



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

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**NOTICE OF A PUBLIC HEARING BEFORE  
THE CITY COUNCIL ON AN APPEAL OF THE  
PORTLAND DESIGN COMMISSION**

**CASE FILE:** LU 20-123610 DZM – 1137 NW 23RD AVE

**HEARING DATE:** WEDNESDAY, JULY 14, 2021 at 2:00pm

**REMOTE ACCESS:** CITY COUNCIL AGENDA

<https://www.portlandoregon.gov/auditor/26997>

**Date:** June 10, 2021  
**To:** Interested Person  
**From:** Grace Jeffreys, Land User Services, 503.865.6521

A virtual public hearing will be held to consider an appeal of the Design Commission's decision to approve a proposed new five-story mixed-use building at **1137 NW 23RD AVE** which is in the Northwest Plan District. The Design Commission decision of approval has been appealed by **Steve Pinger representing the NW District Neighborhood Association**. During the hearing, City Council will consider the appeal. You are invited to testify at the hearing. SEE INFORMATION BELOW ON HOW TO TESTIFY.

This will be an Evidentiary hearing, one in which new evidence can be submitted to the City Council. For a general explanation of the City Council hearing process please refer to the last page of this notice.

**Due to the City's Emergency Response to COVID19, this land use hearing will be remote participation via Zoom. Please refer to <https://www.portlandoregon.gov/auditor/26997> for information on how to observe and participate remotely.**

**GENERAL INFORMATION**

**Applicant:** Richard Dobrot, GBD Architects Incorporated  
1120 NW Couch St, Suite 300, Portland OR 97209  
(503) 548-2332, [Richard@gbdarchitects.com](mailto:Richard@gbdarchitects.com)

**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, R331300240  
**State ID No.:** 1N1E33BB 03000, 1N1E33BB 03100, 1N1E33BB 03100  
**Quarter Section:** 2927

**Neighborhood:** Northwest District, contact Greg Theisen at 503-227-5430.  
**Business District:** Nob Hill, contact at nobhillportland@gmail.com.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Plan District:** Northwest

**Other Designations:** None

**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. Proposal also includes below grade parking for 44 cars, one B sized loading space, and 91 bikes, which will be all accessed off NW Northrup Street. Primary cladding materials include 3 colors of brick, metal panels, synthetic stucco, ground level aluminum and wood storefront glazing, commercial-grade vinyl windows above, metal canopies, 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). Request to reduce the width of the vertically hung bike parking spaces from 24” to 18”.
2. Transit Street Main Entrance - Location (PZC 33.130.242.C.3.c). Request to locate the proposed main entrance to the residential portion of the building on NW Marshall, approximately 70 feet from NW 23rd Avenue (transit street).
3. Setbacks – L3 Landscape (33.130.215.B.2.b). Request to alter the required L3 landscape screening to the west due to substantial grade differences, including using a wood rather than masonry fence and increasing the width of paving.
4. Vehicle Parking – Stall Size (33.130.266.130 Table 266-4). Request to have two stalls 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*

**REVIEW BODY DECISION**

The following decision was mailed on May 21, 2021.

**DESIGN COMMISSION DECISION**

It is the decision of the Design Commission to approve Design Review for the 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. Approval also for Modifications to four (4) Portland Zoning Code standards: Stall Widths for Bike Parking, Location of Street Main Entrance, Treatment of Landscape in Setbacks, and Stall Size for Vehicle Parking.

The full decision is available on the BDS website:

<https://www.portlandoregon.gov/bds/index.cfm?&a=783826>

**APPEAL**

The Design Commission decision of approval has been appealed by **Steve Pinger representing the NW District Neighborhood Association**. According to the appellants' statement, the appeal of the Design Commission decision is based on argument that:

- The Staff Report Finding for *Community Design Guideline P1. Plan Area Character, P1.1 Urban Character: District-wide Considerations* does not address the content of the subject guideline regarding step backs at the street facade, and inappropriately refers to a) required step backs on other facades, and b) parapet and cornice detailing, both of which are irrelevant to complying with this guideline.

The full appeal statement can be viewed in the notice located on the BDS website at <https://efiles.portlandoregon.gov/Record?pagesize=200&sortBy=recCreatedOn&q=20-123610>

Click on the District Coalition then scroll to the relevant Neighborhood and case number.

**Review of the case file:** If you are interested in viewing information in the file, please contact the planner listed on the front of this notice or call the Request Line at 503-823-7617 to request specific materials. 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 Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

**We are seeking your comments on this proposal.** The hearing will be held before the City Council. To comment, you may write in advance, or testify during the hearing. If you would like to testify during the hearing you may need to sign up a few days in advance of the hearing; visit <https://www.portlandoregon.gov/auditor/26997> for more information on how to testify during the hearing. In your comments, you should address the approval criteria, as stated above. Please refer to the file number when seeking information or submitting testimony.

Written comments that are mailed via USPS **must be received by the close of the record** and should include the case file number and the name and address of the submitter. It can be mailed to the Council Clerk, 1221 SW Fourth Avenue, Room 140, Portland, OR 97204.

If you choose to provide testimony by e-mail, please direct it to the Council Clerk at [CCTestimony@portlandoregon.gov](mailto:CCTestimony@portlandoregon.gov). Due to legal and practical reasons, City Council members cannot accept e-mail on cases under consideration by the Council. Any e-mail on this matter must be received no less than one hour prior to the time and date of the scheduled public hearing. The Council Clerk will ensure that all City Council members receive copies of your communication.

A description of the City Council Hearing process is attached.

City Council's decision is final. Any further appeal must be filed with the Oregon Land Use Board of Appeals (LUBA). Failure to raise an issue in a hearing, in person or by letter, by the close of the record or at the final hearing on the case or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the City Council, they may not be able to respond to the issue you are trying to raise. For more information, call the Auditor's Office at (503) 823-4086.

**If you have a disability and need accommodations, please call 503-823-4085 (TDD: 503-823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.**

Attachments:

1. Zoning Map
2. Site plan: Sheet C-2
3. Elevations: Sheets C-20, C-22, C-24, C-26
4. City Council Appeal Process
5. Appeal Statement (on-line version only).