



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

MEMORANDUM

Date: May 9, 2018
To: Portland Design Commission
From: Grace Jeffreys, Design Review
503-823-7840 | grace.jeffreys@portlandoregon.gov
Re: May 17, 2018 - Type II Decision Appeal
LU 16-286190 DZM – 33 N Fargo, new development consisting of 2 buildings

Background: Please find enclosed materials for the May 17, 2018 Design Review Appeal Hearing of a Type II staff decision of denial. The proposal was for a proposed new development consisting of 2 new buildings; the 4-story mixed-use building on N. Fargo Street and the 6-story mixed-use building at the SW corner of N Williams Avenue and N Cook Street, located in the Albina Community Plan District. A Modification was requested to Ground Floor Windows to allow a reduced length of ground floor windows along the length of N Cook, from 50% to 39%. **The Staff Decision denied the proposal.**

Decision: In the conclusion of the Type II Staff Decision, dated April 9, 2018, staff summarized the concerns, listed below. In ***bold italics*** DR staff has added updates to these issues since the Decision was mailed:

- A. The Fargo building.** The proposal lacked sufficient information to make findings for the guidelines, therefore, staff could not approve this building.

Per the appellant's appeal narrative dated April 20, 2018, the Fargo building has been withdrawn from this application.

- B. The Williams and Cook building.** Some aspects of the proposal appeared to meet the design guidelines, however, there remained numerous areas of concern that needed resolution before staff could approve this building, as listed below:

- 1. Issue 1: Response to Context.** Insufficient detail was provided to illustrate how important building elements will be constructed and last over time, helping the building enhance and maintain the sense of place. (*Guidelines P1. Plan Area Character and D7. Blending into the Neighborhood*).

Per the appeal narrative, the applicant intends to provide updated drawings illustrating response. However, no updated drawings were received as of the date of this memo.

- 2. Issue 2: Pedestrian Realm.** Parking is located within the building; however, because it is only partially below grade, extensive display windows are proposed to block it from the sidewalk. This results in most of the frontage along N. Cook being in inactive use, creating a less pleasant and less safe condition along most of the frontage. Additionally, insufficient landscape details were provided to illustrate how the landscape plan will be successful, especially for the area which lies over the garage, which covers about two-thirds of the courtyard area. (*Guidelines E1. The Pedestrian Network, E2. Stopping Places, E3. The Sidewalk Level of Buildings, D1. Outdoor Areas,*

D2. Main Entrances, D3. Landscape Features, D4. Parking Areas and Garages and D5. Crime Prevention).

Per the appeal narrative, the applicant intends to provide updated drawings illustrating response. However, no updated drawings were received as of the date of this memo.

3. Issue 3: Quality and Permanence. The proposal lacks sufficient information to illustrate how parts of a building will be interesting to view, of long lasting quality, and designed to form a cohesive composition. (*Guideline D8. Interest, Quality, and Composition*).

Per the appeal narrative, the applicant intends to provide updated drawings illustrating response. However, no updated drawings were received as of the date of this memo.

4. Issue 4: Development Standards. Compliance with numerous Development Standards appeared to not yet be met. Compliance with all applicable development standards must be demonstrated in this application, or a Modification/Adjustment for standards not met must be requested and processed in this application.

Per the appeal narrative, the applicant contends that “the proposal may not be denied for failure to meet the development standards because it is not specifically required by the Guidelines”. Staff confirms that this denial was not based on the proposed development not meeting development standards. However, a proposal does need to show during the Land Use review that it can meet development stands to allow it to be processed for the next development review steps, including permitting.

5. Issue 5: Service Bureau Coordination. Issues identified by BES and PBOT must be resolved during the design review phase.

The applicant has been working with BES. As of the date of this memo, DR staff has not received further information about this process.

In response to the appellant’s contention that “*The Staff did not provide the Appellants sufficient information, guidance or input on the proposed design to enable the Appellants to determine the Staff interpretation of the Guidelines*” staff would point towards the case file, the Incomplete letter dated January 13, 2018 (attached), and the extensive email correspondence provided throughout the extended review period, from December 14, 2016 – April 9, 2018. A lack of clear and detailed information provided about the proposal made it difficult to provide specific feedback regarding response to the guidelines. Based on the information received as of the date of this memo (none), **Staff is recommending upholding the denial.**

Procedural Information. The application for this land use review was submitted on December 14, 2016, and was determined to be complete on June 12, 2017. The applicant requested that the 120-day review period be extended a total of 245 days, the maximum allowed, and the **120 days will expire on June 12, 2018.**

Please contact me with any questions or concerns.

Attachments:

- Applicant’s Appeal Statement and Narrative;
- Appealed Administrative Type II Staff Decision;
- Applicant’s proposal drawings (Exhibits C.1-C.26);
- Incomplete letter dated January 13, 2018; and,
- Appeal Hearing Process.