



Northwest District Association

November 19, 2018

To Portland City Council:

RE: Appeal of LU 18-187493 HRM AD Buck-Prager Site

This letter contains the basis of our appeal. The first three pages are a summary of how the approval criteria are not met and the procedural errors in this case. The following pages are a more detailed analysis, including photographs of the surrounding area.

We also request that a condition be applied to any approval requiring the housing to be affordable. The language of the condition is in Attachment C.

SUMMARY

A. Many approval criteria were not met, including:

1. **Historic Alphabet District (HAD) Guideline #2 – Differentiate new from old.** New additions, exterior alterations, or related new construction will retain historic materials that characterize a property to the extent practicable . . . The design of new construction will be compatible with the historic qualities of the district as identified in the Historic Context Statement. *South Addition has insufficient relation to Buck-Prager; doesn't complement scale and pick up design elements. Both new structures grossly overwhelm Buck-Prager, and are incompatible with historic context of immediately surrounding area, which is primarily small structures described in historic context statement (13 are individually listed on National Register). Decision makes no mention of these historic structures.*
2. **HAD Guideline #3 – Hierarchy of Compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a historic or conservation district, with the rest of the District. Where practical, compatibility will be pursued on all three levels. New development will seek to incorporate design themes characteristic of similar buildings in the Historic District. *While a clear hierarchy is outlined, decision emphasizes reverse order of compatibility: first with wider district, ignores compatibility with adjacent properties, and barely mentions Buck-Prager. No consideration given to differences in height, scale, setbacks, major articulation, roof shapes, compatible window design. Large buildings distant from site used to show compatibility; they are not similar to Buck-Prager or adjacent structures.*
3. **Community Design Guideline (CDG) 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. *Immediate area's desired characteristics are typified by "middle-class Victorian houses, primarily in the Italianate and Queen Anne styles", "Portland's only*

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nineteenth-century brick rowhouses” and “occasional small wood-frame apartment buildings” and similarly scaled historic churches. Large, block-like buildings break up sense of place and identity of this area.

4. **CDG P2 – Historic and Conservation Districts.** Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area’s historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas. *Identity of the Historic Alphabet District not reinforced when a unique and distinct urban character area is disrupted by placing incompatibly large new development in the middle of a nearly intact cluster of late 19th century houses. Demolition Review decision (2015) recognized special character of area, emphasized that proposed 4-6 story building was grossly out of scale. This decision makes no such reference.*
5. **CDG 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. *South Addition and North Building overwhelm Buck-Prager in height and mass, while obscuring distinctive quoins at corners of historic building. Both new structures overpower adjacent historic structures. New structures not compatible in scale, color, window details, entrances, cornices, setbacks, material, and character with Buck-Prager or adjacent structures.*
6. **CDG 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. *This decision does not consider elements of nearby buildings, but rather accepts incorporating elements of buildings many blocks away from the site. The design and scale of these buildings differ significantly from those close to the site, particularly those adjacent to and on the site. Example: structures adjacent to site almost all have FARs in the 0.00 to 2.00 range; proposed development FAR is 3.6.*

B. There were multiple errors in the review process, including:

1. **The application was declared complete when Community Design Guideline P1 had not been addressed.** *Staff erroneously determined that CDG P1 did not apply to proposal, and declared application complete July 5, 2018. BDS staff informed neighbors, without sufficient explanation, that P1 did not apply. After letter from neighbors, BDS staff determined that P1 did apply. However, response to the guideline from applicant was not received until August 14, only 12 days before the hearing.*
2. **The City’s hierarchy of regulations [Section 33.700.070.E], which says that the regulations of the Historic Overlay Zone supersede those of the base zone, was not followed.** *Discussion by Landmarks Commission at DARs and hearing indicated more reliance on base zone allowances than approval criteria for Historic Review.*
3. **Incomplete history of site.** *Previous case on this site—Demolition Review (LU 14-210073 DM)—was mentioned, but no information about Council’s findings and recommendations related to design included in staff report or discussed by Commission. History and design of adjacent structures are also important, but no information in staff report or discussion by Commission.*
4. **Public comments addressing approval criteria were not acknowledged or evaluated.** *Concerns raised in letters summarized with the briefest of words, no evaluation.*

5. **Harassment of one Historic Landmarks Commissioner adversely affected the proceedings.**

In addition to causing one Commissioner to take a leave of absence, the harassment created a chilling effect on public comment and likely had a chilling effect on discussion by the Commission, ultimately affecting their decision. City failed to create a safe and comfortable environment for all members of public to comment, and for Landmarks Commissioners to freely deliberate.

- C. Requested Condition of Approval to Ensure Affordability.** Northwest District Association actively supports affordable housing in our neighborhood. We requested a condition of approval that would require the proposed housing to be affordable. The Landmarks Commission did not apply the condition, and did not ask the applicant if they would voluntarily accept it. **We request that City Council apply this condition to any approval of this proposal. The condition is in Attachment C.**

DETAILED ANALYSIS

A. Many Approval Criteria Not Met. All approval criteria must be met; the decision errs in that many of the criteria are not met, including:

- **Historic Alphabet District (HAD) Guideline #2 – Differentiate new from old.** New additions, exterior alterations, or related new construction will retain historic materials that characterize a property to the extent practicable. Replacement materials should be reasonable facsimiles of the historic materials they replace. The design of new construction will be compatible with the historic qualities of the district as identified in the Historic Context Statement.

This guideline is not met for the Buck-Prager Building (the historic resource on the site) because the quoins at the front corners of the building--a significant historic feature--are completely obscured by the new structures. Also, embedding the small historic building between two much larger buildings obscures its historic presence.

This guideline is not met by the South Addition: the proposed 4-story addition does not maintain the character of the historic building (Buck-Prager) because it is nearly twice as large, has incompatible fenestration (faux Juliet balconies rather than a harmonious window design), and is incompatible with the historic context of the immediately surrounding area which consists of structures of about 2-1/2 stories, with FARs less than 2:1. The frontage along NW Hoyt is completely incompatible with immediately adjacent structures along and across NW Hoyt which are small-scale and set back from the front property line at least 10 feet; the proposed building is set back just 13 inches.

Example A under this guideline, given as guidance for additions, notes that “The addition echoes the form of the original building, harmonizing the building and the addition.” The substantially larger South Addition does not sufficiently relate to the form of the Buck-Prager Building, does not include enough important matching elements (particularly scale and window design), and its bulk obscures and overpowers the Buck-Prager Building.

This guideline is not met by the North building: the proposed 5-1/2 story related new construction is not compatible with the historic qualities of the district as defined in the Historic Context Statement: the most relevant sections of the Context Statement are not even referenced. The decision cites portions of the Historic Context Statement that are either general or apply to other areas of the Historic Alphabet District. Pages 15-21 of the Addendum include the most relevant portion of the Historic Context Statement by describing the immediately surrounding structures, which include small scale investment houses (houses initially built as rentals), small multi-family structures, and historic Scandinavian churches. Thirteen of these structures are individually listed on the National Register of Historic Places. The immediately adjacent area includes structures described by the Context Statement as follows:

- “In 1884, the Couch family developed rowhouses on the block between I, J, 17th, and 18th Streets. These narrow frame houses [were] built in the Queen Anne style . . . In 1890, Herman Trenkmann, a contractor, constructed eight identical frame houses in the

Queen Anne/Eastlake style at NW 17th and Hoyt. . . In 1893, David Campbell built six brick rowhouses on the same block as the Couch family . . . properties.” [page 15] All of these surrounding properties were among the first houses built as rentals (also called “investment properties”), beginning a new trend. They were followed by construction of the fourplex on the southwest corner of NW 18th and Hoyt and the rowhouses on NW Glisan and 16th.

- One of the first Scandinavian institutions to relocate [to Northwest] was the Immanuel Swedish Evangelical Lutheran Church. In 1906 it moved . . . to its present-day location at the corner of 19th and Irving Streets. The First Norwegian-Danish Methodist Episcopal Church followed . . . in 1910, it moved to its current site at 607-611 NW 18th Avenue. “ [page 21]

All of these structures still exist. The houses have all been restored and are still in residential use. The two churches have been restored; one is still a church, and one is now residential.

This area of Couch, Trenkmann, and Campbell properties is particularly significant because the houses are similarly small-scaled and from the same period, because so many remain, and because they form a large cluster. At the end of the 19th century, they encouraged similar development in the area. More recently, their rehabilitation in the early 1970s encouraged historic preservation and revitalization throughout the Northwest District. Attachment A is a map with historic photos of surrounding properties. Attachment B is current photos. (The map and photos were submitted to the Landmarks Commission and are part of the record.)

Placing the proposed 4-story and 5-1/2-story structures in the middle of this historic cluster is not consistent with these very relevant qualities of the district.

These well-documented adjacent properties, many of which are individually listed on the National Register of Historic Places, are barely mentioned in the decision. Without consideration of the design, context, and historic significance of these immediately surrounding properties, a finding that the North Building is “compatible with the historic qualities of the district as identified in the Historic Context Statement” cannot be made.

- **HAD Guideline #3 – Hierarchy of Compatibility. Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a historic or conservation district, with the rest of the District. Where practical, compatibility will be pursued on all three levels. New development will seek to incorporate design themes characteristic of similar buildings in the Historic District.**

This guideline mandates a clear hierarchy:

- *primary compatibility with the original resource,*
- *secondary compatibility with adjacent properties,*
- *finally ... compatibility with the rest of the district.*

Contrary to this prescribed hierarchy, the findings for approval emphasize compatibility with the district first, ignore scale and proportion compatibility with the original resource, and ignore compatibility with adjacent properties.

Regarding compatibility with adjacent properties, the decision unreasonably finds that the South Addition reinforces consistency with the neighborhood's fine-grained pattern of development by inserting a quarter-block building. The South Addition, along with the Buck Prager Building, would cover 90 percent of the 10,000 square foot south lot. This scale is inconsistent with most lots and buildings in the surrounding area where lots tend to be less than 3,000 square feet and buildings cover less than 75 percent of the ground. Even the rowhouses, which together sit on a larger lot, give the appearance of having similar individual dwelling sizes as the adjacent detached houses.

The findings for the South Addition also mention providing a landscaped buffer along Hoyt Street; however, the proposed buffer is only 13 inches deep, much less than the landscaped setbacks of 10 feet or more in front of the nine existing houses on Hoyt Street. The findings also refer incorrectly to NW 18th Avenue as commercial (it is primarily residential at this location), and to providing mid-block entrances, which are not typical of the area.

For both structures, the findings for compatibility with the adjacent properties fail to address height, mass, setbacks, roof shape, or other major elements of design.

This criterion speaks to compatibility of additions and new development. Example A of the Addendum describes how connecting a new building to an existing structure can be done in a historically sensitive way (see inset). Given the context of a 2½ story original resource and adjacent properties that are all 1-3 stories (predominantly 2½ stories), a 4-story addition and 5½-story building are incompatible with respect to their excessive size. In addition, the historic building on the site and the buildings in the immediately adjacent area have FARs less than 2:1, while the proposed buildings, taken together with the small Buck-Prager Building, have an FAR of 3.6 (massing that is double or more).

As already mentioned, the South Addition setback from Hoyt is a mere 13 inches. The North Building setback from Irving is just 3-1/2 feet. These are totally inconsistent with the 10-foot or greater setbacks of the existing, historic residential structures on these street frontages. There is no setback from NW 18th, although most buildings near the site have some setback from 18th; this is also incompatible.

This guideline may be accomplished in the Historic Alphabet District by:

A. Connecting a new building to existing structures in a historically sensitive fashion. Roof styles, pitches, and other architectural details from the adjacent historic building are incorporated in the design of the new building. The Abbott Hall addition has maintained the building proportions and roof shapes of the MacKenzie House. The addition has also incorporated an arched portal entry that matches the style of some MacKenzie House windows.



Abbott Hall and MacKenzie House,
NW 20th Avenue and NW Hoyt Street

The North Building, as new development, should incorporate design themes characteristic of **similar** buildings in the Historic Alphabet District. There are a wide variety of building types throughout the Alphabet District. Rather than choosing those that are **similar** to the original resource (Buck-Prager) and adjacent properties (all small scale structures), the applicant chose some of the most **dissimilar** buildings in the district—and in the most **dissimilar** contexts—for this small scale locale. For example:

- The American Apartment Building at NW 21st and Johnson is on a commercial street (21st Avenue) in a multi-use zone (0.3 miles from the site).
- The Biltmore at NW 20th and Glisan is on one of the District’s busiest streets (Glisan) and is across from three major nonresidential uses, the Metropolitan Learning Center, the Temple Beth Israel Complex, and Couch Park (0.2 miles from the site).
- The Embassy Condos (NW 20th and Flanders) is next to the Temple Beth Israel complex and is placed among other large structures (0.3 miles from the site).
- The Carleton Court Condominiums at NW 17th and Everett are on another of the District’s busiest streets (Everett) and just a block away from a major freeway entrance (0.2 miles from the site).

None of these buildings used to show compatibility for the new development are **similar** to the existing historic resource (Buck-Prager) or set in a **similar** context (surrounded by small scale buildings, mostly houses). There are many small apartment complexes, such as those shown along NW Irving between NW 19th and 20th streets (on the same page as HAD 3 in the Addendum) that would serve as more **similar** models.

While the decision notes some compatible design features and consistencies with larger buildings in the District, the significantly incompatible scale of the proposed buildings is not justified or even addressed.

Stating that the neighborhood’s fine-grained pattern is reinforced by incorporating large blocky buildings with large footprints, almost complete lot coverage, and more than twice the height and FAR of adjacent properties is contrary to this guideline. These findings are silent on how the development specifically meets the hierarchy of compatibility. This proposed development is not consistent with the hierarchy of compatibility guideline, and so this guideline is not met.

- **Community Design Guideline (CDG) 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.**

This particular area of the Northwest District’s Eastern Edge, the urban character area in which the project site is located, is distinguished by the unique cluster of houses built as rentals that are described as “middle-class Victorian houses, primarily in the Italianate and Queen Anne styles”, “Portland’s only nineteenth-century brick rowhouses”, and “occasional small wood-frame apartment buildings”—all immediately adjacent to the project site. (See discussion of architecture on page C-20 of the Northwest District Plan). An aerial view of a four-block area, **including the project site**, on page C-20 of the NW District Plan illustrates the pattern of fine-grain, partial block massing that characterizes the Eastern Edge. “New development . . . [in] the

Eastern Edge . . . [should] continue its established pattern of partial block massing...” (page C-21). The lots in this area are small, with most residential lots less than 3,000 square feet in area. Even multidwelling buildings and rowhouses (such as the Campbell Townhouses and the fourplex at NW 18th and Hoyt) are typically designed to appear as individual residences on small lots.

This proposal would place out-of-scale, much larger new development based on dissimilar buildings from outside of the Eastern Edge urban character area in the middle of this existing historic cluster. Breaking up this cluster would effectively destroy the sense of place and identity of this particular area, not enhance it.

The findings refer to the neighborhood’s fine-grained pattern of development by use of a quarter-block building (with a footprint of about 9,000 square feet), yet that is much larger than the typical footprint of residential buildings in the area. Other statements in the findings misinterpret or misapply this design guideline: For example, locating buildings tight to the 18th Avenue property line to create an urban edge is not in keeping with District typology for residential buildings in the Eastern Edge, nor is locating the main entrances on the more commercial frontage. The provision of landscaped setbacks would meet the guideline if they were typical of the adjacent properties with setbacks of 10 feet; the South Addition is set back a mere 13 inches from NW Hoyt, and the North Building just 3-1/2 feet from Irving. There is no setback from NW 18th Avenue, which is not, contrary to the findings, more hardscaped: Most properties within a block north and south from the site and across the street have significant setbacks.

The Eastern Edge desired characteristics and traditions encourage larger development to locate along raised portions of I-405 to screen the rest of the neighborhood from the freeway. District-wide considerations state that “development throughout the district should contribute to maintaining the district’s architectural scale”, and “New buildings and additions that are taller than the two- to four-story building height that is predominant in the district should have upper stories stepped-back in order to contribute to a more consistent streetscape and to maintain neighborhood scale.” (page C-15 of the NW District Plan). This proposal will significantly damage the identity of the area immediately surrounding the site, and the design is not responsive to the desired characteristics and traditions of the Eastern Edge. This criterion is not met.

- **CDG P2 – Historic and Conservation Districts. Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area’s historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.**

The background statement preceding Guideline P2 notes that historic and conservation district areas “are recognized for their historical and cultural significance. New development in these areas should protect the integrity of individual historic resources and reinforce the historic character that defines the district.” As described above, the integrity of the Buck-Prager building is not protected when it is sandwiched between two significantly larger structures, and some of its historic features are obscured by the new structures. The identity of the Historic Alphabet District is not reinforced when one of its unique and distinct urban character areas is severely

disrupted by placing incompatibly large new structures in the middle of a nearly intact cluster of late 19th century middle class investment homes. The incompatibility of the proposed structures is described above under other guidelines.

In January 2015, City Council denied a request to demolish the Buck-Prager Building and build an apartment building that varied in height between 4 and 6 stories. (LU 14-210073 DM). The Council's decision went into considerable detail describing the immediate context of the site (for example, see pages 26-27 of the decision). This same level of detail for the project site's immediate context is totally missing from the Landmark Commission's decision on the Historic Resource Review for this 2018 proposal. The City's 2015 findings note that the then-proposed 4-6 story building "is not integrated with the existing urban fabric as it is not set back from the street, it does not feature intricate architectural detailing, and most significantly, it is much taller and more massive than the modest Landmark residential structures in the immediate vicinity.". In discussing development options for this site that would preserve the Buck-Prager building, City Council noted "While the existing historic building is an appropriate scale for the adjacent properties, the proposed replacement building is severely out of scale and character, and would detract from the historic character of nearby Landmarks."

The Historic Landmarks Commission decision on the current proposal does not reference and describe these recent and very relevant City Council findings. In contrast, their decision inappropriately affirms basing the design of the North Building on distant buildings and an inappropriately taller South Addition rather than finding them more massive than the Buck-Prager and adjacent Landmarks. The Landmarks Commission decision on this case also finds that the number of street trees, non-standard brick sidewalk pavers, and seismic improvements are factors in meeting this guideline, although those elements are totally irrelevant to the guideline. Even the condition to increase street trees over what the Office of Transportation recommends does not significantly improve site features "to reinforce the area's historic significance", especially considering the number of mature trees that would be removed by this proposal. This criterion is not met.

- **CDG 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.

The introductory background for this guideline says “Modifications should have the least impact on the character-defining features that are visible from the street.” While the Buck-Prager’s façade is restored under this proposal, the character-defining quoins at both front corners are totally obscured and the new structures overpower the historic building and the many adjacent historic structures.

The South Addition to the Buck-Prager Building is incompatible in scale (it’s taller), color, many details details such as the windows, proportion (the addition appears almost twice as large as the Buck-Prager Building), and character (large blocky building compared to the petite Buck-Prager with soldier course windows design, decorative cornice and quoins at building corners). A compatible addition would be set back, be smaller, modestly mimic the historic building’s design features, and use the same or similar color scheme. The National Park Service’s Preservation Brief 14 provides excellent nationally recognized guidance on designing a new addition to a historic structure; this proposal does not follow that advice. This guideline is not met by the proposal.



The quoins at the Buck-Prager - significant design features.



‘Soldier course’ brick window-framing pattern - another significant design element. Below, the clip from project drawings show different windows in the Buck-Prager and South Addition.



- **CDG 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.

This guideline calls for compatibility with **nearby** buildings. The introduction to CDG D7 notes that the compatibility of new buildings is enhanced by incorporating building and site details common in the neighborhood and related to the **surrounding** buildings in terms of scale, color, window proportions and façade articulation. The introduction notes that it is “to Portland’s advantage to accommodate growth in a manner that has the least negative impact on its existing

neighborhoods”. The City’s infill development initiatives promote such integrative approaches. The decision on this project does not consider the nearby or surrounding buildings, but instead considers some of the largest buildings in the Historic Alphabet District—all some distance from this site--to justify incompatibly massive design within a small scale local context.

- Example A suggests incorporating elements and details found in **nearby** structures and shows how a tower in newly constructed housing units relates to a visible tower in the next block. The design elements of the North Building are based on buildings many blocks away, not visible from the site.
- Example B illustrates how large wall areas can be divided into distinct smaller planes that are more in keeping with the scale of surrounding development. The South Addition does not divide its wall planes along Hoyt to be more compatible with existing historic structures on that block, and the articulation of the North Building is minimal, providing texture but not mitigating the scale of the building or complementing adjacent architecture.
- Example E addresses infill development and notes that it should complement the scale and proportions of surrounding buildings. The proposed scale is not close to complementary. Even were the new structures only two or three stories, their proportions bear no relationship to surrounding buildings.

The FAR of the proposed development is nearly 3.6:1, which includes the small Buck Prager Building, while the immediately surrounding structures have FARs of 2:1 or less. At 4 and 5-1/2 stories, the proposed development is considerably taller than surrounding structures, most of which are 2-1/2 stories. The proposal consists of large, boxy buildings that contrast sharply with the smaller scale and highly articulated design features present in surrounding buildings. The surrounding buildings have 10-foot landscaped street setbacks, while the proposed structures will be set back 13 inches (Hoyt), 3-1/2 feet (Irving), and not at all (18th). The proposed buildings have flat roofs, while almost all of the surrounding buildings have peaked roofs. Far from incorporating building details, massing, and proportions of nearby buildings, the proposed structures are almost completely different from the surrounding buildings, and do not meet this guideline.

The proposed development, due to incompatible design and proportions, will have a substantially adverse impact on the existing fabric of this historic neighborhood where the listed structures have been established for more than 120 years. Guideline D7 is not met.

B. Procedural Errors. There were multiple errors in the review process, including:

1. Application declared complete when it was incomplete. Staff erroneously determined that Community Design Guideline P1 did not apply to proposal, and declared the application complete on July 5, 2018. BDS staff informed neighbors, without sufficient explanation, that P1 did not apply. After a letter from neighbors, BDS staff determined that P1 did in fact apply. However, response to the guideline from applicant was not received until August 14, 12 days before the hearing.

2. Inappropriate application of the City's hierarchy of regulations. The City's hierarchy of regulations [Section 33.700.070(E)], which says that the regulations of the Historic Overlay Zone supersede those of the base zone, was not followed. Discussion by Landmarks Commission at the three DARs and the hearing indicated more reliance on base zone allowances than approval criteria for Historic Review and NW District Plan considerations.
 3. Incomplete history of site. A recent case on this site—Demolition Review (LU 14-210073 DM)—was mentioned, but no information about Council's findings was included in the staff report or discussed by Commission. The City Council decision included detailed findings about what development Council thought would be appropriate for this site, and specifically addressed design, mass, and height.
 4. Public comments addressing approval criteria were not evaluated or considered. Concerns raised in letters from the public were summarized with the briefest of words. There was no evaluation or discussion of the many comments that specifically addressed the approval criteria, and no findings respond to these comments.
 5. Harassment of Historic Landmarks Commissioner adversely affected the proceedings. In addition to causing the harassed Commissioner to take a leave of absence, the harassment created a chilling effect on public comment and likely had a chilling effect on discussion by the Commission, ultimately affecting their decision. The City failed to create a safe and comfortable environment for all members of the public to comment, and for the Landmarks Commissioners to freely deliberate.
- C. Requested Condition of Approval to Ensure Affordability.** The Northwest District Association actively supports affordable housing in our neighborhood. We requested a condition of approval that would require the proposed housing to be affordable. The Landmarks Commission did not apply the condition, and did not ask the applicant if they would voluntarily accept it.

We request that City Council apply this condition to any approval of this proposal. The condition is in Attachment C.

CONCLUSION

Based on the many points above, we ask that City Council reverse the decision of the Historic Landmarks Commission and deny the proposal.

The City of Portland, as a Certified Local Government participating in the National Park Service's network of local jurisdictions approved by their State Historic Preservation Offices, has made a commitment to preserve Portland's historic resources consistent with these federal laws and regulations. Approval of this proposal is counter to that role.

Some comments on affordable housing.

NWDA supports affordable housing throughout the district and at this site. We have no doubt that historically compatible design and affordable housing are not mutually exclusive. With respect to this project site, we encourage a design with appropriate scale and massing as outlined in the City Council's 2015 decision to deny demolition of the Buck-Prager Building. Such an appropriately scaled design, at three stories, could easily

accommodate at least 40 to 60 affordable housing units. This would provide double to triple the minimum required number of units for the RH-zoned site.

Whether the housing proposed for this site is affordable is not relevant to the approval criteria for this case. However, it has been repeatedly cited in the application, staff reports and memos, public notices, letters, testimony, and in discussions by the Historic Landmarks Commission. Indeed, the decision of the Landmarks Commission states:

“It is the decision of the Landmarks Commission to approve Historic Design Review for 148 new **affordable** housing units across three buildings:

“▪The adaptive reuse and seismic upgrading of the existing 3-story Contributing Resource, the ‘Buck-Prager Building’;

“▪The ‘South Addition’, a 4-story addition to the Buck-Prager, which together will house 48 **senior** units; and,

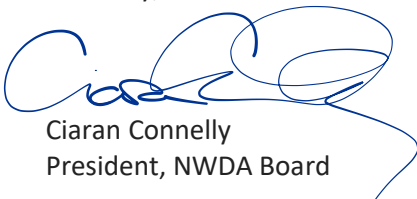
“▪The ‘North Building’, a 5-story plus basement building containing 100 units of **affordable** work-force housing.” [Emphasis added.]

Despite the legal exclusion of consideration of affordability, it pervaded all aspects of this Historic Resource Review. We believe that some Commissioners may have found themselves reluctant to be as critical of this design as they would if it were market-rate housing, perhaps even subconsciously. We are similarly concerned that you, the members of City Council, will find it similarly difficult to ignore that this proposal is for affordable housing. It is indeed difficult to ignore that aspect of the proposal, especially given the current housing situation in Portland.

We are concerned that this proposed housing, as currently designed, will not be able to obtain funding to make the units affordable. The applicant has submitted three applications for funding; all have been denied. They plan to continue seeking funding, which will have to be substantial: The proposal is to serve people with income levels from 0-60% of Median Family Income (MFI). The rent limits for units at 60% of MFI are \$855/month, yet testimony has described potential senior tenants as having incomes of \$750/month. Clearly, this project will require significant rent subsidies. There is fierce competition for these needed rent subsidies (also called project-based subsidies), and the subsidies come with an additional obligation for projects such as this one: they trigger a requirement to meet federal historic preservation standards, an additional process that has more rigorous criteria than the City. This either limits the sources of funding for the proposal, or will add additional time, complexity, and cost to the project.

Regardless of the stated attempt to construct affordable housing, once a design is approved, the applicant or landowner is free to build that design for any use allowed on the site. To that end, we requested that the Landmarks Commission apply a condition of approval requiring that any housing developed on the site be affordable to those with incomes at 0 to 60 percent of MFI. This is the applicant’s stated intent, repeated throughout their application and presentations. **We are asking City Council to apply this condition to any approval of this proposal.**

Sincerely,



Ciaran Connelly
President, NWDA Board

Attachment A – Map Showing Adjacent Historic Properties

Review of the Historic Homes in the area of NW 17 to NW 19 and from Glisan to Johnson.
A unique example of investment homes for rental and early scandanavian churches.

Key
 Blue diagonal lines - Alphabet District
 Blue dotted line - Alphabet District boundary
 Blue land lots - historic or contributing (red dots = individual historic or contributing buildings)
 Yellow land lots - non contributing structure
 Green highlight - focus of DAR/development



Couch Family Investment Homes (1)



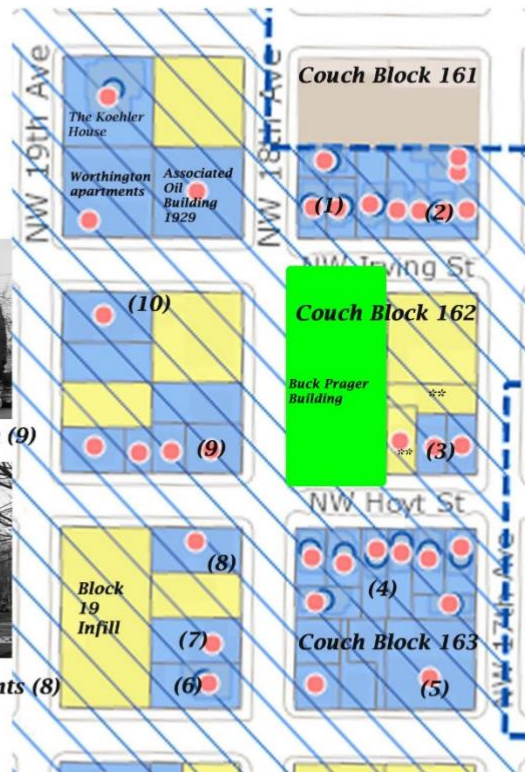
First Immanuel Luthern Church (10)



Danish Methodist Church (9)



William Walker Apartments (8)



Campbell Townhomes (2)



Morrison Investment Homes (3)



Trenkmann Houses (4)



**Landenberger Home (6)
 George Cummings Home (7)**



Earl Apartments (5)

** note two of Morrison homes have been extensively remodeled and no longer contribute as historical homes but retain their classic outline as a sister house

Attachment B – Buildings Adjacent to Project Site

Along NW Hoyt Street:



Above: Adjacent three houses on north side of NW Hoyt between 17th and 18th (Morrison Investment Homes)



Above: Six Trenkmann houses on south side of NW Hoyt between 17th and 18th (Trenkmann Homes)



Above: Across 18th Ave looking west on Hoyt St (church converted to residential units across from site; William Walker Apts at left)



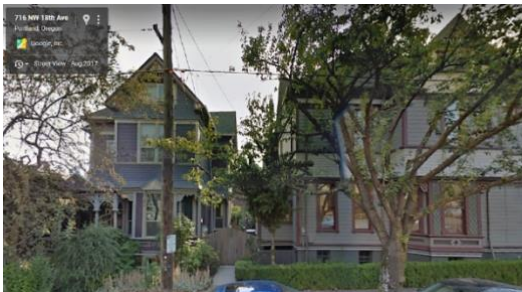
Above: Looking East along NW Hoyt from NW 18th (Trenkmanns on right; Morrisons on left)

Along NW 18th Avenue:



Above: Existing, occupied apartments and Buck-Prager on left; church building and residential properties on right.

Along NW Irving Street:



Above left: 2 houses along NW 18th in West elevation. Above right: Looking east on NW Irving; Couch homes to left.



Above: Couch Investment Homes on west half of north side of NW Irving between 17th and 18th



Above: Campbell Town Homes on east half of north side of NW Irving between 17th and 18th

Attachment C -- Condition of Approval Requested by Northwest District Association

Development on this site is limited to affordable housing for households up to 60 percent of MFI.

Affordable housing is as defined in Portland City Code 30.01.030.B with one exception: *“Affordable housing.” The term “affordable housing”, “affordable rental housing” or “housing affordable to rental households” means that the rent is structured so that the targeted tenant population pays no more than 30 percent of their gross household income for rent and utilities. The targeted tenant populations referred to in this section include households up to 80 percent of MFI.’*

The exception we request is that the targeted tenant populations include households up to 60 percent of MFI.