



**City of
Portland, Oregon**
Bureau of Development Services
FROM CONCEPT TO CONSTRUCTION

Dan Ryan, Commissioner
Rebecca Esau, Director
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www.portland.gov/bds

Date: September 25, 2020
To: Interested Person
From: Grace Jeffreys, Land Use Services
503-865-6521 / Grace.Jeffreys@portlandoregon.gov

**NOTICE OF A PUBLIC HEARING ON A PROPOSAL
IN YOUR NEIGHBORHOOD**

NW 23rd and Marshall Apartments

CASE FILE: LU 20-123610 DZM
PC # 19-227727
REVIEW BY: Design Commission
WHEN: October 15, 2020, 1:30pm
REMOTE ACCESS: Design Commission Agenda:
<https://www.portlandoregon.gov/bds/42441>

Due to the City’s Emergency Response to COVID19, this land use hearing will be limited to remote participation via Zoom. Please refer to the instructions included with this notice to observe and participate remotely.

Development has been proposed in your neighborhood requiring a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map are attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Applicant: Richard Dobrot, GBD Architects Incorporated
1120 NW Couch St, Suite 300, Portland OR 97209

**Representative/
Owner** Seth Garey, CE John Properties 71 LLC
1701 SE Columbia River Dr, Vancouver WA 98661

Site Address: 1137 NW 23RD AVE

Legal Description: BLOCK 2 LOT 1&2, GOLDSMITHS ADD; BLOCK 2 LOT 3&4,
GOLDSMITHS ADD

Tax Account No.: R331300220, R331300240

State ID No.: 1N1E33BB 03000, 1N1E33BB 03100

Quarter Section: 2927

Neighborhood: Northwest District, contact Greg Theisen at 503-227-5430.

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: **CM2 (MU-U)d, m;** Commercial/Mixed Use 2 (CM2) with Design (d) and Centers Main Street (m) overlays.

Case Type: **DZM,** Design Review with Modification requests
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 seeks Design Review approval for a proposed new five-story mixed-use building, with 74 apartment units on four floors above approximately 10,000 sf of ground level retail, located in the Northwest Plan District. One level of below grade parking for 44 cars, one B sized loading space, and 91 bikes will be accessed off NW Northrup Street. Primary cladding materials include brick and metal panels with vinyl windows, ground level wood and aluminum storefront glazing, metal canopies and board formed and painted concrete at the base.

The following four (4) Modifications are requested:

1. Bike Parking– stall widths (PZC 33.266.220.C.3.b). The proposal is for vertical bike racks installed with a 1'-6" spacing instead of 2'-0".
2. Transit Street Main Entrance (PZC 33.130.242.C.3.c). The proposed main entrance to the residential portion of the building is located on NW Marshall, approximately 70 feet from NW 23rd Avenue (transit street).
3. Setbacks (33.130.215.B.2.b). The proposal alters the required L3 landscape screening to the west due to substantial grade differences.
4. Vehicle Parking (33.130.266.130 Table 266-4). Two stalls are proposed to be slightly obstructed by structural columns at the front of the stall, effectively reducing the stall depth to 15'-0" instead of the required 16'-0".

Design Review is required for new development in a design overlay zone (PZC 33.420.041). A Type III procedure is required because this development is in a design overlay zone and exceeds the value of \$2,366,000 (PZC 33.825.025). Modifications are required because the applicant is requesting to not meet the standards indicated above.

Relevant Approval Criteria:

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

- *Community Design Guidelines*
- *PZC Section 33.825.040 Modifications That Will Better Meet Design Review Requirements*

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. This application was submitted on February 26, 2020 and determined to be complete on August 20, 2020.

Decision Making Process

The Bureau of Development Services will be making a recommendation on this proposal; our report and recommendation will be available 10 days before the hearing. The Staff report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document.

If you are interested in viewing information in the file, please contact the planner listed on the front of this notice. The planner can provide information over the phone or via email. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the

file are available for viewing. A digital copy of the Portland Zoning Code is available on the internet at <http://www.portlandoregon.gov/zoningcode>.

The neighborhood association, listed on the first page of this notice, may take a position on this application and may have scheduled an open meeting prior to making their recommendation to the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

We are seeking your comments on this proposal. To comment, you may email me at Grace.Jeffreys@portlandoregon.gov; or you may testify at the hearing. In your comments, you should address the approval criteria. Please refer to the file number when seeking information or submitting testimony. Please note that all correspondence and testimony received will become part of the public record.

Written comments must be received by the close of the record and should include the case file number. Any new written testimony should be emailed to **Grace Jeffreys** at Grace.Jeffreys@portlandoregon.gov.

Please note regarding USPS mail: If you choose to mail written testimony via USPS, due to the Covid-19 Emergency, USPS mail is only received a couple times a week, and testimony must be received before the close of the record. Therefore, please mail testimony well in advance of the hearing date.

Thank you for any information you can provide regarding this case.

If you plan to testify at the hearing, please refer to instructions included with this notice.

The applicant and Bureau of Development Services staff will be at the hearing to answer questions and respond to comments. The general order of appearance for oral testimony at the hearing is as follows: Bureau of Development Services staff report, applicant testimony, testimony of interested parties who wish to ask questions or testify, staff response and closing comments, and applicant's closing comments. The Design Commission will make a decision about this proposal at the hearing or will grant a continuance.

The applicant and proponents have the burden of proof to show that each and every element of the approval criteria are satisfied. In order to prevail, the opponents must persuade the Design Commission to find that the applicant has not carried the burden of proof with regard to one or more of the approval criteria. The opponents may also explain to the Design Commission how or why the facts asserted by the applicant are not supported by evidence in the record. Opponents may wish to recommend conditions of approval which will make the proposal more acceptable, if approved.

Prior to the conclusion of the hearing before the Design Commission, any participant may request an opportunity to present additional evidence or testimony regarding the application. If such a request is made, the record will be held open for seven days to receive the new evidence and the record shall be held open for at least an additional seven days to provide the other parties an opportunity to respond to that new evidence.

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 extended at the request of the applicant.

Appeal Process

You can appeal the Design Commission decision to City Council. If appealed, City Council will hold an evidentiary hearing. New evidence can be submitted to the City Council in the event of an appeal of an evidentiary hearing.

A fee is charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver. City Council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA).

Failure to raise an issue, in person or by letter, by the close of the record by the Design Commission in this case may preclude an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the Design Commission, they may not be able to respond to the issue you are trying to raise. In such a situation, an appeal to LUBA on that issue may not be allowed.

Hearing Cancellation

This public hearing may be cancelled due the inclement weather or other similar emergency. Please call the Bureau of Development Services at 503-823-7617, for information regarding cancellations or rescheduling. You can also view the public hearings agenda, which is frequently updated, at this link: <https://www.portlandoregon.gov/bds/index.cfm?&c=42441>

Cancelled hearings will be rescheduled for the earliest possible date. A renotification notice may not be sent.

This hearing will be held virtually via Zoom. Please refer to instructions included with this notice.

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).

Enclosures:

Instructions for *Observing or Testifying at the Portland Design Commission or Historic Landmarks Commission Webinar Hearings*
Zoning Map
Site Plan
Elevations

Observing or Testifying at the Portland Design Commission or Historic Landmarks Commission Webinar Hearings

Thank you for your interest in attending the Design Commission or Landmarks Commission Hearing. Due to the City's Emergency response to Covid-19, for the foreseeable future, we will be virtually adapting these hearings. To that end, Hearings will become ZOOM Webinars. The information below will help you get connected.

Preparing for the Hearing:

1. To access the Zoom Webinar, please go to the Commission Agenda, and click the link under the hearing date you are interested in participating.
 - Public Hearings: <https://www.portlandoregon.gov/bds/42441>
2. In advance of the hearing, please review documents and drawings in the project link within the Online Agenda.
 - Please also provide comments to the planner assigned in advance of the hearing.

Getting into the Hearing [Registering in Zoom to observe or participate in Hearing]:

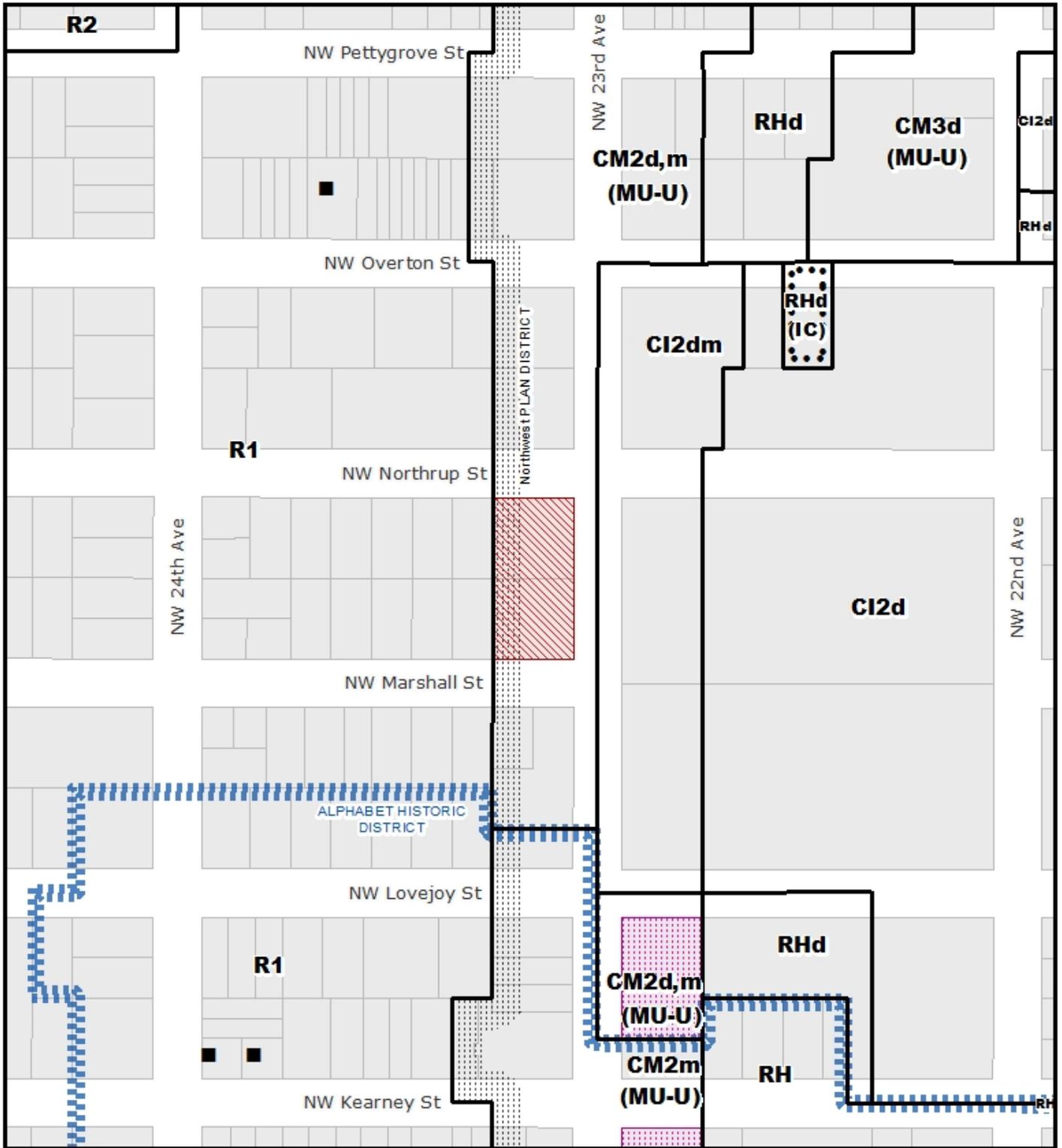
1. In order to observe or testify in the hearing, please be sure to Register for the Webinar as soon as possible.
 - The Webinar Link is posted to the Agenda typically 20-days prior to the hearing date.
2. Once you are registered you will receive an email notification of how to log-in or access the Webinar.
3. You can enter the Webinar no sooner than 1:20 PM on the date of the hearing.
4. You will be held in the ZOOM [waiting room](#) until the Webinar starts at 1:30 PM. (Please note each individual agenda item has an estimated start time.)
5. If using a smartphone or tablet, download the [Zoom app](#) for easy entry into the Webinar.

Public participation in the Hearing:

1. After Staff and Applicant presentations, the Chair will announce public testimony is open, and will ask if anyone else would like to testify.
2. You can provide public comment in this Webinar in several ways:
 - If during registration you indicated you would like to testify, we will put your name in order of request.
 - Members of the public will be automatically muted except for when they are called by the Hearings Clerk for their public comment. During the Webinar, the Hearings Clerk will unmute participants in the order of Webinar Registrations received.
 - If you indicated in your registration that you did not want to testify but later changed your mind, when testimony is open:
 - Click the "raise your hand" function in ZOOM, and the Hearings Clerk will add you to the list of testifiers.
 - If you will be participating by call-in, raise your hand by pressing *9 – the Webinar host will see this notification.
 - When you are unmuted, your name will be announced by the Hearings Clerk. Please be prepared to provide testimony.
 - Each testifier is allotted 2 minutes of testimony.
 - Please manage your time when testifying, the Hearings Clerk will provide a 15 second warning.
3. We will enable video sharing only for Design and Landmarks Commission members, project teams, and staff participating in the Webinar.

Follow-up:

1. The Webinar will be recorded and uploaded to the City of Portland Auditors website, under the Case File Number, here: <https://efiles.portlandoregon.gov/Search>.



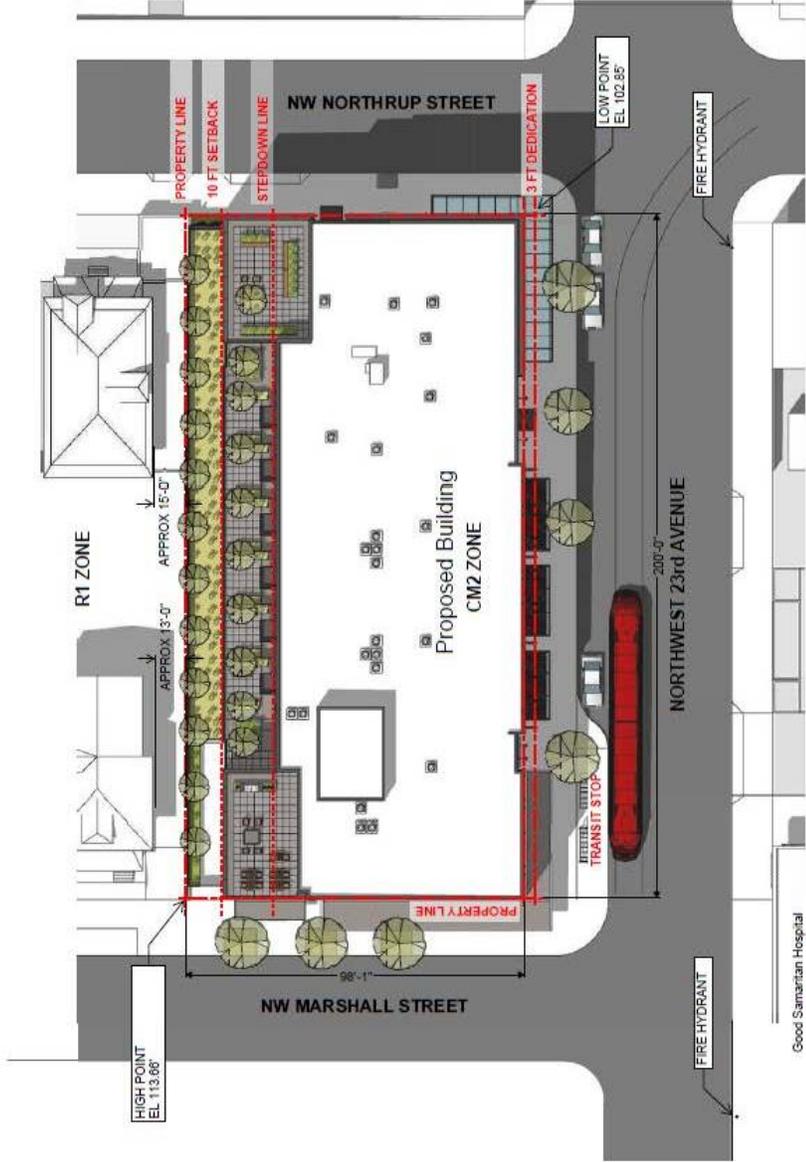
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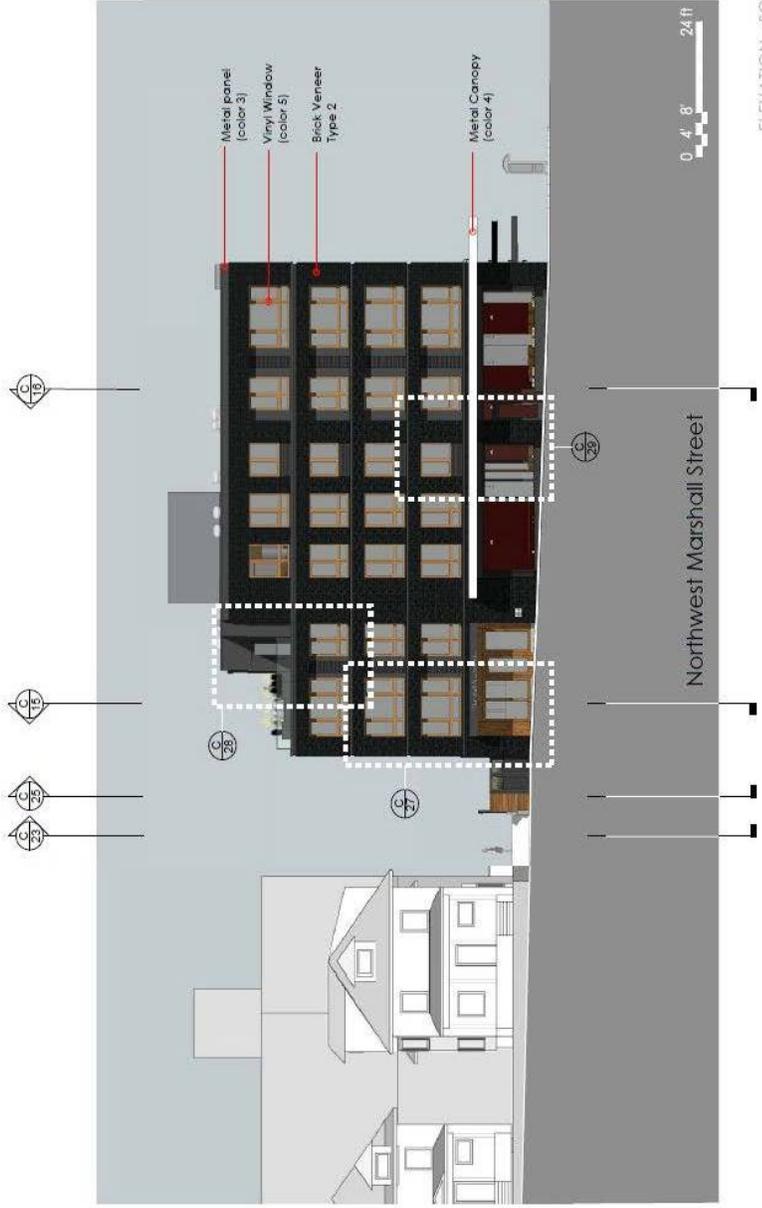

NORTH

NORTHWEST PLAN DISTRICT

-  Site
-  Also Owned Parcels
-  Historic Landmark

| | |
|-------------|--------------------|
| File No. | LU 20 - 123610 DZM |
| 1/4 Section | 2927 |
| Scale | 1 inch = 163 feet |
| State ID | 1N1E33BB 3100 |
| Exhibit | B Mar 02, 2020 |





ELEVATION - SOUTH

