

DeCoursey, Jillian

From: John Carr <jcarrpdx@gmail.com>
Sent: Wednesday, February 28, 2018 11:34 AM
To: Ballew, Cassie
Cc: board (board@southtabor.org); Heron, Tim
Subject: LU 17-144195 DZ - STNA Response to New Evidence
Attachments: STNA-Response-Additional.pdf

Cassie,

Attached is STNA's response to new evidence (due by 3/1 at 5 pm) for the Design Commission's consideration in the appeal re: LU 17-144195 DZ. Please let me know when you have received it.

Thank you,
John Carr, South Tabor Neighborhood Association



South Tabor Neighborhood Association

February 28, 2018

Design Commission
Land Use Services
1900 SE 4th Avenue, Suite #5000
Portland, OR 97201

RE: LU 17-144195 DZ

Dear Design Commissioners:

During design review, it is the applicant's responsibility to demonstrate that their proposal meets the approval criteria:

33.800.060 The Burden of Proof. The burden of proof is on the applicant to show that the approval criteria are met. The burden is not on the City or other parties to show that the criteria have not been met.

In this particular case, it is on the applicant to show and describe surrounding development, including nearby commercial and (especially) residential uses and to explain how a building of this scale and height, occupying the maximum footprint allowed by the base zone code, each side as long or longer than a standard city block is "designed to be compatible with surrounding development, especially nearby residential uses" (33.284.050.A).

Notice that 33.284.050.A refers specifically to current development and not more generally to context or zones. It refers to nearby residences, covering an even broader scope than just those residences adjacent to the site. Crucially, it requires that new self-service storage buildings be designed to be compatible from the start — not that the design first maximize the self-service storage program, then, whatever the resulting height and bulk, be decorated and masked by façade treatments and landscaping.

As for how to accomplish this, 33.284.050.A could list any number of considerations, and with the word "include," it stays open to many. But what it does say is noteworthy: "Considerations include design elements that break up long, monotonous building or roof lines. . ." (33.284.050.A).

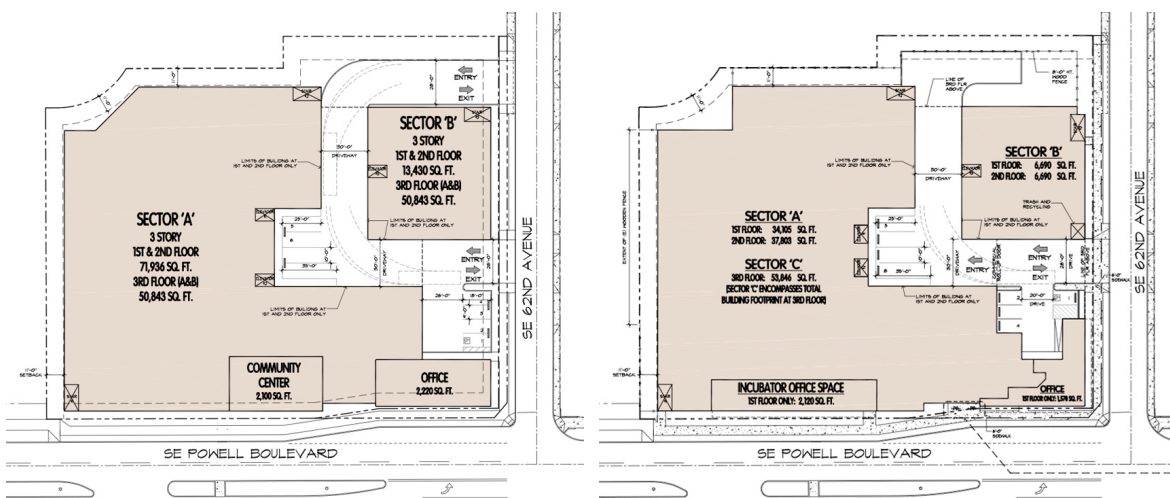
STNA appreciates the approach of staff and commissioners not to require design changes that are unnecessarily costly. At the same time, the applicant has known that self-service storage is a limited use in the CG zone (33.130.100.B) and subject to design guidelines.

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They were made aware in the Early Assistance response of the need for "large massing breaks" and the challenges of pursuing this use on this site (Early Assistance Response, 2/3/17). They have had plenty of opportunity to account for what it would take to meet the approval criteria on all sides of the building, taking into particular account nearby residential uses.

Maximizing economy is understandably important to the applicant, but it is neither a factor in determining whether the approval criteria are met, nor a justification for resisting design changes that would meet them.

This is important to emphasize, as the applicant writes they have made efforts since the hearing to address concerns "without changing the building footprint" (Exhibit H.33, p. 1). This has been a guiding principle for them throughout the process. In fact, their latest proposal (Scheme A) has essentially the same footprint as the one originally proposed in March 2017:



(Notice too that the garage entries are even in the same inappropriate places as in the initial proposal, even though the U-shaped driveway pattern that necessitated that placement was abandoned in July.)

So we are compelled to ask: Why not change the building footprint? Why not minimize the bulk, add setbacks, and step down the height near residential? The suburban scale and big-box form of this building are at the very core of its incompatibility with surrounding development, especially on the east, west, and north sides. If it is painful to change the design at this point in the process, it is only because it should have been changed much sooner.

As Joan Frederiksen points out, the proposal seeks to address 33.284.050.A by only addressing facade and material concerns (Exhibit H.30). By not being open to modifying

more than the skin, the applicant has left themselves with just one tool — materials — to do the heavy lifting of meeting the guidelines. And as their most recent proposals show, materials alone are not up to the task, especially on the long, tall west and north walls so out of scale with nearby residential.

After reviewing the applicant's proposed Scheme B, we see progress. Adding a simple setback improves compatibility on the west side. We encourage commissioners to require a few more similar moves — stepping down height or adding setbacks — to moderate the scale of the building near adjacent residential. Given the bulk of the building and length of the rooflines at the west, north, and maybe even the east, materials alone are simply not achieving compatibility with the surrounding development.

Note that changes to height, bulk, dimensions, and placement are all entirely within the commission's purview to consider and condition during design review:

33.825.035 Factors Reviewed During Design Review.

The review may evaluate the architectural style; structure placement, dimensions, height, and bulk; lot coverage by structures; and exterior alterations of the proposal, including building materials, color, off-street parking areas, open areas, landscaping, and tree preservation.

Stepping down the building height and reducing bulk are common tools referenced in design guidelines and standards when compatibility with adjacent residential zones is desired:

"In the portion of the site within 25 feet of the lower density residential zone, the building height limits are those of the adjacent residential zone. . ." —Community Design Standards, 33.218.140 D.1.a.

"Large buildings can be designed to reduce negative impacts on the neighborhood by orienting windows away from the private areas of nearby houses, stepping back building bulk from property lines to allow more sunlight to surrounding lots, and using building forms and materials that respect the character of the surrounding area. . . ." —Community Design Guidelines, background to Guideline D7, p. 131

We ask commissioners to direct the applicant to these other parts of the code and to the Community Design Guidelines document for examples of ways to meet qualitative design guidelines and to achieve the compatibility required.

Interestingly, per 33.825.065.B, "all. . . proposals subject to design review" other than those within plan districts with specific guidelines "use the Community Design Guidelines." While this is contradicted by 33.284.040.D, this code leaves room for the Community Design Guidelines to be used in some way in the review — as a reference, for instance, if not as approval criteria.

Responses to new evidence from the applicant:

- We support the installation of the **metal lattice and rollup door** at the parking and vehicle entrance area on SE 62nd Ave. A higher-visibility gate would better match the decorative lattice. There were options for doors with perforated steel slats on the cut sheets submitted by the applicant (see 12/20 decision, Exhibit C.22). Please also see our additional evidence and testimony (Exhibit H.31) for the related concerns we still have about the hours of access and operation of the facility.
- We approve of the changes the applicant has incorporated to bring **more cohesion** to the building — more columns on the west façade (Scheme A), better aligning the datum line, and wrapping the Powell pattern at the southwest corner.
- **In wrapping the Powell façade pattern** to the west wall, one bay would suffice, but more detail, like the bevel at the datum line on Powell, is needed.
- Scheme B, which has other issues, does show the difference a simple **setback shift** makes in transforming a long and otherwise monotonous wall. We thought the applicant might take this further, bumping that wall right up to the property line at the adjacent commercial zone and increasing the setbacks (and landscaping) even more adjacent to the residential zones to the west or north.

The deeper setback and fuller landscaping will be visible and appreciated from the adjacent residential properties to the west and north. As for Powell, if continuous street frontage is desirable in the pedestrian realm and commercial zone (no minimum setback requirement, per 33.130.215.B.1), then building right up to the property line makes more sense than leaving a narrow strip between the two properties and would be more compatible with the desired character of the zone.

- The applicant's latest proposal (Scheme A) represents a **net loss of about 760 square feet of brick** from the project. This is not what commissioners asked them to explore. In fact, there was interest in possibly cladding the entire building in brick, but at a minimum, there was agreement on the idea of spreading the amount of brick more evenly around the facades. In fact, the material quality has decreased on both the east and north facades (swapping out brick for metal) and only remained the same on the west façade adjacent to residential.

We suggest that this removed brick could be applied to the remaining columns that are CMU block to better satisfy the "especially near residential uses" part of guideline 33.284.050.B. This would apply brick to areas where the most visible materials (metal and CMU block) are now also the least compatible with surrounding residential development.

Reviewing the renderings and imagining the surrounding residences not pictured, these material shifts alone are still not solving the issue of incompatibility, especially near adjacent residential uses.

- The **rollup door to the turnaround area** is shown as 20' tall on the elevations and renderings, not 15' tall as the applicant stated at the hearing. At either height, this is an incompatible element and part of the problematic turnaround area we have addressed in other testimony.
- In regards to the commission's direction to consider a **second front entrance** to the incubator office space, we hoped the applicant would actually consider the idea more seriously (whether for the first or second time) and provide details about what it would take to accomplish. Based on what they wrote, we do not understand how the grade presents any more of a challenge for this door than it does for the other three doors currently proposed for this façade. As for how this connects to the approval criteria, please see our additional evidence and testimony (Exhibit H.31), specifically the section about the Powell façade.
- We support the **high-visibility metal fencing** shown on the renderings. This is a big improvement both in terms of style and placement. A few concerns remain. The fencing appears to create a channel open from SE 62nd Ave. along the south side of the adjacent residential property to the north. The drawing also indicates this as a wood fence, though the narrative describes it as metal. The rendering shows it as metal as well, though it puts it closer to the street than it needs to be (see Exhibit H.33, p. 9).

Please also see our additional evidence and testimony (Exhibit H.31), specifically the section about the turnaround area in relation to perimeter fencing.

- The applicant proposes leaving in place a roughly 6' **existing wood fence** on the western property line. Of course, the setback shift issue on that wall has to be resolved first before determining final fencing placement, but should a fence be required in that spot, we ask commissioners to condition approval on a better, more secure alternative than the fence that is there now, which is topped with rolled razor wire (pictured below).



Fencing with **rolled razor wire** does not satisfy 33.284.050.B, E, and F. We ask that the applicant replace this fence and any fence around the property with something that both meets the approval criteria and is agreeable to adjacent property owners.

- Regarding **off-site impacts**, please see our additional evidence and testimony (Exhibit H.31). The proposed signage is not enough to make this area of the building as designed compatible with abutting residential.
- Finally, please note that the latest renderings show **green space where adjacent homes should be depicted** (Exhibit H.33, pp. 9–10). The rendering on p. 8 also misleads by showing a two-story home adjacent to the facility where a one-story currently exists. It is on the applicant to demonstrate that the design works in the context of surrounding development, and this was another missed opportunity to do that.

Responses to new evidence from others:

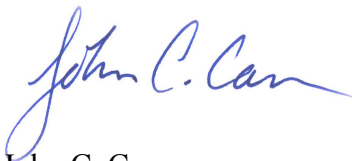
- **Exhibit H.28** – Anne Storrs and Michael McCallister share concerns about the off-site impact of glare for neighbors living directly across SE 62nd Ave. from the garage entryway. One of those neighbors is Alex Aujero (3408 SE 62nd Ave.) who shared in his written public comment on 1/30/18 his concerns about the neon exit sign proposed right across from his home, the glare of headlights from vehicles exiting the garage, and his desire that a right-turn only exit be required to direct vehicles towards Powell. We ask that the commission recall his concerns as well and condition approval on changes to address them.

Please also see our additional evidence and testimony regarding these points and the garage entry placement (Exhibit H.31). We would note that it is not just the portion of the building in the Buffer overlay zone that is subject to the Off-Site Impacts code, but the entire facility (33.130.130.A).

- **Exhibit H.30** – We share Joan Frederiksen's concerns and support many of her ideas for how to condition approval in such a way to make this development meet the design guidelines. We also appreciate her observation that the approval criteria are not at all about maximizing development, but about designing a building that is compatible with the surrounding area. Her drawings make clear how in addition to the setback shift on the west, stepping down the height in places by residential would go a long way to meeting guideline A.
- **Exhibit H.31** – In appendix C of our additional evidence, we should have written "cubic feet" for measurements of volume. The figures remain the same.
- **Exhibit H.32** – Mr. Wyman's written comment raises several interesting points. One view we share is that the applicant has not taken the time to define compatibility or to demonstrate visually how this proposal achieves it with surrounding development. Again, the burden to do so is on the applicant, yet only STNA has presented a rendering that shows the scale of this proposed building in the context of surrounding development. The applicant has had opportunities, most recently with their latest 3D renderings, yet they chose to generate these views to showcase the building out of context with adjacent residential.

Thank you again for your time and consideration. We look forward to your continuing deliberations and decision.

Respectfully submitted,

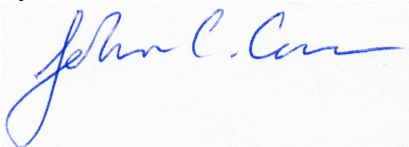


John C. Carr

and

South Tabor Neighborhood Association

by



John C. Carr, Member of the STNA Board