

OPB LU 21-012886 DZM GW response regarding the record being kept open

mike dowd <dowdarchitecture@gmail.com>

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To: Bryant, Hannah <Hannah.Bryant@portlandoregon.gov>

Design Commission,

In the hearing, OPB's attorney, Ms. Krawszuk, expressed her unhappiness/disappointment that I had asked for the record to be held open, because it would delay the decision by several days.

I'd like to put her comments into perspective.

First, it's such a standard request that OPB should have expected it. I made it for the standard reason of giving me an opportunity to comment on whatever transpired after I testified, not as any sort of delaying tactic.

More importantly, OPB has had **SEVERAL YEARS** to apply for this review, given that it was triggered by OPB's 2017 remodeling project. My request added a trivial several days.

Second, once OPB finally did apply for this review, in February, it submitted an incomplete application. OPB then took **SIX MONTHS** to complete it.

Third, OPB had a hearing scheduled in September, then withdrew days before the hearing. That added an additional **TWO MONTHS** to the **SIX MONTHS** it took OPB to complete its application, after it waited **FOUR YEARS** to apply.

Fourth, **it was OPB's choice to not provide the 3' planter required in 1987, which is what bumped this from a simple Type II review into a much lengthier Type III..** There was definitely room for it--OPB's own Early Assistance drawings showed it. The planter OPB finally proposed comes very close to meeting the 1987 requirement.

Fifth, **OPB has had several opportunities during previous land use review to address the missing planter.** But in every case, OPB hid from the City that the planter was missing, because it always showed it as existing on the site plans OPB submitted for those reviews. That is true right up to the 2017 Design Review for the recent renovation. (OPB removed it from its site plan only after I informed BDS it did not exist, after OPB denied to me that it did not exist.)

Sixth, **I've made literally dozens of requests to OPB to discuss the issues** in this review since 2018, including many times once OPB submitted its incomplete application in February--all with no success. Nobody from OPB has ever once called me, or offered to meet. Kyle Davis's only reply about this was to refuse to discuss it. Communicating with me could have saved OPB at least several months in this process.

Finally, OPB has had **THIRTY-FOUR YEARS** to provide the planter that was the main issue in this review. OPB **CHOSE** decades ago to violate the 1987 Design Commission planter requirement (along with several other requirements) that created the need for a Type III review in 2021. Also, I've told OPB many times--beginning in 2018--that the planter was missing.

Thank you for this opportunity to put OPB's disappointment about the several-day delay I caused into perspective.

Michael Dowd, President
Dowd Architecture Inc.
753 S Miles Street
Portland, Oregon 97219
(503) 282-7704
email: dowdarchitecture@gmail.com