

Appeal to Land Use Decision 09-101831
From: Boise Neighborhood Association
June 17, 2009

The Boise Neighborhood Association is appealing the decision on The Albert Apartments, located at 3632-3638 N Williams Avenue, Land Use Case Number 09-101831. We believe the project does not meet the Community Design Guidelines and are strongly opposed to the setback modification requested and granted. Outlined below are our primary concerns (organized as responses to headings in the planning decision findings):

P1: "Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions."

The proposed development does not follow the Portland personality guideline within the Albina Community Plan area. The size and scale of the proposed project coupled with the lack of variety in design detract from the architectural diversity for which the Williams corridor is known. The Williams corridor is comprised of a broad mix of small-scale historic residential, international style, historic commercial, and modern designs. This eclectic mix of architectural designs on each block is what gives the corridor much of its unique charm and personality. The current division of tax lots on the subject property supports this overall personality. The proposed building has façade is 250' wide and 49'-6" high, a size that is unprecedented in the neighborhood. The staff recommendation and the findings offered on page 6 under heading P1 address solely design materials and fail to consider the impact of the overall scale and lack of design diversity of the proposal on the desired neighborhood characteristics and traditions.

E1: "Create an efficient, pleasant, and safe network of sidewalks and paths for pedestrians that links destination points and nearby residential areas while visually and physically buffering pedestrians from vehicle areas."

Although the development has dedicated 2' of property to increase the sidewalk width to 10', there is no additional buffering between the public right of way (Williams Avenue: a busy 2-lane, one way transit & bicycle route) and the pedestrian area. Additional buffering in the form of planters and larger caliper street trees should be included.

E2: "New large scale projects should provide comfortable places along pedestrian circulation routes where people may stop, visit, meet, and rest."

There is no evidence that the developers have taken this guideline into consideration, even though the proposal is for a new, large-scale development with approximately 350 lineal feet of new building elevations. There are many examples in the area where new buildings have accomplished this guideline effectively (specifically, most newer buildings in the Pearl District, three new developments on Mississippi Avenue and two project that have recently been submitted for Design Review on Williams).

E3: "Create a sense of enclosure and visual interest to buildings along sidewalks and pedestrian areas by incorporating small scale building design features, creating effective gathering places, and differentiating street level facades."

The proposed new street frontage is about 25% longer than a typical block in downtown Portland; yet there are no effective gathering places to be found at the ground level of this building, nor is there visual interest along the public sidewalks where retail elevations are proposed. The set back retail entries cannot be considered effective gathering places, given that the dimensions are at best 10' wide X 24"-30" deep, including the width of the entry doors. There does not appear to be any coherent design strategy for retail signs, nor are there any other pedestrian amenities proposed along the 250 lineal feet of new, street-level storefronts along Williams Ave.

E4: "Create intersections that are active, unified, and have a clear identity through careful scaling detail and location of buildings, outdoor areas and entrances."

The overall size and scale of this building does not allow for creating a unified intersection. It is too massive and does not take into account the style of surrounding buildings, particularly the Queen Anne house on the NE corner of Beech and Williams. If anything, this building is creating a new identity for the corner with no connection to the existing structures and with no preference given to creating an intersection that is activated by a corner retail entrance. As currently shown, the proposed treatment of the corner intersection at Williams and Beech is a completely lost opportunity to meet design guideline E4.

D1: "When sites are not fully built on, place buildings to create sizable, usable outdoor areas. Design these areas to be accessible, pleasant, and safe. Connect outdoor areas to the circulation system used by pedestrians."

The proposed development does not provide outdoor areas that could reinforce pedestrian activity; rather, it sets the 'urban design bar' as low as possible, with banal, repetitive elements at the retail storefronts and the addition of on-site parking spaces adjacent to pedestrian areas. The proposed on-site parking spaces are provided for the benefit of residential tenants; however these are not required in this high-frequency transit development zone and are provided at the expense of potential outdoor common areas that would enhance the public sidewalks. The lack of outdoor spaces, when considering the size of the proposed development, will not contribute positively to the surrounding area.

D3. "Enhance site and building design through appropriate placement, scale, and variety of landscape features. "

Although landscaping is shown along the east lot line of the site adjacent to the proposed fence, the east portion of the site is essentially a partially covered parking lot. Without visual screening and noise buffers integrated into the project the vehicular activity in the parking area will create noise, fumes, and lighting: all of which will adversely impact

residential property owners who live adjacent to the proposed development. Additionally, security and privacy are primary concerns for many of the neighboring property owners who live directly in the line of sight of the proposed building. A 6-foot fence with a few 1.5" caliper trees and some ground cover is insufficient to shield a neighbor from intrusive and undesirable views of the proposed development and to protect the privacy of neighbors in their homes and back yards. Many neighboring property owner feel that they should not be in a position to have to pay for expensive landscaped improvements (such as, arbors or pergolas) in order to preserve their privacy and obstruct the view of a 4-story building looming over them. At a minimum, the developer should provide project-sponsored landscaping features which are well-designed and more densely planted, in order to better buffer the adverse impacts and views to/from the yards of the surrounding residents (for example, a pergola with appropriate plantings could be built along the entire east lot line).

D4: “Integrate parking in a manner that is attractive and complementary to the site and its surroundings. Locate parking in a manner that minimizes negative impacts on the community and its pedestrians. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.”

The site does not have a minimum parking requirement due to its location along a high frequency transit line, per planning staff response to neighborhood responses (pg 5 of decision). While we acknowledge that the proposed location of the parking behind the building minimizes negative impacts on pedestrians, it does not minimize negative impacts for the neighboring community. Neighbors will be subject to loud noise and exhaust fumes when they are using their back yards and to pollutants that may be carried from the parking area to neighboring properties as a result of stormwater runoff. If parking is needed to make the project marketable, it should be located a respectful distance from the adjacent residential properties to minimize its negative impacts.

D7: “Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.”

The project’s proposed massing, height, proportions, and building materials do not blend into the neighborhood. The scale and size of the project overwhelm the adjacent properties and change the identity of the neighborhood, setting a precedent for future development at the expense of the established neighborhood. The proposed scale of this development in relation to utilized block area is not replicated anywhere else in the area. The findings by planning staff on pages 7 and 8 of the decision refer to scale and proportion only in relation to the building itself, and not in relation to the surrounding neighborhood. The building may arguably be “appropriately scaled for the site” but it is clearly not appropriately scaled to the surrounding buildings. Regarding the building materials, Cathy Galbraith, Executive Director of the Bosco-Milligan Foundation commented initially: “The fiber cement panel materials proposed for the first story are inappropriate, compared to the balance of the lap siding on the upper floors.” The Boise

Neighborhood Association agrees with Galbraith and would like to see something more appropriate considered. D8: “All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.”

The proposed development does not provide adequate variety in building form, due to its extreme size and scale. The differentiation of details and recessed bays across the façade are lost in the overall mass of the project, providing an overall lack of character.

Regarding the setback modification request, The Boise Neighborhood Association offers the following argument against granting the modification:

Approval of Modification # 1 is not consistent with the purpose of Design Review, nor does it satisfy the requirements for approval of modifications. Design Review is required to “ensure that certain types of infill development will be **compatible** with the neighborhood and enhance the area.” Reducing setbacks for a 49’6” tall (four story) structure adjacent to properties zoned for and occupied by single-family dwellings is not compatible or consistent with adjacent residential properties. Although the fence and landscape buffer proposed between the subject property and adjoining residential properties to the east is appreciated by residents of the community, this buffer is not sufficient to mitigate the impacts of the three to five foot setback encroachment. Although much of the “interior mass” of the building is located an average of 36’ feet from the property line, the proposed 11’ and 9’ setbacks along the northeast and southeast building corners not only exacerbate the incompatibility of the size and scale of the structure (in comparison to one and two story single-family dwellings), but also encroach upon the privacy of the residents occupying nearby residences.

Staff states: “The proposal maintains light, air and privacy for the adjacent residential properties to the east by locating the building projections at the north and south ends of the building...”. Staff fails to mention the four Oriel windows that are proposed to extend out only nine feet from the property line, 14 feet above grade, which will look directly out above neighboring residential properties. Staff also states that “views of the building from the neighboring properties will be limited to the upper floors” with the accompanying fence and landscaped storm water swale featuring tall shrubs and trees. This statement addresses how views of the proposed structure will be shielded, but does not address how apartment units with large bay windows overlooking the backyards and windows of one and two story buildings (in a zone that only allows a maximum structure height of 35’) affords privacy to the residents of these dwellings. Impacts to the privacy of adjacent properties are most successfully mitigated by a combination of buffering and setbacks. Increased setbacks act as a form of buffering for adjacent incompatible uses. Table 140-4 of Chapter 33.140 requires a 14’ setback for structures 46’ or greater in height when abutting side or rear lot lines of R zoned properties. However, structures not exceeding 45 feet in height may be setback 11’ feet from R zoned properties. These regulations establish that as the height of a structure increases, so should the setbacks. Although the height is less than is allowed by the Zone, it is still significantly taller than

residential properties and compatibility issues should be addressed, at a minimum, by maintaining the required setbacks.

New developments moving into a community that has experienced rapid growth and change over the past few years, but that existed many years prior with only small-scale commercial and residential development, should be designed in a manner which is sensitive to long-term residents and in balance with the character of nearby properties (in this case, single-dwelling residential). It is recognized that this is an area planned for urban growth and that higher densities are encouraged. However, the developer and the City of Portland have a responsibility to members of the immediate community to ensure that infill development is compatible with their neighborhood. The potential loss to the applicant, if required to comply with setback regulations, is insignificant to the loss of privacy and sense of community that will be taken from current residents of the if this modification is approved. It is for the reasons stated above, that the proposal for a setback reduction does not meet the requirements for a modification.

The proposal does not equally or better meet the applicable Design Guidelines and purpose of the standard. This modification therefore does not merit approval.