is intended to encourage designs that are innovative and appropriate for their locations. For this reason design guidelines are qualitative statements. Unlike objective design standards, there are typically many acceptable ways to meet each design guideline. Examples of how to address specific guidelines are included in this section for each design guideline. It is not the City’s intent to prescribe any specific design solution through the design guidelines.

During the design review process, the review body must find that the proposal meets each of the applicable design guidelines. Proposals that meet all applicable guidelines will be approved; proposals that do not meet all of the applicable guidelines will not be approved.

If the review body approves the proposed design, they may add conditions to their approval to ensure the proposal’s compliance with the guidelines. If the review body does not approve the proposed design, they would prefer that the applicants revise the design to address deficiencies rather than have the city impose a specific solution through conditions. They may find that such action is necessary to better achieve the goals for design review.

In some cases, a design guideline may be waived during the design review process. An applicable guideline may be waived as part of the design review process when the proposed design better meets the goals of design review than would a project that had complied with the guideline. If a waiver is requested, the applicants must explain, in their application, how the goals of design review are better met in the proposed design than would be possible if each guideline being considered for waiver was followed. Allowing the waiver of one or more guidelines during the design review process reflects the City’s concern that the design guidelines not become a rigid set of requirements that stifle innovation.

Goals of design review:

1. Encourage urban design excellence;
2. Integrate urban design and preservation of our heritage into the development process;
3. Promote the development of diversity and areas of special character within the district;
4. Establish an urban design relationship between the district and the Northwest District as a whole;
5. Provide for a pleasant, rich and diverse experience for pedestrians;
6. Assist in creating a 18-hour district which is safe, humane and prosperous; and
7. Ensure that development proposals are at a human scale and that they relates to the scale and desired character of its setting and the Northwest District as a whole.

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

Findings: The proposed stair is to be constructed of concrete with a metal fence and gate enclosure for security. The metal gate already exists on site, currently located at the base of the stair to be removed. *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 new stair will lead to a private open space that already exists. The new stair is required as the existing stair will be removed in order to accommodate a small elevator and stair building and planters which were approved under LU 15-195830 DZM. The proposed stair will connect the private open space directly to the public sidewalk. *This guideline is met.*

DEVELOPMENT STANDARDS

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

CONCLUSIONS


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.

ADMINISTRATIVE DECISION

Approval of a new exterior concrete stair, with metal gate enclosure, to provide access from the basement level plaza to NW Thurman Street, in the Con-way Master Plan area of the Northwest Plan District, per the approved site plans, Exhibits C-1 through C-8, signed and dated June 14, 2016, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-8. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-172780 DZ. No field changes allowed."

Staff Planner: Hillary Adam

Decision rendered by:  **on June 14, 2016**
By authority of the Director of the Bureau of Development Services

Decision mailed: June 17, 2016

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 May 13, 2016, and was determined to be complete on May 18, 2016.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the

application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on May 13, 2016.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: September 15, 2016.**

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

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project 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.

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on July 1, 2016** 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 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. 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 the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

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 the Land Use Board of Appeals (LUBA) on that

issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

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 5, 2016 – (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 may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

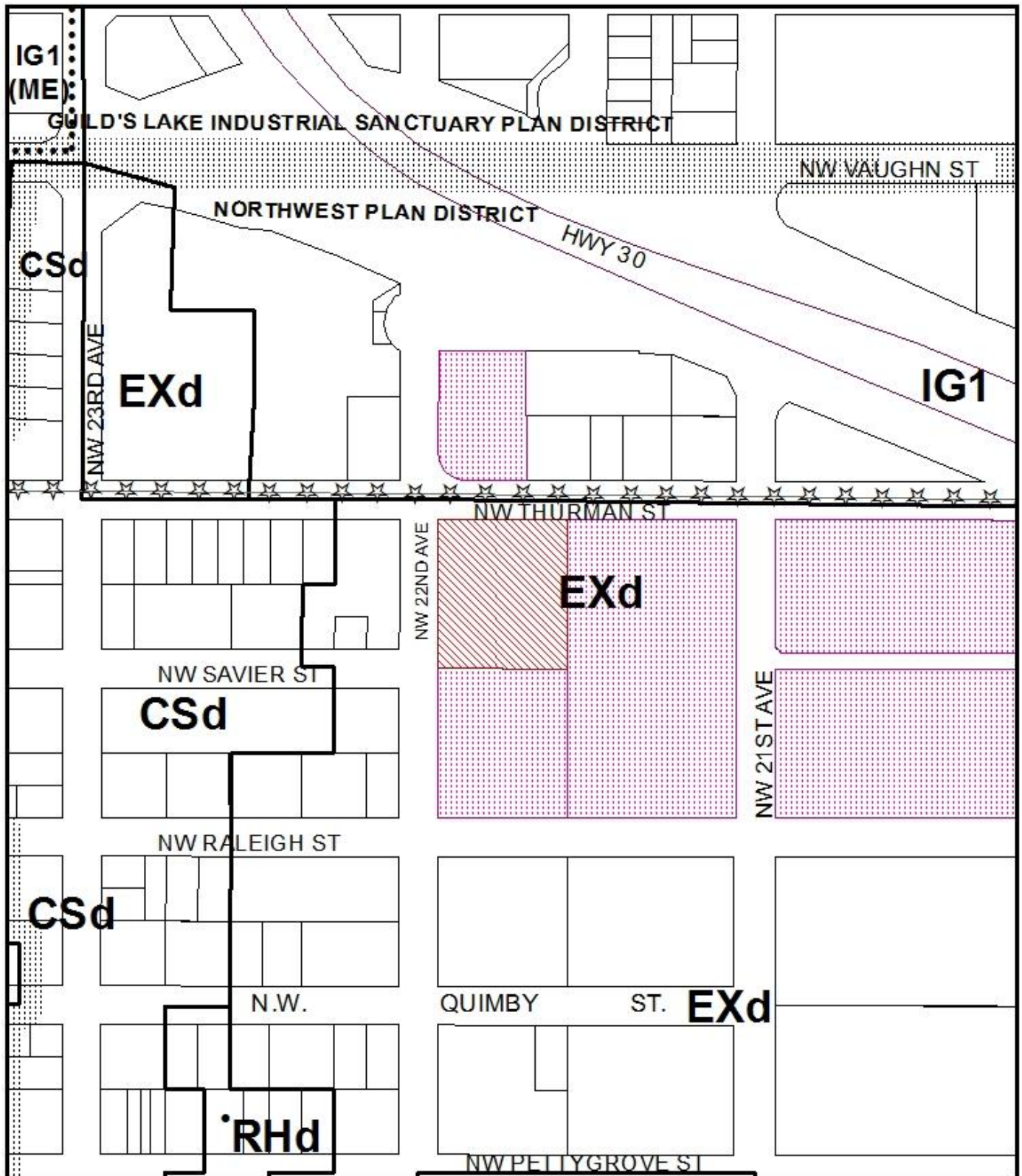
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Original Submittal
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Existing Floor Plans
 - 3. Proposed Plans
 - 4. East Elevation

5. North Elevation
 6. Enlarged Elevations
 7. Sections and Details
 8. Landscape Plan
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 3. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of BDS
- F. Correspondence: none
- G. Other:
1. Original LU Application





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).



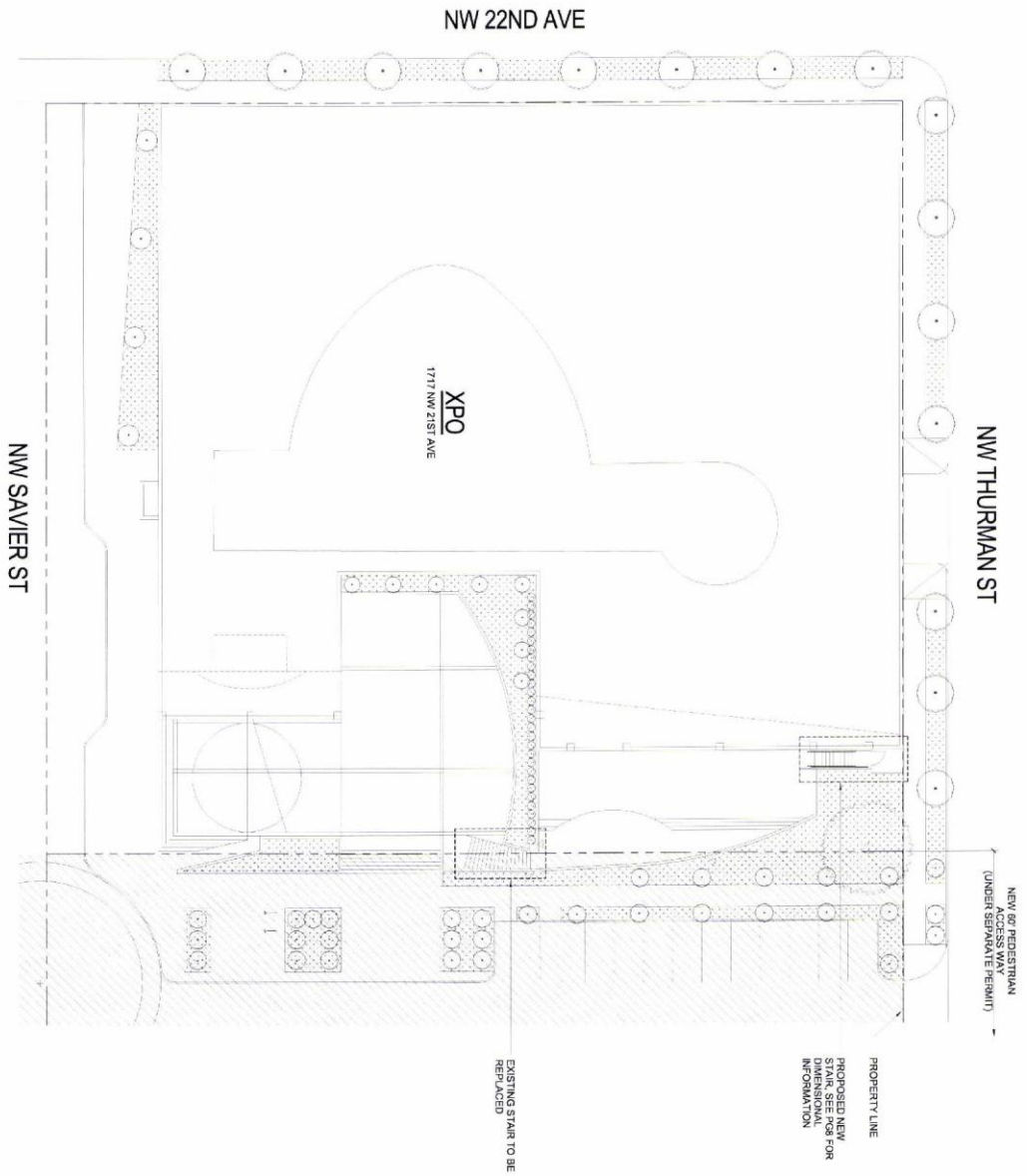
ZONING

NORTH

This site lies within the:
NORTHWEST PLAN DISTRICT

-  Site
-  Also Owned Parcels
-  Recreational Trails
-  Historic Landmark

File No.	<u>LU 16-172780 DZ</u>
1/4 Section	<u>2827</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E28CD 2800</u>
Exhibit	<u>B</u> (May 16, 2016)



*** Approved ***
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date *5/13/16*
 * This approval applies only to the reviews requested and is subject to all conditions of approval.
 Additional zoning requirements may apply.



SITE PLAN

LD16-172780-D2

PG 5
2-1