







# City of Portland

## Design Commission

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11/23/2016

To: Portland City Council  
From: Portland Design Commission  
Re: Appeal of LU 16-197257 DZM AD – NW 14<sup>th</sup> & Raleigh Apartments

Design Commission approved the Type III proposal for an affordable housing development at the intersection of NW 14<sup>th</sup> Avenue and NW Raleigh Street on September 22, 2016. The proposed design required several Modifications to the development standards of Title 33, an Exception to the City's encroachment standards, and several Conditions of Approval. This is an exceptional amount of peripheral activity for a relatively small project. It was driven by the Applicant's stated need to move through the entitlements process as quickly as possible to not place the land deal with Hoyt Street Properties at risk and the Design Commission's desire to help the Applicant succeed in both the short term (development schedule, development proforma) and the long term (mission, urban design response). Throughout the Type III review process, Bureau of Development Services staff and the Design Commissioners did as much as was within their power to fast track the proposal, solve problems collaboratively and creatively, and not create undue burden. It has been the intent of staff and the Commissioners to help the Applicant put a shovel in the ground as quickly as possible and to deliver a building that contributes appropriately to our City's urban fabric.

Modifications and Exceptions are typically granted if they "Better Meet Design Review Requirements" (33.825.040). In this case, Commission recognized that some of the requested Modifications and the Exception did not better meet design review requirements but would provide (1) more housing units due to increased building height, and (2) nominally larger housing units due to the increased floor area provided by the oriels.

The approved Modifications are:

1. An increase in building height of 29'-8" above the maximum of 100'-0" (~30% increase);
2. A reduction in dimensions for ground floor parking spaces (off street parking is not required by Title 33 in this location and was not supported by the Design Commission, but the Applicant considered the 16 spaces provided necessary to the success of building operations; if provided parking spaces must comply with development standards);
3. A reduction in long-term bicycle parking space dimensions (this modification is typical for most new developments); and
4. A reduction in the dimensions of the loading space.

The approved Exception to Window Projections in the Right-of-Way allows the Applicant to construct unusually large oriel windows to a lesser design standard. The City encroachment standards currently limit the maximum length of oriels to 12'-0" and requires side windows on the projection. The Exception extends the allowable length to 30'-10" (~250% increase) and eliminates the side window requirement. The large oriels were not supported by the Design Commission and are expensive to build, but the Applicant considered them necessary to achieving their architectural vision.

The approval also included nine (9) Conditions of Approval; two (2) are standard language, seven (7) are specific to this proposal. Conditions are a tool used by Design Commission to strengthen a proposal's response to one or more guidelines and are typically made with the understanding and support of the applicant. Conditions are not uncommon, but a great number of Conditions is generally an indication that a design has failed to satisfactorily

address our City's design guidelines. In this case, the proposal fell short on 14 of 48 (~30% fail rate) of the Central City Fundamental Design Guidelines and the River District Design Guidelines:

1. A4, Use Unifying Elements
2. A5, Enhance, Embellish and Identify Areas
3. A5-1, Reinforce Special Areas
4. A5-1-1, Reinforce the Identity of the Pearl District Neighborhood
5. B2, Protect the Pedestrian
6. B4, Provide Stopping and Viewing Places
7. B6, Develop Weather Protection
8. C2, Promote Quality and Permanence in Development
9. C4, Complement the Context of Existing Buildings
10. C5, Design for Coherency
11. C6, Develop Transitions Between Buildings and Public Spaces
12. C8, Differentiate the Sidewalk Level of Buildings
13. C10, Integrate Encroachments
14. C12, Integrate Exterior Lighting

These guidelines address the spectrum of design issues from basic building functionality (B6, Develop Weather Protection), to massing and scale (C4, Complement the Context of Existing Buildings), to character (A5, Enhance, Embellish and Identify Areas). It's significant that the proposal fell short across the width and breadth of its response to design guidelines.

The potential financial impact of the Conditions was discussed in the hearings room. Conditions were minimized and framed in a manner that would give the applicant flexibility in their application and create the least burden possible on the proforma. These Conditions represent the marriage of various designs presented by the Applicant during the course of the Land Use Review process and the minimum number of revisions necessary to achieve a reasonable response to Guidelines.

It is important to note that the applicant proposed several revisions to the exterior of the building during the design review process that were not suggested by the Design Commission. The cost of these revisions should not be included in the calculation of the upcharge and could be reversed to offset or eliminate any upcharge thought to be a result of the Conditions of Approval.

It is the Design Commission's decision that the proposed development does not need to be a model citizen, but it does need to demonstrate a willingness to participate in civic life. The proposal does not merit a less than even-handed application of our City's design guidelines. Residents of publicly supported affordable housing buildings deserve the same benefits all other Portland residents receive: to live in a building that doesn't stigmatize its residents and that is part of a vibrant, thoughtful, and deliberate urban infrastructure.

Thank you for your consideration,



David Wark, Chair of the Portland Design Commission

Cc: Design Commission  
BDS Staff

11/23/16

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**PEARL DISTRICT**  
NEIGHBORHOOD ASSOCIATION  
EST. 1991

Re: LU 16-197257  
NW 14<sup>th</sup> & NW Raleigh

Dear City Council:

The Pearl District Neighborhood Association met with the developers of this project multiple times to talk over the design direction of the project. In all those meetings, we found the design team to be very responsive to our thoughts: They doubled the size of their project to maximize the existing FAR for low income housing, they moved their play area to a safer location, they reworked their ground level to sensitively react to the adjacent streets, and they simplified their façade to become a more cohesive unified project. We voted to support this project with no reservations in August.

After all our discussions, we were dismayed to read the approval letter that incorporated conditions added to the project by the Design Commission. Specifically Condition C is very troubling to the PDNA. Condition C asks for redesign of the façade - not small changes but big changes that majorly affect how the project looks.

From a process point of view, the use of such a major condition is very troubling. First off, it is such a specific condition that it raises the question of who is the designer – the design commission or the Project architects? Secondly, it is a dangerous precedent to approve the building with such a major change without anyone seeing the final design to understand if it is even a good idea. No one – not the design commission or the public – will have seen the final result before it goes into permit and becomes irrevocable. This precedence undermines the design review process in regard to public participation. It also damages the relationship of the Design Commission to the design community.

We urge you to strike condition C from the approval letter and let this project move forward.

Regards,

A handwritten signature in black ink, appearing to read 'Patricia Gardner', written in a cursive style.

Patricia Gardner  
Co-Chair, PDNA Planning & Transportation Committee