

## OPB LU 21-012886 DZM GW OPB's track record of dismissing Design Commission requirements

mike dowd <dowdarchitecture@gmail.com>

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

Design Commission,

In constructing your decision, please keep in mind that OPB's track record of complying with the Design Commission is poor. I request that your decision holds OPB to conformance with site plan, plus fencing and planting details, in specific language as recommended in the Staff Report.

Some examples of OPB's ignoring prior Design Commission requirements:

- 1.--**OPB promised to the Design Commission in 1987 to not extend development into the rail right of way.** OPB broke that promise decades ago, filling the drainage ditch, and paving several feet into the r.o.w. for about 160', creating 8 illegal parking spaces. OPB denied this paving existed when it applied for this current review. (OPB to date has never complied with BDS's 2018 Zoning Compliance order to block that area from vehicle use until the paving was removed or legalized.)
2. **OPB promised to the Design Commission in 1987 to build a 3' planter along its east property line adjacent to the rail r.o.w., except where loading clearance was required.** OPB either never built that planter, or removed it decades ago, and replaced it with paving for illegal parking.
3. **OPB promised to the Design Commission in 1987 to set its building back at least 30' from the centerline of the rail r.o.w.** OPB instead built the building several feet into that setback, and therefore several feet closer to the park and neighborhood east of OPB. OPB is currently claiming that its own decision to violate that setback requirement has created a hardship for OPB to justify not providing the required 3' planter.
4. **OPB promised to the Design Commission in 1987, in the site plan and written materials it submitted, to build a 6' tall fence around its satellite dishes, to keep the fence set back several feet away from the S Nevada sidewalk, and to screen it with substantial landscaping.** OPB violated those promises by building a lower fence tight against the sidewalk, with no landscape buffer, and barbed wire on top at face level.
5. **OPB promised to the Design Commission in 1987, in the site plan it submitted, to provide substantial landscaping throughout its site as specifically detailed in that site plan.** OPB violated that promise, to the extent that by 2017, about half or more of the landscaping had been removed or allowed to die.

Thank you for the opportunity to present this information.

Michael Dowd, President  
Dowd Architecture Inc.  
753 S Miles Street  
Portland, Oregon 97219

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Mail - Bryant, Hannah - Outlook

(503) 282-7704

email: [dowdarchitecture@gmail.com](mailto:dowdarchitecture@gmail.com)