



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

Dan Ryan, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portland.gov/bds

Type II Land Use Appeal

MEMORANDUM

Date: 4/27/2021
To: Design Commission
From: Tanya Paglia, Design / Historic Review Team
503-865-6518 | tanya.paglia@portlandoregon.gov
Re: LU 20-213946 DZ – SW Park Apartments
Type II Design Review Appeal – 5/6/2021 Hearing

I. PROPOSAL

Type II Appeal of a Design Review for an eleven-story affordable housing apartment building with 89 residential units. The structure will be prefabricated, composed of modular units with a stucco panel exterior. The proposed building will be set into the sloping site with the main entry lobby at existing sidewalk grade on SW Park Avenue with an entry plaza wrapping the corner of SW Park Avenue and SW Clifton St. The 6,000 SF site is currently developed with two older, two-story single-family homes that will be deconstructed. The site is located at the northeast corner of SW Park Ave and SW Clifton S and is directly across U.S. HWY I-405 from Portland State University and the North Park Blocks, accessed via the Park Avenue Bridge. The site is part of a small dead-end location with steep topography that rises almost vertically to the south and west approximately 100 to 150 feet away to enclose this residential pocket.

Attached:

- Type II Design Review staff decision of approval (digital)
- Staff-approved drawing set, C Exhibits (digital)
- Appeal form with appellant's statement and appellant's attachments (digital)
- Design Advice Request (DAR) summary (digital)
 - Note: All materials from this project's 8/6/2020 DAR, including drawings, memos, presentations, audio and video are also available online here: [Efiles - EA 20-158166 DA - SW Park Apartments \(20/EB/91\) \(portlandoregon.gov\)](#)
- Director Decision regarding revised signage (digital)

II. APPLICANT INFORMATION

Architect Ralph Tahrán | Tahrán Architecture & Planning
Owner Rowan Rystadt | Park Ave PSU LLC
Project Valuation \$ 7,000,000

III. DESIGN REVIEW APPROVAL CRITERIA

- Community Design Guidelines

III. PROCEDURAL HISTORY

As a Type II, staff-level land use review was the requirement for this site, the applicant was not required to consult the Design Commission. However, the applicant did decide to pursue a voluntary Design Advice Request (DAR) prior to submitting the land use review.

Design Advice Request (DAR)

A Design Advice Request (DAR) - EA 20-158166 DA - was held on 8/6/2020. Feedback from the Portland Design Commission included:

- Blending into the neighborhood is a key challenge for this project. As designed, the building appears more office/ commercial in its expression, and not residential as is programmed. Additional details and moves, such as recessed and/ or projecting balconies on the facades and materials with less glare, would provide more human-scale and residential expression and better meet applicable approval criteria.
- The corner treatment orients the building to the city and is very successful; particularly the main entrance and entry colonnade and adequate weather protection.
- Explore alternative strategies to take all of the back-of-house functions – loading, electrical, etc. – and put them all on one street and/or utilize the site's slope to move back-of-house functions away from street frontages and to the back of the building.

Design Review – Type II

The Design Review application - LU 20-213946 DZ - was submitted on 11/9/2020 and deemed complete on 12/8/2020. The proposal had been refined a great deal in response to feedback from the Design Advice Request. Changes included:

- Addition of juliet balconies to all facades to improve legibility as a residential structure.
- Removal of a sunken courtyard, felt to be dangerous by commissioners.
- Reworking of ground floor to move back-of-house function away from two street-facing site frontages.
- Addition of more façade detailing to add to residential appearance.
- Ground level windows added to eastern elevation.
- Improvement of character at the exterior loading zone with colored pavers to create a plaza sensibility when not in use.

The applicant worked with staff to further refine the building design, including:

- Reworking of color palette to be more subdued and less institutional (had originally included heavy accents with primary colors)
- Further façade detailing, especially to add more horizontality to the building skin
- Improved condition along southern property line to buffer from neighbors, including adding a masonry wall.

- Removal of charred wood in entry courtyard to reduce dark, enclosed sensibility and bring a more compatible wood to the building.

The application was approved by City staff on 3/18/2021.

Appeal

The appellant appealed the approval on 4/8/2021, citing concerns about procedural error as follows:

Appellant Statement:

- *Chapters 33.730.020.B.3 and 33.420.030 require owner/applicants to use 33.705.020.C (Neighborhood Contact III).*
- *Required project materials including Neighborhood Contact signage never conformed to City Code, misleading many Park Ave pedestrians.*
- *It is noted the attached photographs of signage were sent to City planner Jan 4, 2021, just as comments period was closing--so instead of soliciting useful submissions from the public--Applicants advertise that their project is stalled.*
- *(The two past public meetings on August 6, 2020 and October 22, 2020 are still showing on all three signs today.)*

Staff Response:

- Staff confirms the applicant was required to use Neighborhood Contact III, which is outlined in Portland Zoning Code 33.705.020.C.
- Per 33.730.020.B.3, “When the proposed development associated with the land use review will result in the addition of more than 10,000 square feet of net building area to the site and the site is in the Design overlay zone, the neighborhood contact steps of 33.705.020.C, Neighborhood contact III, are required.”
- Per the Neighborhood Contact Sign Administrative Rule, “the neighborhood contact sign is one component of the neighborhood contact requirement. The neighborhood contact sign is intended to draw the attention of passersby and to provide a way for the community to find out about a development proposal before construction begins.”
- Per 33.705.020.C.2.d, “A photograph of the required signs posted on the site must be submitted as part of the application for a land use review or building permit.” The applicant submitted the required photos as part of their submittal for the Type II Design Review.
- Per 33.705.020.C.2, requirements for Neighborhood Contact III signage are as follows:
 - Sign. The applicant must post at least one sign on the proposed development site at least 35 days, but not more than one year, before applying for a land use review or building permit.*
 - a. A sign must be placed on each street frontage of the site. If the street frontage is over 600 feet long, a sign is required for each 600 feet or fraction thereof. Signs must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Signs may not be posted in a public right-of-way. Signs are not required along street frontages that are not improved and do not allow motor vehicle access.*

was misleading because the steps on the sign stay at “Step 1” when in fact, the project is really at “Step 2”.

- Staff notes that this is great feedback about the sign template, but that as the sign template was provided by the city, it was not an applicant error.
- Per the Neighborhood Contact Sign Administrative Rule, “A template provided by BDS must be used for the neighborhood contact sign. BDS will provide the template to the applicant. The applicant is responsible for entering required content into the template, printing, and posting the sign.”
- The appellant’s statement includes an assertion that “the two past public meetings on August 6, 2020 and October 22, 2020 are still showing on all three signs today.” Based on the sign photos included in the appeal, staff understands this to be the DAR Notice of Public Hearing signage and the Neighborhood Contact III signage.
 - Staff notes that this is allowed because the sign providing notice of neighborhood contact public meetings is required to be posted for the following timeframe per 33.705.020.C.2.b, “the required signs must remain on the site until a building permit is issued or one year has passed since the application that triggers the sign requirement was submitted, whichever is less, except that the required signs must be removed from the site when required posting for a land use review occurs.” In this case, there was no required posting for a land use review, because the project was a Type II review. The DAR signage does not have a required timeframe for removal.

IV. NEXT STEPS

List options for Commission

- Approve the Design Review application as is; or
- Ask the applicant to post the sign again (and redo the public notice, comment period, and final decision for the project); or
- Deny the Design Review application and have the applicant reapply.