



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

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DATE: June 4, 2021
TO: City Council
FROM: Bureau of Development Services
RE: Design Review Appeal Data

The May 13, 2021 DOZA testimony submitted by Julie Livingston included 2012-2020 Design Review appeal data. A member of the public requested that information be expanded to demonstrate appeal data solely related to new residential Design Reviews. Below includes appeal data for all 2012-2020 Design Reviews and for all 2012-2020 new residential Design Reviews.

DESIGN REVIEW APPEALS 2012-2020

Frequency. Design Review appeals are uncommon. Between 2012 and 2020 BDS processed 37 Design Review appeals, which averages just over 4 appeals per year. Of those 37 appeals, 27 were of new residential projects, which averages 3 appeals per year. There has not been a Design Review affordable housing project appealed to LUBA.

BDS records indicate the following facts:

TYPE 2 DESIGN REVIEWS:

- Between 2012 and 2020 BDS staff reviewed a total of 1,040 Type 2 Design Review applications. Of these 1,040 applications, 102 applications included 1 or more new residential buildings.
- Each year between 2012 through 2020, only 0 to 4 appeals were filed each year.
- 2% (21) of the total 1,040 Type 2 reviews in this 8-year period resulted in appeals to the Design Commission. 14 of the 21 appeals were of new residential projects. 13.7% (14) of the 102 new residential Type 2 reviews in this 8-year period resulted in appeals to the Design Commission.
- 1% (10) of the total Type 2 Design Reviews were appealed by the public. 6.8% (7) of the new residential Type 2 Design Reviews were appealed by the public.
- 1% (10) of the total Type 2 Design Reviews were appealed by the applicant. 5.8% (6) of the new residential Type 2 Design Reviews were appealed by the applicant.
- .09% (1) of the total Type 2 Design Reviews was appealed by the applicant and the public. .98% (1) of the total new residential building(s) was appealed by the applicant and the public. ***Regarding this one appeal, 5020 N Interstate, the public's appeal was of an Adjustment Review request to not meet a required development standard, the appeal was not of the Design Review. The applicant's appeal was regarding Conditions of Approval.***

- **Of the 21 total Type 2 Design Review appeals, 13 were new market rate housing projects, 1 was a new affordable housing project, 7 were not housing projects.**
- **Of the 21 total appeals, 1 appeal from the public went to LUBA in 2013.**
- **The 1 affordable housing project was NOT appealed to LUBA.**

TYPE 3 DESIGN REVIEWS:

- Between 2012 and 2020 BDS staff and Design Commission reviewed a total of 216 Type 3 Design Review applications. Of these 216 applications, 123 applications included 1 or more new residential buildings.
- Each year between 2012 and 2020, only 0 to 4 appeals were filed each year.
- 7.4% (16) of the total 216 Type 3 reviews in this 8-year period resulted in appeals to City Council. 13 of the 16 appeals were of new residential projects. 10.5% (13) of the 123 new residential Type 3 reviews in this 8-year period resulted in appeals to City Council.
- 5.5% (12) of the total Type 3 Design Reviews were appealed by the public. 8.9% (11) of the new residential Type 3 Design Reviews were appealed by the public.
- 1.9% (4) of the total Type 3 Design Reviews were appealed by the applicant. 1.6% (2) of the new residential Type 3 Design Reviews were appealed by the applicant.
- **Of the 16 total Type 3 Design Review appeals, 12 were market rate housing projects, 1 was a new affordable housing project, 3 were not housing projects.**
- **Of the 16 total appeals, 2 appeals from the public went to LUBA in 2015 and 2017.**
- **The 1 affordable housing project was NOT appealed to LUBA.**

(Most appeals submitted were appeals of a staff or Commission approval. 100% of appealed projects were approved by Commission or Council.)

Current appeal timelines.

- Within 14 days of a land use review decision, an appeal can be filed.
- Within 5 working days of the receipt of the appeal, an appeal notice is mailed.
- Within 21 days from the appeal notice a public hearing is held.
 - For a Type 2 land use reviews a decision is mailed within 17 days of the appeal body final decision.
 - For a Type 3 land use reviews a tentative decision is made by the Council and a return hearing is set. A decision is mailed within 5 days of the appeal body decision.